

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Chris Gomez



VICE CHAIRPERSON:
Marvin Hansen

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

MONDAY, APRIL 12, 2021

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. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. 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.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No Items on the Consent Calendar
6. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2021-06: A request to establish a smoke shop in an existing 1,320 square foot building located at 1410 W. Houston Avenue in the C-MU (Commercial Mixed Use) zone (APN: 090-133-017). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2021-14.

7. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2021-10: A request to establish a smoke shop in a 2,000 square foot tenant space located at 3401 West Noble Avenue in the C-MU (Commercial Mixed Use) zone (APN: 095-010-060). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2021-13.

8. CITY PLANNER / PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting is Tuesday, April 27, 2021.

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, APRIL 22, 2021 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 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY, APRIL 27, 2021



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 12, 2021

PROJECT PLANNER: Josh Dan, Associate Planner
Phone No.: (559) 713-4003
E-Mail: josh.dan@visalia.city

SUBJECT: Conditional Use Permit No. 2021-10: A request to establish a smoke shop in a 2,000 square foot tenant space located at 3401 West Noble Avenue in the C-MU (Commercial Mixed Use) zone (APN: 095-010-060).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2021-10, as conditioned, based upon the findings and conditions in Resolution No. 2021-17. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

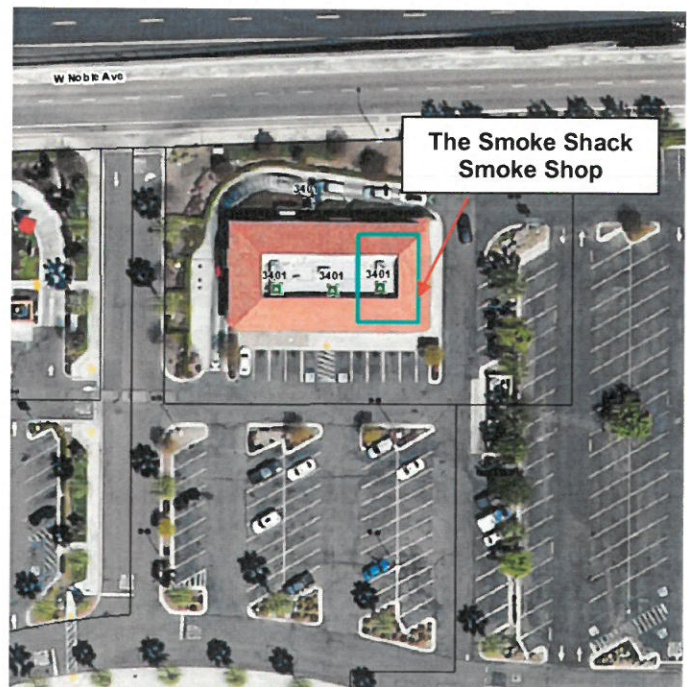
I move to approve Conditional Use Permit No. 2021-10, based on the findings and conditions in Resolution No. 2021-17.

PROJECT DESCRIPTION

Conditional Use Permit No. 2021-10 is a request by Nader Hussein to establish a smoke shop, with ancillary retail, in a 2,000 square foot tenant space within an existing 5,100 square foot building (see Exhibit "A"). The 5,100 square foot building is divided into three tenant spaces (A, B, & C), which are currently occupied by two other businesses; Starbucks which occupies a 1,700 square foot tenant space (Tenant Space A), and Check into Cash which occupies a 1,400 square foot tenant space (Tenant Space B). The Smoke Shack business is proposed to occupy Tenant Space "C" which is located on the east side of the building. The entrance to all three tenant spaces face south toward the interior of the Visalia Marketplace Plaza Shopping Center (see Exhibit "A").

Per the Floor Plan (see Exhibit "B"), the applicant is proposing to use the 2,000 square feet, described as the main showroom, for retail with no areas dedicated to storage. Changes to the tenant space are minimal as the applicant proposes to install showcases around the perimeter of the store with shirts and other retail merchandise, as stated in the operational statement (see Exhibit "C"). There are no exterior modifications proposed to this space.

Per Table 17.25.030, Zone Matrix Line R75, smoke shops are only conditionally allowed in the C-MU and D-MU (Commercial Mixed-Use and Downtown Mixed-Use) zones. The applicant's primary sale of tobacco products within their retail location requires approval of a Conditional Use Permit. The applicant has



provided an operational statement (see Exhibit “C”), detailing merchandise being sold, and their hours of operation. The operational statement also says that the store will sell clothing, accessories, and consumable items (snacks and drinks). The Smoke Shack will operate seven days a week from 9:00 a.m. to 9:00 p.m. The operational statement indicates that three employees will be present during business hours across three shifts.

BACKGROUND INFORMATION

General Plan Land Use Designation	Commercial Mixed Use
Zoning	C-MU – Mixed Use Commercial
Surrounding Zoning and Land Use	North: W. Noble Ave, Highway 198 South: C-MU – Mixed Use Commercial - Parking lot / Vacant Lot. East: C-MU – Mixed Use Commercial – Parking lot West: C-MU – Mixed Use Commercial – Check into Cash / Starbucks / Burger King / Popeyes Louisiana Chicken
Environmental Review	Categorical Exemption No. 2021-13
Site Plan	2021-023

RELATED PLANS & POLICIES

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

RELATED PROJECTS

Conditional Use Permit No. 2020-12, approved by the Planning Commission on June 8, 2020, was a request to allow a smoke shop in a 555 square foot tenant space at 515 W. Murray Avenue and located in the in the D-MU (Downtown Mixed Use) zone.

Conditional Use Permit No. 2019-35, approved by the Planning Commission on October 28, 2019, was a request to allow a smoke shop in a 960 square foot tenant space at 1108 N. Ben Maddox Way and located in the C-MU (Mixed Use Commercial) zone.

PROJECT EVALUATION

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

Land Use Compatibility

A mixture of retail, commercial, and restaurants are located in the Visalia Marketplace Plaza, which fronts West Noble Avenue and is situated between South Demaree Street and South County Center Drive. Two businesses described as either “Smoke Shop” or strictly retailing tobacco products are within proximity of the proposed site, the nearest being 0.4 miles away in the Mineral King Plaza at South Chinowth Street and West Noble Avenue and the other on South Mooney Boulevard.

Staff concludes the project, as conditioned, is consistent given the areas land use and zoning designations support commercial businesses, the potential to have customers walk to and from neighboring retail establishments, and the proposed use occupying a vacant commercial tenant space.

Parking

The parking requirement for general retail stores is one parking space for each 300 square feet of building area. The larger, multi-tenant building (with a square footage of 5,100 sq. ft.) has sufficient parking spaces established on the south and east sides of the building.

A review of the parcel via GIS and a site visit by staff showed that there are 30 parking spaces provided on the parcel. Eleven of the parking stalls are along the front entrance of the building and the remainder across the drive aisle to the east. The Visalia Marketplace Plaza, which still has vacant pad sites, provides ample parking in relative proximity to the proposed use and existing uses.

Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-13).

Projects determined to meet this classification are consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances for commercial structures.

RECOMMENDED FINDINGS

Conditional Use Permit No. 2021-10

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 proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
 - 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, or materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorical Exempt under Section 15301, Class 1 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2019-66). Projects determined to meet this classification are consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all inclusive of the types of projects which might fall

within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to conversion of a single-family residence to office use.

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2021-10

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2021-023, incorporated herein by reference.
2. That the use be operated in substantial compliance with the Site Plan in Exhibit "A", the Floor Plan in Exhibit "B", and the operational statement in Exhibit "C".
3. That the applicant complies with their operational statement as stated in Exhibit "C". Any changes to their operation are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
4. All new building signage shall require a separate building permit and shall be designed consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
5. That all other federal and state laws and city codes and ordinances be complied with.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia CA. 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. 2021-17
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Applicants Operational Statement
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

Chapter 17.38 CONDITIONAL USE PERMITS

Sections:

- 17.38.010 Purposes and powers.
- 17.38.020 Application procedures.
- 17.38.030 Lapse of conditional use permit.
- 17.38.040 Revocation.
- 17.38.050 New application.
- 17.38.060 Conditional use permit to run with the land.
- 17.38.065 Abandonment of conditional use permit.
- 17.38.070 Temporary uses or structures.
- 17.38.080 Public hearing—Notice.
- 17.38.090 Investigation and report.
- 17.38.100 Public hearing—Procedure.
- 17.38.110 Action by planning commission.
- 17.38.120 Appeal to city council.
- 17.38.130 Effective date of conditional use permit.
- 17.38.010 Purposes and powers.

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

17.38.020 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.
 - 7. Additional technical studies or reports, as required by the Site Plan Review Committee.
 - 8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the project in order to maintain the required services levels identified in the General Plan Circulation Element.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 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.
 9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
 - D. The applicant or any interested person may appeal a decision of temporary use permit 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 with applicable fees, 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 commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.
 - E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

Chapter 17.19 MIXED USE ZONES

Sections:

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

17.19.10 Purpose and intent.

- A. The several types of mixed zones included in this chapter are designed to achieve the following:
 - 1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
 - 2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
 - 3. Provide zone districts that encourage and maintain vibrant, walkable environments.
- B. The purposes of the individual mixed use zones are as follows:
 - 1. Mixed Use Commercial Zone—(C-MU). The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
 - 2. Mixed Use Downtown Zone—(D-MU). The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city. (Ord. 2017-01 (part), 2017)

17.19.015 Applicability.

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

17.19.020 Permitted uses.

Permitted uses in C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

17.19.030 Conditional and temporary uses.

Conditional and temporary uses in the C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

17.19.040 Required conditions.

- A. A site plan review permit must be obtained for any development in any C-MU and D-MU zones, subject to the requirements and procedures in Chapter 17.28.
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;
- C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced. (Ord. 2017-01 (part), 2017)

17.19.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34. (Ord. 2017-01 (part), 2017)

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

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

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: fifteen (15) feet;
 - 2. Rear: five (5) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 - 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable. (Ord. 2017-01 (part), 2017)

RESOLUTION NO. 2021-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2021-10, A
REQUEST TO ESTABLISH A SMOKE SHOP IN A 2,000 SQUARE FOOT TENANT
SPACE LOCATED AT 3401 WEST NOBLE AVENUE IN THE C-MU (MIXED USE
COMMERCIAL) ZONE (APN: 095-010-060)

WHEREAS, Conditional Use Permit No. 2021-10, is a request to establish a smoke shop in a 2,000 square foot tenant space located at 3401 West Noble Avenue in the C-MU (Commercial Mixed Use) zone (APN: 095-010-060); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 12, 2021; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2021-10, as conditioned, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

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

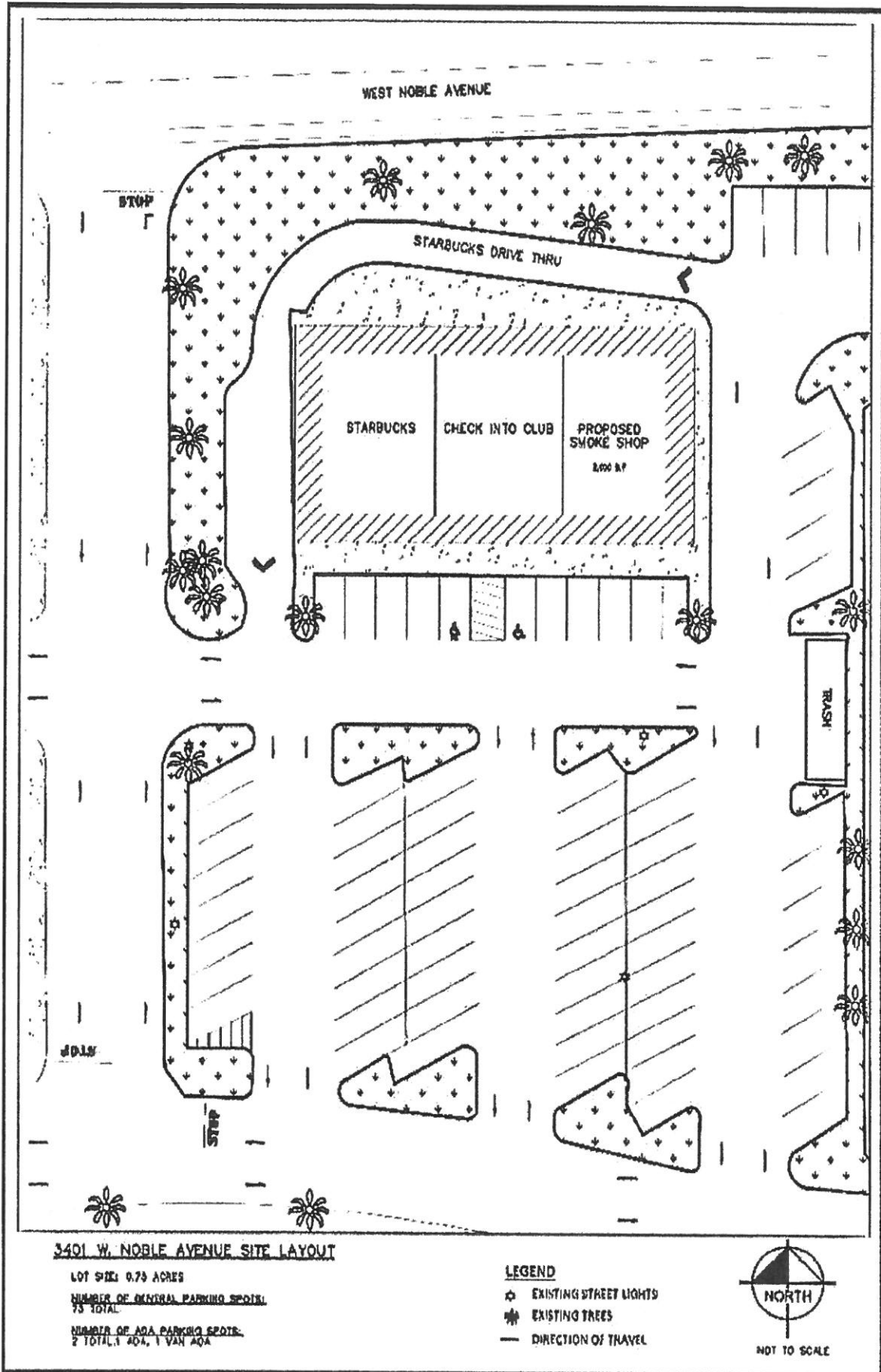
1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, 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 proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
 - 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, or materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301, Class 1 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2019-66). Projects determined to meet this classification are consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities,

mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to conversion of a single-family residence to office use.

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 Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2021-023, incorporated herein by reference.
2. That the use be operated in substantial compliance with the Site Plan in Exhibit "A", the Floor Plan in Exhibit "B", and the operational statement in Exhibit "C".
3. That the applicant complies with their operational statement as stated in Exhibit "C". Any changes to their operation are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
4. All new building signage shall require a separate building permit and shall be designed consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
5. That all other federal and state laws and city codes and ordinances be complied with.

Exhibit "A"



3401 W. NOBLE AVENUE SITE LAYOUT

LOT SIZE: 0.73 ACRES
 NUMBER OF GENERAL PARKING SPOTS:
 75 TOTAL
 NUMBER OF ADA PARKING SPOTS:
 2 TOTAL, 1 ADA, 1 VAN ADA

LEGEND
 ☆ EXISTING STREET LIGHTS
 ✪ EXISTING TREES
 — DIRECTION OF TRAVEL



Exhibit "B"

Lot Size 0.75 AC

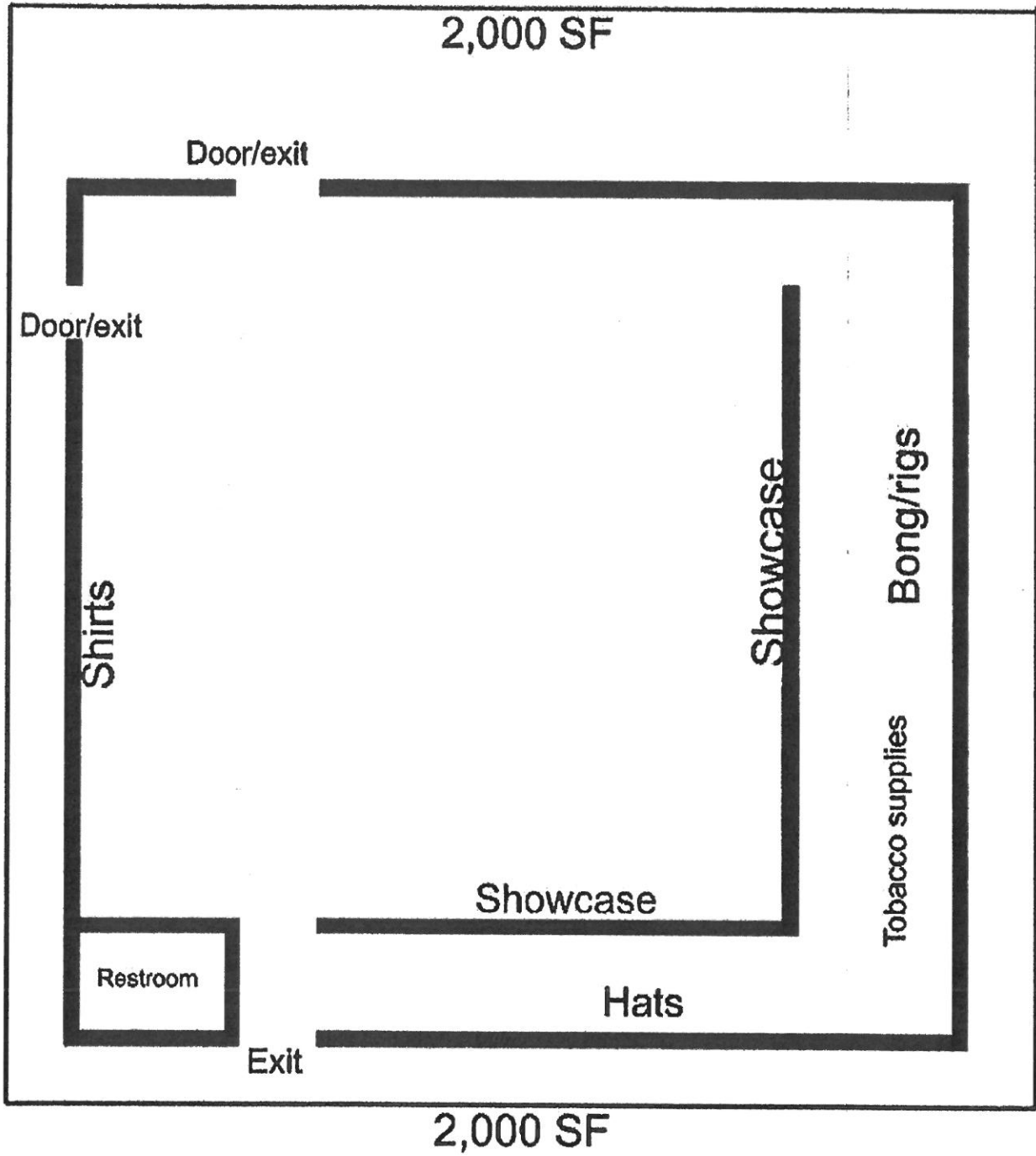


Exhibit "C"

To Whom It May Concern:

Below you will find a detailed Operation Statement for the proposed "*The Smoke Shack*" at 3401 W. Noble Ave in Visalia California. Upon operation, we plan to maintain a staff of 3 full-time employees (Opening Shift, Mid Shift as well as Closing Shift). As we grow as a business, we would like to continue to grow our staff. Our operation hours will be from 9 am – 9 pm 7 days a week. We hope the majority of our revenue comes from the various Clothing, Accessories, and Consumable items (Snacks and Drinks) that we will have to offer. Once we are operating, we plan to have a monthly philanthropy event that will allow us to provide and give back to the community for their continued support. This includes food drives as well as toy drives during the holiday season but also not limited to other ideas that include providing those at blood drives snacks and drinks for their participation. Please do not hesitate to reach out to me with any questions or concerns as constructive criticism is always welcomed!

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Nader Hussien', with a long, sweeping horizontal line extending to the left.

Nader Hussien

NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2021-10

PROJECT TITLE

1108 N Ben Maddox Way, Visalia, CA 93292

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request to establish a Smoke Shop in a 2,000 square foot tenant space located at 3401 W. Noble Ave. in the C-MU (Commercial Mixed Use) Zone (APN: 095-010-060).

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Nader Ahmed Hussein, 867 E Northridge Dr., Dinuba, CA 93618

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Nader Ahmed Hussein, 867 E Northridge Dr., Dinuba, CA 93618

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 15301**
- Statutory Exemptions- State code number:

A request to establish a retail smoke shop within a 2,000 sq. ft. tenant space of an existing 5,100 sq. ft. building. The site is developed and is served by all public utilities.

REASON FOR PROJECT EXEMPTION

Josh Dan, Associate Planner

CONTACT PERSON

(559) 713-4003

AREA CODE/PHONE

April 12, 2019

DATE

Brandon Smith, AICP

ENVIRONMENTAL COORDINATOR

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: February 17, 2021

SITE PLAN NO: 2021-023
PROJECT TITLE: The Smoke Shack
DESCRIPTION: Retail Store – Selling Tobacco, Hookahs, T-Shirts, Head-Wear for Hats.
APPLICANT: Nader Hussein
PROP. OWNER: Kim Jay Kyong
LOCATION TITLE: 3401 W. Noble Ave.
APN TITLE: 095-010-060
GENERAL PLAN: Commercial Mixed Use
ZONING: C-MU – Commercial Mixed Use

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Rule 9510 – This project may be subject to the Rule 9510 requirements of the [San Joaquin Valley Air Pollution Control District](#) – see District web-site for information. (2,000 sq. ft. of commercial space)

Project Requirements

- Conditional Use Permit
- Building Permit
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: February 17, 2021

1. The proposed use requires a Conditional Use Permit (CUP).
2. In addition to the CUP application the applicant shall provide separate:
 - Operational statement detailing all the proposed use and operations to be conducted onsite.
 - Floor plan dimensioned to show layout, retail space, and storage space.
3. Building permits required for all alterations to the tenant space.
4. Comply with all other code and ordinances.

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

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

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

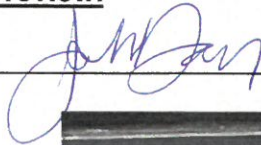
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet.
7. The provisions of Chapter 17.58 shall also be met, if applicable.

Parking:

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

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

SFR 21023
THE SMOKE SHACK
3401 W NOBLE AVE
UNIT # A

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 ANY IMPROVEMENTS** For information call (559) 713-4444
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities. **20% OF PERMIT VALUE SHALL BE USED FOR 'PATH OF TRAVEL' ADA UPGRADES**
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. For information call (559) 713-4444
- Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- School Development fees. Commercial \$0.66 per square foot & Self-Storage \$.23 per sf. Residential \$4.16 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Additional address may be required for each structure located on the site. For information call (559) 713-4320
- Acceptable as submitted
- No comments at this time

Additional comments: _____

VAL GARCIA 2/17/21
Signature



Site Plan Comments

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

Date February 17, 2021
Item # 10
Site Plan # 21023
APN: 095010060

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- 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. 2019 CFC 901.6
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2019 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2019 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation. 2019 CFC 506.1
- **Special comments:**

Corbin Reed
Fire Marshal



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

Date: 2-16-21
 Item: 10
 Site Plan: 21-023
 Name: Agent McEwen

SITE PLAN REVIEW COMMENTS

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

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

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

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

- Access Controlled / Restricted etc.:

- Lighting Concerns:

- Traffic Concerns:

- Surveillance Issues:
Interior & exterior surveillance
- Line of Sight Issues:
Low shrubs to keep line of ~~sight~~ ^{Sight} open
- Other Concerns:
Need a detailed list of products they are selling.

Also in the same parking lot as
 T.C. Probation.

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

February 17, 2021

ITEM NO: 10

SITE PLAN NO: SPR21023

PROJECT TITLE: The Smoke Shack

DESCRIPTION: Retail Store - Selling Tobacco, Hookahs, T-Shirts, Head-Wear for Hats. (C-MU)

APPLICANT: Nader Hussein

OWNER: KIM JAY KYONG

APN: 095010060

LOCATION: 3401 W NOBLE AVE UNIT A

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

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

Additional Comments:

Leslie Blair

Leslie Blair

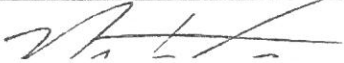
CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

21023

February 17, 2021

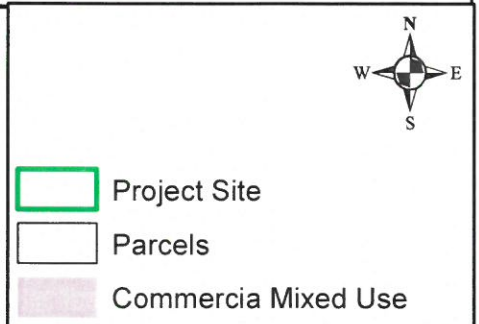
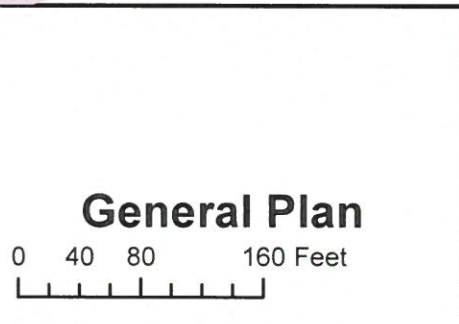
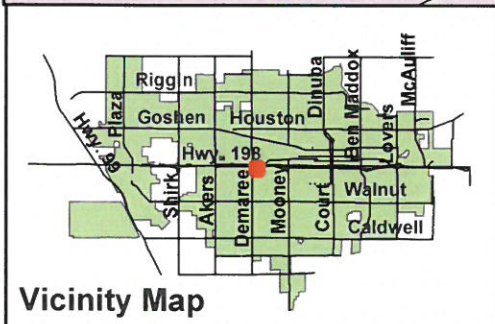
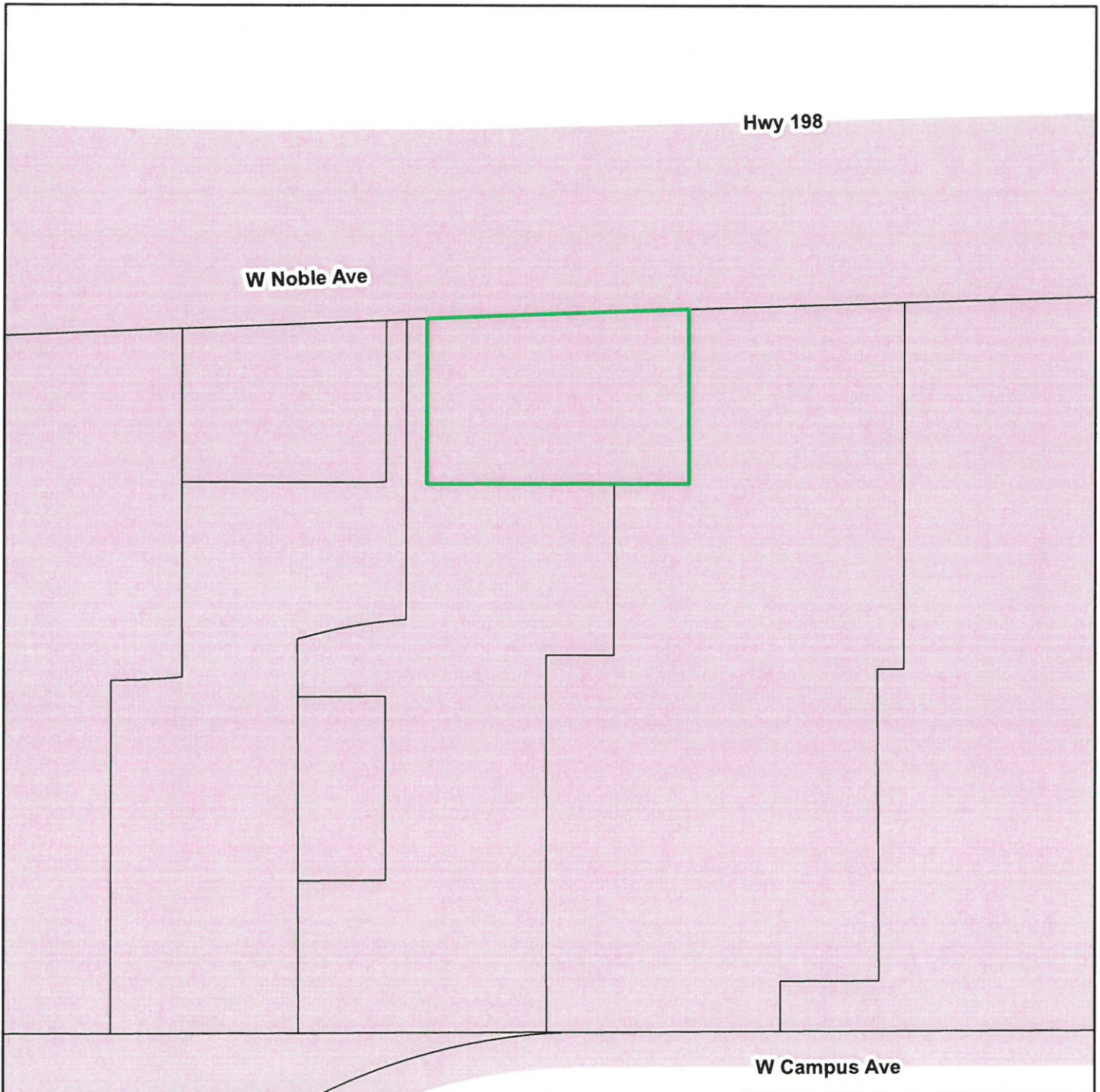
- XX** No comments.
- See comments below
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ALL refuse enclosures must be R-3 OR R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- XX** City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- Comment** Existing solid waste services assigned to this account.

Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532


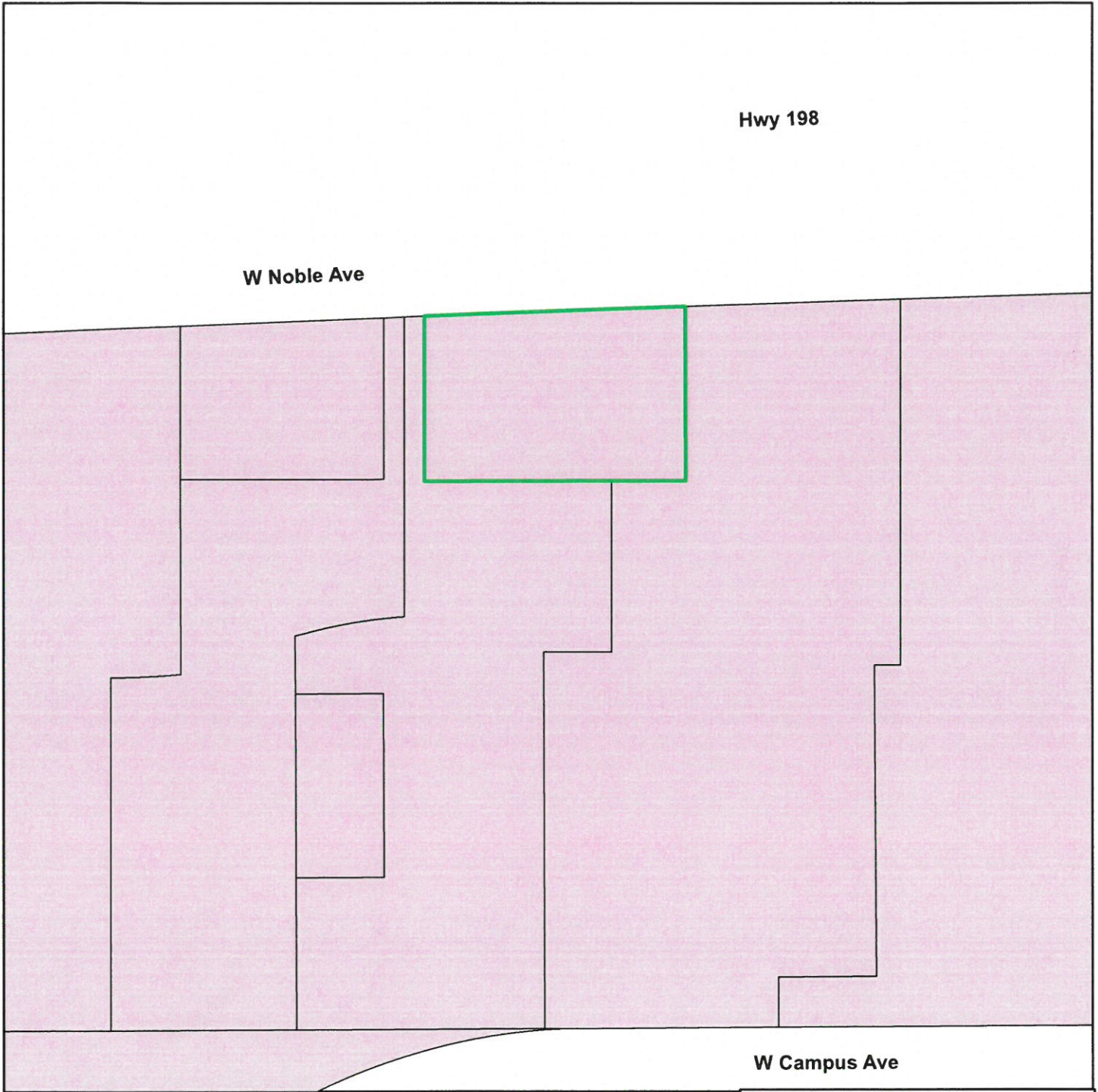
Conditional Use Permit 2021-10

The site is located on West Noble
East of Demaree
(APNs: 095-010-060)



Conditional Use Permit 2021-10

The site is located on West Noble
East of Demaree
(APNs: 095-010-060)



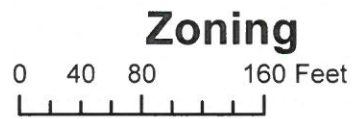
Hwy 198

W Noble Ave

W Campus Ave

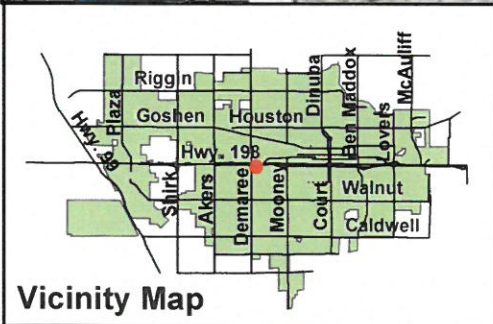
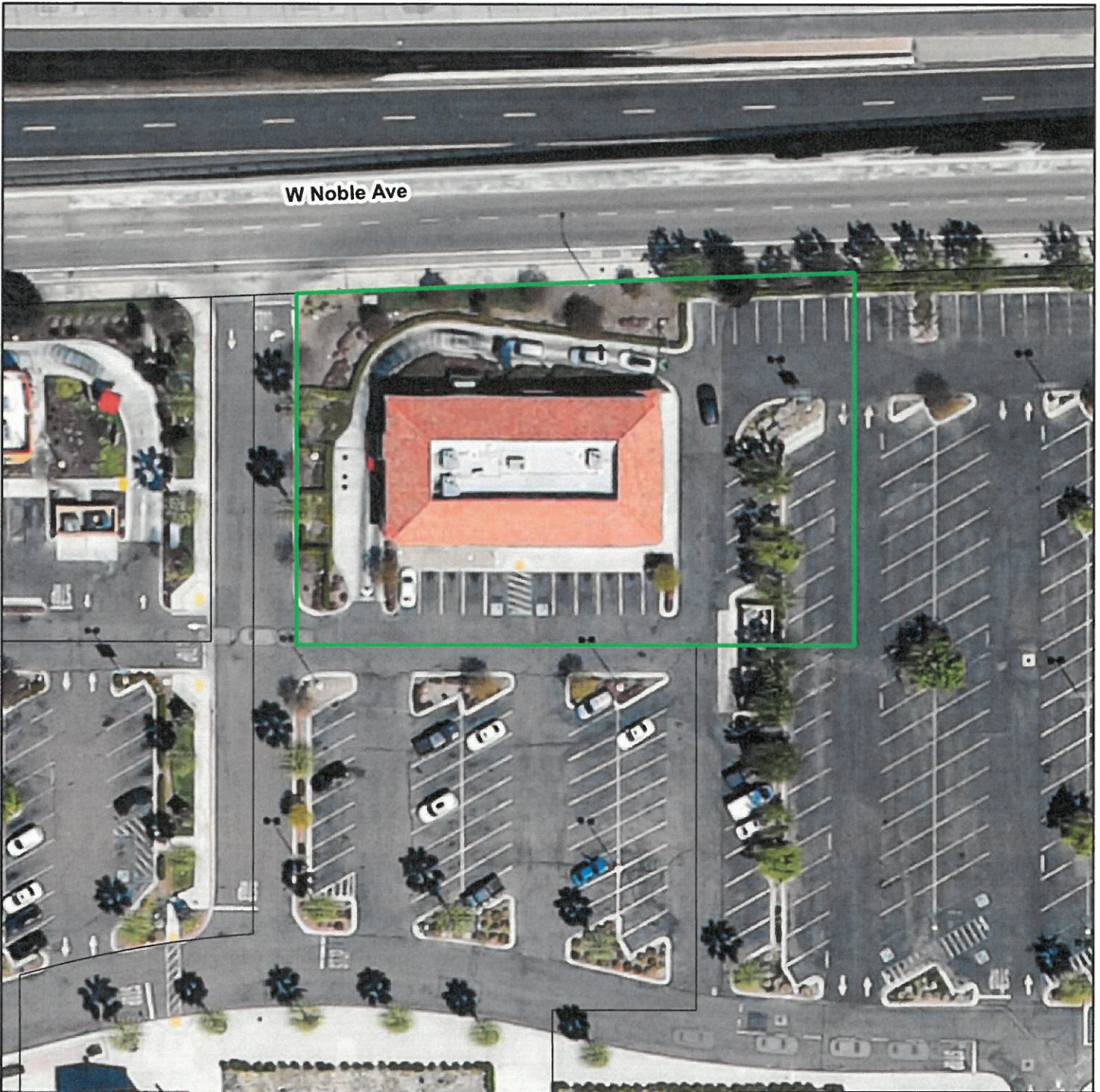


Vicinity Map

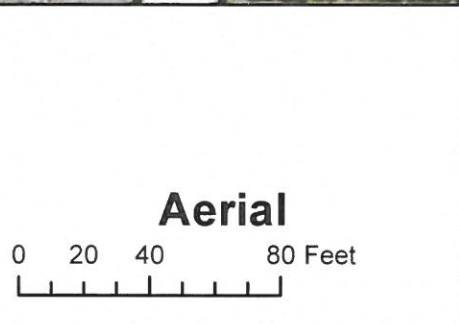


Conditional Use Permit 2021-10

The site is located on West Noble
East of Demaree
(APNs: 095-010-060)

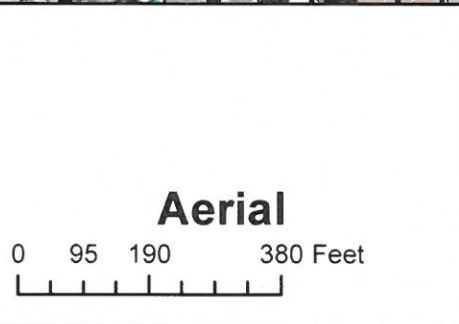
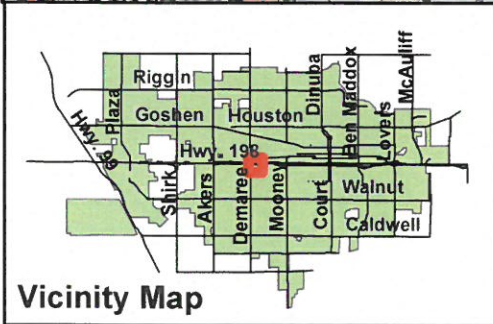
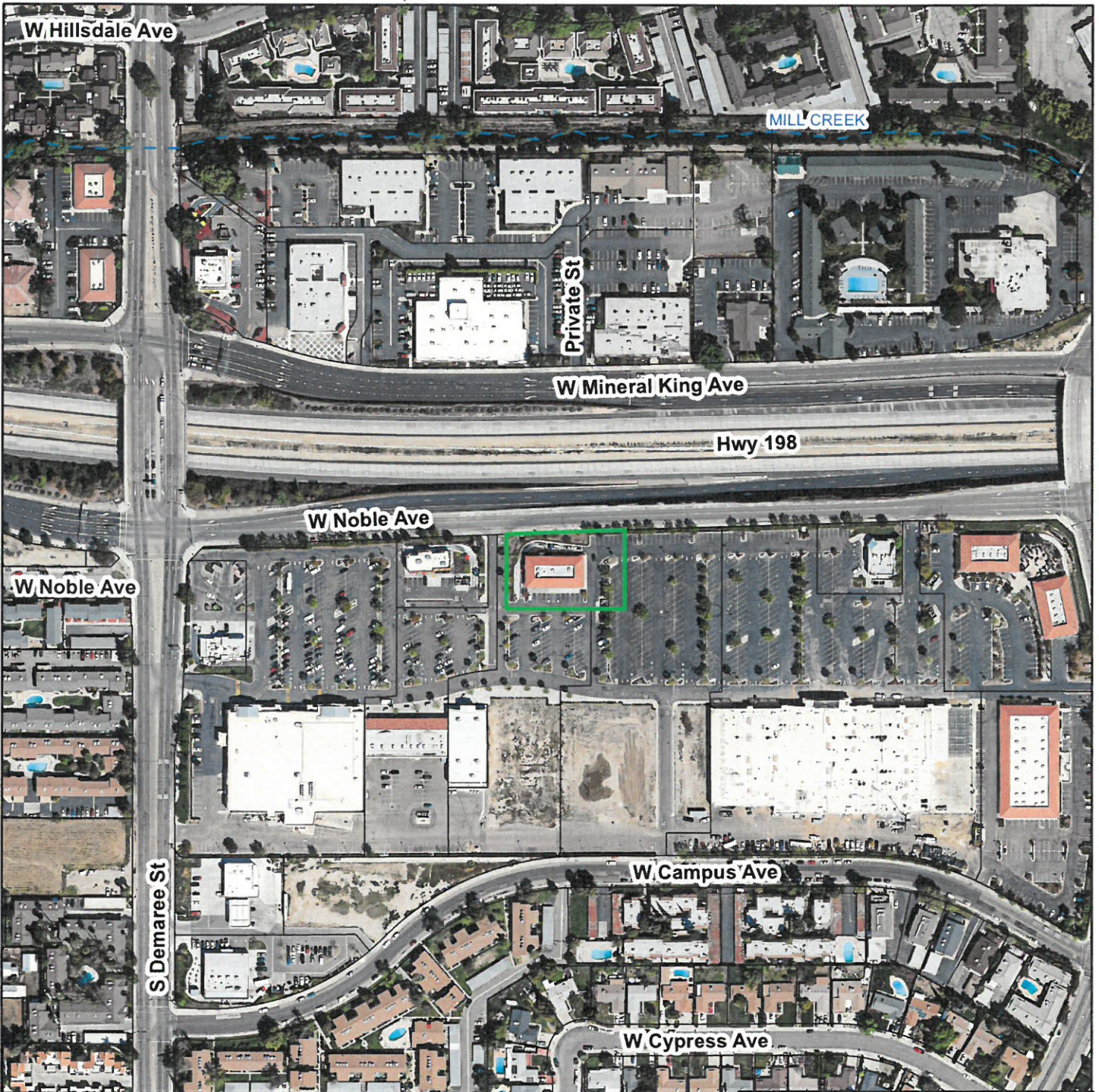


Vicinity Map



Conditional Use Permit 2021-10

The site is located on West Noble
East of Demaree
(APNs: 095-010-060)



-  Project Site
-  Parcels

Conditional Use Permit 2021-10

The site is located on West Noble
East of Demaree
(APNs: 095-010-060)

