

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

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

**MONDAY, MAY 24, 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.
  - a. Update to the Sycamore Heights Tentative Subdivision Map No. 5577 depicting a local street connection pursuant to Super Block Connectivity Standards, and revision to Condition No. 9.
6. PUBLIC HEARING – Josh Dan, Associate Planner *Continued Item*  
Conditional Use Permit No. 2021-11: A request by Community Services Employment Training (CSET) to construct a new 9,600 square foot building and add vocational and recycling uses to their existing site located at 939 E. Douglas Avenue in the C-S (Service Commercial) zone (APN: 094-160-025 & 094-160-026). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(c), Categorical Exemption No. 2021-16.

7. PUBLIC HEARING – Paul Bernal, City Planner
  - a. Tentative Parcel Map No. 2021-03: A request by Foley Development to subdivide 9.58 acres into two parcels in the Industrial (I) zone. The project is located at 7401 West Sunnyview Avenue (APN: 077-200-011). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2021-22.
  - b. Conditional Use Permit No. 2021-16: A request by Foley Development to establish a planned unit development with industrial uses containing a lot without public street frontage in the Industrial (I) zone. The project is located at 7401 West Sunnyview Avenue (APN: 077-200-011). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2021-22.
8. PUBLIC HEARING – Paul Bernal, City Planner  
Tentative Parcel Map No. 2021-04: A request by Caprock Acquisitions, LLC to subdivide a 154.32-acre parcel into two parcels in the Industrial (I) zone. The project site is located on the southeast corner of North Plaza Drive and West Kibler Avenue (Ave. 320) (APN: 077-120-018). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2021-21.
9. PUBLIC HEARING – Josh Dan, Associate Planner  
Conditional Use Permit No. 2021-12: A request by Corby's Restaurant to allow live entertainment performances in the D-MU (Downtown Mixed Use) zone. The site is located at 221 East Main Street (APN: 094-296-014). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2021-18.
10. PUBLIC HEARING – Josh Dan, Associate Planner
  - a. Vista Del Sol Tentative Subdivision Map No. 5578: A request to subdivide 22.40 acres into 95 residential lots and four lettered lots for parkway landscaping, block walls, and landscaping in the Q-P (Quasi-Public) zone. The project site is located on the southeast corner of South Pinkham Street and East K Avenue (APNs: 126-920-008 & 126-920-007). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-11 be adopted.
  - b. Change of Zone No. 2021-02: A request by San Joaquin Valley Homes to change the zoning designation on 22.40 acres from Q-P (Quasi-Public) to R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size). The project site is located on the southeast corner of South Pinkham Street and East K Avenue (APN: 126-920-008 and 126-920-007). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-11 be adopted.
11. CITY PLANNER / PLANNING COMMISSION DISCUSSION –
  - a. Next Planning Commission Meeting is Monday, June 14, 2021.
  - b. Addendum to the City of Visalia 2030 General Plan Environmental Impact Report for Visalia Agriculture Mitigation has been posted to the City of Visalia website (AMP website and Planning Division CEQA website).
  - c. Update on CUP appeal and City Council direction.

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 Ave. Visalia, CA 93291, during normal business hours.

### **APPEAL PROCEDURE**

**THE LAST DAY TO FILE AN APPEAL IS THURSDAY, JUNE 3, 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 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JUNE 14, 2021**



## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** May 24, 2021

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

**SUBJECT: Conditional Use Permit No. 2021-12:** A request by Corby's Restaurant to allow live entertainment performances in the D-MU (Downtown Mixed Use) zone. The site is located at 221 East Main Street (APN: 094-296-014).

### STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2021-12, as conditioned, based on the findings and conditions in Resolution No. 2021-20. 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. 2021-12, based on the findings and conditions in Resolution No. 2021-20.

### PROJECT DESCRIPTION

Corby's restaurant is requesting approval of a conditional use permit to allow live entertainment at 221 East Main Street. The site is in the downtown area and zoned D-MU (Downtown Mixed Use). The restaurant tenant space is 2,500 square feet of which the restaurant's dining area occupies approximately half of the floor area while the remaining building space is occupied by a State Farm Insurance office (see Exhibit "A").

Corby's is a bona fide restaurant serving various food items and alcoholic beverages, it also has a self-described "80's Rock" theme with memorabilia adorned on the establishment's walls (see Exhibits "B-1" and "B-2"). The applicant, per their operational statement, plan to offer live music from 9:00 p.m. to 10:45 p.m. on Friday and Saturday nights, with the possibility of offering an "open mic night" to local youth talent during the weekend day-time hours. During live entertainment events, three tables from the dining area will be moved next door to a storage area to make room for live entertainment acts (as shown in Exhibit "A"). There is no stage proposed, as the space is limited and will primarily serve as dining area when live entertainment is not scheduled to occur. Live entertainment will consist primarily of amplified and non-amplified musical acts without any organized dancing. There is no open floor area for dancing or similar activities associated with the proposed layout. A copy of their operational statement is attached per Exhibits "B-1" and "B-2".

Live entertainment is intended to complement the "80's Rock" theme of the establishment. Consequently, the potential for operation as a nightclub is not proposed by this CUP application. The applicant has provided a Security Plan that has been reviewed and accepted by the Visalia Police Department. A copy of the Security Plan is attached to this staff report as Exhibit "C-1" and "C-2".

## BACKGROUND INFORMATION

|                                    |  |
|------------------------------------|--|
| General Plan Land Use Designation: | Downtown Mixed Use   |
| Zoning:                            | D-MU (Downtown Mixed Use)  |
| Surrounding Land Use and Zoning    | North: D-MU / E Main St. – Bank of America<br>South: D-MU / Alley – Parking Structure<br>East: D-MU / Smoke Shop<br>West: D-MU / State Farm Insurance / Brewbakers |
| Environmental Review:              | Categorical Exemption No. 2021-18  |
| Special Districts:                 | Downtown Retail Overlay District;  |
| Site Plan:                         | 2021-039   |

### RELATED PLANS & POLICIES

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

### RELATED PROJECTS

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

The following permits have most recently been approved for live entertainment.

**Conditional Use Permit No. 2019-44** was approved by the Planning Commission on April 27, 2020, allowing live entertainment at the proposed Simply Brewing Micro-Brewery located at 609 E. Main Street.

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

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

## 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

The existing restaurant use is permitted by right in the Downtown Mixed-Use zone, as listed in Table 17.25.030, line E13 of the Visalia Municipal Code. However, line E12 lists "Live Entertainment" (as described in 17.04.030 Definitions) as a conditionally permitted use in the zone.

The existing restaurant use is compatible with other restaurant and business uses that are located within close proximity to the site. The proposed live entertainment use is found at various other sites within the downtown area especially along Main Street. Adjacent land uses include a variety of retail, restaurant, and offices. The hours of operation for the existing businesses in the surrounding area curtail in the early evening, with the exception of nearby restaurants.

Staff recommends Conditions Nos. 6, and 7 be adopted to ensure that the live entertainment component remain ancillary to the restaurant use. These conditions state that no disk jockeys (“DJ’s”) shall be permitted, and that there shall not be two amplified live entertainment acts occurring simultaneously.

### **Security Plan**

The security plan, which has been reviewed and approved by Visalia Police Department, indicates that security personnel will be employed onsite on evenings with ticketed or limited access live entertainment. Security personnel will be responsible for guarding entrances, preventing loitering and group gathering, and verifying occupancy limits.

The fully detailed security plan describes the types of security measures being undertaken and standards for managing security measures. The security plan shall be in the possession of the Visalia Police Department along with contact information for responsible parties to address any issues.

### **Live Entertainment Conditions**

The Visalia Police Department, Neighborhood Preservation, and Planning staffs have reviewed the proposed conditions of approval. The proposed conditions of approval, which are similar to previous conditional use permit approvals for live entertainment, are tailored to address the minimal live entertainment aspects of this business as addressed in the operational plan and security plan.

Staff’s analysis of the proposed conditions are reasonable and necessary for the specific uses proposed by the CUP. Further, they can also be used as the basis for potential modifications to this CUP or similar CUP applications to address the particular circumstances that may arise.

### **Conditional Use Permit Revocation Process**

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

### **Environmental Review**

The requested action is considered a minor alteration in land use limitations as provided in the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15301, and is therefore Categorically Exempt from a full environmental review. (Categorical Exemption No. 2021-18).

## RECOMMENDED FINDINGS

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - a. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-18)

## RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed and maintained in substantial conformance with the site plan and floor plan in Exhibit "A" and the operational statement in Exhibit "B", notwithstanding any required conditions below and/or imposed by State Department of Alcoholic Beverage Control. Any changes to their operation are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
2. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2021-039, incorporated herein by reference.
3. That the project be required to maintain the noise standards found in Visalia Municipal Code Section 8.36.040.
4. Amplified live entertainment is permitted between the hours of 9:00 p.m. and 11:00 p.m. Similar activities in nature and intensity may be allowed as determined by the City Planner. Any subsequent change to hours of the live entertainment may require an amendment to the Conditional Use Permit.
5. Non-amplified live entertainment is permitted during any hours of operation.
6. No disk jockeys ("DJ's") shall be permitted at any time.
7. There shall not be more than one amplified live entertainment act occurring simultaneously on the premises.
8. There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.
9. During live entertainment, the operator shall regularly maintain the area under their control in an effort to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.
10. During live entertainment, the operator shall be responsible for maintaining the premises and public areas immediately in front of and adjacent to the site free of litter.
11. Public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business. And public sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any activities.
12. Patrons shall use only the Main Street entrance to enter and exit the business except in the event of an emergency.
13. Underage patrons shall not sit at the bar or serving counter areas of the establishment.
14. Underage patrons (under 21 years of age) shall not remain upon the establishment premises during the days and hours when live entertainment is offered, which are identified as Friday and Saturday night's from 9:00 p.m. to 11:00 p.m.
15. That the owner/operator shall hold the security plan approved by the Visalia Police Department on the premise at all times.
16. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2021-12, per Visalia Municipal Code Section No. 17.38.040.
17. That all applicable federal, state and city laws, codes and ordinances be met.



## 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 form with applicable fees shall be filed with the City Clerk at 220 North 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](http://www.visalia.city) or from the City Clerk.

### **Attachments:**

- Related Plans and Policies
- Resolution No. 2021-20
- Exhibit "A" – Floor Plan
- Exhibit "B-1" & "B-2" – Operational Statement
- Exhibit "C-1" & "C-2" – Security Plan
- Site Plan Review Item No. 2021-039 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

## Related Plans & Policies

### Zoning Ordinance

#### **Chapter 17.04: Definitions**

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

#### **Chapter 17.38: Conditional Use Permits**

##### **17.38.010 Purposes and powers.**

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

##### **17.38.030 Lapse of conditional use permit.**

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

##### **17.38.040 Revocation.**

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

##### **17.38.050 New application.**

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

##### **17.38.060 Conditional use permit to run with the land.**

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land

and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the permit application subject to the provisions of Section 17.38.065.

**17.38.065 Abandonment of conditional use permit.**

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

**17.38.080 Public hearing--Notice.**

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

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

**17.38.090 Investigation and report.**

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

**17.38.100 Public hearing--Procedure.**

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

**17.38.110 Action by planning commission.**

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

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

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

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

**17.38.120 Appeal to city council.**

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

**17.38.130 Effective date of conditional use permit.**

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

**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. 2021-12

**PROJECT TITLE**

221 E. Main Street, on the south side of Main Street 110 feet west of N. Garden Street and 160 feet east of N. Church Street. (APN: 094-235-004)

**PROJECT LOCATION**

Visalia

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

A request to allow live entertainment within an existing restaurant in the D-MU (Downtown Mixed Use) zone.

**DESCRIPTION - Nature, Purpose, & Beneficiaries of Project**

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

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Brandon Morse, 221 E. Main St., Visalia, CA 93291

**NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT**

N/A

**NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT**

**EXEMPT STATUS:** (Check one)

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

Minor land use limitation for an existing structure

**REASON FOR PROJECT EXEMPTION**

Josh Dan, Associate Planner

(559) 713-4003

**CONTACT PERSON**

**AREA CODE/PHONE**

May 24, 2021

**DATE**

Brandon Smith

**ENVIRONMENTAL COORDINATOR**

RESOLUTION NO. 2021-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2021-12, A REQUEST BY CORBY'S RESTAURANT TO ALLOW LIVE ENTERTAINMENT PERFORMANCES IN THE D-MU (DOWNTOWN MIXED USE) ZONE. THE SITE IS LOCATED AT 221 EAST MAIN STREET (APN: 094-296-014)

**WHEREAS**, Conditional Use Permit No. 2021-12, is a request by Corby's Restaurant to allow live entertainment performances in the D-MU (Downtown Mixed Use) zone. The site is located at 221 East Main Street (APN: 094-296-014); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on May 24, 2021; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2021-12, 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, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - a. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.

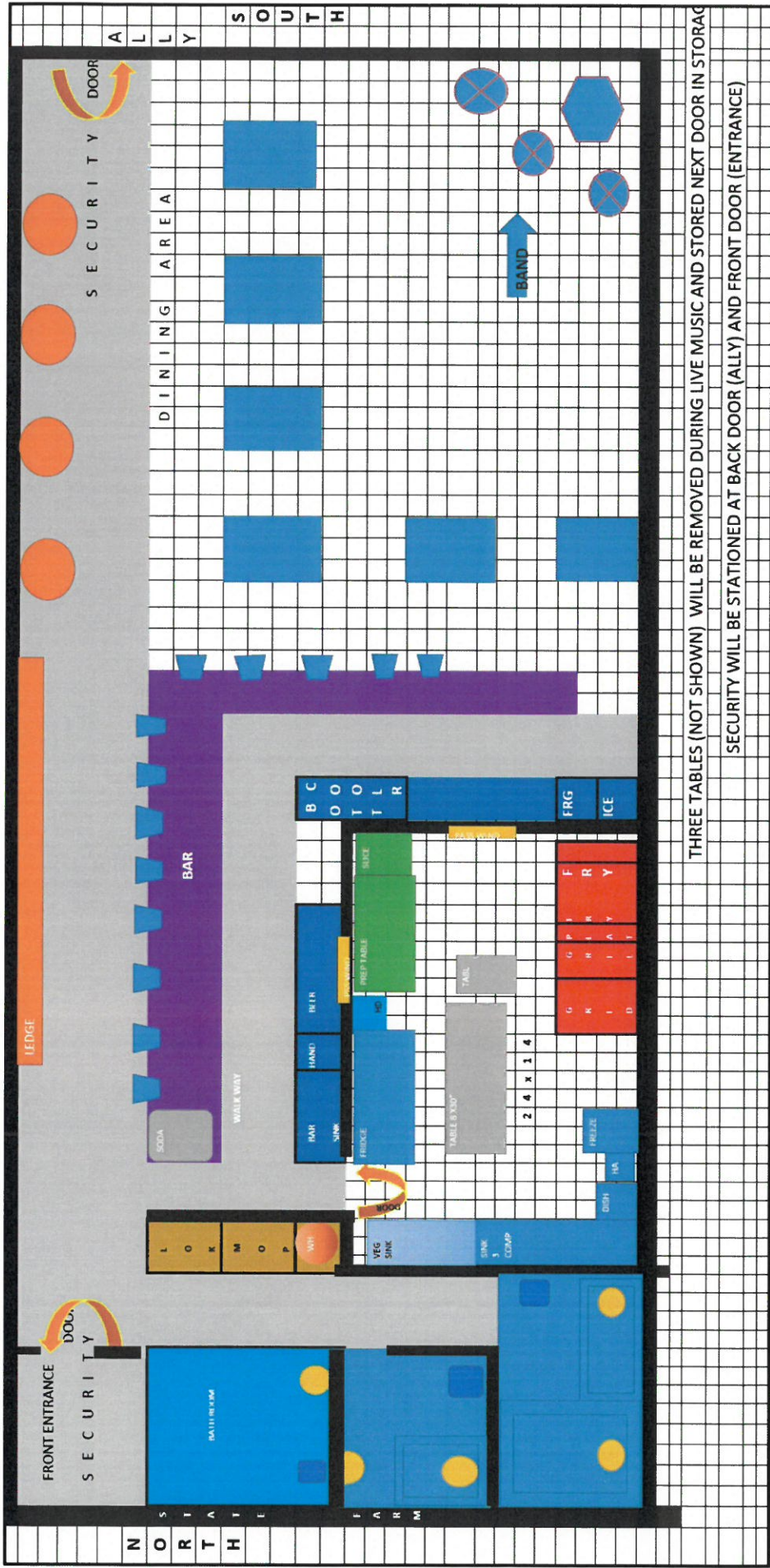
4. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-18)

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

1. That the site be developed and maintained in substantial conformance with the site plan and floor plan in Exhibit "A" and the operational statement in Exhibit "B", notwithstanding any required conditions below and/or imposed by State Department of Alcoholic Beverage Control. Any changes to their operation are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
2. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2021-039, incorporated herein by reference.
3. That the project be required to maintain the noise standards found in Visalia Municipal Code Section 8.36.040.
4. Amplified live entertainment is permitted between the hours of 9:00 p.m. and 11:00 p.m. Similar activities in nature and intensity may be allowed as determined by the City Planner. Any subsequent change to hours of the live entertainment may require an amendment to the Conditional Use Permit.
5. Non-amplified live entertainment is permitted during any hours of operation.
6. No disk jockeys ("DJ's") shall be permitted at any time.
7. There shall not be more than one amplified live entertainment act occurring simultaneously on the premises.
8. There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.
9. During live entertainment, the operator shall regularly maintain the area under their control in an effort to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.
10. During live entertainment, the operator shall be responsible for maintaining the premises and public areas immediately in front of and adjacent to the site free of litter.
11. Public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business. And public sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any activities.
12. Patrons shall use only the Main Street entrance to enter and exit the business except in the event of an emergency.
13. Underage patrons shall not sit at the bar or serving counter areas of the establishment.

14. Underage patrons (under 21 years of age) shall not remain upon the establishment premises during the days and hours when live entertainment is offered, which are identified as Friday and Saturday night's from 9:00 p.m. to 11:00 p.m.
15. That the owner/operator shall hold the security plan approved by the Visalia Police Department on the premise at all times.
16. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2021-12, per Visalia Municipal Code Section No. 17.38.040.
17. That all applicable federal, state and city laws, codes and ordinances be met.

# Exhibit "A"



THREE TABLES (NOT SHOWN) WILL BE REMOVED DURING LIVE MUSIC AND STORED NEXT DOOR IN STORAGE

SECURITY WILL BE STATIONED AT BACK DOOR (ALLY) AND FRONT DOOR (ENTRANCE)



# Corby's

221 E. Main St. Ste, Visalia, CA 93291

Operations Statement


25 March 2021

## Overview

Corby's is an 80s rock-themed restaurant located in Downtown Visalia. Corby's is owned and operated by forever resident Brandon (Bubby) Morse and his wife Corey Morse. Brandon is a retired educator and Corey is a current school administrator. Brandon and Corey built Corby's to bring the 80s to life in Visalia and provide a venue very original to the Central Valley and particularly to Visalia. The walls are adorned with picture memorabilia from concerts from the 1980s along with a collection of guitars, concert tickets, and books authored by rockstars. Corby's attracts customers of all ages, but mainly those in their 40s and 50s.

## Our Plan

- Hours of operation are: Mon-Thurs 11:00 AM-9:30 PM, Fri 11:00 AM-11:00 PM, SAT 9:00 AM-11:00 PM, Sun 9:00 AM-7:00 PM.
- We would like to offer live music played by the house band (which consists of the owners, 3 friends from high school days, and the son of a VPD sergeant) or an occasionally hired band on Friday or Saturday nights approx 2 times per month. There is the potential in the future of offering open mic to local youth talent during the weekend day.
- Live music will begin at approximately 9:00 PM and be finished by 10:45 PM.
- When there is a band, music will be amplified.
- Should a line form line maintenance will be provided on the public sidewalk in front of the building along Main Street and in accordance with local regulations.
- Indoor capacity is 78
- Servers, bar, and security staff will be trained to follow the California Department of Alcohol and Beverage Control rules and regulations and will hold a certificate of completion for the LEAD Program.

- 
- Non-amplified music will be played daily during regular business hours through a paid streaming service with videos displayed on TVs throughout the establishment.
  - A manager will be on duty all nights when there is live music.
  - Food will be served in accordance with the timelines outlined by the license provided through the California Department of Alcohol and Beverage Control.
  - Security will be onsite on nights when there is live music. Security will be in a shirt identifying staff as a member of the security team. Security personnel will check front and back of the building to prevent loitering and group gathering outside of the property. Additionally, security will be responsible for verifying the number of occupants and ensuring occupancy doesn't exceed maximum.
  - The security plan will be vetted by the local police department.

# Exhibit "C-1"

## Corby's Security Plan

Location: 221 E. Main Ste. B, Visalia, CA 93291

Contact: Brandon Morse (559) 333-3234

The goal of this security plan is to comply with City Law Enforcement all the while providing a safe and family-friendly environment for patrons, employees, and surrounding businesses.

### We will:

- Create a safe and secure environment within the establishment for all patrons, guests, employees, and surrounding neighbors.
- Provide a high level of control, safety, and quality experience for patrons.
- Work to mitigate excessive noise or inappropriate conduct within the establishment
- Engage in preventative measures to minimize potential situations.
- Maintain trained staff responsible specifically for security

### SECURITY STAFF- Will only work on nights with live entertainment

- Staff will coordinate with the owner/manager about security issues as they arise and work on solutions/resolutions.
- Responsible for all security and safety of the business premises.
- Ensure compliance of all staff with policies, safety procedures, and protocols for enforcing rules and procedures.
- Be a liaison between law enforcement personnel and city officials should the need arise.

### They will:

- 2 licensed and/or uniformed security personnel onsite for live events.
- 1 will be stationed at the entry point.
- 1 will maintain a visual of the bar at all times and notify other employees if there is any inappropriate activity. Problematic people will be asked to leave the establishment.
- Security personnel (licensed and/or dressed in uniform) will be provided and expected to use radio communication between one another.
- Security will be responsible for monitoring the number of patrons to ensure capacity rules are followed.
- Security will check the front and back alley to prevent loitering and group gathering outside of the property.

## Exhibit "C-2"

- Wear shirts that identify themselves as SECURITY.

### STAFF TRAINING

- Regularly trained on comprehensive emergency response plans.
- Be knowledgeable of what is expected of them.
- Be trained to identify obviously intoxicated patrons, overly rowdy patrons, and to maintain a safe and secure environment.
- Obtain a certificate of completion from the ABC "LEAD Program".
- Keep patrons and employees safe and take preventative steps to resolve issues in an efficient and secure manner.

### Dealing with Intoxicated Patrons

- Anyone determined intoxicated not be served any more alcohol.
- If someone that has been essentially cut-off becomes belligerent they will be escorted outside.
- If they are noticed to disturb the peace of the establishment or nearby neighbors or create a scene, VPD may be contacted.
- Should anyone experience a medical emergency VPD and medical response will be notified and assistance will be requested.

### Dancing

- Dancing is permitted during live entertainment, however, the nature of the music played does not really encourage dancing.

### Persons Over/Under 21 Years of Age

- Persons under 21 are permitted in the establishment so long as they are there for dining purposes.
- No loitering by anyone of any age is permitted.
- Persons 21 or older will be asked to present ID to the bartender/serving employee with each purchase of an alcoholic beverage.



May 20, 2021

**Site Plan Review No. 21-039:**

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

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

This is your Site Plan Review Permit; your Site Plan Review became effective **March 24, 2021**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

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

Respectfully,

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

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

**Attachment(s):**

- Site Plan Review Comments



MEETING DATE March 24, 2021  
SITE PLAN NO. 2021-039  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.

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

**RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with  
 Planning  Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste  Parks and Recreation  Fire Dept.

**REVISE AND PROCEED** (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL  REDEVELOPMENT  
 PLANNING COMMISSION  PARK/RECREATION  
 CUP for proposed live entertainment use on site.  
 HISTORIC PRESERVATION  OTHER –

**ADDITIONAL COMMENTS:**

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440  
*Site Plan Review Committee*



# SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: March 24, 2021

SITE PLAN NO: 2021-039  
PROJECT TITLE: Corby's Bar & Grill  
DESCRIPTION: To obtain a CUP for live music  
APPLICANT: Corey Morse  
PROP. OWNER: Leslie A. Mosley, LLC.  
LOCATION TITLE: 221 E. Main St.  
APN TITLE: 094-296-014  
GENERAL PLAN: Downtown Mixed Use  
EXISTING ZONING: D-MU (Mixed-Use Downtown Zone)

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

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

## Project Requirements

- Conditional Use Permit for Live Entertainment
- Building Permit

## **PROJECT SPECIFIC INFORMATION:** March 24, 2021

1. The existing restaurant use is permitted by right in the D-MU Zone.
2. Live entertainment is listed as a Conditional Use in line E12 of Table 17.25.030, of the VMC.
3. Detailed exhibits of the following will be required:
  - a. Security Plan (to be reviewed by the Visalia Police Department).
  - b. Operational Statement (describing day-to-day use and the proposed use).
  - c. Floor Plan (showing the typical layout, and proposed layout for live entertainment).
4. Other information as needed.
5. Building permits.

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

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

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

1. Front: five (5) feet (except where a building is located on side property line);
2. Rear: zero (0) feet;
3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet except where a building is located on side property);
6. Street side on corner lot: five (5) feet.

E. The provisions of Chapter 17.58 shall also be met, if applicable.

**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.

**Noise:** NOISE ORDINANCE (Municipal Code Chapter 8.36)

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

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

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

**DOWNTOWN RETAIL OVERLAY  
DISTRICT**

**17.58.010 Purposes and intent.**

A. There is created a downtown retail overlay district, the boundaries of which are shown on the map entitled, "Downtown Retail Overlay District," which is delineated on the Zoning Map. Said map is adopted and made a part of this ordinance.

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to express the commitment of the city toward the continued vitality and



stabilization of regional retail commercial activity within the area traditionally known as Downtown Visalia. This commitment seeks to:

1. Protect and enhance existing buildings and improvements in the downtown area.
2. Enhance the character and physical environment of the downtown area by establishing specific design compatibility criteria for new and remodeled buildings within the overlay district.
3. Ensure that new development is compatible with existing and future plans for the area.
4. Involve both design professionals and area residents, property owners and merchants, in the implementation of the Visalia Downtown Framework Plan and the continued viability of the downtown retail economy.

**17.58.015 Applicability.**

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

**17.58.020 Components of the chapter.**

This chapter shall include:

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

**17.58.030 Definitions.**

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

B. Word Usage.

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

C. Definitions.

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

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

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

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

**17.58.040 Regulation of improvements.**

No improvement or exterior architectural feature of any improvement shall be constructed, altered or enlarged that is located in the downtown retail overlay district unless a site plan review permit is issued pursuant to the terms of this chapter and Chapter 17.28. Where this chapter may conflict

with Chapter 17.28, this chapter shall apply. This section shall not apply to any interior alteration that has no effect on the condition or appearance of any exterior architectural feature of an improvement.

**17.58.050 Procedures for review of applications.**

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

B. The site plan review committee shall review applications only as specified in this chapter, consistent with the rules and regulations in this chapter. Applications shall be approved or disapproved based solely on those building design criteria in this chapter, for which compliance is mandatory. The board may suggest that building design criteria that are permissive be followed; however, applications shall not be approved or disapproved on the basis of any such nonmandatory criteria. The duties and responsibilities of the site plan review committee shall include the following:

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

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

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

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

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

1. Reroofing with like materials;
2. Residing with like materials;

3. Masonry repairs with like materials;
4. Chimney repair with like materials.

**17.58.060 Appeal to the city council.**

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

**17.58.070 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within any district; provided, such work involves no change in the exterior appearance of a structure. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature that in the view of the proper authority acting lawfully is required for the public safety because of an unsafe or dangerous condition.

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

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

- A. Awnings attached above street level storefronts and/or upper-story windows are encouraged. Size and scale shall be appropriate to the building, however, significant elements of the building's architecture should not be obscured by upper-story awnings. Ground floor awnings shall project a minimum of five (5) feet over the sidewalk. Awning materials shall be cloth or canvas. Awning colors shall be limited to a blue, burgundy, tan or tones and/or prints of these. White may be incorporated into the design of awnings for contrast or valance signage, but shall not compromise a majority of the color theme of any awning.
- B. The following materials and building elements shall be prohibited:
  1. Use of wood siding, cladding or wood shingles, in excess of ten (10) percent of the total area of any building façade.
  2. Mansard form roof tiles.
  3. Unbroken masses of split face, slump stone or concrete unit masonry.
  4. Use of reflective or mirrored surface cladding, in excess of then (10) percent of the total area of any building façade.
  5. Exposed utility conduit, junction boxes, meters, or fuse boxes on the front façade of buildings.

**17.58.082 Standards applying to alterations to existing buildings.**

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

- A. Where originally constructed buildings facades remain, their appearance shall not be altered. Such facades shall be repaired and preserved. Where facades have been altered, as much original material and detail shall be retained in the rehabilitation as possible.
- B. Where most of the existing architectural design dated from an interim remodeling and where such remodeling adds to the traditional character of the district, rehabilitation shall conform to the period of such remodeling and not to the original design.

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

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

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

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

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

**17.58.084 Standards applying to new buildings.**

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

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

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

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

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

**17.58.086 Maintenance and repair required.**

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

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

B. The city's zoning compliance officer, or other designated enforcement official, shall serve written notice upon the owner of any structure deemed to be in violation of this section or any applicable municipal code. Notice shall comply with Visalia Municipal Code Section 1.13.070 if the violation is pursued through administrative enforcement. Alternatively, the enforcement official may pursue the violation as a criminal infraction. Said written notice shall specify the nature of the condition or conditions which are in violation of the maintenance and repair requirement and direct that said conditions be repaired or corrected within an appropriately reasonable period of time. If the condition or conditions are not remedied within the stated period of time in the notice, then an administrative penalty or fine as stated in section 1.12.010 of the Visalia Municipal Code shall be enforced and may be collected under the methods stated in section 1.13.110. Said notice shall further advise the owner of said structure of his/her right to request a hearing before the planning commission to review the determination of the city's enforcement officer. The request for hearing shall be made within ten (10) days of the receipt of notice by the owner, with applicable fees, as set forth in Chapter 1.13 of the Municipal Code and the administrative hearing shall be conducted pursuant to the requirements of Chapter 1.13.

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

**17.58.090 Exceptions.**

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

**17.58.100 Role of building official.**

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

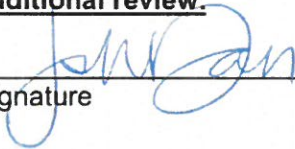
B. After a building permit has been issued, the building official shall from time to time inspect the construction, alteration or enlargement approved by the board and shall take such action as is necessary to assure compliance with the approved plans.

**17.58.110 Separability.**

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

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**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



**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

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

|                   |                                      |
|-------------------|--------------------------------------|
| <b>ITEM NO: 2</b> | <b>DATE: MARCH 24, 2021</b>          |
| SITE PLAN NO.:    | 21-039                               |
| PROJECT TITLE:    | CORBY'S BAR & GRILL                  |
| DESCRIPTION:      | TO OBTAIN A CUP FOR LIVE MUSIC (DMU) |
| APPLICANT:        | COREY MORSE                          |
| PROP OWNER:       | LESLIE A MOSLEY LLC                  |
| LOCATION:         | 221 E MAIN ST                        |
| APN:              | 094-296-014                          |

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with \_\_\_\_\_ radius;
- Install curb;  gutter
- Drive approach size:  Use radius return;
- Sidewalk: \_\_\_\_\_ width;  parkway width at \_\_\_\_\_
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required.  
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: \_\_\_\_\_ : \_\_\_\_\_ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 0.20%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

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

**Additional Comments:**

1. *No comments as proposed.*



**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: **21-039**  
Date: **3/24/2021**

**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:**9/1/2020**)  
(Project type for fee rates:**CUP**)

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

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

**Reimbursement:**

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



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**Adrian Rubalcaba**

SPR 21039  
CORBY'S BAR & GRILL  
221 E MAIN ST.

**City of Visalia**  
**Building: Site Plan**  
**Review Comments**

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- 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 3/24/21  
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 March 24, 2021  
Item # 2  
Site Plan # 21039  
APN: 094-296-014

- 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.
- **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.

Corbin Reed  
Fire Marshal

\* IF occupant load exceeds 100 persons at any time sprinklers will be required.

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

March 24, 2021

**ITEM NO: 2**

SITE PLAN NO: SPR21039  
PROJECT TITLE: Corby's Bar & Grill  
DESCRIPTION: To Obtain a CUP for Live Music. (D-MU)  
APPLICANT: Corey Morse  
OWNER: LESLIE A MOSLEY LLC  
APN: 094296014  
LOCATION: 221 E MAIN ST

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

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

**Additional Comments:**

*Leslie Blair*

\_\_\_\_\_  
**Leslie Blair**

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

21039

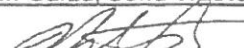
March 24, 2021

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

**Comment** Solid Waste Division has no comments.

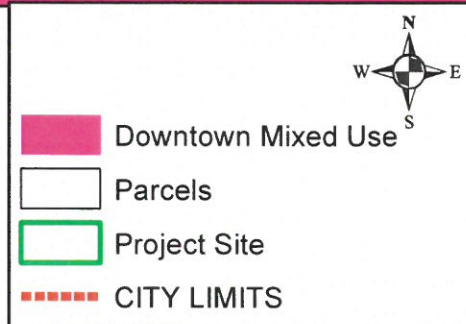
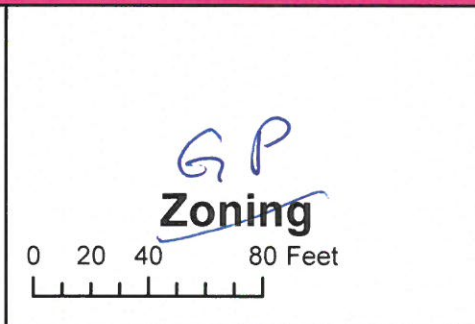
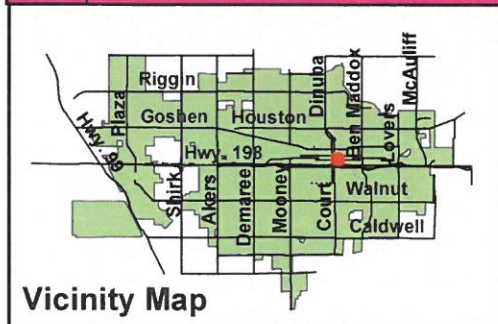
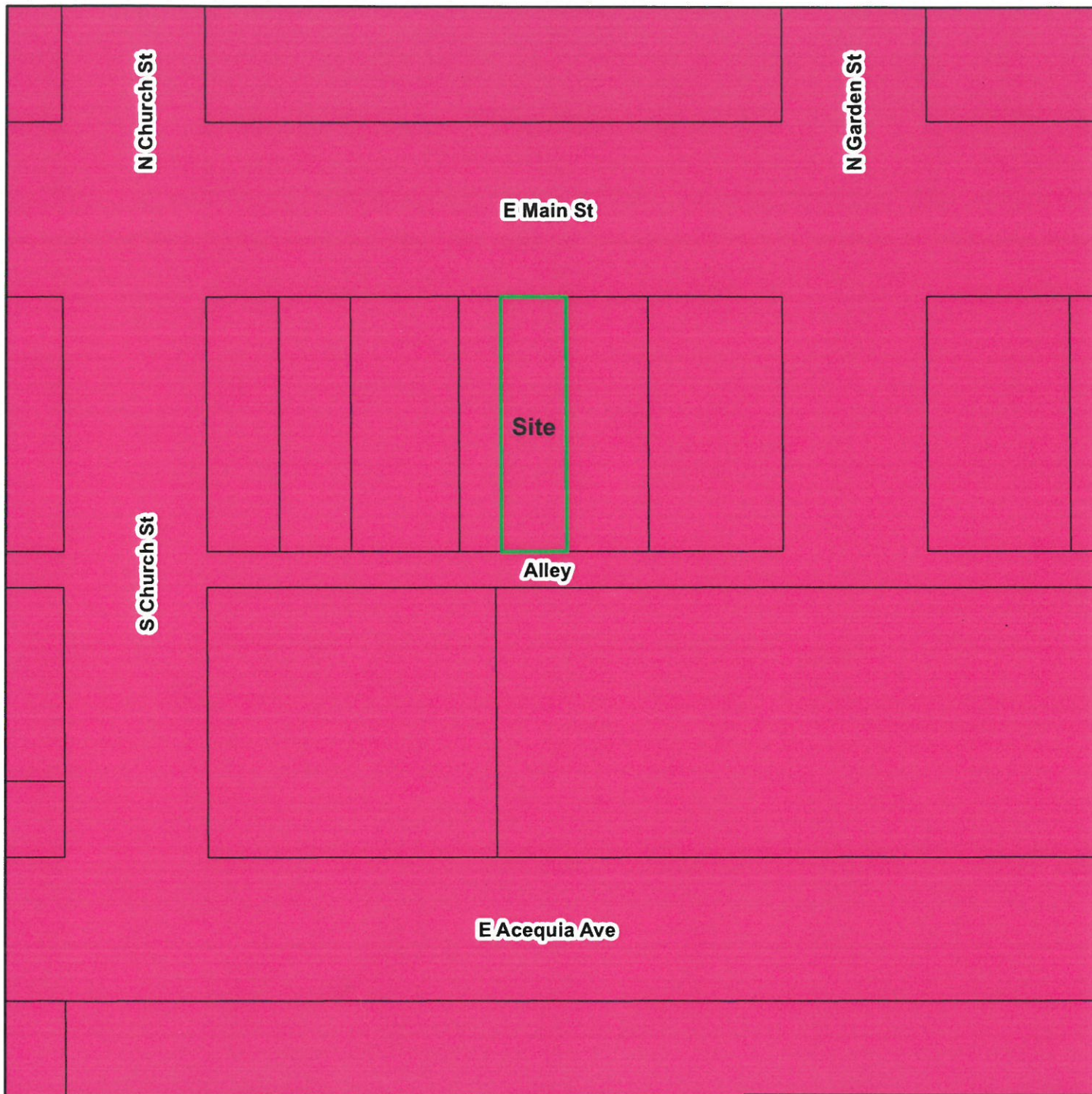
Jason Serpa, Solid Waste Manager, 559-713-4533  
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532



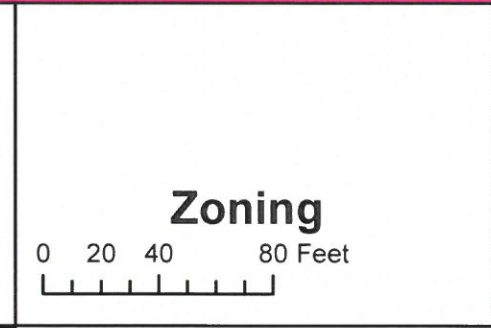
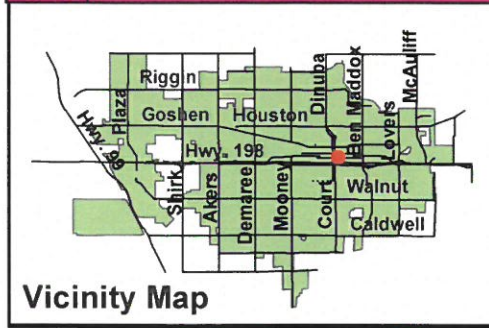
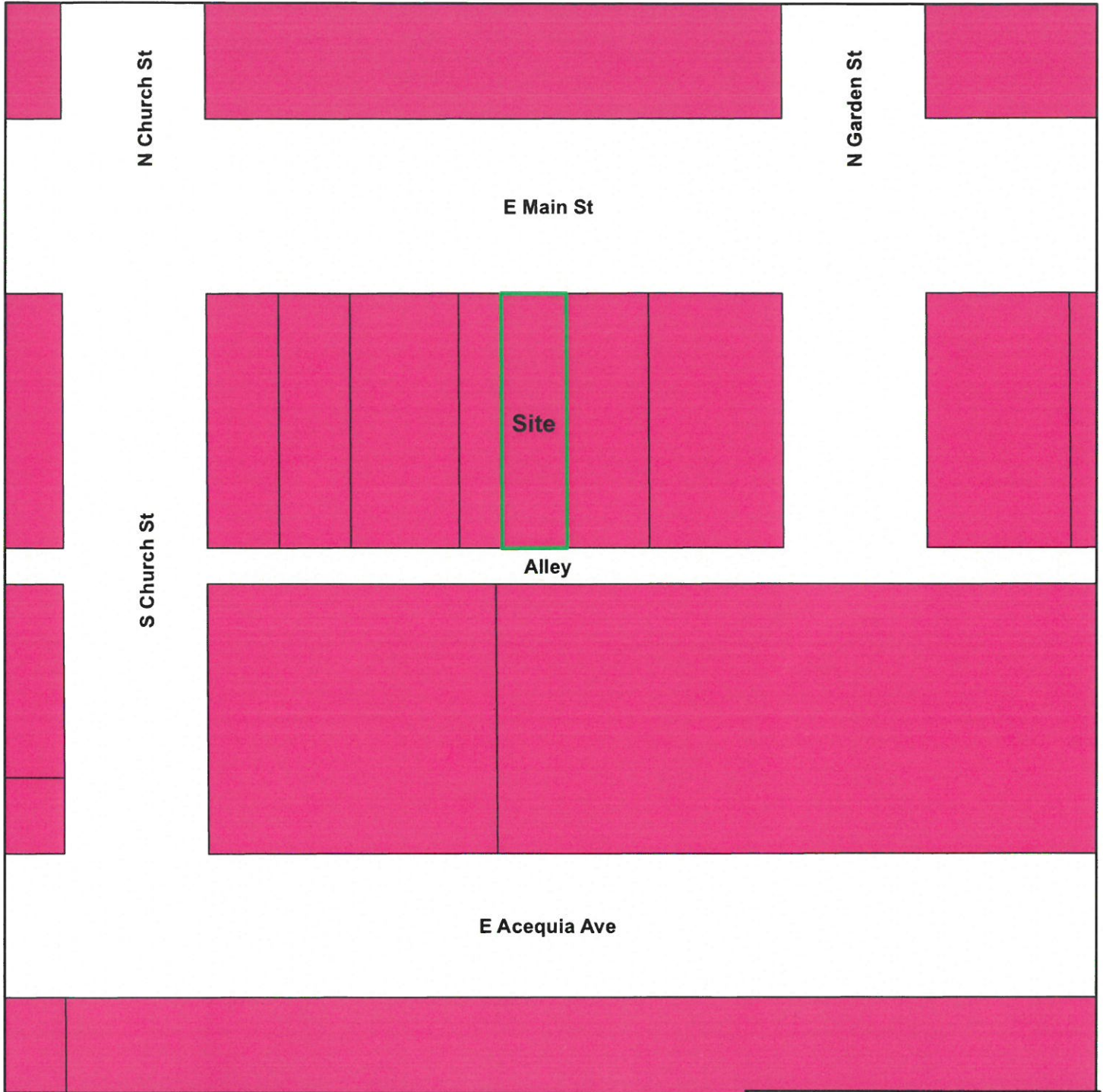
# Conditional Use Permit No. 2021-12

The project is located at  
221 E Main St.  
(APN: 940-296-014)



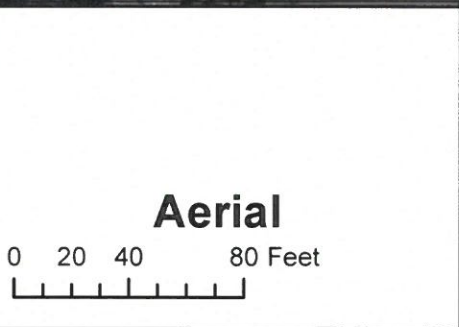
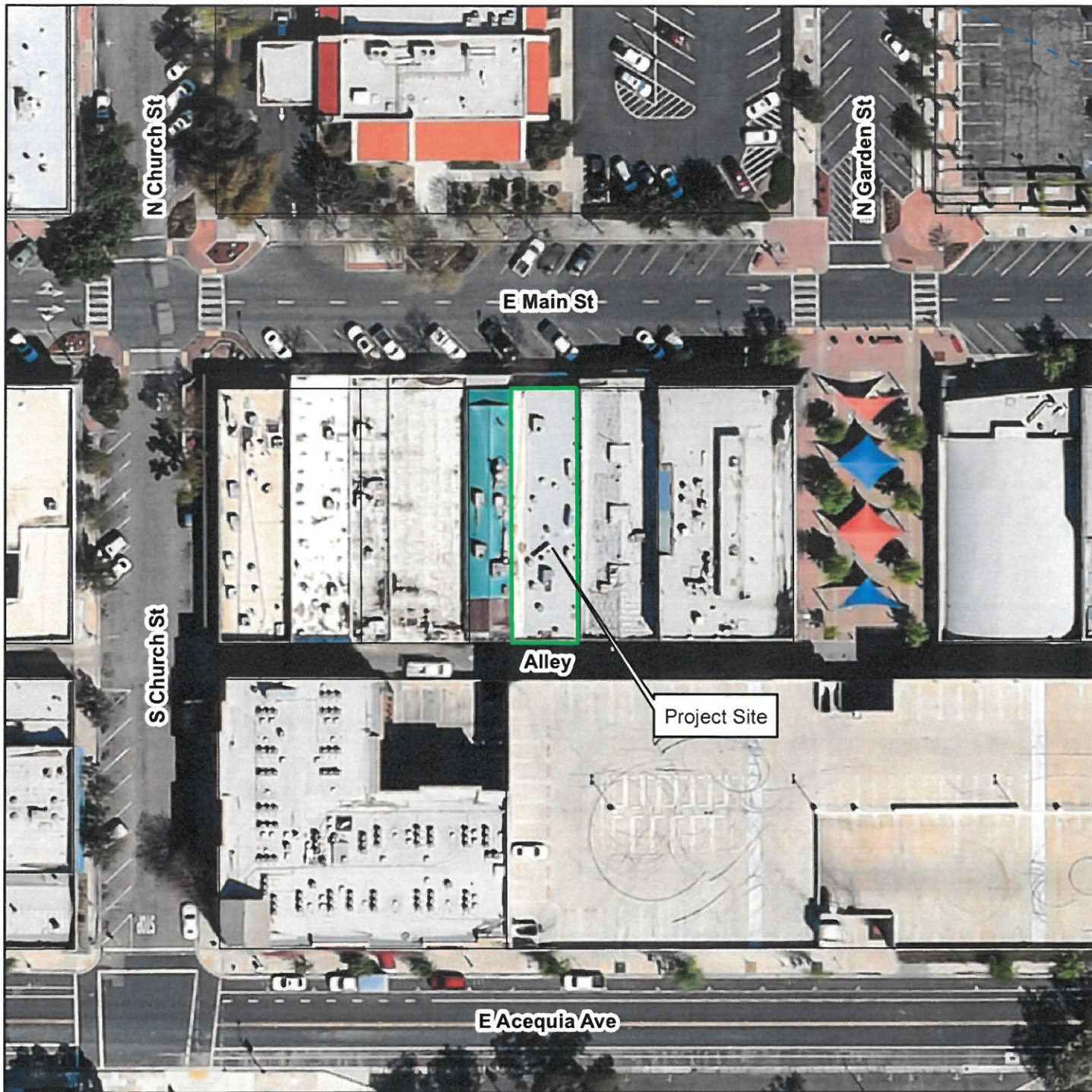
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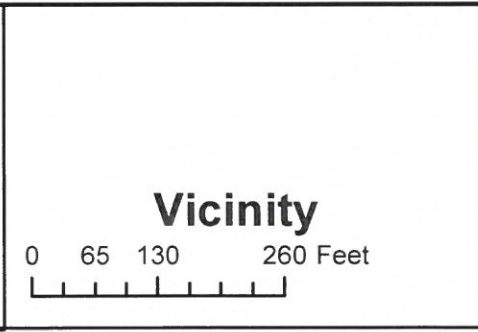
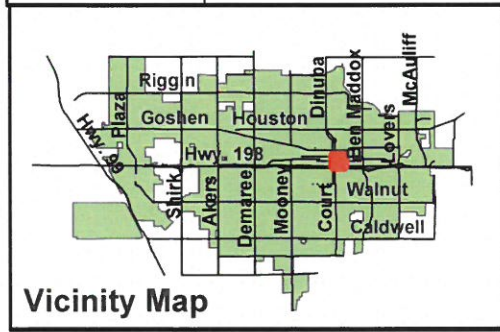


- CITY LIMITS
- Project Site
- Parcels



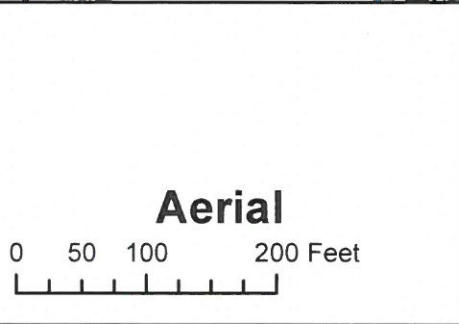
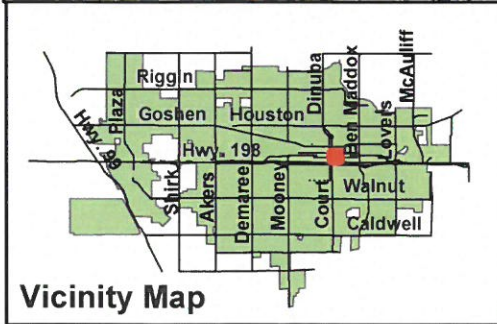
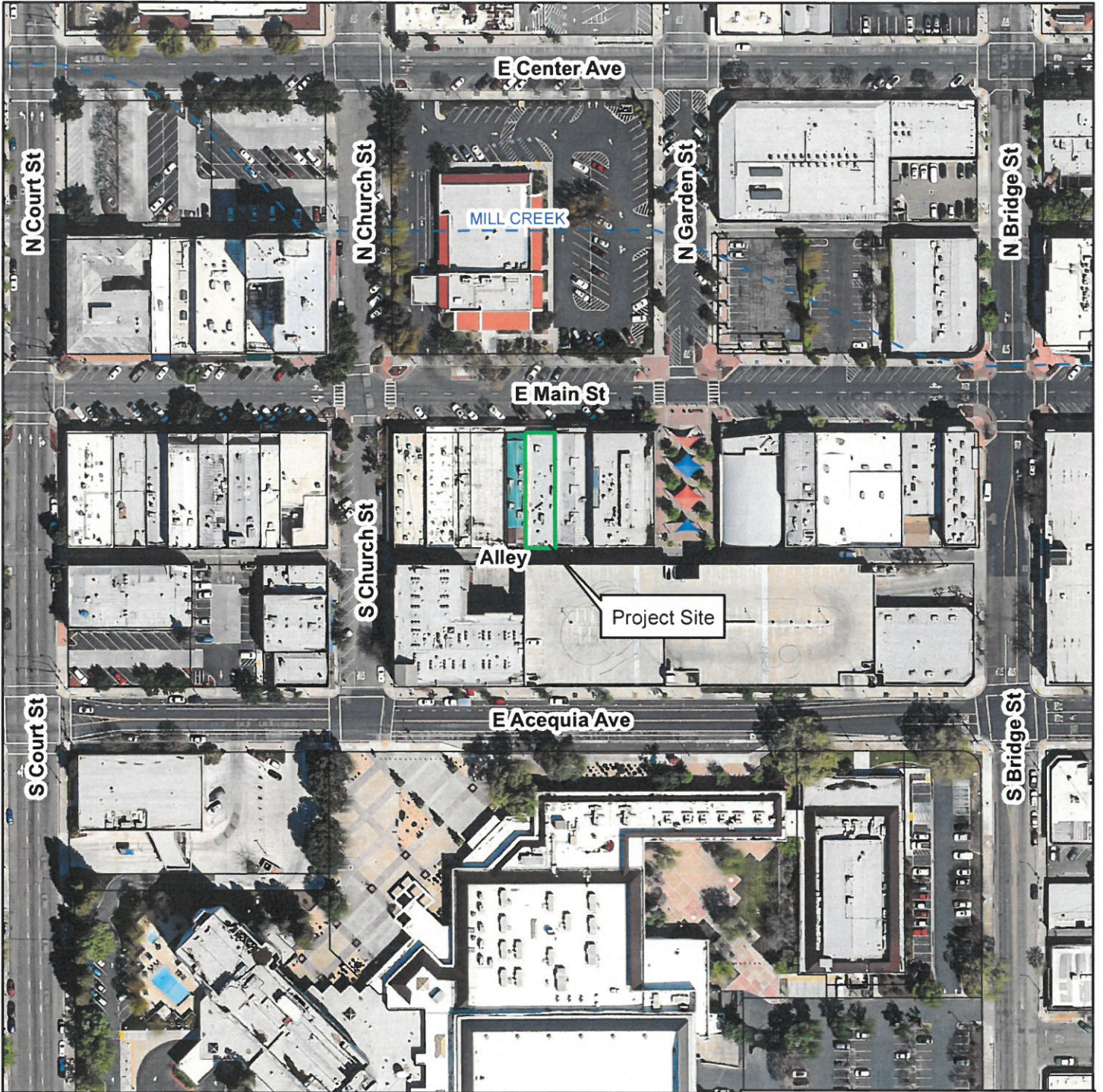
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Legend:

- CITY LIMITS
- Project Site
- Parcels

North arrow pointing North (N), South (S), East (E), and West (W).