

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Marvin Hansen



VICE CHAIRPERSON:
Adam Peck

COMMISSIONERS: Mary Beatie, Chris Tavaréz, Chris Gomez, Adam Peck, Marvin Hansen

MONDAY, MARCH 14, 2022
VISALIA COUNCIL CHAMBERS
LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA
MEETING TIME: 7:00 PM

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 – Josh Dan, Associate Planner

Conditional Use Permit No. 2021-29: A request by Bottom Line Developers to develop a 0.95-acre site with an approximately 4,400 sq. ft. automated carwash with associated vacuums in the C-N (Neighborhood Commercial) Zone. The site is located at 1804 N. Dinuba Blvd., on the east side of Dinuba Blvd. across from and north of Prospect Avenue. (APN: 091-171-018). An Initial Study has been prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant with mitigation, and that Mitigated Negative Declaration No. 2022-05 shall be adopted.

7. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

- a. **Conditional Use Permit No. 2022-04:** A request by Clifford Neiman to establish a surgery center on a parcel within the C-MU (Mixed Use Commercial) Zone. The project site is located at 111 East Noble Avenue, on the southwest corner of East Noble Avenue and South Church Street (APN: 097-051-012). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2022-07.
- b. **Variance No. 2022-01:** A request by Clifford Neiman for a variance to fence height standards for the placement of a six-foot-tall fence in the front yard setback of a parcel within the C-MU (Mixed Use Commercial) Zone. The project site is located at 111 East Noble Avenue, on the southwest corner of East Noble Avenue and South Church Street (APN: 097-051-012). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2022-07.

8. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. Planning Commission meeting for March 28th **will not be at the Visalia Convention Center.**
- b. Medical Clinic appeal has been placed on indefinite continuance.
- c. Smoke Shop ZTA scheduled for the March 21st Council meeting.

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, MARCH 24, 2022, 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 MONDAY, MARCH 28, 2022



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: March 14, 2022

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone No.: 713-4443
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2022-04: A request by Clifford Neiman to establish a surgery center on a parcel within the C-MU (Mixed Use Commercial) Zone.

Variance No. 2022-01: A request by Clifford Neiman for a variance to fence height standards for the placement of a six-foot-tall fence in the front yard setback of a parcel within the C-MU (Mixed Use Commercial) Zone.

Location: The project site is located at 111 East Noble Avenue, on the southwest corner of East Noble Avenue and South Church Street (APN: 097-051-012).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2022-04 and Variance No. 2022-01 based on the findings and conditions in Resolution No. 2022-09 and Resolution No. 2022-10, respectively. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2022-04 and Variance No. 2022-01, as conditioned, based on the findings and conditions in Resolution No. 2022-09 and Resolution No. 2022-10.

PROJECT DESCRIPTION

Per the operational statement in Exhibit "D", Conditional Use Permit (CUP) No. 2022-04 is a request to establish an outpatient surgery center within an existing 5,200 square foot building previously employed for medical uses (see Exhibit "A"). The surgery center will specialize in the treatment of spine and pain management health issues and related specialties.

The proposal will involve an interior remodel as depicted per the floor plan in Exhibit "B". This will involve installation of three operating rooms, pre-op and recovery areas, offices, and waiting room. Extensive changes to the building exterior are also proposed per Exhibit "C", to include placement of cement plaster exteriors, decorative wood paneling, extruded aluminum storefront windows, and steel canopies. The existing protruding wood shingled roof will be replaced with an inclined roof.

Per the site plan, parking will be provided via an existing 47-stall parking field. The parking field will be shared with an adjacent property immediately to the west that contains an existing 5,400 square foot medical office. All existing landscaping will remain in place. Additional exterior alterations include placement of enclosures for trash and a generator. The generator will be located near the Noble Avenue frontage, with an enclosure six feet in height surrounding it. Although signage is shown on the building elevations, the applicant has stated that no signage is proposed for review at this time. The building has been vacant since 2019.

Variance No. 2022-01 is a request for a variance to deviate from fence height standards within the 15-foot front yard setback of the C-MU Zone. Per the site plan in Exhibit "A", the applicant is proposing to place a six-foot-tall wrought iron fence along the entire perimeter of the building. Fencing along the Noble Avenue frontage will be six feet tall and will encroach seven feet into the

15-foot front yard setback, placing it eight feet from the front yard property line. Per the fence elevations in Exhibit "C", portions of the wrought iron fence will be replaced with six and seven-foot-tall free-standing walls with plaster finishes. Two six-foot-tall standing walls, approximately 14 feet in length, will be placed north of the existing building. One six- to seven-foot-tall standing wall will be placed in line with the wrought iron fencing at the eastern and western exteriors of the existing building. The applicant is proposing the fence within the front yard setback to prevent trespassing onto the property and provide protected outdoor areas for employees and patients.

The structure is located within the Historic District. As such, review of the proposal by the Historic Preservation Advisory Committee (HPAC) is required. The HPAC reviewed the proposal request on May 26, 2021 and determined that the proposal was consistent with the Historic Preservation Element and Ordinance. As a result, the HPAC approved the architectural elements of the project and recommended "Approval" of the CUP and Variance requests to the Planning Commission. The approval from the HPAC is included as Exhibit "F".

BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Mixed Use
Zoning:	C-MU (Mixed Use Commercial)
Surrounding Land Use and Zoning:	North: Noble Avenue, State Highway 198 South: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) / Mix of single and multi-family residences East: C-MU, R-1-5 / Medical office, mix of single and multi-family residences West: C-MU, O-C (Office Conversion) / Medical offices, mix of single and multi-family residences.
Special Districts	Historic District
Environmental Review:	Categorical Exemption No. 2022-07
Site Plan:	SPR No. 2020-190

RELATED PROJECTS

Variance No. 2018-05: A request by Brandon Gee for a variance to allow a six-foot tall wrought iron fence within the required 15-foot front yard setback of a site in the O-C (Office Conversion) zone. The project site is located at 201 E. Noble Avenue (APN: 097-052-009). The Planning Commission approved the variance request on May 29, 2018.

Historic Preservation Advisory Committee Item No. 2021-09: A request by Cliff Neiman for a Conditional Use Permit and Variance to remodel an existing building and establish an outpatient surgery center, with a six-foot-tall wrought iron fence within the front yard setback. The project site is within the C-MU Zone and located at 111 East Noble Avenue (APN: 097-051-012). At its May 26, 2021, meeting the HPAC approved the architectural elements of the request and recommended approval of the Conditional Use Permit and Variance requests to the Planning Commission. The Committee noted in its recommendation that the proposal would not be injurious to the surrounding properties or character of the Historic District due to compatibility of the project with other uses along the Noble Avenue commercial corridor, and because of the parcels relative separation from the historic neighborhood to the south. Conditions applied by the HPAC can be viewed in Exhibit "F" and are included as CUP Condition of Approval No. 3 and Variance Condition of Approval No. 3.

PROJECT EVALUATION

CONDITIONAL USE PERMIT NO. 2022-04

Land Use Compatibility

“Outpatient Surgery Centers” are a conditionally permitted use within the C-MU Zone with approval of a Conditional Use Permit. Per the operational statement, the site has been previously employed for a similar use. The building is located along a portion of the Noble Avenue corridor that contains a cluster of medical uses. Residential uses to the south are currently screened by a block wall. Exterior lighting for the use will only be placed at the building entries, along the north, west, and south building exteriors. As such, the use is considered compatible with the surrounding uses.

Furthermore, the design and orientation of the building are such that the structure presents as part of the Noble Avenue commercial corridor, rather than as part of the Historic District in which it resides. There are also no historic features on the parcel. Accordingly, approval of a Conditional Use Permit for the proposed surgery center will not pose a detriment to the Historic District and surrounding historically designated properties to the south.

Parking

The Visalia Municipal Code (VMC) prescribes varying parking requirements for medical uses. The code calls for the following:

- For “major medical facilities” (such as the outpatient surgery center), the requirement is one parking space for each 250 sq. ft. of building area.

The proposed use will occupy an existing 5,200 sq. ft. building, requiring a total of 21 stalls. Based on the site layout, a total of 23 parking stalls are provided on-site, thereby meeting the medical parking requirement. It should be noted that the entire site, including the buildings to the west, function as one large unified medical office development. The existing 5,200 square foot building was also previously employed for medical use.

Landscaping

The applicant has depicted existing landscape improvements on the site plan in Exhibit “A”. Existing landscaping consists of mature trees and turf along the northern, southern, and eastern project site boundaries. Landscaping and irrigation plans will be required to be submitted with any Building Permit request to ensure that landscaping is properly maintained and complies with MELWO standards.

VARIANCE NO. 2022-01

Setbacks/Height Standards

The VMC definitions define the north property boundary as the front yard area (Nobel Avenue frontage). The VMC requires a front yard setback of 15 feet in the C-MU Zone. Furthermore, for sites in the C-MU Zone, the code requires that fencing within the 15-foot front yard setback cannot exceed a maximum height of three feet if completely solid (such as a block wall), or four feet if at least 50 percent open (i.e., wrought iron, wood pickets, chain link).

The applicant is proposing a six-foot tall primarily wrought iron fencing seven feet into the 15-foot front yard setback. The proposed location will place the fence eight feet from the property line adjacent to Noble Avenue. Fencing is shown as part of Exhibits “A” and “C”. The applicant has stated that the encroachment into the front yard setback is necessary to protect the facility, employees, and patients from unwanted trespassers.

Variance Findings

Variations are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The Planning Commission has the power to grant variations to regulations prescribed in the Zoning Ordinance, such as for fence height standards, when deemed in compliance with required findings. The applicant has provided proposed variance findings in Exhibit "E" intended to justify their goal of being able to encroach into the required rear yard setback as summarized below:

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

Applicant: Reduction in the height of the fence at its proposed location to four feet would reduce its effectiveness at combating trespassing. Relocation of the fence 15 feet from the front yard property line would also reduce the amount of site area available for private use by staff and patients. Both scenarios would pose a practical hardship for the applicant

Analysis: Concur with the applicant. A reduction in the height of the fence at its proposed location to four feet would reduce its effectiveness at combating trespassing. Neighborhood Preservation staff has confirmed that the area is heavily impacted by persons experiencing homelessness, resulting in increased maintenance and visual impacts due to loitering of unauthorized persons. Enforcement of the specific zoning regulation would allow for this condition to persist. The site immediately to the east also contains fencing at a height similar to the proposal. Enforcement of the specific regulation in this case would create a hardship for the applicant inconsistent with the objectives of the zoning ordinance.

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

Applicant: The site is also located along a busy thoroughfare well-traveled by vehicles. This poses an extraordinary circumstance not applicable to other sites.

Analysis: Concur with the applicant. As stated previously Neighborhood Preservation staff have confirmed that the specific area in question is heavily impacted by persons experiencing homelessness. While this is not specific to the zoning in question, it is a condition unique to the area in which the project sites are located. This results in a higher likelihood of trespassing onsite, an extraordinary circumstance, making taller fencing necessary as a deterrent. Allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite.

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

Applicant: Variations to front yard setbacks for fencing have been previously approved for other sites along the Noble Avenue corridor. The nearest example is for the medical building located immediately east of the project site, for which a 10-foot encroachment into the front yard setback was approved. If the variance request were denied the applicant would lose out on privileges granted to others in the same area.

Analysis: Concur with applicant. The variance request is consistent in scope with a 10-foot encroachment permitted by the Planning Commission in 2018 under Variance No. 2018-05. The previously approved request allowed for a six-foot tall wrought iron fence within the required 15-foot front yard setback along S. Church Street, for a site in the O-C (Office Conversion) Zone. The subject parcel for Variance No. 2018-05 is located immediately east of the project site. If the variance request were denied the applicant would lose out on privileges granted to others in the same area.

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

Applicant: *Granting of the variance would be consistent with requests made my adjacent buildings in the same zone. This would not pose as a special grant.*

Analysis: Concur with applicant. The variance request is consistent with variance approvals given by the Planning Commission within vicinity of the project. Specifically in 2018 Variance No. 2018-05 was approved for the site immediately east of the project site, allowing for a 10-foot encroachment of a six-foot-tall wrought iron fence into a 15 ft. front yard setback.

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

Applicant: *Lastly, placement of the fence eight feet from the property line would not harm the public wellbeing as the fence would not be a physically or visually obstruct right of way areas.*

Analysis: Concur with applicant. The granting of a variance to fence height standards is not considered detrimental or injurious to the public health, safety or welfare, and properties in the vicinity. Right of way areas and pedestrian pathways will not be obstructed by the fence. The fencing will assist in improving safety onsite by reducing trespassing. Similar variances have been approved for areas in the vicinity of the project, specifically on the site immediately to the east, with no effects to the public wellbeing. Lastly, the fencing will also be constructed of wrought iron material, with compatible fencing typically permitted in the Historic District.

Environmental Review

The requested action is considered Categorical Exempt under Section 15301 (Existing Facilities) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2022-07).

RECOMMENDED FINDINGS

Conditional Use Permit No. 2022-04

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, as conditioned, 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.
 - 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 project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2022-07).

Variance No. 2022-01

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

A reduction in the height of the fence at its proposed location to four feet would reduce its effectiveness at combating trespassing. Neighborhood Preservation staff have confirmed that the area is heavily impacted by persons experiencing homelessness, resulting in increased maintenance and visual impacts due to loitering of unauthorized persons. Enforcement of the specific zoning regulation would allow for this condition to persist. The site immediately to the east also contains fencing at a height similar to the proposal. Enforcement of the specific regulation in this case would create a hardship for the applicant inconsistent with the objectives of the zoning ordinance.

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

As stated previously Neighborhood Preservation staff have confirmed that the specific area in question is heavily impacted by persons experiencing homelessness. While this is not specific to the zoning in question, it is a condition unique to the area in which the project sites are located. This results in a higher likelihood of trespassing onsite, an extraordinary circumstance, making taller fencing necessary as a deterrent. Allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite.

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

The variance request is consistent in scope with a 10-foot encroachment permitted by the Planning Commission in 2018 under Variance No. 2018-05. The previously approved request allowed for a six-foot tall wrought iron fence within the required 15-foot front yard setback along S. Church Street, for a site in the O-C (Office Conversion) Zone. The subject parcel for Variance No. 2018-05 is located immediately east of the project site. If the variance request were denied the applicant would lose out on privileges granted to others in the same area.

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

The variance request is consistent with variance approvals given by the Planning Commission within vicinity of the project. Specifically in 2018 Variance No. 2018-05 was approved for the site immediately east of the project site, allowing for a 10-foot encroachment of a six-foot-tall wrought iron fence into a 15 ft. front yard setback.

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

The granting of a variance to fence height standards is not considered detrimental or injurious to the public health, safety or welfare, and properties in the vicinity. Right of way areas and pedestrian pathways will not be obstructed by the fence. The fencing will assist in improving safety onsite by reducing trespassing. Similar variances have been approved for areas in the vicinity of the project, specifically on the site immediately to the east, with no effects to the public wellbeing. Lastly, the fencing will also be constructed of wrought iron material, with compatible fencing typically permitted in the Historic District.

6. 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. 2022-07).

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2022-04

1. That the use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2020-190.
2. That the use be developed in substantial compliance with the site plan in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and operational statement in Exhibit "D".
3. That the applicant shall comply with all conditions of the June 9, 2021, Historic Preservation Advisory Committee Item No. 2021-09 Approval Letter in Exhibit "F".
4. That substantial changes to the site plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
5. That all other Federal, State, Regional, and City codes and ordinances be met.

Variance No. 2022-01

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2020-190.
2. That the use is developed in substantial compliance with the site plan shown in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and operational statement in Exhibit "D".
3. That the applicant shall comply with all conditions of the June 9, 2021, Historic Preservation Advisory Committee Item No. 2021-09 Approval Letter in Exhibit "F".
4. That all other Federal, State, Regional, and City 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 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. 2022-09 (Conditional Use Permit)
- Resolution No. 2022-10 (Variance)
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Elevations
- Exhibit "D" – Operational Statement
- Exhibit "E" – Variance Findings
- Exhibit "F" – Historic Preservation Advisory Committee Item No. 2021-09, June 9, 2021, Approval Letter
- Categorical Exemption No. 2022-07
- Site Plan Review No. 2020-190 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

EXCERPTS FROM 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. (Prior code § 7525)

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

CHAPTER 17.42: VARIANCES

17.42.010 Variance purposes.

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the

site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title.

17.42.020 [Reserved]

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards pursuant to Sections 17.12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

17.42.040 [Reserved]

17.42.050 Application procedures.

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

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

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.42.060 Hearing and notice.

A. The city planning commission shall hold a public hearing on an application for a variance.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.42.070 Investigation and report.

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

17.42.080 Public hearing procedure.

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

17.42.090 Variance action of the city planning commission.

A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

D. The city planning commission may deny a variance application.

17.42.100 [Reserved]

17.42.110 Appeal to city council.

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

17.42.120 Lapse of variance.

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

17.42.130 Revocation.

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

17.42.140 New application.

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

RESOLUTION NO. 2022-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2022-04, A REQUEST BY CLIFFORD NEIMAN TO ESTABLISH A SURGERY CENTER ON A PARCEL WITHIN THE C-MU (MIXED USE COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED AT 111 EAST NOBLE AVENUE, ON THE SOUTHWEST CORNER OF EAST NOBLE AVENUE AND SOUTH CHURCH STREET (APN: 097-051-012).

WHEREAS, Conditional Use Permit No. 2022-04 is a request by Clifford Neiman to establish a surgery center on a parcel within the C-MU (Mixed Use Commercial) Zone. The project site is located at 111 East Noble Avenue, on the southwest corner of East Noble Avenue and South Church Street (APN: 097-051-012); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on March 14, 2022; and

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

WHEREAS, the 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, as conditioned, 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.
 - 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 project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2022-07).

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 use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2020-190.
2. That the use be developed in substantial compliance with the site plan in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and operational statement in Exhibit "D".
3. That the applicant shall comply with all conditions of the June 9, 2021, Historic Preservation Advisory Committee Item No. 2021-09 Approval Letter in Exhibit "F".
4. That substantial changes to the site plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
5. That all other Federal, State, Regional, and City codes and ordinances be met.

RESOLUTION NO. 2022-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2022-01, A REQUEST BY CLIFFORD NEIMAN FOR A VARIANCE TO FENCE HEIGHT STANDARDS FOR THE PLACEMENT OF A SIX-FOOT-TALL FENCE IN THE FRONT YARD SETBACK OF A PARCEL WITHIN THE C-MU (MIXED USE COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED AT 111 EAST NOBLE AVENUE, ON THE SOUTHWEST CORNER OF EAST NOBLE AVENUE AND SOUTH CHURCH STREET (APN: 097-051-012).

WHEREAS, Variance No. 2022-01, is a request by Clifford Neiman to establish a surgery center on a parcel within the C-MU (Mixed Use Commercial) Zone. The project site is located at 111 East Noble Avenue, on the southwest corner of East Noble Avenue and South Church Street (APN: 097-051-012); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on March 14, 2022; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2021-04, as conditioned by staff, to be in accordance with Chapter 17.42.080 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 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 strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

A reduction in the height of the fence at its proposed location to four feet would reduce its effectiveness at combating trespassing. Neighborhood Preservation staff have confirmed that the area is heavily impacted by persons experiencing homelessness, resulting in increased maintenance and visual impacts due to loitering of unauthorized persons. Enforcement of the specific zoning regulation would allow for this condition to persist. The site immediately to the east also contains fencing at a height similar to the proposal. Enforcement of the specific regulation in this case would create a hardship for the applicant inconsistent with the objectives of the zoning ordinance.

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

As stated previously Neighborhood Preservation staff have confirmed that the specific area in question is heavily impacted by persons experiencing homelessness. While this is not specific to the zoning in question, it is a condition unique to the area in which the project sites are located. This results in a higher likelihood of trespassing onsite, an extraordinary circumstance, making taller fencing necessary as a deterrent. Allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite.

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

The variance request is consistent in scope with a 10-foot encroachment permitted by the Planning Commission in 2018 under Variance No. 2018-05. The previously approved request allowed for a six-foot tall wrought iron fence within the required 15-foot front yard setback along S. Church Street, for a site in the O-C (Office Conversion) Zone. The subject parcel for Variance No. 2018-05 is located immediately east of the project site. If the variance request were denied the applicant would lose out on privileges granted to others in the same area.

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

The variance request is consistent with variance approvals given by the Planning Commission within vicinity of the project. Specifically in 2018 Variance No. 2018-05 was approved for the site immediately east of the project site, allowing for a 10-foot encroachment of a six-foot-tall wrought iron fence into a 15 ft. front yard setback.

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

The granting of a variance to fence height standards is not considered detrimental or injurious to the public health, safety or welfare, and properties in the vicinity. Right of way areas and pedestrian pathways will not be obstructed by the fence. The fencing will assist in improving safety onsite by reducing trespassing. Similar variances have been approved for areas in the vicinity of the project, specifically on the site immediately to the east, with no effects to the public wellbeing. Lastly, the fencing will also be constructed of wrought iron material, with compatible fencing typically permitted in the Historic District.

6. 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. 2022-07).

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

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2020-190.

2. That the use is developed in substantial compliance with the site plan shown in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and operational statement in Exhibit "D".
3. That the applicant shall comply with all conditions of the June 9, 2021, Historic Preservation Advisory Committee Item No. 2021-09 Approval Letter in Exhibit "F".
4. That all other Federal, State, Regional, and City codes and ordinances be met.

EXHIBIT "A"

OWNER

ST. GEORGE MANAGEMENT GROUP
 PO BOX 3500
 VISALIA, CA 93278
 CONTACT PERSON: DR. HANY NASR

ARCHITECT

THE NEIMAN GROUP

2930 WESTWOOD BOULEVARD, SUITE 100
 LOS ANGELES, CALIFORNIA 90064
 CONTACT PERSON: HANY NASR
 E-Mail: hneiman@theneimangroup.net

PH: (310) 207-8224

ARCHITECTURAL

A0.1 TITLE SHEET, PROJECT DATA
 A0.2 SITE/LANDSCAPING PLAN
 A1.0 DEMO PLAN
 A2.0 ELEVATIONS
 A3.0 ELEVATIONS

(5 SHEETS)



Interior
 Architecture
 Planning

2930 Westwood Boulevard
 Suite 200
 Los Angeles
 California 90064

Tel: (310) 207-8224
 Fax: (310) 207-8225
 Email: hneiman@theneimangroup.net
 Email: info@theneimangroup.net



PROJECT CONTACT INFO.

Scale NONE

7

BUILDING DEPARTMENT: CITY OF VISALIA BUILDING SAFETY DIVISION
 BUILDING CODE: 2019 CALIFORNIA BUILDING CODE AS ADOPTED BY THE CITY OF VISALIA
 2019 CALIFORNIA FIRE CODE
 2019 CALIFORNIA MECHANICAL CODE
 2019 CALIFORNIA ELECTRICAL CODE
 2019 CALIFORNIA PLUMBING CODE
 2019 CALIFORNIA ADMINISTRATIVE CODE
 & ALL CITY AMENDMENTS

VICINITY MAP

Scale NONE

4



SHEET INDEX

Scale NONE

1

PROPOSED SURGERY CENTER REMODEL IN AN EXISTING SINGLE STORY SURGERY CENTER. THERE WILL BE NO ADDED SQUARE FOOTAGE AS THE RESULT OF THIS PROJECT. THERE WILL BE NO CHANGE IN LANDSCAPING OR SITE AS A RESULT OF PROJECT.

REVISIONS	DATE
CUP SUBMITAL	11.22.22

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PROJECT TITLE

ST. GEORGE SURGERY CENTER REMODEL
 111 EAST NOBLE
 VISALIA, CA

CONDITIONAL USE PERMIT

SHEET TITLE

TITLE SHEET
 PROJECT DATA
 SITE PLAN

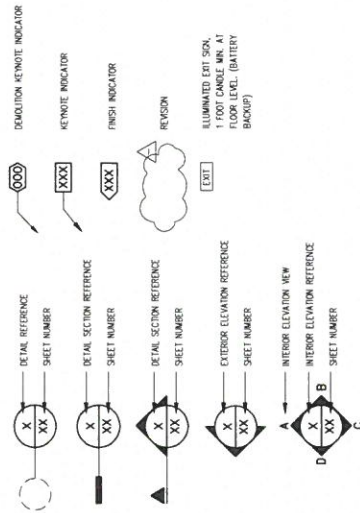
DATE	09.25.2020
SCALE	
PROJECT NO.	
DATE BY	CR
SHEET NO.	A0.1

APPLICABLE CODE SECTIONS

Scale NONE

8

SYMBOLS



PROJECT INFORMATION

Scale NONE

5

BUILDING AREA	EXISTING MEDICAL OFFICE BUILDING A SURGERY CENTER	5,200 SQ.FT. (NO WORK)	5,000 SQ.FT (UNCHANGED)
TOTAL BUILDING AREA (UNCHANGED)	10,200 SQ.FT. (UNCHANGED)		
PARKING REQUIRED			
MEDICAL OFFICE	51,000 SQ.FT.	5,200/200	26.00
SURGERY CENTER	411,000 SQ.FT.	5,000/250	20.00
TOTAL PARKING STALLS			46.00
PARKING PROVIDED			
STANDARD PARKING STALLS			26
COMPACT PARKING STALLS			19
HANDICAP PARKING STALLS			2
TOTAL PARKING STALLS			47

SCOPE OF WORK

Scale NONE

2

APN: 097 051-012-00
 PARCEL: 3 PAR MAP V31 P56PM
 ZONING: MIXED USE COMMERCIAL
 LOT/PARCEL AREA: 35,925 SQ. FT.

YARD SETBACKS:

FRONT: 15'-0"
 SIDE: 10'-0"
 REAR: 15'-0"
 LOT AREA
 35,925.15 sq. ft.

PARKING INFO

Scale NONE

6

SCOPE OF WORK

Scale NONE

9

LEGAL DESCRIPTION

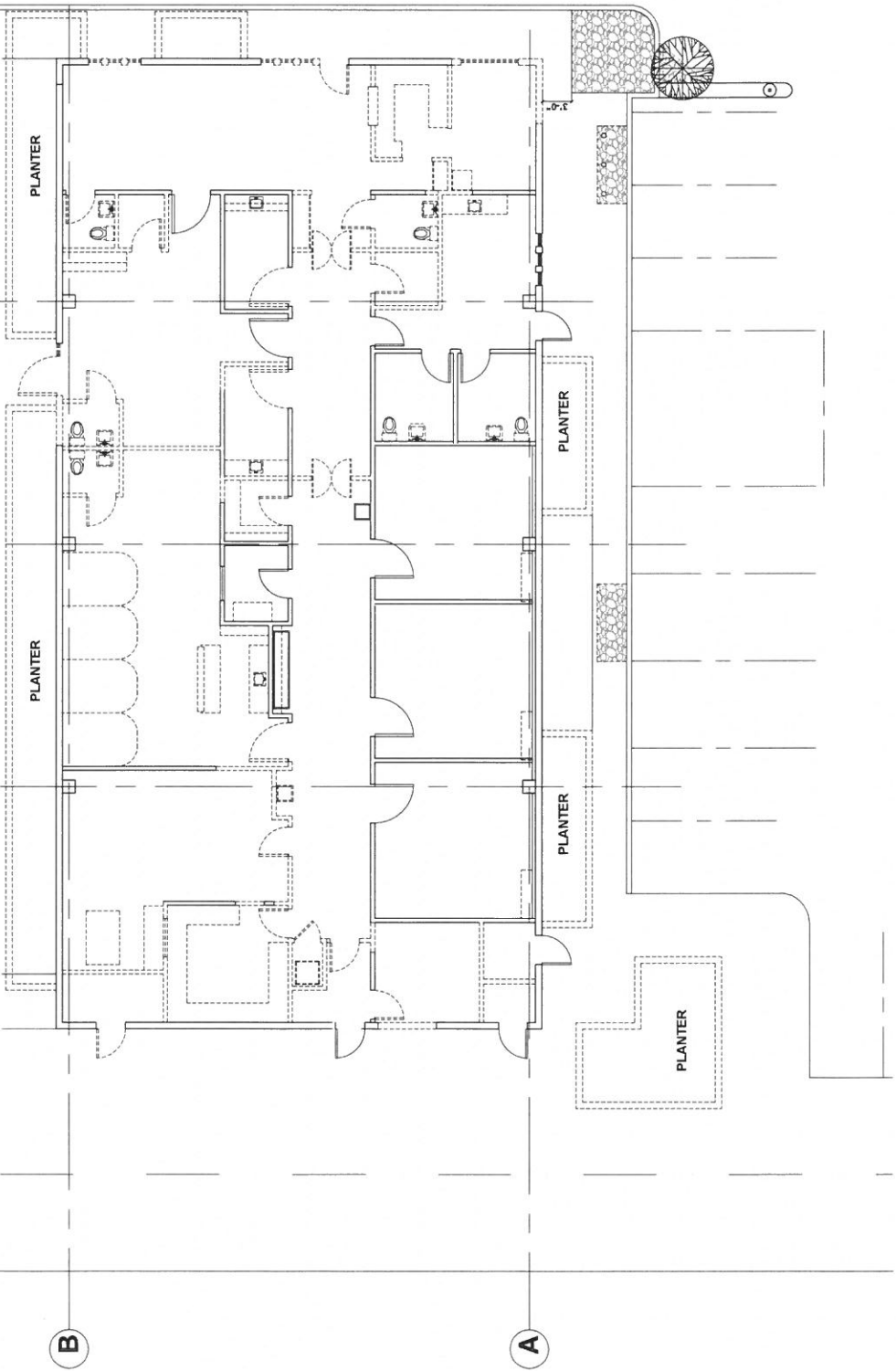
Scale NONE

3

EXHIBIT "B"

1 2 3 4 5

165'-4"



Scale 1/8"=1'-0"

1 DEMO FLOOR PLAN



Interior
Architectural
Planning

2030 Westwood Boulevard
Suite 200
Los Angeles
California 90064

Tel: (310) 207-8224
Fax: (310) 207-8225
Website: www.theneumangroup.net
Email: info@theneumangroup.net



REVISIONS

CIP SUBMITTAL	1.12.22

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PROJECT TITLE

ST. GEORGE SURGERY
CENTER REMODEL
111 EAST NOBLE
VISALIA, CA

CONDITIONAL USE PERMIT

SHEET TITLE

DEMO PLAN

DATE	09.25.2020	SHEET NO.	A1.0
SCALE			
PROJECT NO.			
DRAWN BY	CR		



REVISIONS

CLIP SUBMITTAL	1.12.22

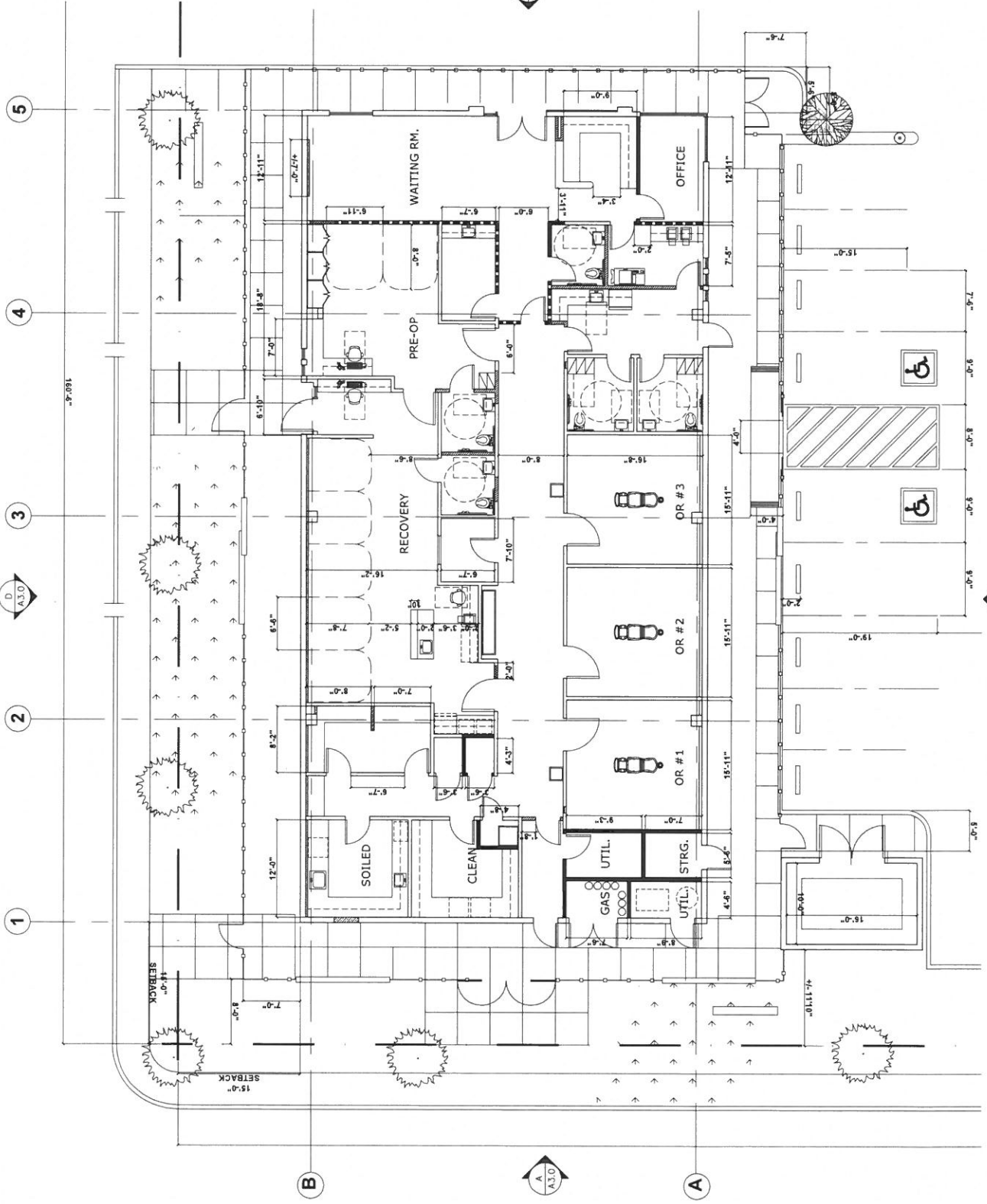
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PROJECT TITLE
**ST. GEORGE SURGERY
CENTER REMODEL
111 EAST NOBLE
VISALIA, CA**

CONDITIONAL USE PERMIT

SHEET TITLE
FLOOR PLAN

DATE	09.25.2020
SCALE	A2.0
PROJECT NO.	CR
DRAWN BY	BT



Scale
1/8"=1'-0"

PROPOSED FLOOR PLAN

EXHIBIT "D"

THE NEIMAN GROUP
Architecture.Interior Design.Planning

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www.theneimangroup.net

January 20, 2022

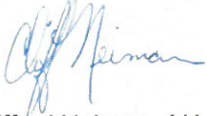
Cristobal Carrillo, Associate Planner
City of Visalia
Community Development Dept., Planning Division
Cristobal.Carrillo@visalia.city

Re: 111 E. Noble Visalia, CA | Conditional Use Permit

Mr. Carrillo,

The goal of the project is to re-license an existing 3 operating room suite Outpatient Surgery Center (ASC) within the C-MU zone. There will be no major changes from prior use and no change to the parking. There will be no additional area added to the facility. The intent of the project is to update the existing interior to conform to current code requirements and meet Disabled Access requirements. There will be upgrades to the mechanical, plumbing, and electrical systems so as to provide the services necessary to insure the highest level of patient care. The Center will focus on Spine and Pain Management health issues as well as related specialties. Previous review by HPAC approved the project's design intent of the building's exterior (June 9, 2021 No. 2021-09).

Sincerely,



Clifford Neiman, AIA

EXHIBIT "E"

THE NEIMAN GROUP
Architecture.Interior Design.Planning

2930 Westwood Boulevard, Suite 200
Los Angeles, California 90064
T: 310-207-8224
www.theneimangroup.net

February 15, 2022

Cristobal Carrillo, Associate Planner
City of Visalia
Community Development Dept., Planning Division
Cristobal.Carrillo@visalia.city

Re: 111 E. Noble Visalia, CA | Fence Variance

Mr. Carrillo,

The goal of the project is to re-license an existing 3 operating room suite Outpatient Surgery Center (ASC). There will be no major changes from prior use. There will be no additional area added to the facility. The intent of the project is to update the existing interior to conform to current code requirements and meet Disabled Access requirements. In the C-MU Zone fencing within the 15-foot front yard setback cannot exceed a maximum height of four feet. We propose placement of a six-foot tall primarily wrought iron fence approximately six feet into the 15-foot front yard setback. This places the fence eight feet from the property line fronting Noble Avenue. The proposes fencing at this location to protects employees and patients from persons wishing to trespass onsite as well as prevent break-ins during times when the building is unoccupied.

Findings:

1. Reduction in the height of the fence at its proposed location to four feet would reduce its effectiveness at combating trespassing. Relocation of the fence 15 feet from the front yard property line would also reduce the amount of site area available for private use by staff and patients. Both scenarios would pose a practical hardship for the applicant.
2. The site is also located along a busy thoroughfare well-traveled by vehicles. This poses an extraordinary circumstance not applicable to other sites.
3. Variances to front yard setbacks for fencing have been previously approved for other sites along the Noble Avenue corridor. The nearest example is for the medical building located immediately east of the project site, for which a 10-foot encroachment into the front yard setback was approved. If the variance request were denied the applicant would lose out on privileges granted to others in the same area.
4. Granting of the variance would be consistent with requests made my adjacent buildings in the same zone. This would not pose as a special grant.
5. Lastly, placement of the fence eight feet from the property line would not harm the public wellbeing as the fence would not be a physically or visually obstruct right of way areas.

Previous review by HPAC approved the fence for design intent (June 9, 2021 No. 2021-09), but recommended that the Planning department also review and approve the proposed fence variance. Furthermore, the historic character of the site and surrounding area would not be affected due to the properties lack of historic elements and relative separation from the historic neighborhood to the south.

Sincerely,



Clifford Neiman, AIA

EXHIBIT "F"

City of Visalia

315 East Acequia Ave., Visalia, CA 93291

June 9, 2021

Cliff Neiman
2930 Westwood Blvd., #200
Los Angeles, CA 90064



*Community
Development*

Planning Division

Tel: (559) 713-4359 Fax: (559) 713-4814

RE: Historic Preservation Advisory Committee No. 2021-09 (111 E. Noble Avenue)

On May 26, 2021, the Historic Preservation Advisory Committee (HPAC) reviewed your request for a Conditional Use Permit and Variance to remodel an existing building and establish an outpatient surgery center, with a six-foot-tall wrought iron fence within the front yard setback, located at 111 E. Noble Avenue (APN: 097-051-012). The HPAC approved the building remodel and wrought iron fence designs, and recommended approval of the Conditional Use Permit and Variance requests to the Visalia Planning Commission based upon the following findings and conditions:

Findings:

1. The building is within the Historic District but is not listed in the Local Register of Historic Structures.
2. That the design of the building and fencing will be in keeping with the purpose and intent of the Historic Preservation Element and Ordinance.
3. That the character of the building and fencing is consistent with the surrounding Noble Avenue streetscape.
4. That the proposal will not be injurious to the surrounding properties or character of the Historic District due to its compatibility with the Noble Avenue commercial corridor and relative separation from the historic neighborhood to the south.
5. That the Conditional Use Permit request for the outpatient surgery center use is consistent with the Zoning Ordinance, Historic Preservation Element, and Historic Preservation Ordinance.
6. That the Variance request for a six-foot encroachment into the 15-foot front yard setback along Noble Avenue, for a six-foot-tall wrought iron fence is consistent with the Historic Preservation Element, Historic Preservation Ordinance, and meets the required findings for a Variance as listed within Visalia Municipal Code Section 17.42.090.

Conditions:

1. That the project be carried out consistent with site plan in Exhibit "A", elevations in Exhibit "B" and "C", and operational statement in Exhibit "E".
2. That any signage proposed for the site be brought before the Historic Preservation Advisory Committee for additional review.
3. That the screening walls for the generator and trash enclosure match the design of the exterior of the surgery center building.
4. That the applicant complies with all requirements of Site Plan Review No. 2020-190.
5. That any significant changes in the operation of the proposed use, or any changes to the exterior of onsite structures, be brought back to the Historic Preservation Advisory Committee prior to any review by the Planning Commission and/or issuance of a Building Permit.
6. That the project undergoes the appropriate City permitting process.
7. That all other City codes and ordinances be met.



RECYCLED PAPER

City of Visalia

315 East Acequia Ave., Visalia, CA 93291

Community Development Planning Division

Tel: (559) 713-4359 Fax: (559) 713-4814

There is a 10 day appeal period for this action from the date of approval. No permits may be issued until the appeal period has lapsed with no appeal of the action. Following completion of the appeal period, a Conditional Use Permit and Variance shall be filed for review and approved by the Visalia Planning Commission, and a Building Permit obtained from the City of Visalia prior to the commencement of any work onsite.

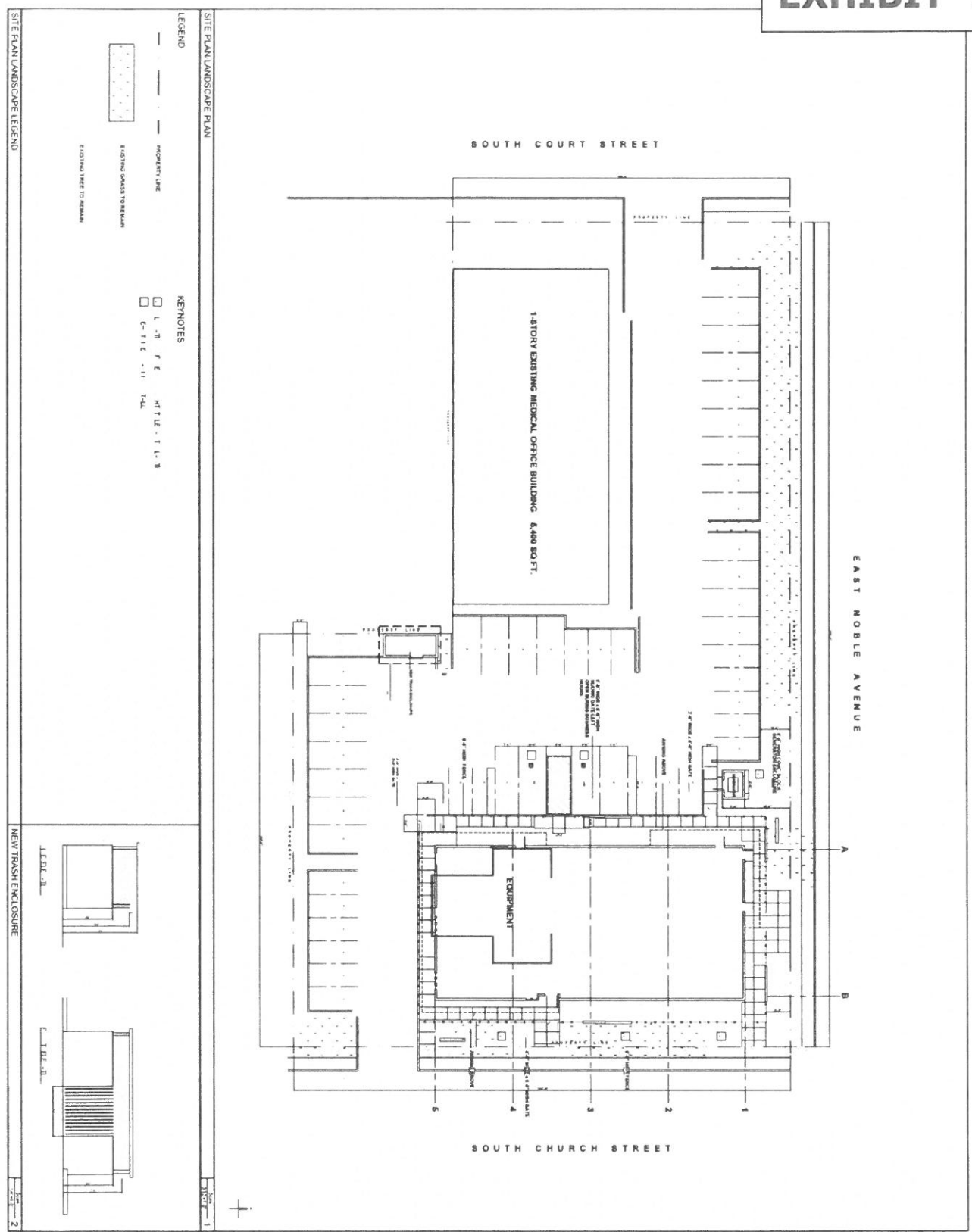
If you have any questions, please contact me at (559) 713-4443 or e-mail cristobal.carrillo@visalia.city

Regards,



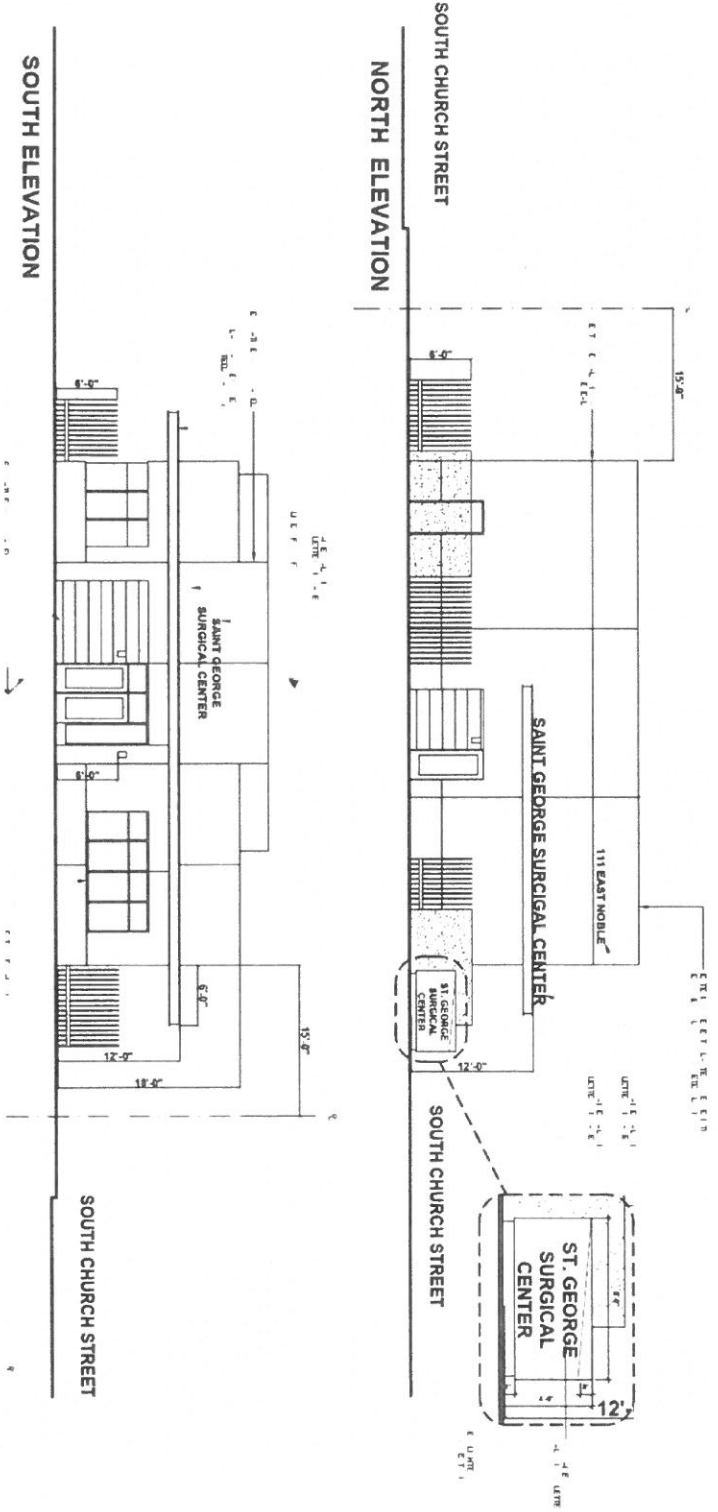
Cristobal Carrillo,
Associate Planner

EXHIBIT "A"

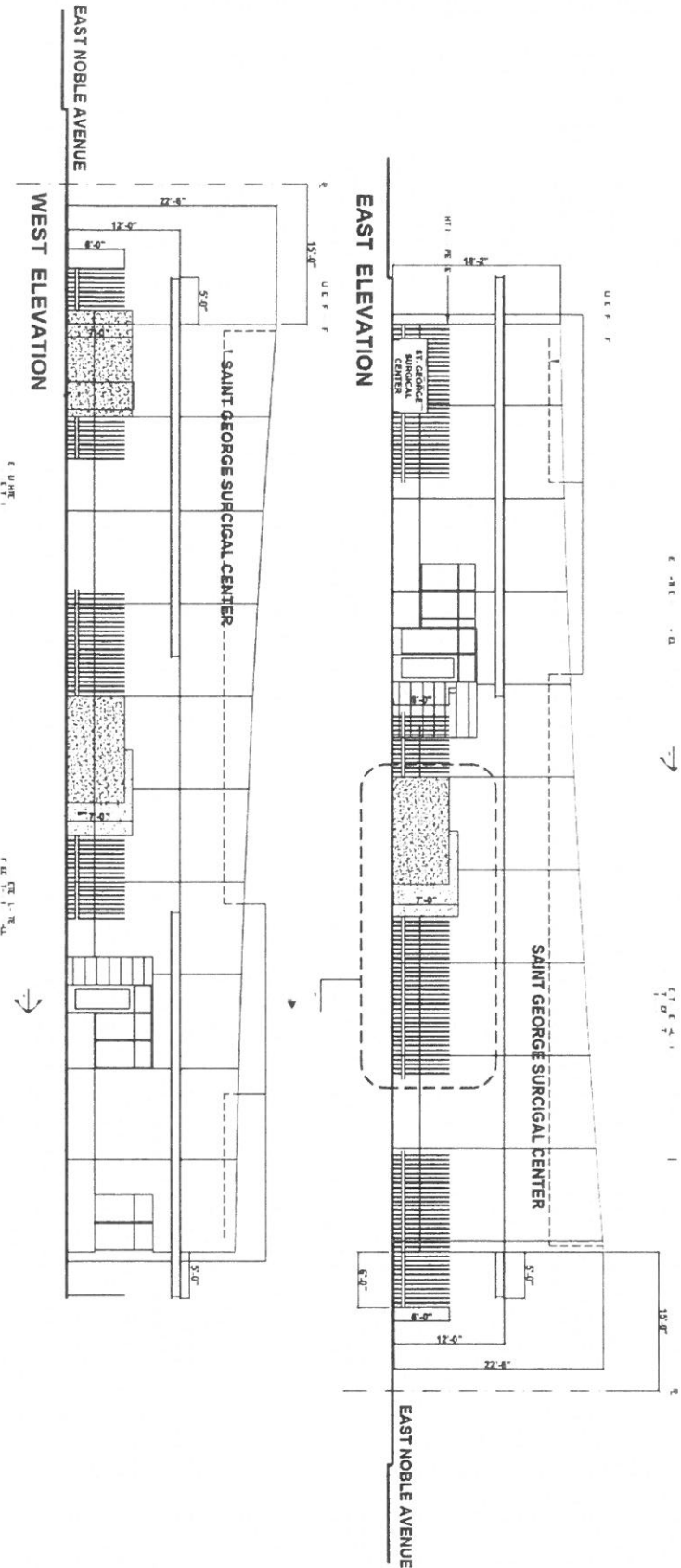


HPAC 2021-09 - 111 E. Noble Avenue - Outpatient Surgery Center CUP and Variance
 Outpatient Surgery Center - CUP and Fence Variance

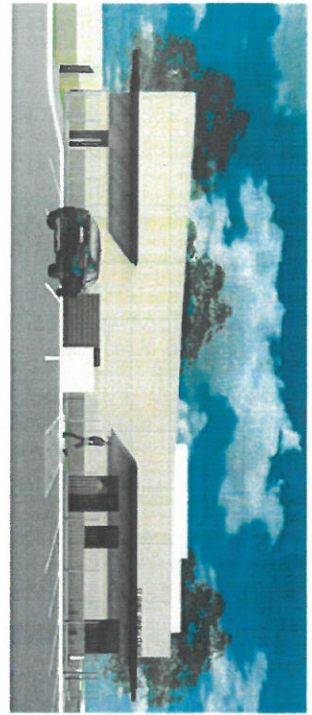
EXHIBIT "B"



HPAC 2021-09 - 111 E. Noble Avenue - Outpatient Surgery Center CUP and Variance Outpatient Surgery Center - CUP and Fence Variance

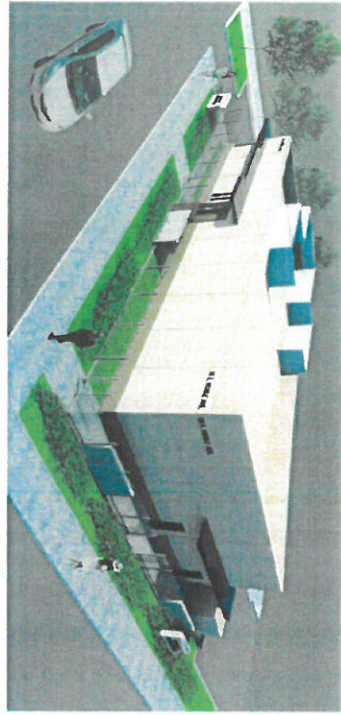
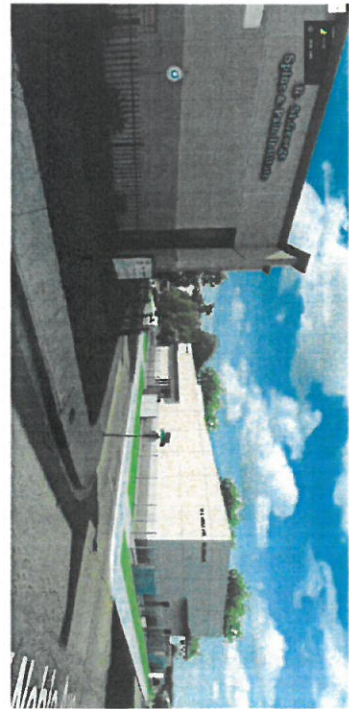


HPAC 2021-09 - 111 E. Noble Avenue - Outpatient Surgery Center CUP and Variance
 Outpatient Surgery Center - CUP and Fence Variance



ELEVATION

2 VIEW FROM NOBLE AVE.



ELEVATION

4 VIEW FROM CHURCH ST

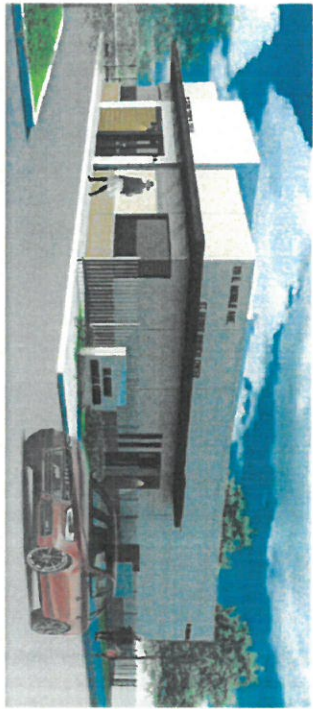


EXHIBIT "E"

THE NEIMAN GROUP
Architecture.Interior Design.Planning

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Los Angeles, California 90064
T: 310-207-8224
www.theneimangroup.net

December 23, 2020

Cristobal Carrillo, Associate Planner
City of Visalia
Community Development Dept., Planning Division
Cristobal.Carrillo@visalia.city

Re: 111 E. Noble Visalia, CA

Mr. Carrillo,

The goal of the project is to re-license an existing 3 operating room suite Outpatient Surgery Center (ASC). There will be no major changes from prior use. There will be no additional area added to the facility. The intent of the project is to update the existing interior to conform to current code requirements and meet Disabled Access requirements. There will be upgrades to the mechanical, plumbing, and electrical systems so as to provide the services necessary to insure the highest level of patient care. The existing late 1970's exterior design will be revamped to convey the confidence of a "State of the Art" medical treatment facility which will be providing the highest level of innovative care. The proposed hours of operation will be from 10am to 6pm on Monday and Thursday for a total of 16 hours a week. The Center will focus on Spine and Pain Management health issues as well as related specialties.

Sincerely,



Clifford Neiman, AIA

Environmental Document No. 2022-07

NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2022-04 and Variance No. 2022-01

PROJECT TITLE

111 East Noble Avenue (APN: 097-051-012)

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION – CITY

COUNTY

A request for a Conditional Use Permit and Variance to remodel an existing building and establish an outpatient surgery center, with a six-foot-tall wrought iron fence within the front yard setback, for a site within the C-MU (Mixed Use Commercial) Zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Cliff Neiman, The Neiman Group Architects, 2930 Westwood Blvd., #200, Los Angeles CA 90064, (310) 207-8227, cneiman@theneimangroup.net

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Cliff Neiman, The Neiman Group Architects, 2930 Westwood Blvd., #200, Los Angeles CA 90064, (310) 207-8227, cneiman@theneimangroup.net

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, Existing Facilities**
- Statutory Exemptions- State code number:

A request to establish a surgery center within an existing building.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

(559) 713-4443

CONTACT PERSON

AREA CODE/PHONE

DATE

**Brandon Smith, Senior Planner
ENVIRONMENTAL COORDINATOR**



January 13, 2021

cnelman@theneimangroup.net

Site Plan Review No. 20-190:

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 **November 25, 2020**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

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

Respectfully,

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

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

Attachment(s):

- Site Plan Review Comments



#5

MEETING DATE: November 25, 2020

SITE PLAN NO. 20-190

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

HISTORIC PRESERVATION

OTHER: _____

ADDITIONAL COMMENTS :

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

Site Plan Review Committee

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 25, 2020

ITEM NO: 5

SITE PLAN NO: SPR20190
PROJECT TITLE: St George Management Group LLC
DESCRIPTION: Proposed Surgery Center Remodel 2nd Story Addition (C-MU)
APPLICANT: Clifford Neiman
OWNER: ST GEORGE MANAGEMENT GROUP LLC
APN: 097051012
LOCATION: 111 E NOBLE AVE

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

Date: 11-20-20
 Item: # 5
 Site Plan: 20-190
 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:

- Line of Sight Issues:

- Other Concerns:

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/>	Adrian Rubalcaba	713-4271
<input checked="" type="checkbox"/>	Lupe	713-4197

ITEM NO: <u>5</u>	DATE: <u>11-25-20</u>
SITE PLAN NO.:	20-190
PROJECT TITLE:	St George Management Group LLC
DESCRIPTION:	Proposed Surgery Center Remodel 2 nd Story Addition
APPLICANT:	Clifford Neiman
PROP OWNER:	St George Management Group LLC
LOCATION:	111 E Noble
APN:	097-051-012

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. Impact fees may be applicable of 2nd story is desired, additional SPR will be necessary***
- 2. Any modifications to site shall meet City standards***
- 3. Accessible pedestrian access to site from public right of way required.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 20-190
Date: 11-25-20

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:9-1-20)
(Project type for fee rates:Medical)

Existing uses may qualify for credits on Development Impact Fees.

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



Lupe Garcia

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: November 25, 2020

SITE PLAN NO: 2020-190
PROJECT TITLE: St. George Surgery Center
DESCRIPTION: Proposed Surgery Center Remodel (C-MU)
APPLICANT: Clifford Nelman
PROP. OWNER: St. George Management Group LLC
LOCATION TITLE: 111 E. Noble Avenue
APN TITLE: 097-051-012
GENERAL PLAN: Commercial Mixed Use
EXISTING ZONING: C-MU (Commercial Mixed-Use)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

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

Project Requirements

- Historic Preservation Advisory Committee Review
- Conditional Use Permit
- Setback Variance
- Building Permit
- Additional requirements as necessary.

PROJECT SPECIFIC INFORMATION: November 25, 2020

1. The project site is within the Historic District. Any proposal for a Variance, physical alteration of a building, addition of signage, and/or placement of fencing on the project site, shall undergo review by the Historic Preservation Advisory Committee (HPAC) prior to review by the Planning Commission and/or Building Permit issuance.
2. Out Patient Surgery Centers are conditionally permitted in the C-MU Zone. The applicant will need to apply for a Conditional Use Permit, seeking the approval of the Planning Commission at a public hearing.
3. The site plan does not describe the height of the fence proposed along Noble Avenue. Fencing within the front yard setback (15ft) shall be no taller than four feet if open by at least 50%. A Setback Variance shall be submitted to permit a non-compliant fence in the proposed location. [Precedence for approval of such a request exists within the vicinity of the project site. However, this does not indicate that approval is guaranteed.]
4. Provide elevations of the building, fencing, and signage proposed for both HPAC and Planning Commission review.
5. Provide a detailed Site Plan identifying the project sites (including property lines), any buildings, and parking areas for both HPAC and Planning Commission review. The Site Plan shall provide accurate building square footages.
6. Provide a detailed Floor Plan for both the first and second floor for both HPAC and Planning Commission review.
7. Provide a detailed Operational Statement for both HPAC and Planning Commission review, detailing the existing and proposed operations onsite.
8. The proposed canopy along Noble Avenue can encroach up to six feet into the required 15 foot front yard setback.

9. The proposed generator along Noble Avenue shall be screened from view of the public right of way.
10. A Building Permit shall be obtained for any development work onsite.

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.

Parking:

1. Provide parking spaces based Zoning Ordinance Section 17.34.020
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot.
3. Provide handicapped space(s).
4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking.
5. A planter is required every other row. (5-9 feet in width containing trees on twenty (20) foot centers.
6. No repair work or vehicle servicing allowed in a parking area.
7. It is highly recommended that bicycle rack(s) be provided on site plan.
8. No parking shall be permitted in a required front/rear/side yard.
9. Design/locate parking lot lighting to deflect any glare away from abutting residential areas.
10. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street or when across from residential property.
11. Front carport area to have a 3 to 6-foot tall screening wall.
12. Provide shopping cart storage areas on site plan.

13. Provide transit facilities on site plan.
14. Provide shared parking/access agreements
15. Provide off-street loading facility.
16. The project should provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant vehicle work trips. The preferential treatment could include covered parking spaces or close-in parking spaces, or designated free parking, or a guaranteed space for the vehicle.
17. Provide a "No Parking" (dead-head) stall at the end of the parking row (for rows over 6 stalls deep with no outlet) to allow vehicles to turn around rather than backing out if no stalls are available.

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide second-story screening for all windows that may intrude into adjacent residential properties. Details and cross-sections will be required to be reviewed and approved prior to issuance of building permits (Zoning Ordinance Section 17.30.130.F).
3. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
4. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
5. Outdoor retail sales prohibited.
6. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.
7. All outdoor storage areas are to be identified on the site plan and they are to be shown with screening (fencing). No materials may be stored above the storage area fence heights (Zoning Ordinance Section 17.30.130.F).
8. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
9. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

Landscaping:

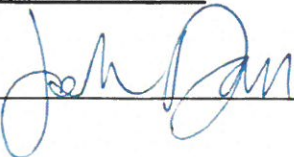
1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.015-2).

3. In the P(R-M) multi-family residential zone, all multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained. (Zoning Ordinance Section 17.16.180)
4. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
5. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
6. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
7. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
8. Provide a detailed landscape and irrigation plan for review prior to issuance of building permits. Please review Zoning Ordinance section 17.30.130-C for current landscaping and irrigation requirements.
9. Provide a conceptual landscape plan for resubmittal or planning commission review.
10. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
11. Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

Lighting:

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

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.



Signature



SPR No. 2020-190

SPR 20140
SURGERY CENTER
111 E NOBLE AVE

City of Visalia
Building: Site Plan
Review Comments

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities. *20% OF 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: ALL EXTERIOR GATE ACCESSSES SHALL BE FULLY ACCESSIBLE FOR PEOPLE WITH DISABILITIES.
PROVIDE BUILDING GROUP OCCUPANCY AND TOTAL OCCUPANT LOAD. IN BUILDINGS WITH AN OCCUPANT LOAD OF 50 OR MORE ALL EXIT DOORS SHALL SWING IN THE DIRECTION OF REGRESS. IN GROUP "I" OCCUPANCY TYPE 13 FIRE SPRINKLER SHALL BE PROVIDED THROUGHOUT. PROVIDE MANUAL AND AUTOMATIC FIRE ALARM SYSTEM.

VAL GARCIA 11/25/20



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

Date	November 25, 2020
Item #	5
Site Plan #	20190
APN:	097-051-012

- 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.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2019 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation. 2019 CFC 506.1

Corbin Reed
Fire Marshal



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

Date: 11-20-20
 Item: # 5
 Site Plan: 20-190
 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

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

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

- Access Controlled / Restricted etc.:

- Lighting Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 25, 2020

ITEM NO: 5

SITE PLAN NO SPR20190
PROJECT TITLE St George Management Group LLC
DESCRIPTION Proposed Surgery Center Remodel 2nd Story Addition (C-MU)
APPLICANT Clifford Neiman
OWNER ST GEORGE MANAGEMENT GROUP LLC
APN 097051012
LOCATION 111 E NOBLE AVE

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

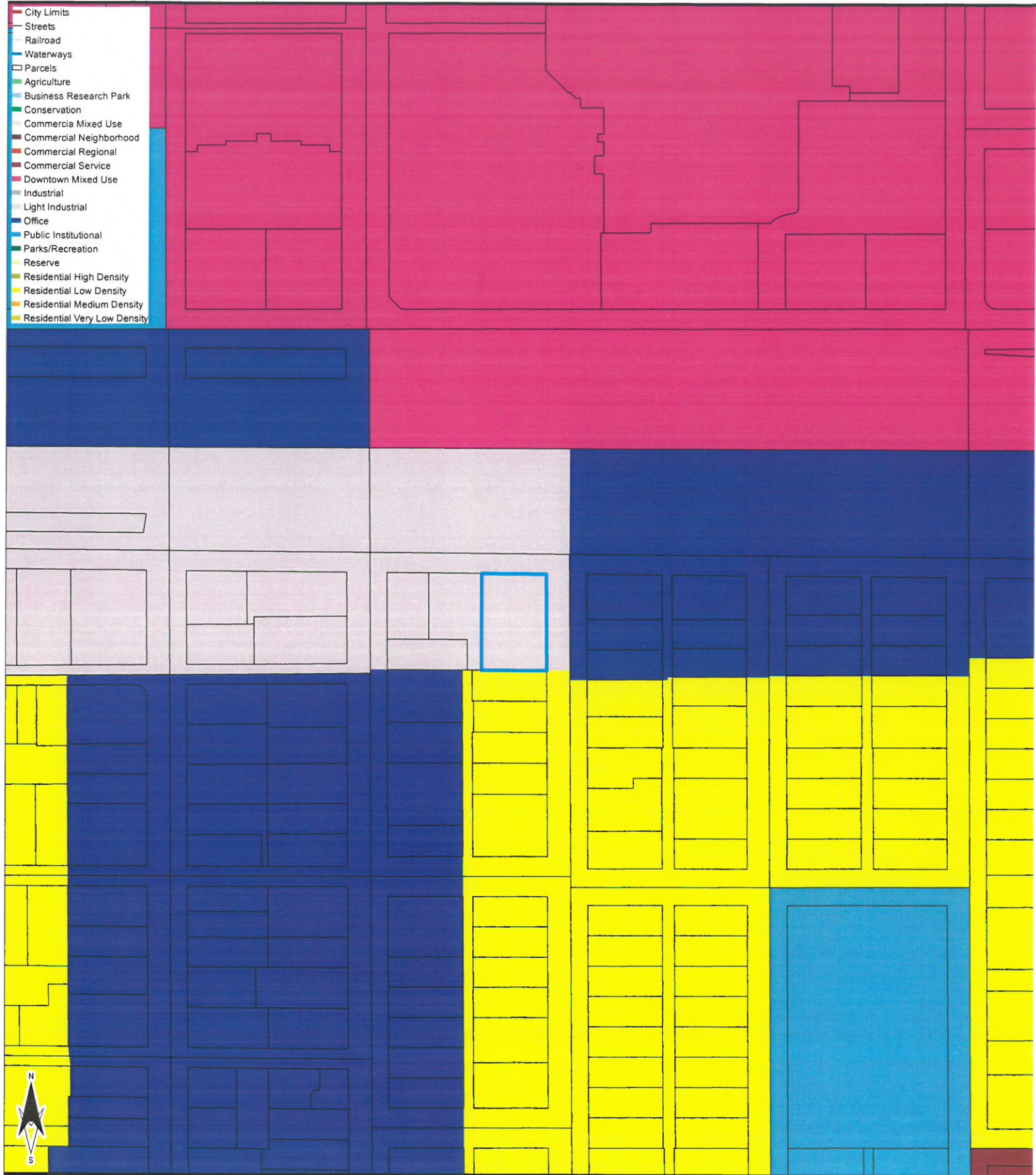
- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis 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:

•

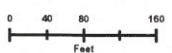
Leslie Blair

Leslie Blair



**St. George Surgery Center
 Conditional Use Permit
 No. 2022-04
 Variance
 No. 2022-01**

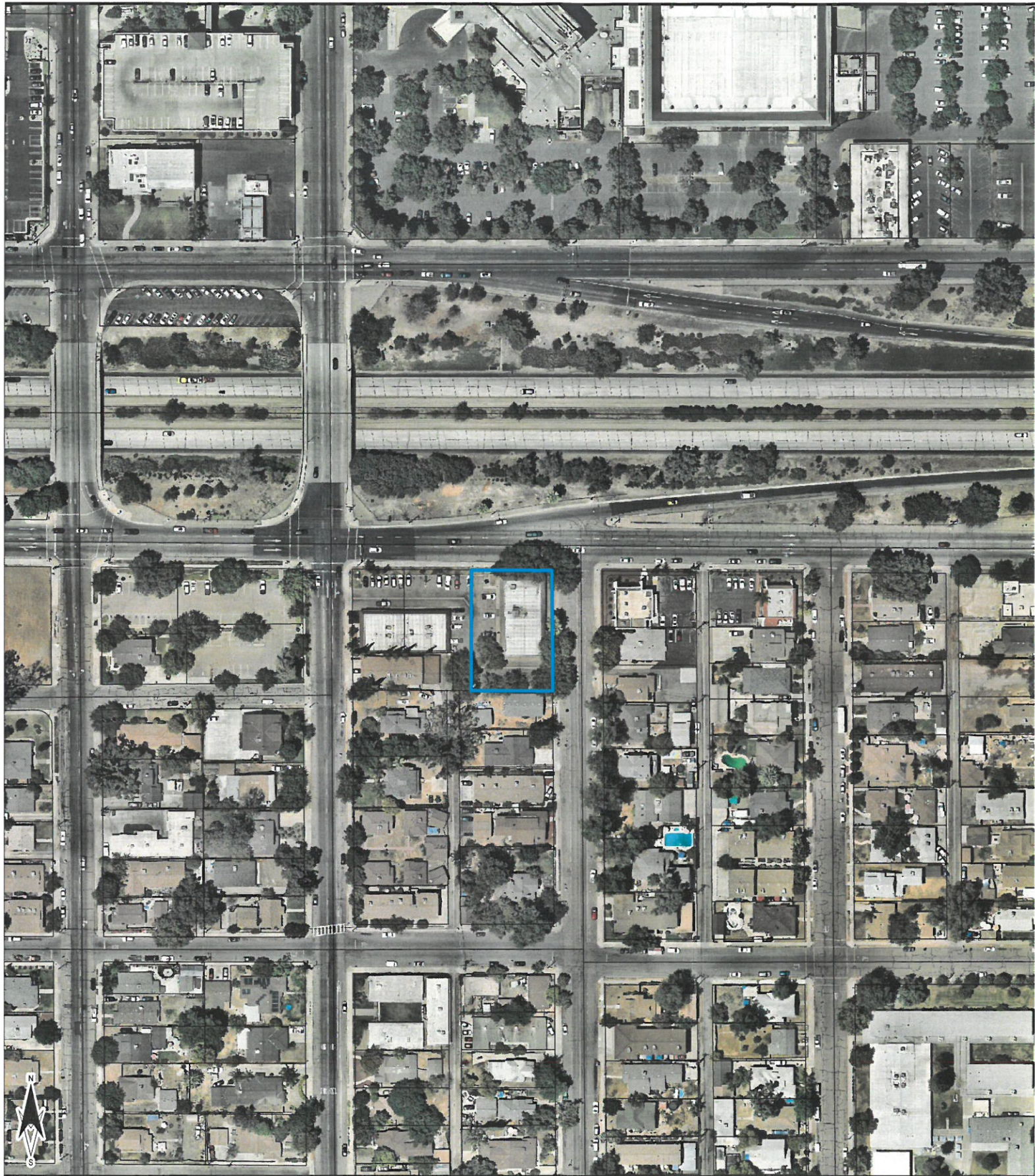
GENERAL PLAN LAND USE MAP





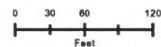
St. George Surgery Center
Conditional Use Permit
No. 2022-04
Variance
No. 2022-01
ZONING MAP

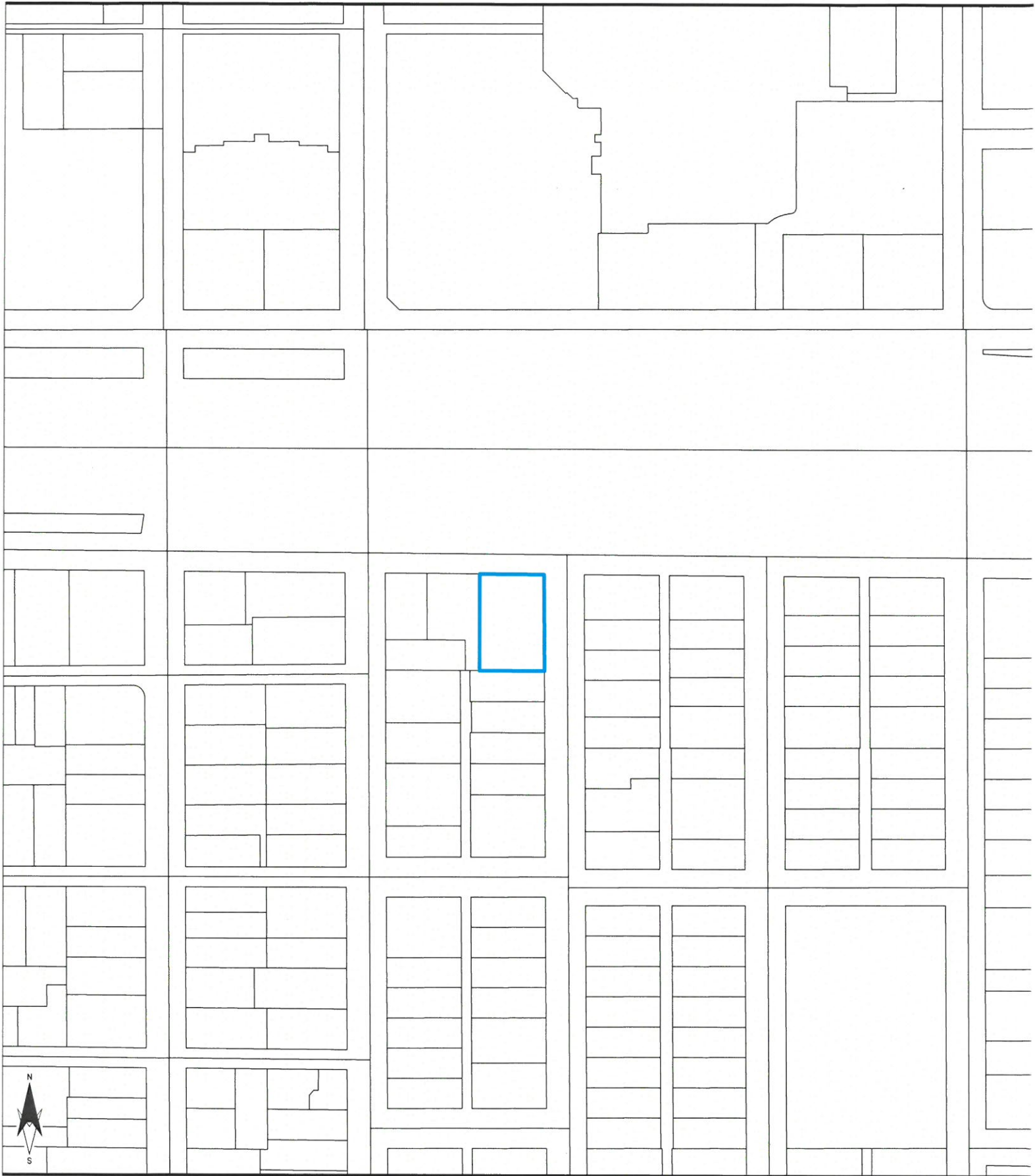




**St. George Surgery Center
Conditional Use Permit
No. 2022-04
Variance
No. 2022-01**

-  City Limits
-  Streets
-  Railroad
-  Waterways
-  Parcels

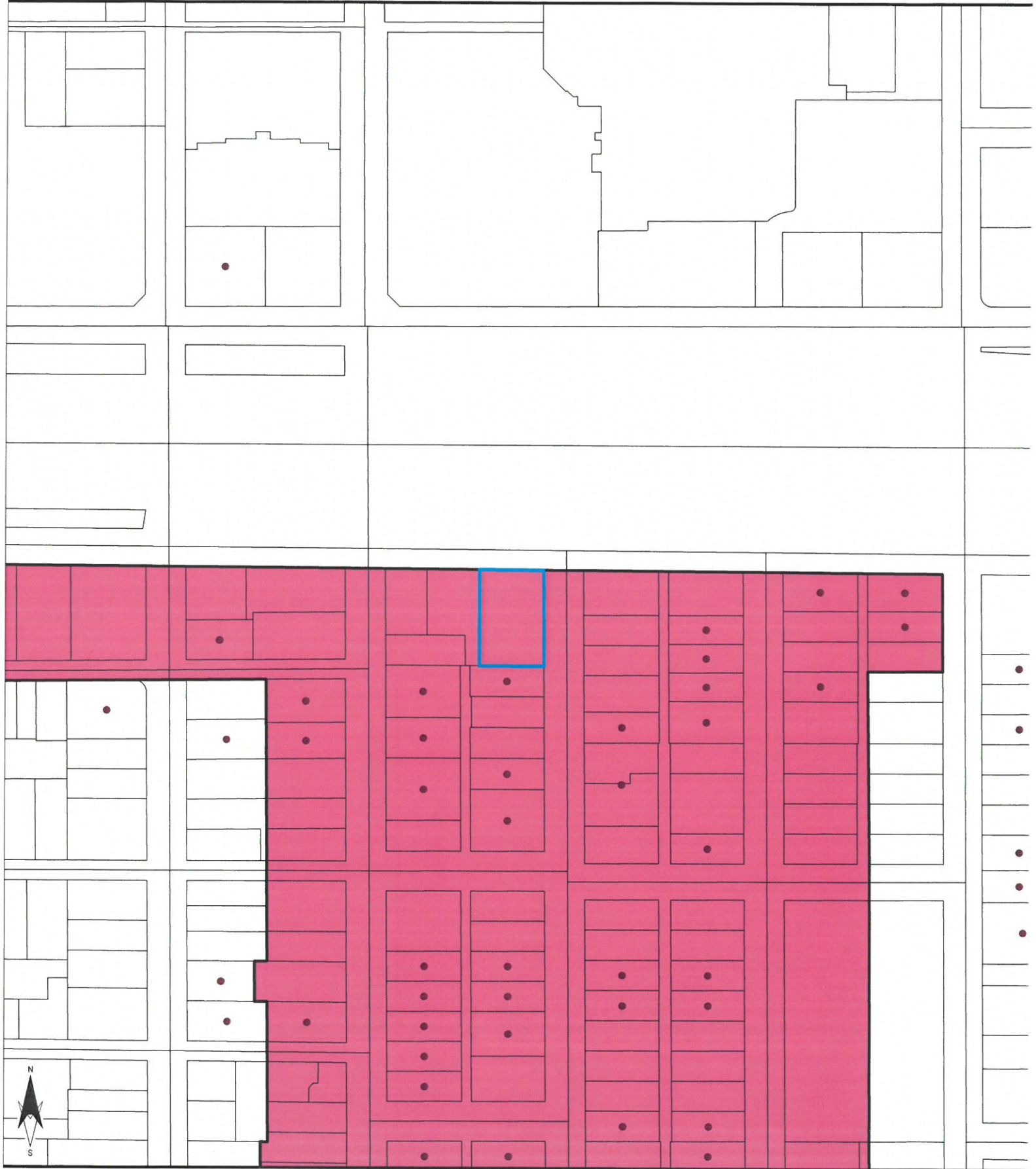




St. George Surgery Center
Conditional Use Permit
No. 2022-04
Variance
No. 2022-01
 LOCATION MAP



- City Limits
 - Streets
 - Railroad
 - Waterways
 - Parcels
- 0 40 80 100
Feet



St. George Surgery Center
Conditional Use Permit
No. 2022-04
Variance
No. 2022-01

- Local Registry
- City Limits
- Streets
- Railroad
- Waterways
- Parcels
- Historical District

