

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Marvin Hansen



VICE CHAIRPERSON:
Adam Peck

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

MONDAY, DECEMBER 12, 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.
 - a. Finding of Consistency No. 2022-003: A request by Lovejot Singh and Jason Scott to modify Conditional Use Permit No. 1994-19 to demolish and rebuild an existing convenience store within the D-MU (Downtown Mixed Use) Zone. The project site is located at 540 North Court Street (APN: 094-261-026).
6. PUBLIC HEARING – (Continued from November 14, 2022) Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2021-21: A request by Scott A. Mommer Consulting to establish a Fastrip convenience store and gasoline service station with a drive-thru lane in the C-MU (Mixed-Use Commercial) Zone. The project site is located at 2800 S. Mooney Boulevard, on the southeast corner of West Whitendale Avenue and South Mooney Boulevard (APN: 122-320-078).

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-09 (State Clearinghouse # 2022100244) be adopted.

7. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2022-29: A request by Lane Engineers on behalf of MB Developers LC, to develop a 1.53-acre parcel with a new 2,338 sq. ft. Chipotle Restaurant with a drive-thru pickup lane for online orders only within the Plaza Business Park Master Planned development located in the Business Research Park (BRP) Zoning District. The project site is located on the east side of Plaza Drive approximately 500 feet north of Crowley Avenue (APN: 081-160-014). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2022-61.

8. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2022-31: A request by RP Investments, LP to establish a planned commercial development by creating parcels with less than the minimum five-acre requirement in the C-MU (Commercial Mixed Use) zone. The project site is part of the Orchard Walk West Shopping Center master planned development and is specifically located on the south side of Sedona Avenue approximately 300 feet west of Dinuba Boulevard (APN: 078-120-053). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2022-63.

Tentative Parcel Map No. 2022-08: A request by RP Investments, LP to subdivide a 4.29-acre parcel within the C-MU (Commercial Mixed Use) Zoning District into two parcels to facilitate the development of future retail buildings. Parcel One will be 2.82-acres while Parcel 2 will be 1.47-acres. The project site is part of the Orchard Walk West Shopping Center master planned development and is specifically located on the south side of Sedona Avenue approximately 300 feet west of Dinuba Boulevard (APN: 078-120-053). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2022-63.

9. PUBLIC HEARING – Annalisa Perea, Senior Planner QK, Inc., Planning Consultant to the Planning Division

Conditional Use Permit No. 2022-15: A request by 7Ten Properties LLC, to establish an outdoor event venue use on a 1.95-acre site improved with an outdoor lawn area, paved surface, and bathroom facilities in the QP (Quasi-Public) Zone. The property will be operated in conjunction with an on-site building that allows for the operation of a variety of indoor venues. The site is located at 4211 W. Goshen Avenue on southwest corner of Goshen Avenue and Chinowth Street. (APN: 085-630-003 and 085-630-001). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant, subject to mitigation, and that Mitigated Negative Declaration No. 2022-30 (State Clearinghouse # 2022110351) be adopted.

10. PUBLIC HEARING – Brandon Smith, Principal Planner

Temporary Conditional Use Permit No. 2022-32: A request by Visalia Homeless Center to operate a temporary overnight warming center through March 15, 2023, within an existing building located in the C-S (Service Commercial) Zoning Designation. The site is located at 701 E. Race Avenue, on the southwest corner of Race Avenue and Burke Street (APN: 094-100-022). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2022-67.

11. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. The next Planning Commission meeting is January 9, 2023.
- b. Update on City Council direction regarding Agricultural Preservation Ordinance.
- c. Victory Oaks Annexation submitted for LAFCO’s January 2023 meeting.
- d. City Hall Offices closed December 23rd & 26th and January 2nd.

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, DECEMBER 22, 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, JANUARY 9, 2023



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: December 12, 2022

PROJECT PLANNER: Brandon Smith, Principal Planner
Phone No.: (559) 713-4636
E-mail: brandon.smith@visalia.city

SUBJECT: Temporary Conditional Use Permit No. 2022-32: A request by Visalia Homeless Center to operate a temporary overnight warming center, within an existing building located in the C-S (Service Commercial) Zoning Designation. The site is located at 701 E. Race Avenue, on the southwest corner of East Race Avenue and North Burke Street (APN: 094-100-022).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Temporary Conditional Use Permit No. 2022-32, as conditioned. The recommendation is based on the submittal of an operational plan and security plan that has been refined and utilized in past years at the St. Paul's Episcopal Church facility and last year at the Abounding Grace Church, resulting in an operation with minimized land use compatibility issues.

RECOMMENDED MOTION

I move to approve Temporary Conditional Use Permit No. 2022-32, based on the findings and conditions in Resolution No. 2022-66.

PROJECT DESCRIPTION

Visalia Homeless Center has filed an application on November 29, 2022 for a Temporary Conditional Use Permit (TCUP) to operate a winter warming center at the former Police Activities League (PAL) facility owned by the City of Visalia located at the southwest corner of East Race Avenue and North Burke Street (see plans attached as Exhibits "A" and "B" and operation statement attached as Exhibit "C"). The applicant proposes to operate the warming center utilizing the same operating plans utilized at the Abounding Grace Church during the last operating season of the warming center (2021/2022) and before that at the St. Paul's Episcopal Church. This request, if approved, would be this location's first utilization as a winter season warming center and the applicant's third location operating a warming center.

The warming center operation will utilize the entire PAL building and the surrounding grounds bound by a chain-link fence. The operation will not provide cots, beds, or meals. Mats, blankets, hot drinks, and snacks will be provided to guests, along with on-site assistance from partnering agencies for medical and mental health needs. The facility will be staffed by one paid oversight staff and will be assisted by volunteers from various community groups. A security guard will be on duty each night from one hour before the warming center opens to one hour after the warming center closes. A safety / security plan attached as Exhibit "D" shall be implemented for the warming center operation that ensures safety for patrons of the warming center and properties surrounding the area. The operation includes an outdoor storage area comprised of two storage containers located in the parking lot for individuals' personal belongings, more fully described in the operational statement included in Exhibit "C".

The warming shelter is proposed to operate daily from 9:00 p.m. to 7:00 a.m., from the date of TCUP issuance through February 28, 2023, according to the operation statement.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Service Commercial
Zoning:	C-S (Service Commercial)
Surrounding Land Use and Zoning:	North: C-S (Service Commercial) – Race Avenue, service commercial businesses South: C-MU (Commercial Mixed Use) – City property / former Caltrans maintenance yard East: C-MU (Commercial Mixed Use) – City property / storage yard, Burke Street, Farm Bureau stockyards West: C-MU (Commercial Mixed Use) – City property / storage yard
Environmental Review:	Ministerial Exempt
Special Districts:	None
Site Plan:	2022-191

RELATED PROJECTS

In 2017, St. Paul's Episcopal Church located at 120 N. Hall Street operated a warming center under Temporary Conditional Use Permit No. 2017-74, issued administratively by the Planning Division on December 28, 2017. The permit expired on March 28, 2018.

In 2018, St. Paul's Episcopal Church operated a warming center under Temporary Conditional Use Permit No. 2018-85, issued by the Planning Commission on appeal on December 19, 2018, upholding the Planning Division's administrative issuance of a permit. The Commission's decision revised certain conditions of the TCUP. The permit expired on March 1, 2019.

In 2019, St. Paul's Episcopal Church operated a warming center under Temporary Conditional Use Permit No. 2019-63, approved by the Planning Commission following a public hearing on December 18, 2019. The permit expired on February 28, 2020.

In 2021, the applicant operated a warming center under Temporary Conditional Use Permit No. 2021-40, approved by the Planning Commission following a public hearing on December 1, 2021. The permit expired on February 28, 2022.

The City Council, on December 5, 2022, authorized funding assistance and a lease of the PAL facility through April 1, 2023 to the applicant to operate a warming center.

PROJECT EVALUATION

The staff recommendation for the Planning Commission to approve the TCUP is based on the inclusion of conditions of approval and security measures intended to address any potential concerns regarding illicit activity, loitering, nuisance issues and security for the duration of the event.

The recommended conditions of approval at the end of this report are the same set of operating conditions and security plan as placed upon the last two approved TCUPs filed for a warming center, which resulted in clear and concise security measures that effectively managed any

potential issues that could have arisen if these measures were not in place. This is explained further under the Warming Center Background section below.

Site Description and Surrounding Land Uses

The site being utilized for the warming center consists of an approximately 3,600 square foot building on an approximately 25,000 square foot (0.6 acre) enclosed property, being a portion of a larger parcel. The site has not been continuously occupied for two years or more. The site is accessed by one rolling gate facing onto Race Street, which can be shut during non-operating hours. As depicted in the floor plan included as Exhibit "B", the building contains three separate rooms that can accommodate guests as well as restrooms and an office. City officials have inspected the property and determined that up to 72 persons (guests and staff) can be accommodated within the building based on occupancy load calculations.

Properties immediately surrounding the site consist of service commercial businesses to the north and west and City-owned properties and storage yards to the south and east. Within a 1,000-foot radius there are approximately seven housing units, all located to the west on Liberty and Tipton Streets.

Warming Center Background

Between 2017 and 2019, three TCUP requests were filed annually by St. Paul's Episcopal Church for a warming center. There was no warming center operated in 2020. In 2021, the applicant filed a TCUP request for a new location at Abounding Grace Church. The applicant has continued to seek a feasible location other than the St. Paul's Church campus that is both available on a temporary basis and not directly adjacent to residences or sensitive land uses. Suzy Ward, pastor with St. Paul's Church, represents the applicant (Visalia Homeless Center) in the current proposal at the PAL facility.

The operation and security plan at the St. Paul's location has been refined over the years to address concerns voiced by the surrounding neighborhood, particularly in the first two operating seasons.

In the center's second and third operating seasons, City staff worked closely with the applicant to ensure issues and challenges were more effectively managed and curtailed. This resulted in refined conditions of approval and explicit operating conditions from the applicant regarding safety and security.

Among the primary conditions enforced in the recent operating seasons:

- Requirement that the applicant notify all surrounding properties of their intent to operate a warming center and provide contact information;
- Requirement of a Fire Department inspection;
- Placing a limit on the maximum number of nightly guests;
- Maintaining a minimum 1:25 staffing to guest ratio at the warming center;
- Requiring a security guard to patrol the subject property and surrounding properties when the warming center is in use from one hour before the opening of the center to one hour after the close of the center;
- Requiring approval of and adherence to a security plan reviewed and approved by the Police Department;
- Enforcement of no loitering of persons on the grounds outside of the warming center operating hours and enforcement of cleaning and removing trash and waste left on the property and the public sidewalks where the use is situated.

The refined operating conditions and security measures were attributable toward a significant decrease in Police Department calls over the first couple operating seasons.

Proposed Operating Conditions

The operating conditions and security plan being utilized for the 2022 operating season (see Exhibits “C” and “D”) are the same as presented in 2021, which take into account a site wherein only one building is utilized and temporary storage facilities are placed on-site. Temporary storage containers will be placed on the project site within the fence area surrounding the building and will be used to hold personal belongings to the individuals. These containers are only intended to stay during the operation of the warming center. Solid waste commercial bin enclosures will be rented to supplement the needs of the warming center, since the site currently has no solid waste enclosures.

A letter to the surrounding neighbors of the proposed warming center site, attached as Exhibit “E”, was distributed by the applicant on December 6th.

While the applicant has proposed an end date of February 28, 2023, City staff is amenable to extending the allowed operating period of the center to March 31, 2023, based on the City’s authorized lease period for the property, the established operating conditions and security plan, and no sensitive land uses located immediately adjoining the site.

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. 2022-67).

Correspondence

The City has received items of correspondence from neighbors in the vicinity of the project site. The correspondence addresses concerns related to the operation and safety within the neighborhood (See Exhibit “F”).

RECOMMENDED FINDINGS

1. That the proposed Temporary Conditional Use Permit No. 2022-32, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Temporary Conditional Use Permit No. 2022-32, as conditioned, is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project will be consistent with the required findings of the Zoning Ordinance Section 17.38.110:
 - a) The proposed location of the temporary conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. While an emergency warming shelter is not specifically listed as a specific use in the Zones Use Matrix of Chapter 17.25 of the Visalia Municipal Code, the use is similar in intensity and nature to the prior use of the building as a Police Activities League center (facilitating a variety of educational and recreational programs between youth and police officers) as well as churches which are conditionally allowed in the Service Commercial zone. The temporary nature of the use allows for a form of community outreach and service that utilizes a minimal amount of building overhead while being in proximity to services such as commercial and transit. The use is determined to be a compatible use in the zoning designation as conditioned.

- b) The proposed location of the temporary conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, and materially injurious to properties or improvements in the vicinity. Pursuant to the conditions of approval of the temporary conditional use permit, the temporary use of one building and surrounding parking lot on the property as an emergency warming center will operate in a manner that places explicit measures and high priority towards public health, safety, and welfare, and ensuring that the existing character of the surrounding neighborhood will be upheld.
3. 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. 2022-67).

RECOMMENDED CONDITIONS OF APPROVAL

1. This temporary conditional use permit requires approval of a Fire Department inspection prior to start of the warming center operating. For any questions regarding the Fire Inspection please contact the Fire Marshall at (559) 713-4272.
2. This permit is being issued for the objective of providing a warming shelter during harsh winter weather conditions only. The center is not permitted to operate as a housing shelter or provide meals.
3. The warming center shall only be permitted to operate from December 13, 2022 through March 31, 2023.
4. The facility must meet all Building & Safety Division and Fire Department conditions as determined in coordination with City staff prior to use of the facility.
5. The warming center shall operate in accordance with the attached site plan, floor plan, operation statement, and safety/security plan (see Exhibits "A" through "D").
6. The warming center shall operate in accordance with comments associated with Site Plan Review item no. 2022-191.
7. There must be one (1) paid or volunteer staff person inside the building for each whole or partial grouping of 25 persons utilizing the warming center. The maximum number of occupants allowed inside the warming center at any time is 72 persons, provided there are three (3) paid or volunteer staff persons inside the center at all times.
8. On nights when the warming center operates, a security guard shall be on duty during the hours of 8:00 p.m. to 8:00 a.m. and shall patrol the property within the fenced area as depicted in the site plan attached as Exhibit "A" as well as the subject property street frontages and the surrounding the fenced area.
9. A contact name and phone number (mobile phone) shall be provided to the Police Department Watch Commander and Fire Department at least three days prior to the initial operation and shall be accessible for the duration of the activity. Primary contact is Suzy Ward, St. Paul's Episcopal Church. Phone: (559) 967-4065.
10. The facility shall be staffed during all hours while the warming center is in operation.
11. Beds and/or cots shall not be used inside or outside of the warming center.
12. Personal possessions or other materials on-site shall not be stored in a manner that is visible from public rights-of-way. Storage containers may be used for storage but shall be removed once the warming center ceases operation.

13. There shall be no loitering of persons on the City-owned property during daytime hours when the warming center is not in operation (i.e., 7:00 a.m. to 9:00 p.m.) or during the nights when the warming center is not in operation.
14. The access gate along Race Avenue shall be locked during hours when the warming center is not in operation.
15. The applicant shall be responsible for cleaning and removing any excess trash and waste that is discernable connected to the warming center operation that is left on the property and left on the public sidewalks adjacent to the property in a timely manner.
16. Meet all City Codes, Standards, Regulations, and Requirements.
17. Issuance of this permit does not set precedence for approval of a Temporary Conditional Use Permit in future years.
18. The City Planner may revoke this permit based on documented evidence of failure to comply with any conditions or based on the use attributing to public nuisance issues in the immediate vicinity.

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. 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 Polices
- Resolution No. 2022-66
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operation Statement
- Exhibit "D" – Safety/Security Plan
- Exhibit "E" – Letter Distributed to Neighbors
- Exhibit "F" – Correspondence Received from Neighbors
- Aerial Photo

Related Plans & Policies

Zoning Ordinance [Title 17 of Visalia Municipal Code]

Chapter 17.38 Conditional Use Permits

17.38.070 Temporary uses or structures

A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.

B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:

1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.

2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.

3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.

4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.

5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.

6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.

7. Signing for temporary uses shall be subject to the approval of the city planner.

8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.

9. Fruit/Vegetable stands shall be subject to site plan review.

C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.

D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7532)

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. (Ord. 2017-01 (part), 2017: prior code § 7536)

RESOLUTION NO. 2022-66

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TEMPORARY CONDITIONAL USE PERMIT NO. 2022-32: A REQUEST BY VISALIA HOMELESS CENTER TO OPERATE A TEMPORARY OVERNIGHT WARMING CENTER, WITHIN AN EXISTING BUILDING LOCATED IN THE C-S (SERVICE COMMERCIAL) ZONING DESIGNATION. THE SITE IS LOCATED AT 701 E. RACE AVENUE, ON THE SOUTHWEST CORNER OF EAST RACE AVENUE AND NORTH BURKE STREET (APN: 094-100-022).

WHEREAS, on November 29, 2022, Temporary Conditional Use Permit (TCUP) No. 2022-32 was filed with the City of Visalia; and

WHEREAS, Temporary Conditional Use Permit No. 2022-32 is a request by Visalia Homeless Center to operate a temporary overnight warming center, within an existing building located in the C-S (Service Commercial) Zoning Designation. The site is located at 701 E. Race Avenue, on the southwest corner of East Race Avenue and North Burke Street (APN: 094-100-022); and

WHEREAS, the City Planner has determined to refer said Temporary Conditional Use Permit application to the Planning Commission for consideration in accordance with Visalia Municipal Code Section 17.38.070(A); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice for a meeting, did hold a public hearing before said Commission on December 12, 2022; and,

WHEREAS, the Planning Commission of the City of Visalia finds the Temporary Conditional Use Permit is consistent with the City of Visalia General Plan goals, objectives, and policies and Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence presented; and

WHEREAS, 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. 2022-67).

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

1. That the proposed Temporary Conditional Use Permit No. 2022-32, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Temporary Conditional Use Permit No. 2022-32, as conditioned, is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project will be consistent with the required findings of the Zoning Ordinance Section 17.38.110:
 - a) The proposed location of the temporary conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. While an emergency warming shelter is not specifically listed as a specific use in the Zones Use Matrix of Chapter 17.25 of the Visalia Municipal

Code, the use is similar in intensity and nature to the prior use of the building as a Police Activities League center (facilitating a variety of educational and recreational programs between youth and police officers) as well as churches which are conditionally allowed in the Service Commercial zone. The temporary nature of the use allows for a form of community outreach and service that utilizes a minimal amount of building overhead while being in proximity to services such as commercial and transit. The use is determined to be a compatible use in the zoning designation as conditioned.

- b) The proposed location of the temporary conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, and materially injurious to properties or improvements in the vicinity. Pursuant to the conditions of approval of the temporary conditional use permit, the temporary use of one building and surrounding parking lot on the property as an emergency warming center will operate in a manner that places explicit measures and high priority towards public health, safety, and welfare, and ensuring that the existing character of the surrounding neighborhood will be upheld.
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. 2022-67).

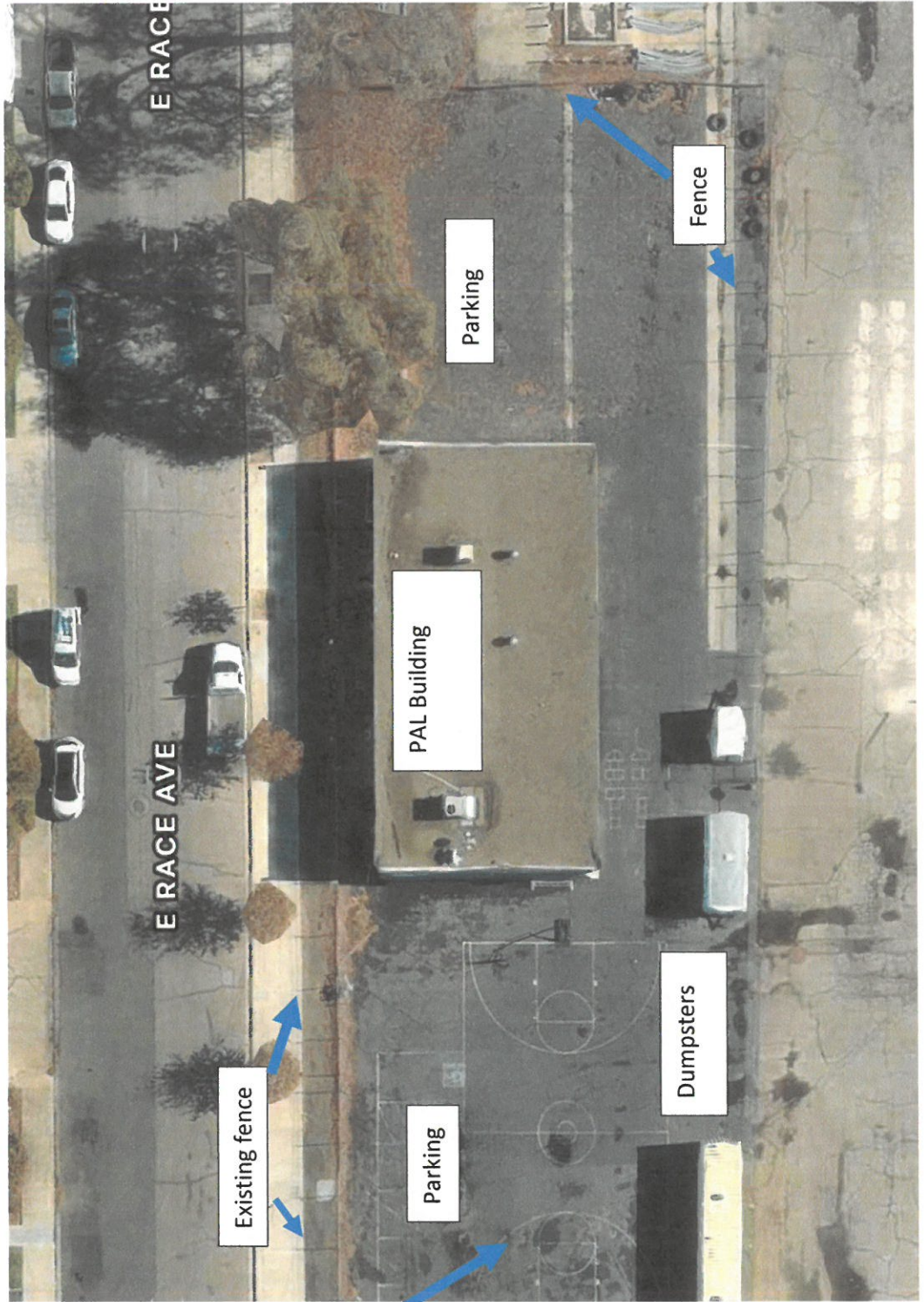
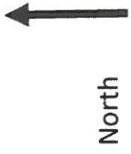
BE IT FURTHER RESOLVED that the Planning Commission approves Temporary Conditional Use Permit No. 2022-32 on the real property described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. This temporary conditional use permit requires approval of a Fire Department inspection prior to start of the warming center operating. For any questions regarding the Fire Inspection please contact the Fire Marshall at (559) 713-4272.
2. This permit is being issued for the objective of providing a warming shelter during harsh winter weather conditions only. The center is not permitted to operate as a housing shelter or provide meals.
3. The warming center shall only be permitted to operate from December 13, 2022 through March 31, 2023.
4. The facility must meet all Building & Safety Division and Fire Department conditions as determined in coordination with City staff prior to use of the facility.
5. The warming center shall operate in accordance with the attached site plan, floor plan, operation statement, and safety/security plan (see Exhibits "A" through "D").
6. The warming center shall operate in accordance with comments associated with Site Plan Review item no. 2022-191.
7. There must be one (1) paid or volunteer staff person inside the building for each whole or partial grouping of 25 persons utilizing the warming center. The maximum number of occupants allowed inside the warming center at any time is 72 persons, provided there are three (3) paid or volunteer staff persons inside the center at all times.

8. On nights when the warming center operates, a security guard shall be on duty during the hours of 8:00 p.m. to 8:00 a.m. and shall patrol the property within the fenced area as depicted in the site plan attached as Exhibit "A" as well as the subject property street frontages and the surrounding the fenced area.
9. A contact name and phone number (mobile phone) shall be provided to the Police Department Watch Commander and Fire Department at least three days prior to the initial operation and shall be accessible for the duration of the activity. Primary contact is Suzy Ward, St. Paul's Episcopal Church. Phone: (559) 967-4065.
10. The facility shall be staffed during all hours while the warming center is in operation.
11. Beds and/or cots shall not be used inside or outside of the warming center.
12. Personal possessions or other materials on-site shall not be stored in a manner that is visible from public rights-of-way. Storage containers may be used for storage but shall be removed once the warming center ceases operation.
13. There shall be no loitering of persons on the City-owned property during daytime hours when the warming center is not in operation (i.e. 7:00 a.m. to 9:00 p.m.) or during the nights when the warming center is not in operation.
14. The access gate along Race Avenue shall be locked during hours when the warming center is not in operation.
15. The applicant shall be responsible for cleaning and removing any excess trash and waste that is discernable connected to the warming center operation that is left on the property and left on the public sidewalks adjacent to the property in a timely manner.
16. Meet all City Codes, Standards, Regulations, and Requirements.
17. Issuance of this permit does not set precedence for approval of a Temporary Conditional Use Permit in future years.
18. The City Planner may revoke this permit based on documented evidence of failure to comply with any conditions or based on the use attributing to public nuisance issues in the immediate vicinity.

701 Race Ave, Visalia

Proposed Site for 2022 – 2023 Warming Center



North Burke St.

Parking

Fence

E RACE AVE

PAL Building

Existing fence

Parking

Dumpsters

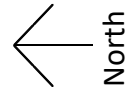
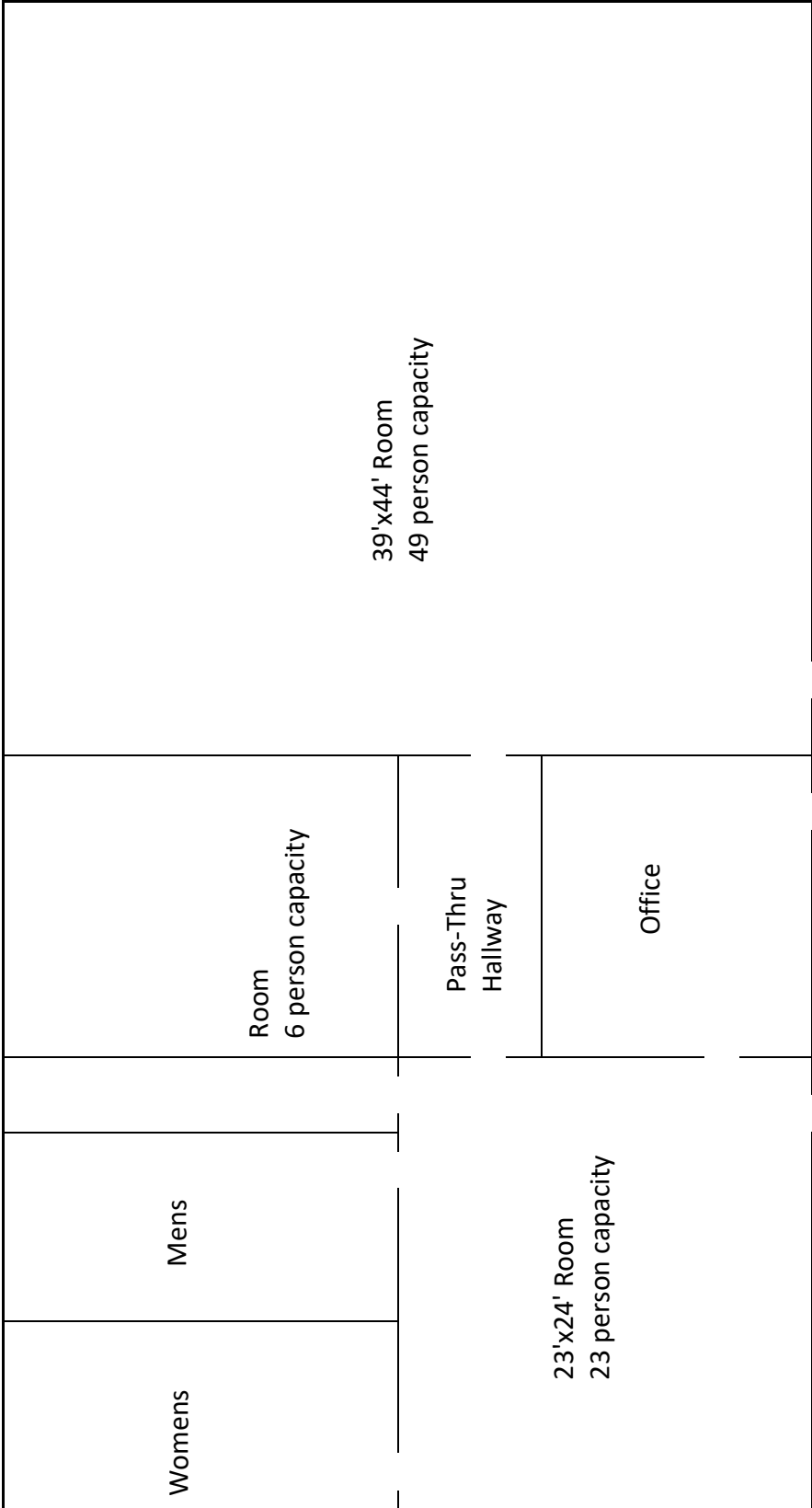
North Liberty Street

entrance from the street

Exhibit "A"

The site, commonly referred to as the PAL Building, is located on the south side of Race Street. It is a single structure surrounded on the east, west and south sides by asphalt paving. It is situated between N Liberty Street and N. Burke Street.

1. Fencing exists currently along Race Street and around the whole property.
2. One opening in fence for vehicle entrance/exit
3. Multiple parking spaces
4. Places to add C-trains and dumpsters



2022 – 2023 Operational Statement
For
Visalia Homeless Center

- Operated from opening date in December until the end of February, 2022.
- The Center will operate overnight from 9 PM to 7 AM
- Individuals will not be allowed to arrive early or to remain after 7 AM (unless meeting with a case manager or health care staff)
- Security will be onsite before opening and after closing.
- Security will be provided during the overnight hours of operation.
- It will be staffed by paid oversight staff that will be on duty all night and assisted by volunteers from community groups.
- Handbook of procedures, including health and safety protocols will be given to volunteers. Training will also be provided. Continuing to work with County agencies update protocols.
- Individuals using the Center will be provided a warm place to stay overnight (no cots provided)
- Individuals will be asked to sign-in and they will be provided a claim check for any bikes or carts. Bikes and carts will be placed in a locked C-train for overnight storage based in the parking lot.
- Individuals who have cars may part their cars but may not stay overnight in their vehicles.
- There will be covered storage provided for carts and bikes using C-trains placed in the parking lot.
- Dogs will be kept in dog kennels and given flea collars. Kennels will be located in one of the side rooms. Owners will stay near their pet, but animals must remain in the kennel.
- Snacks and coffee will be provided during the night
- Restrooms are located in the building.
- No smoking is allowed in the buildings, only in the parking lot until 10:30 PM.
- Individuals will be allowed to check in all during the night. If an individual chooses to leave they will not be allowed to return that night.
- Only one check-in point.
- All individuals will be welcomed as long as they can be compliant with the rules.
 - a. No smoking inside
 - b. Treat everyone with respect
 - c. Quiet after 10:30
- Disruptive individuals will be asked to leave. If an individual becomes a threat to themselves or others, 9-1-1 will be called.
 - An individual who becomes defiant will be asked to leave and may be barred from returning
 - Opportunities will be provided to connect with local agencies including mental health, Street Medicine, senior services, Family Services, and substance abuse agencies.
 - All individuals will be entered into the HMIS.
- Neighborhood areas will be monitored for trash.
- Staff will acknowledge and respond to any concerns from neighbors/nearby businesses.

Exhibit “C”

St. Paul's Safety Plan
For the Warming Center
2022-2023

- All clients will be required to wear mask.
- Temperatures will be taken upon entrance to the Warming Center
- Will work with Health Department to develop a cleaning routine.
- A Security Guard will be on duty from 8 PM until 8 AM to ensure individuals do not arrive early and that they all leave the area in a timely way.
- The Security will be asked to monitor the parking lot and along Race Street during the period 8 PM – 8 AM
- They will also keep a fire log as requested by the fire department
- Individuals will be advised and reminded to not arrive before 9 PM or they will be unable to stay that night.
- Clients will line-up outside the building and enter through the east door.
- Carts will be limited in size and stored within the confines of the storage area on the property.
- We will use dumpsters to eliminate trash from the site and the surrounding area.
- Staff will also walk the area around the WC to remove any trash dropped by clients as they leave.
- Pets will be leashed and caged within the building. (If individuals do not have a leash one will be provided. All animals will be given a flea collar the first night they stay.)
- Bathrooms are available within the building.
- Individuals will be allowed to smoke in a specified area until 10:30 PM.
- After 10:30 all individuals will be requested to remain within the building until 6 AM.
- If individuals leave early, they will not be allowed to return.

Visalia Homeless Center

120 N. Hall, Visalia CA 93291



December 6, 2022

Dear Neighbors,

Since 2018, The Visalia Homeless Center has operated a Warming Center as a nonprofit under the Episcopal Church. Over these many years, we have been able to develop policies and procedures that ensures the safety of our clients and the integrity of the neighborhood. This year, through a city grant, the Visalia Warming Center has secured a place to operate at the former PAL Building at 701 E. Race.

Some of the policies that will be in place to insure a high quality program include the following:.

- A security guard will be on duty during the hours of operation, 9 PM to 7 AM (as well as an hour before and an hour after).
- Partnering agencies will provide some on-site assistance for medical and mental health needs.
- There will be full-time staff on duty every night to provide for consistent supervision.
- Established safety and security guidelines will be enforced. .
- Additional weekly trash pick-up will begin once the center opens.

If at any time you have a concern about the operation of the warming center, please feel free to contact me so that that the volunteers and staff can work to resolve any issue. (My number is 559-967-4065)

If you would like to donate or volunteer at the center feel free to contact

Sincerely,
Rev. Suzy Ward, Priest-in-charge
St. Paul's Episcopal Church
120 N. Hall
Visalia, CA 93291

Brandon Smith

From: dagopower1@aol.com
Sent: Tuesday, December 6, 2022 8:03 PM
To: Planning
Subject: visalia homeless center

Some people who received this message don't often get email from dagopower1@aol.com. [Learn why this is important](#)

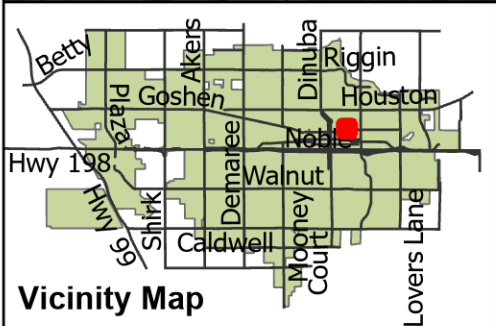
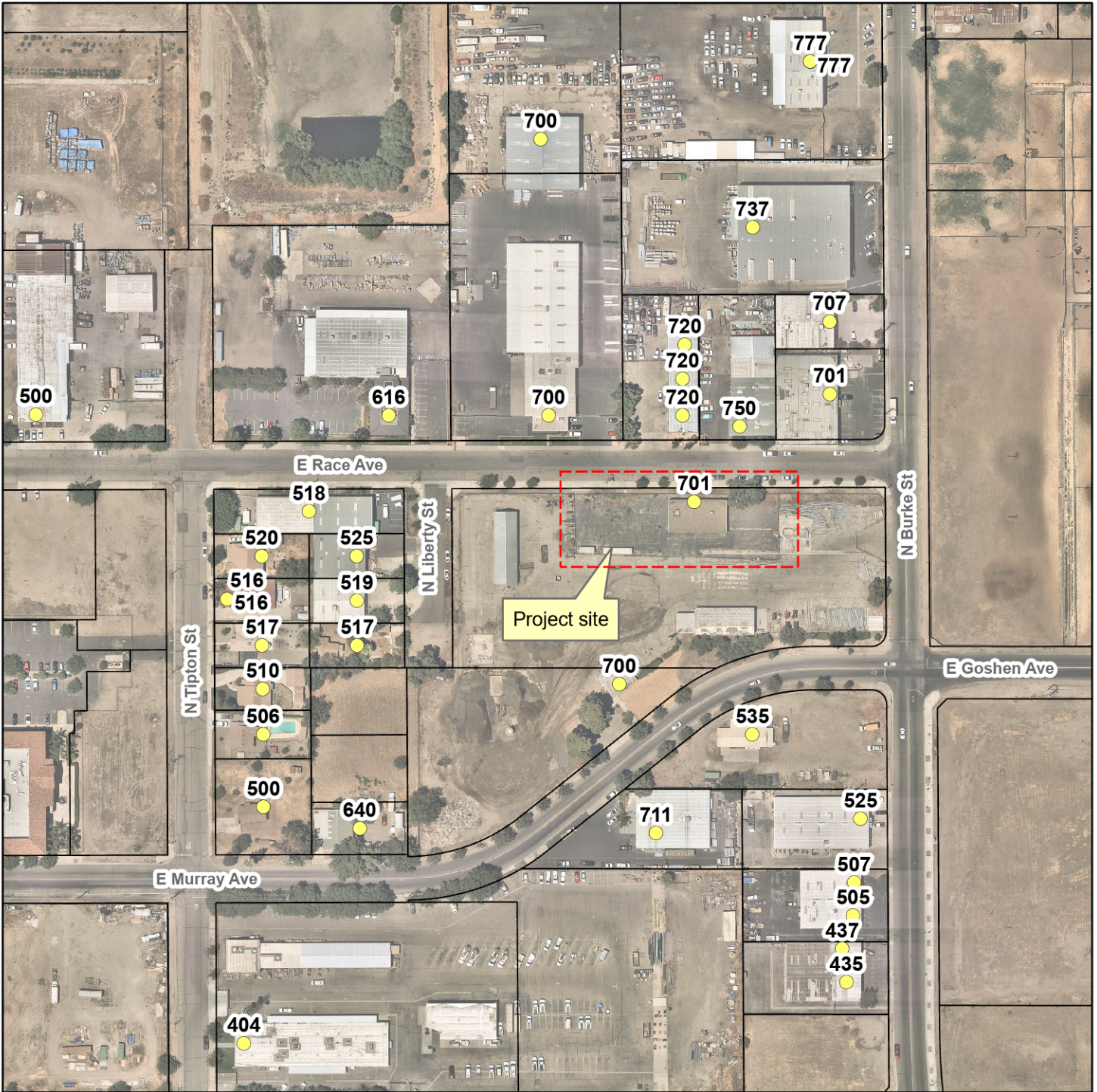
My name is Diana Lombardi and I live at 506 N. Tipton St. here in Visalia. This letter is in regard to the two letters I have received. One from the planning department and one from the Episcopal Church. There are very real concerns where the center will be located. First, Buckman-Mitchell was forced to put a fence around their building because some homeless were living under a tree on race street. They would urinate and defecate on their property, and they would bathe nude in the water fountain. The tree I mentioned seems to be an attraction for the homeless to put up their tents. Only recently some were removed. They left trash, that eventually blew into the yards onto the homes between Tipton and Race. My neighbor and I have had to call law enforcement to remove them. Property has been stolen. I am assuming that The Men's Mission further north on Santa Fe had to stop the homeless because the amount of trash left behind and other issues. I have some questions that might not get answered. 1.) How many homeless will be allowed on the premises? 2.) How many security guards will be present to control any disturbances? 3.) Who will protect us, the homeowners and our children when a homeless person decides to walk in our area naked and drugged? 4.) If a loss because of a homeless person leaves us in a financial situation, such as medical expenses, what agency is liable? I may seem insensitive to the issue of the homeless, but for so many years we, the residents on this street have had to deal with them. Some of the situations very scary. Some on our street feel it a waste of time to address the issue with the city because they feel a decision has already been made. Thank you for the time taken to read my concerns.

Diana Lombardi

Exhibit "F"

Temporary Conditional Use Permit No. 2022-32

Location: 701 East Race Avenue



Aerial Photo

0 100 200 400 Feet

● Addresses
□ PARCELS