

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Mary Beatie

COMMISSIONERS: Marvin Hansen, Chris Tavarez, Bill Davis, Mary Beatie, Adam Peck

MONDAY, FEBRUARY 12, 2024

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 – (continued from January 22, 2024) Colleen Moreno, Assistant Planner

Conditional Use Permit No. 2023-27: A request by Los Culichis Restaurant to allow live entertainment in the D-MU (Downtown Mixed Use) zone. The site is located at 309 East Main Street (APN: 094-296-002). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-42.

7. PUBLIC HEARING – Colleen Moreno, Assistant Planner

Conditional Use Permit No. 2023-38: A request to establish an eyebrow threading and Esthetician business within a 900 square foot tenant space in an existing office building in the PA (Professional/Administrative Office) zone. The project site is located at 1526 West Mineral King Avenue (APN: 093-283-016). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorically Exemption No. 2023-65.

8. PUBLIC HEARING – Colleen Moreno, Assistant Planner

Conditional Use Permit No. 2024-03: A request by San Joaquin Valley College to amend Conditional Use Permit No. 2021-13, to add a parking lot on an existing vacant lot based on modification of the use of the existing facility to have additional classroom space in the C-S (Service Commercial) zone. The project is located at 8233 West Hillsdale Court (APN: 081-071-027). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorically Exemption No. 2024-03.

9. PUBLIC HEARING – Josh Dan, Senior Planner

Conditional Use Permit No. 2023-36: A request by Robert Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk West develop area proposing two parcels with undisclosed retail multi-tenant uses, and two more additional parcels consisting of a drive-thru Starbucks Coffee Co. and drive-thru Panera Bread Restaurant.

Tentative Parcel Map No. 2023-09: A request by Robert Toro of Cal Gold Development to divide a 7.36-acre parcel within the Orchard Walk West develop area into four parcels.

Project Location: The site is zoned C-MU (Mixed Use Commercial Zone) and located within the Orchard Walk Specific Plan area at the northeast corner of West Riggins Avenue and North Conyer Street. (Address not assigned) (APN: 078-120-055). An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

10. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

a. 2024 Planning Commissioners Academy (March 6th – March 8th).

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, FEBRUARY 22, 2024, 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, FEBRUARY 26, 2024



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 12, 2024 (continued from January 22, 2024)

PROJECT PLANNER: Colleen Moreno, Assistant Planner
Phone: (559) 713-4031
E-mail: colleen.moreno@visalia.city

SUBJECT: Conditional Use Permit No. 2023-27: A request by Los Culichis Restaurant to allow live entertainment in the D-MU (Downtown Mixed Use) zone. The site is located at 309 East Main Street (APN: 094-296-002).

STAFF RECOMMENDATION

Staff recommends the approval of Conditional Use Permit No. 2023-27, as conditioned, based on the findings and conditions in Resolution No. 2023-48. Staff's recommendation is based on the project's consistency with the Visalia General Plan and the Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2023-27, based on the findings and conditions in Resolution No. 2023-48.

CONTINUED PUBLIC HEARING FROM JANUARY 22, 2024

The Planning Commission conducted a public hearing on January 22, 2024, for Conditional Use Permit No. 2023-27. At the request of staff, based on a memorandum that was distributed the day of the public hearing, the item was continued February 12, 2024. A copy of the memorandum requesting continuance is attached to this report. The report has been updated to correct the inconsistencies in the applicant's Operational Statement, Security Plan, and the Project's Conditions of Project Approval.

PROJECT DESCRIPTION

Conditional Use Permit No. 2023-27 is a request by Los Culichis Restaurant to allow live entertainment in conjunction with the existing restaurant located at 309 East Main Street. The site is in the downtown area and zoned D-MU (Downtown Mixed Use). The restaurant tenant space is approximately 3,072 square feet and occupies the first floor only. The Floor Plan (Exhibit A) details the layout of the restaurant, with open space towards the north of the building, dining tables in the center and a rear bar along the south of the space with restrooms in the southwest corner. The restaurant's kitchen is in the far south area and is approximately 1,491 square feet with a secondary ADA restroom that is accessible to the public. All items within the facility currently exist and there will be no change to



the layout of the space during the requested live entertainment hours. Additionally, the potential for conversion of the restaurant to a nightclub after dining hours is not proposed by this request.

Los Culichis is a restaurant serving Mexican fusion sushi, seafood, and tacos as well as alcoholic beverages. Per the operational statement (Exhibit B) the requested live entertainment will operate in conjunction with the restaurant only on Thursdays, Fridays, and Saturdays between the hours of 10:00 p.m. – 2:00 a.m., whereas the restaurant only hours are Wednesdays – Sundays from 11:00 a.m. – 9:00 p.m., with the business being closed on Mondays and Tuesdays. During live entertainment hours, there will be no change to the layout of the space as food service will remain and there is no stage proposed. Condition No. 6 of the project conditions requires the establishment remain and be maintained as an actual restaurant requiring food service at all times. This is a standard condition applied to other restaurants that provide live entertainment during the evening hours. Live entertainment will consist primarily of amplified musical acts with potential dancing in the open floor space. The applicant has also provided a Security Plan (Exhibit C) that has been reviewed and accepted by the Visalia Police Department.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Downtown Mixed Use
Zoning:	D-MU (Downtown Mixed Use)
Surrounding Land Use and Zoning	North: D-MU / Public and Private parking lot South: D-MU / Alley – Parking Structure East: D-MU / Beauty Salon West: D-MU / Mulligans
Environmental Review:	Categorical Exemption No. 2023-42
Special Districts:	Downtown Retail Overlay District
Site Plan:	2022-193

RELATED PROJECTS

Over the years several conditional use permits have been approved for entertainment, dancing and similar activities:

Conditional Use Permit No. 2023-30 was approved by the Planning Commission on October 23, 2023, allowing live entertainment at the proposed Salty Walrus Micro-Brewery located at 2415 E. Valley Oaks Drive.

Conditional Use Permit No. 2021-12 was approved by the Planning Commission on May 24, 2021, allowing live entertainment at the proposed Corby's Restaurant located at 221 E. Main Street.

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

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

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

PROJECT EVALUATION

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

Land Use Compatibility

The Visalia Zoning Matrix identifies uses such as the existing restaurant use as permitted by right in the Downtown Mixed-Use zone, however, line E12 lists "Live Entertainment" (as described in 17.04.030 Definitions) as a conditionally permitted use in the zone.

The existing restaurant use is compatible with other restaurants and businesses that are located within proximity to the site. Adjacent land uses to the project site include a variety of beauty/fitness uses, restaurants with live music, and offices. The proposed live entertainment use within a restaurant is found at various other sites within the downtown area especially along Main Street, those nearest to the project site are: Crawdaddy's located approximately 165 feet from the project site, Corby's Rock and Roll Heroes located approximately 268 feet from the project site and Downtown Rookies located approximately 365 feet from the project site.

Security Plan

The security plan (Exhibit C), which has been reviewed and approved by Visalia Police Department, provides a comprehensive plan that will be implemented during live entertainment days and hours only. This plan indicates that security personnel will be employed onsite during live entertainment hours of operation. Security personnel will be responsible for enforcing the security plan as detailed by the applicant including but not limited to guarding entrances, preventing loitering and group gathering, and verifying occupancy limits.

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

Live Entertainment Conditions

The proposed conditions of approval, which are similar to previous conditional use permit approvals for live entertainment, are tailored to address the live entertainment component of this business as addressed in the operational plan and security plan. Due to the current use of being a restaurant which permits patrons under the age of 21, with the request to allow live entertainment during late evening hours on Thursday, Friday and Saturday, staff recommends Condition No. 11 be adopted. This condition requires underage patrons (under 21 years of age) to not be permitted upon the establishment premises after 10:00 p.m. when live entertainment is offered within the premises.

Staff's analyses of the proposed conditions are reasonable and necessary for the specific uses proposed by the Conditional Use Permit. Conditions are given as such to ensure that the live entertainment component remains ancillary to the restaurant use.

Parking

The project site is located on Main Street, with public parking on both sides of the street as well as a public parking lot directly across the street on the north and a large public parking structure with access through Garden Street Plaza on the south side of the building. Both provide ample parking.

In addition to this, the project site is located approximately 0.2 miles from the Visalia Transit Center, therefore in accordance with Assembly Bill 2097, which prohibits public agencies from

imposing minimum parking requirements on sites that are located within a half-mile radius of a major transit stop, the project site therefore meets the parking provisions per AB 2097.

Conditional Use Permit Revocation Process

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

Environmental Review

The project is Categorically Exempt under Section 15301 (Existing Facilities) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2023-42).

RECOMMENDED FINDINGS

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2023-42).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-193-B, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the floor plan, operational statement, and security plan, in Exhibits "A", "B", and "C," notwithstanding any required conditions below and/or imposed by State Department of Alcoholic Beverage Control. Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. Live entertainment shall be restricted only to live musical acts, disc jockeys (DJs), karaoke, or similar activities in nature and intensity as determined by the City Planner. Any

subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.

4. Amplified live entertainment, including live musical acts, disc jockeys (DJs) karaoke and is permitted between the hours of 9:00 p.m. and 2:00 a.m. on Thursdays, Fridays and Saturdays.
5. There shall not be more than one amplified live entertainment act occurring simultaneously on the premises.
6. That the establishment remain and be maintained as an actual restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal business hours, the site shall provide a full menu and food service must be provided during live entertainment.
7. There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.
8. During live entertainment, the operator shall regularly maintain the area under their control to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.
9. During live entertainment, the public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business and shall be defined by a solid visible line on the ground or a portable non-permanent rope style system that creates a separation between the area patrons wait in line and the public use are of the sidewalk. Public sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any activities.
10. Patrons shall use only the Main Street entrance to enter and exit the business except in the event of an emergency.
11. Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. during the times live entertainment is offered within the premises.
12. That the owner/operator shall hold and implement the security plan approved by the Visalia Police Department on the premise at all times.
13. Restaurant occupancy load shall not exceed 99; any increase of 100 or more at any time requires the installation of fire sprinkler protection within the building area. A building permit shall be obtained prior to the installation of fire sprinkler protection.
14. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2023-27, per Visalia Municipal Code Section No. 17.38.040.
15. That all applicable federal, state and city laws, codes and ordinances be met.

APPEAL INFORMATION

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

Attachments:

- Related Plans and Policies
- Resolution No. 2023-48
- Exhibit "A" – Floor Plan
- Exhibit "B" – Operational Statement
- Exhibit "C" – Security Plan
- Continuance Memorandum from January 22, 2024 Planning Commission Meeting
- Site Plan Review Item No. 2022-193-B Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2023-27

PROJECT TITLE

309 East Main Street, on the south side of Main Street, on the south side of Main Street 115 feet east of N. Garden Street and 215 feet west of S. Bridge Street. (APN: 094-296-002)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

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

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia, CA 93291, colleen.moreno@visalia.city

NAME OF PUBLIC AGENCY APPROVING PROJECT

Jose Antonio Martinez

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Stephen O. Sparshott, 1206 W. Evans Ave., Visalia

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

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

Minor land use limitation for an existing structure

REASON FOR PROJECT EXEMPTION

Colleen Moreno, Assistant Planner

CONTACT PERSON

(559) 713-4031

AREA CODE/PHONE

December 22, 2023

DATE

Brandon Smith

ENVIRONMENTAL COORDINATOR

Related Plans & Policies
Conditional Use Permits
(Section 17.38)

17.38.010 Purposes and powers

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 - 1. Name and address of the applicant;
 - 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 - 3. Address and legal description of the property;
 - 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 - 5. The purposes of the conditional use permit and the general description of the use proposed;
 - 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit

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

17.38.040 Revocation

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit

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

17.38.050 New application

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

17.38.060 Conditional use permit to run with the land

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

17.38.065 Abandonment of conditional use permit

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

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.

7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice

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

17.38.090 Investigation and report

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

17.38.100 Public hearing--Procedure

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

17.38.110 Action by planning commission

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

C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

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

17.38.130 Effective date of conditional use permit

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

Downtown Retail Overlay District (Chapter 17.58)

17.58.010 Purposes and intent.

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

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to express the commitment of the city toward the continued vitality and stabilization of regional retail commercial activity within the area traditionally known as Downtown Visalia. This commitment seeks to:

1. Protect and enhance existing buildings and improvements in the downtown area.
2. Enhance the character and physical environment of the downtown area by establishing specific design compatibility criteria for new and remodeled buildings within the overlay district.
3. Ensure that new development is compatible with existing and future plans for the area.
4. Involve both design professionals and area residents, property owners and merchants, in the implementation of the Visalia Downtown Framework Plan and the continued viability of the downtown retail economy. (Ord. 2017-01 (part), 2017: prior code § 7720)

17.58.015 Applicability.

The requirements in this chapter shall apply to all structures and properties within the downtown retail overlay district, as defined herein. (Ord. 2017-01 (part), 2017)

17.58.020 Components of the chapter.

This chapter shall include:

- A. The ordinance text, which specifies the downtown retail district overlay designation, design evaluation criteria, and the powers and duties with regard to the overlay district;
- B. A map designating the downtown retail district overlay, which shall be depicted on the official zoning map of the city. (Ord. 2017-01 (part), 2017: prior code § 7721)

17.58.030 Definitions.

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

B. Word Usage.

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

C. Definitions.

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

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

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

"Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment. (Ord. 2017-01 (part), 2017: prior code § 7722)

17.58.040 Regulation of improvements.

No improvement or exterior architectural feature of any improvement shall be constructed, altered or enlarged that is located in the downtown retail overlay district unless a site plan review permit is issued pursuant to the terms of this chapter and Chapter 17.28. Where this chapter may conflict with Chapter 17.28, this chapter shall apply. This section shall not apply to any interior alteration that has no effect on the condition or appearance of any exterior architectural feature of an improvement. (Ord. 2017-01 (part), 2017: prior code § 7723)

17.58.050 Procedures for review of applications.

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

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

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

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

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

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

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

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

3. Masonry repairs with like materials;
4. Chimney repair with like materials. (Ord. 2017-01 (part), 2017: prior code § 7724)

17.58.060 Appeal to the city council.

Any person or persons jointly or severally aggrieved by a decision of the site plan review committee may make an appeal in writing therefrom to the city council. Such appeal shall be filed with the city clerk within ten days of said action. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall review the decision of the board and may reverse, affirm, modify or affirm as modified the action of the board. The decision of the council shall be final. (Ord. 2017-01 (part), 2017: prior code § 7725)

17.58.070 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within any district; provided, such work involves no change in the exterior appearance of a structure. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature that in the view of the proper authority acting lawfully is required for the public safety because of an unsafe or dangerous condition. (Ord. 2017-01 (part), 2017: prior code § 7727)

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

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

A. Awnings attached above street level storefronts and/or upper-story windows are encouraged. Size and scale shall be appropriate to the building, however, significant elements of the building's architecture should not be obscured by upper-story awnings. Ground floor awnings shall project a minimum of five (5) feet over the sidewalk. Awning materials shall be cloth or canvas. Awning colors shall be limited to a blue, burgundy, tan or tones and/or prints of these. White may be incorporated into the design of awnings for contrast or valance signage, but shall not compromise a majority of the color theme of any awning.

B. The following materials and building elements shall be prohibited:

1. Use of wood siding, cladding or wood shingles, in excess of ten (10) percent of the total area of any building façade.
2. Mansard form roof tiles.
3. Unbroken masses of split face, slump stone or concrete unit masonry.
4. Use of reflective or mirrored surface cladding, in excess of then (10) percent of the total area of any building façade.
5. Exposed utility conduit, junction boxes, meters, or fuse boxes on the front façade of buildings. (Ord. 2017-01 (part), 2017)

17.58.082 Standards applying to alterations to existing buildings.

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

A. Where originally constructed buildings facades remain, their appearance shall not be altered. Such facades shall be repaired and preserved. Where facades have been altered, as much original material and detail shall be retained in the rehabilitation as possible.

B. Where most of the existing architectural design dated from an interim remodeling and where such remodeling adds to the traditional character of the district, rehabilitation shall conform to the period of such remodeling and not to the original design.

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

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

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

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

G. Stuccoed brick surfaces should be retained, unless held in place with wire mesh, in which case the stucco should be removed. Where retained, stucco should be repainted in a brick color. (Ord. 2017-01 (part), 2017)

17.58.084 Standards applying to new buildings.

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

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

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

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

D. The scale of window and door openings in new buildings should approximate that of the traditional architecture of the district. The base of window openings shall be a maximum of thirty (30) inches above ground level. (Ord. 2017-01 (part), 2017)

17.58.086 Maintenance and repair required.

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

1. The deterioration or decay of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;

4. The extensive deterioration or crumbling of exterior plaster or mortar;
5. The extensive peeling or chipping of exterior paint;
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

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

C. After a hearing, the administrative hearing officer may approve, modify, or reject the determination of the city's enforcement officer at the conclusion of such hearing. Should an administrative hearing officer determine at the conclusion of such a hearing that there is a violation of this provision, the administrative hearing officer shall require that the structure in question be brought into compliance within an appropriately reasonable period of time and in addition order the collection of any applicable fines. (Ord. 2017-01 (part), 2017: prior code § 7727)

17.58.090 Exceptions.

Within the downtown retail overlay district, design and construction conditions exist that are unique and are not generally found elsewhere in the city. Structures were often constructed on or near lot lines and abut one another in many cases. Storefronts and building facades have often been redesigned, covered or otherwise subjected to major alterations over the years. Due to these peculiar conditions, it is sometimes in the interest of enhancing the character of the district to make an exception to the building design criteria in this chapter and/or signage, landscaping, setbacks, fencing and screening requirements of the Visalia zoning ordinance. Where it is deemed that the physical and economic well-being of the district would be better served by such an exception rather than the strict application of the above mentioned building design criteria and other ordinance requirements, the site plan review committee may recommend to the planning commission that such exception be made, pursuant to Section 17.42.030. (Ord. 2017-01 (part), 2017: prior code § 7729)

17.58.100 Role of building official.

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

B. After a building permit has been issued, the building official shall from time to time inspect the construction, alteration or enlargement approved by the board and shall take such action as is necessary to assure compliance with the approved plans. (Ord. 2017-01 (part), 2017: prior code § 7730)

17.58.110 Separability.

The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions. (Ord. 2017-01 (part), 2017: prior code § 7726)

Micro-Brewery/Micro-Winery Overlay District (Section 17.63)

17.63.010 Purpose and intent.

A. There is created a Micro-brewery/Micro-winery Overlay District, the boundaries of which are shown on the map entitled, "Micro-brewery/Micro-winery Overlay District", which is on file at city hall. Said map is adopted and made a part of this ordinance.

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to facilitate businesses that specialize in the small-scale production and sale of crafted beverages. This chapter is also enacted to encourage the location of micro-brewery and micro-winery businesses in the East Downtown area. This is to:

1. Encourage, protect and enhance existing buildings, their productive re-use, and improvements in the East Downtown area.
2. Promote the vibrancy and sense of destination and place of the East Downtown area by establishing this area as the recognized center for craft brewing establishments.
3. Ensure that these establishments are compatible with each other and with existing and future uses within the East Downtown area. (Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

17.63.020 Components of the Chapter.

This chapter shall include:

A. The Ordinance text which specifies the micro-brewery/micro-winery overlay district and establishes specific standards pertaining to the district.

B. A map designating the micro-brewery/micro-winery overlay district, which shall be depicted on the official zoning map of the city. (Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

17.63.030 Definitions.

"Micro-brewery" An establishment that produces the range of brewed beer, ale, mead, hard cider and similar brewed beverages in quantities totaling 15,000 barrels or less per year (all beverage types combined) that are served on site and/or sold for off-site consumption. Service and sale of brewed beverages must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of brewed beverages may be conducted with or without the service of food. Taproom, Nano-brewery, Craft brewery, and Brewpub are included in this definition.

"Micro-winery" An establishment that produces fermented fruit wine in quantities totaling 10,000 cases or less per year (all varieties and labels combined) that are served on site and/or sold for off-site consumption. Service and sale of wine must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of wine may be conducted with or without the service of food. Tasting room and Boutique winery are included in this definition.

"Background entertainment" Non-amplified live music or performance intended to complement the primary venue, and for which no alteration of the physical or operational aspect of the primary use is made. (Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

17.63.040 Standard Operating Conditions.

A. Uses within the Overlay District.

1. All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the micro-brewery/micro-winery overlay district or within the C-R (Regional Commercial) Zone District shall be permitted by right, provided that such establishments limit their patronage to persons 21 years of age or older.

2. Zoning regulations for micro-brewery/micro-winery locations shall be those of their underlying Zone District; except as follows:

- a) Alcoholic beverages sold on site shall be only that produced by the operator.
- b) Truck loading and unloading shall be limited to between the hours of 7:00 a.m. and 4:00 p.m. daily.
- c) Venting of brewing process shall be directed away from sidewalks and residences.
- d) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured at all times and shall be fully screened from view.
- e) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in Chapter 17.34 (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.

3. Micro-brewery/micro-winery establishments proposing to allow underage patrons (under 21 years of age) shall require approval of a Conditional Use Permit, subject to the standard operating procedures contained in this Chapter, and as conditioned by the Planning Commission as follows:

- a) Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.
- b) Minor patrons (under 18 years of age) shall be accompanied by a parent or legal guardian at all times.
- c) Underage patrons shall not sit at the bar or serving counter areas of the establishment.
- d) The establishment shall provide games, activities, non-alcoholic beverages and snack foods suitable to all ages patrons. Games and activities may include, but are not limited to table games, board games, shuffleboard, corn-hole, drawing paper and crayons, puzzles, video and arcade games.
- e) The floor area devoted to games and activities shall be a minimum of 20% of the public area of the establishment.

(Ord. 2018-13, 2019: Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

Chapter 8.36 NOISE

8.36.010 Purpose.

A. The city council of the city declares and finds that excessive levels of noise are detrimental to the public health, welfare and safety and are contrary to the public interest as follows:

1. By interfering with sleep, communication, relaxation and the full use of one's property;
2. By interfering with noise sensitive land uses;
3. By contributing to hearing impairment and a wide range of adverse physiological stress conditions; and
4. By adversely affecting the value of real property.

B. It is the intent of this chapter to protect persons from excessive levels of noise within or near noise sensitive land uses such as residences, schools, churches, hospitals or public libraries, or other uses as may be determined by the city council of the city. (Prior code § 5090.1)

8.36.020 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

“Abutting” means physically adjacent to or coterminous with or separated by means of an alley or a private street less than thirty (30) feet in width.

“Ambient noise level” means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specific time of the day or night.

“A weighted sound level” means the sound level in decibels as measured with a sound level meter using the A:P weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dB(A).

“Construction” means construction, erection, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

“Cumulative period” means an additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel” means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

“Emergency work” means the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

“Fixed noise source” means a device, machine or combination thereof which creates sounds which is affixed or installed on real property, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

“Hospital” means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons including rest homes and nursing homes.

“Impulsive noise” means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

“Intruding noise level” means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

“Mobile noise source” means any source other than a fixed noise source.

“Noise disturbance” means any sound which violates the standards set forth in this chapter.

“Noise sensitive land use” means residential uses (excluding residential uses associated with a horizontal or vertical mixed use development project located in a Mixed Use Zone), churches, hospitals, schools, public library, or other such uses which are identified in the noise element of the general plan.

“Pure tone noise” means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purpose of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the band which the tone exceeds the arithmetic average of the sound pressure levels of the two continuous one-third octave bands by five dB for center frequencies of five hundred (500) Hz and above and by eight dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by fifteen (15) dB for frequencies less than or equal to one hundred twenty-five (125) Hz.

“Residential property” means a parcel of real property which is zoned in whole or in part of residential purposes.

“School” means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

“Sound level meter” means an instrument meeting American National Standard Institute (ANSI) Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data. (Ord. 2021-09, 2021: prior code § 5090.2)

8.36.030 Noise measurement criteria.

A. Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the “A” weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator certified by its manufacturer to be in compliance with National Bureau of Standards (NBS) reference calibration levels shall be performed immediately prior to recording noise level data.

B. Exterior noise levels shall be measured within fifty (50) feet of the affected residence, school, hospital, church or public library. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

C. Interior noise levels shall be measured within the affected dwelling unit, at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. Reported interior noise levels shall be determined by taking the arithmetic average of the readings taken at the various microphone locations. (Prior code § 5090.3)

8.36.040 Exterior noise standards--Fixed noise sources.

A. It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level, when measured at the property line of any affected noise sensitive land use, to exceed any of the categorical noise level standards as set forth in the following table:

NOISE LEVEL STANDARDS, dBA

Category	Cumulative Number of minutes in any one-hour time period	Evening and Daytime 6 a.m. to 7 p.m.	Nighttime 7 p.m. to 6 a.m.
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards. (Prior code § 5090.4.1)

8.36.050 Exterior noise standards--Mobile noise sources prohibition against use.

It is unlawful to operate any of the below-listed devices, appliances, equipment or vehicles on public or private property abutting noise sensitive land uses between the weekday hours of seven p.m. and six a.m., and between the weekend hours of seven p.m. and nine a.m.

A. Power-assisted leaf blowers, lawn mowers, edgers or other power equipment used for the maintenance of property;

B. Vehicle equipment, which equipment is not expressly regulated by state or federal statute, such as car radios or sound amplification equipment which is audible more than twenty-five (25) feet from the exterior of the vehicle;

C. Construction equipment including jackhammers, portable generators, pneumatic equipment, trenchers, or other such equipment, except for emergency repair purposes as provided in Section 8.36.070;

D. Any other noises made by crying, shouting, or by means of whistle, rattle, bell, gong whether or not for the purpose of advertising or other such purposes. (Prior code § 5090.4.2)

8.36.060 Residential interior noise standards.

A. It is unlawful for any person, at any location within the city, to operate or cause to be operated, any source of sound or to allow the creation of any noise which causes the noise level when measured inside a dwelling unit to exceed any of the categorized noise level standards as set forth in the following table:

NOISE LEVEL STANDARDS, dBA

Category	Cumulative Number of minutes in any one-hour time period	Evening and Daytime 6 a.m. to 7 p.m.	Nighttime 7 p.m. to 6 a.m.
1	5	45	35

2	1	50	40
3	0	55	45

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or four recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

E. If the source of noise is of an impulse or voluntary nature such as shouting, loud conversation, playing or operation of audio and video equipment and is audible in a dwelling unit, the noise level in the above table shall conclusively be determined to be exceeded. (Prior code § 5090.6)

8.36.070 Noise source exemptions.

The following activities shall be exempted from the provisions of this chapter:

A. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events during normal hours of instruction;

B. Any mechanical device, apparatus or equipment used, related to, or connected with emergency activities or emergency work;

C. Noise sources associated with the infrequent, occasional and unusual maintenance of residential property provided such activities take place between the hours of six a.m. and nine p.m. on any day except Saturday or Sunday, or between the hours of eight a.m. and nine p.m. on Saturday or Sunday;

D. Noise sources associated with a lawful commercial or industrial activity caused by installed mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter; that this exception shall expire twelve months after the effective date of the chapter. This exception shall not apply to such mechanical devices which are not in good repair;

E. Noise sources associated with the collection of waste or garbage from commercially zoned or industrially zoned property by the city or its authorized franchisee;

F. Any activity to the extent regulation thereof has been preempted by state or federal law;

G. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, where the intruding noise source when measured as provided in Section 8.36.030 is an existing residential air conditioning or refrigeration system or associated equipment, the exterior noise level at the property line shall not exceed fifty-five (55) dBA. For residential air conditioning or refrigeration systems or associated equipment installed after the effective date of this chapter, the exterior noise level at the property line when measured as provided in Section 8.36.030 shall not exceed fifty (50) dBA;

H. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, the collection of waste or garbage from residentially zoned property or from persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before six a.m. or after seven p.m. The noise level created by such activities when measured at a distance of fifty (50) feet in an open area shall not exceed the following standard:

1. Eighty-five (85) dBA for equipment in use, purchased or leased prior to the effective date of this chapter,

2. Eighty (80) dBA for new equipment purchased or leased after the effective date of this chapter;

1. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, noise sources associated with the operation of electrical substations shall not exceed fifty (50) dBA when measured as provided in Section 8.36.030. (Prior code § 5090.6)

8.36.080 Warning signs in places of public entertainment.

It is unlawful for any person to permit the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound for public entertainment within a building or structure wherein the noise level exceeds ninety-five (95) dBA as determined using the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT." (Prior code § 5090.7)

8.36.090 Variances.

A. The owner or operator of a noise source for which it has been determined violates any of the provisions of this chapter may file an application for variance from strict compliance with any particular provisions of this chapter where such variance will not result in a hazardous condition or a nuisance and strict compliance would be unreasonable in view of all the circumstances. The owner or operator shall set forth all actions taken to comply with such provisions, and the reasons why immediate compliance cannot be achieved. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or fixed sources under common ownership on a single property may be combined into one application.

B. Upon receipt of the application and within thirty (30) days, the community development director shall either: (1) approve such request in whole or in part; (2) deny the request; or (3) refer the request directly to the city council for action thereon in accordance with the provisions of this chapter. In the event the variance is approved, reasonable conditions may be imposed which may include restrictions on noise level, noise duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation. The decision of the community development director is subject to appeal to the city council upon recommendation of the planning commission by filing a written appeal not later than fifteen (15) days following the mailing of the decision to the applicant.

C. Factors which the community development director or city council must consider shall include but not be limited to the following:

1. Uses of property within the area affected by the noise;
2. Factors related to initiating and completing all remedial work;
3. Age and useful life of the existing noise source;
4. The general public interest, welfare and safety.

D. The city council may grant variances from provisions of this chapter subject to such term, conditions and requirement as may be deemed reasonable to achieve compliance with the provisions and intent of this chapter.

E. A fee may be charged to recover the actual costs in processing such variances.

F. The approved noise ordinance variance must be in the possession of any operator of mobile noise sources during otherwise prohibited by the provisions of this chapter. An approved noise ordinance variance shall also be in the possession of a fixed noise source which would otherwise violate the provisions of this chapter. Failure to have the variance in the possession of the operator or property occupant when the provisions of this chapter are violated, as indicated above, shall constitute a violation of this chapter, enforceable as provided in Section 8.36.100. (Prior code § 5090.8)

8.36.100 Violation--Enforcement.

A. The violation of any of the provisions of this chapter shall be a misdemeanor punishable as provided in Section 1.12.010. Each hour of activity which violated the provisions herein shall constitute a sole and separate violation. The provisions of this chapter may also be enforced by an injunction issued out of the court of jurisdiction. Any violation of the provisions of this chapter shall be deemed to be a public nuisance.

B. The community development director, or a designee, shall be responsible for the enforcement of Section 8.36.040 and Section 8.36.060(A) through (D) inclusive. The chief of police shall be responsible for the enforcement of Sections 8.36.050 and 8.36.060(E). (Prior code § 5090.9)

8.36.110 Emergency equipment.

The provisions of this chapter shall have no application to the sounding of a siren or the making of other usual signal or signals by any police or other peace officers in the performance of their duties, nor to the sounding of any siren or the making of any other usual signal upon any ambulance or firefighting equipment in the usual and customary manner. (Prior code § 5091)

RESOLUTION NO. 2023-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-27, A REQUEST BY LOS CULICHIS RESTAURANT TO ALLOW LIVE ENTERTAINMENT IN THE D-MU (DOWNTOWN MIXED USE) ZONE. THE SITE IS LOCATED AT 309 EAST MAIN STREET (APN: 094-296-002).

WHEREAS, Conditional Use Permit No. 2023-27 is a request by Los Culichis Restaurant to allow live entertainment in the D-MU (Downtown Mixed Use) zone. The site is located at 309 East Main Street (APN: 094-296-002); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on January 22, 2024; and

WHEREAS, at the January 22, 2024, Planning Commission meeting, the Planning Commission granted a request to continue Conditional Use Permit No. 2023-27 to the date specific Planning Commission meeting on February 12, 2024, at the request of staff; and

WHEREAS, after published notice, a public hearing was held before the Planning Commission on February 12, 2024; 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.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health,

safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible, subject to compliance with the conditions of Project Approval of this conditional use permit.
4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2023-42).

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

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-193-B, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the floor plan, operational statement, and security plan, in Exhibits "A", "B", and "C," notwithstanding any required conditions below and/or imposed by State Department of Alcoholic Beverage Control. Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. Live entertainment shall be restricted only to live musical acts, disc jockeys (DJs), karaoke, or similar activities in nature and intensity as determined by the City Planner. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.
4. Amplified live entertainment, including live musical acts, disc jockeys (DJs) karaoke and is permitted between the hours of 9:00 p.m. and 2:00 a.m. on Thursdays, Fridays and Saturdays.
5. There shall not be more than one amplified live entertainment act occurring simultaneously on the premises.
6. That the establishment remain and be maintained as an actual restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal business hours, the site shall provide a full menu and food service must be provided during live entertainment.
7. There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.
8. During live entertainment, the operator shall regularly maintain the area under their control to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.
9. During live entertainment, the public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business and shall be defined by a solid visible line on the ground or a portable non-permanent rope style system that creates a separation between the area patrons wait in line and the public use area of the sidewalk. Public

sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any activities.

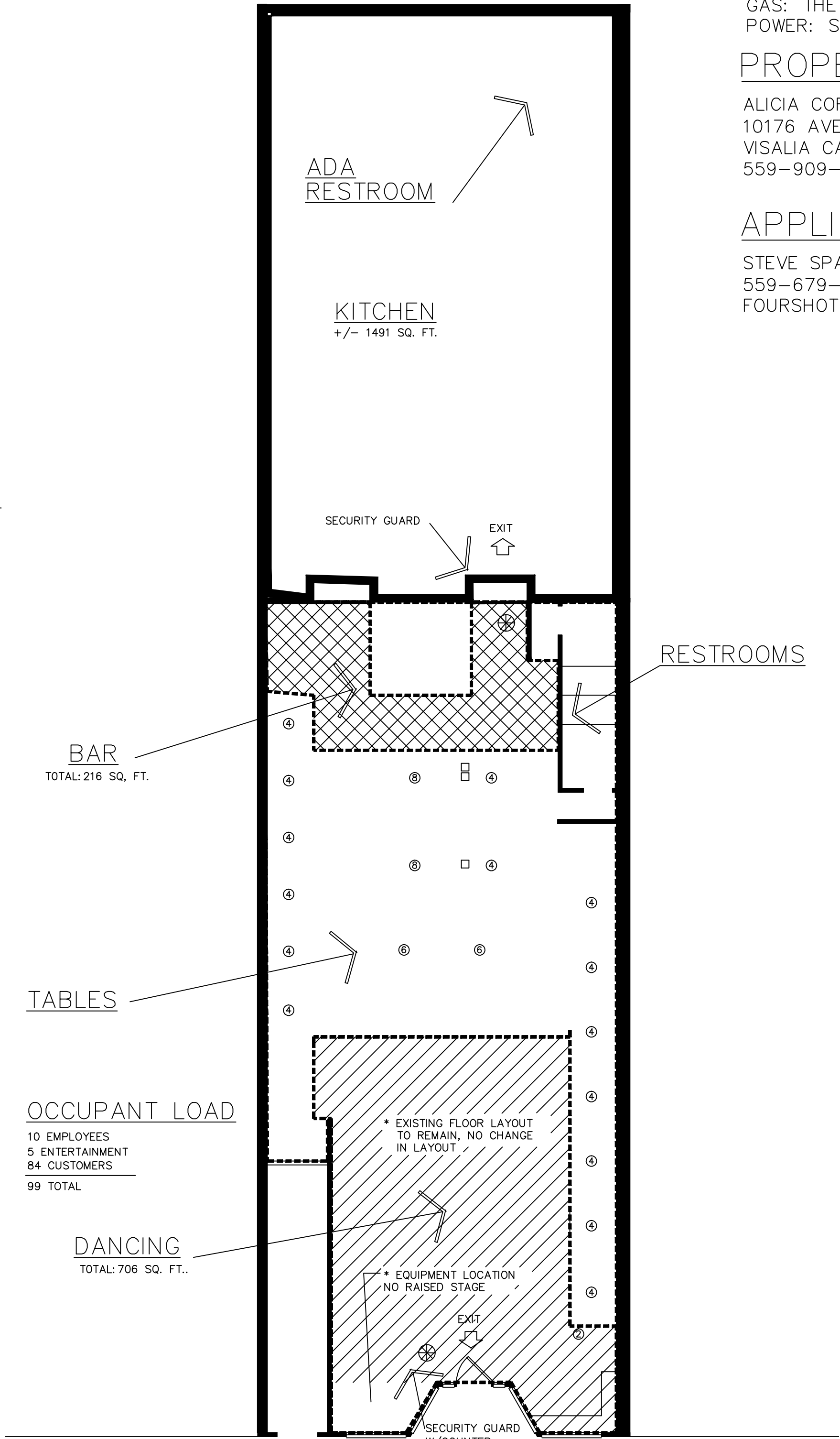
10. Patrons shall use only the Main Street entrance to enter and exit the business except in the event of an emergency.
11. Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. during the times live entertainment is offered within the premises.
12. That the owner/operator shall hold and implement the security plan approved by the Visalia Police Department on the premise at all times.
13. Restaurant occupancy load shall not exceed 99; any increase of 100 or more at any time requires the installation of fire sprinkler protection within the building area. A building permit shall be obtained prior to the installation of fire sprinkler protection.
14. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2023-27, per Visalia Municipal Code Section No. 17.38.040.
15. That all applicable federal, state and city laws, codes and ordinances be met.

OPERATIONAL STATEMENT

- OUR FACILITY IS AN EXISTING RESTAURANT WITH AN EXISTING BAR WITH KARAOKE, D.J. & OCCAISIONAL LIVE ENTERTAINMENT & DANCING.
- STANDARD DINING OPERATING HOURS WILL BE: WEDNESDAY-SUNDAY 11:00AM-9:00PM
- LIVE ENTERTAINMENT OPERATING HOURS WILL BE: THURSDAY,FRIDAY,SATURDAY 10:00PM-2:00AM
- SAFETY/SECURITY PLAN TO BE IN PLACE DURING ALL LIVE ENTERTAINMENT
- FOOD SERVICE DURING OPERATING HOURS, LATE NIGHT TACOS
- 99 MAX OCCUPANT LOAD-10 EMPLOYEES-5 ENTERTAINMENT-84 CUSTOMERS
- DELIVERIES WILL BE WEEKLY
- UP TO 10 EMPLOYEES AT PEEK HOURS SECURITY STAFF DURING LIVE ENTERTAINMENT (SEE SAFETY SECURITY PLAN)
- IT IS LOS CULICHIS’ INTENTION TO HAVE A FAMILY FRIENDLY RESTAURANT W/ EVENING HOURS LIVE ENTERTAINMENT & DANCING
- EXISTING OFF SITE CITY PARKING PROVIDED

SECURITY:

- SEE ATTACHED SAFETY/SECURITY PLAN



FLOOR PLAN

BUILDING: +/-3072 SQ. FT.
RESTAURANT: +/-1977 SQ. FT.

Scale: 1/8"=1'-0"

SITE INFO:

EXISTING USE: RESTAURANT/BAR

PROPOSED: DINING
KARAOKE
BAR
D.J./BAND

PREVIOUS SPR: 22193
ZONING: D-MU
APN 094-296-002
SITE AREA: +/- 3960 SQ. FT.
TELEPHONE: SBC TELEPHONE CO.
WATER: CALIFORNIA WATER SERVICE CO.
REFUSE: CITY OF VISALIA
SEWER: CITY OF VISALIA
STORM: CITY OF VISALIA
GAS: THE GAS CO.
POWER: SOUTHERN CALIF. EDISON CO.

PROPERTY OWNER:

ALICIA CORTEZ
10176 AVE 322
VISALIA CA,
559-909-0849

APPLICANT:

STEVE SPARSHOTT
559-679-7565
FOURSHOTT2@YAHOO.COM



VICINITY MAP

No Scale

- E. MAIN ST. -

LAS CULICHIS
SUSHI & BAR

605 E. MAIN ST.

NOTE:
REFUSE: EXIST'G SERVICE

123.75'

32'

SITE PLAN

APN 094-296-002
309 E. MAIN STREET
VISALIA, CA.

Scale: 1"= 10'-0"

STEPHEN O. SPARSHOTT

1206 W. EVANS
VISALIA, CALIF. 93277
559-679-7565

restaurant plan for karaoke, d.j. & band entertainment for:

LAS CULICHIS SUSHI& BAR

309 E. MAIN ST. VISALIA CA.

SHEET

OF

OPERATIONAL STATEMENT

- OUR FACILITY IS AN EXISTING RESTAURANT WITH AN EXISTING BAR WITH KAROAKE, D.J. & OCCAISIONAL LIVE ENTERTAINMENT & DANCING.
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- DELIVERIES WILL BE WEEKLY
- UP TO 10 EMPLOYEES AT PEEK HOURS SECURITY STAFF DURING LIVE ENTERTAINMENT (SEE SAFETY SECURITY PLAN)
- IT IS LOS CULICHIS' INTENTION TO HAVE A FAMILY FRIENDLY RESTAURANT W/ EVENING HOURS LIVE ENTERTAINMENT & DANCING
- EXISTING OFF SITE CITY PARKING PROVIDED

SAFETY / SECURITY PLAN

Location: Los Culichis (309 E Main St, Visalia, CA 93291)

Contact Number: 559-991-9289 (Jose Antonio Martinez)

NOTE:
-SECURITY PLAN TO BE IN PLACE FOR
ALL LIVE ENTERTAINMENT DAYS AND
HOURS OF OPERATION
-MAX OCUPANCY AT THESE TIMES 99

Law Enforcement Contact: Visalia Police Department 559-734-8116 (Non-emergency)/ 9-1-1

Our goal for the "Security Protocol" is to comply with the City Law Enforcement and provide a safe and friendly environment for our patrons, employees and surrounding neighbors.

Security Goals:

- ◆ To create a safe and secure environment within and immediately outside of the establishment for all patrons, guest, employees and surrounding neighbors
- ◆ To provide a high level of control, safety and quality experience for patrons.
- ◆ To mitigate any noise or inappropriate conduct directed at the immediate neighbors by patrons/guest upon entry or departure from the establishment.
- ◆ To defuse all situations as they occur but also establish preventative measures to minimize the number of potential situations. Security staff will provide a strong presence to detect and prevent any possible issues.
- ◆ To maintain trained staff responsible and accountable for looking after the security and well-being of guest and patrons and staff.

Introduction:

A strategy of prevention will be adopted to minimize the impact of potential problems to the community while ensuring a peaceful enjoyable setting within the business. A zero tolerance policy will be enacted and enforced against narcotics and contraband prohibited by law. Further, establishment policy violations by guest or patrons will be enforced with this same policy. Business ownership and management will fully disclose and cooperate with law enforcement personnel and other city agencies as issues arise. In addition, we will cooperate and coordinate with neighboring businesses to act as a united force to provide an additional sense of security for immediate community, businesses, patrons and employees of the neighborhood.

Security Staff

Security Licensing -- Security at location must be licensed to carry out their job. Everyone must have BSIS (Bureau of Security and Investigative Services) licensing to work their position (AKA a guard card). This card must be readily available for visual inspection upon request. This is standard operating procedure.

Task:

- ◆ Directly coordinate with the establishment's owners about security issues as they arise and work on immediate resolution of said issues.
- ◆ Responsibility for all security and safety of the entire business premises and proper training of support security staff hired. Ensure proper compliance of all security staff with establishment policy, safety procedures and protocol for enforcement of said rules and procedures.

- ♦ Be a liaison between law enforcement personnel and city officials.
- ♦ Be the point person for venue events based on security needs and event requirements.
- ♦ Maintain a contract information list of all security personnel working each shift provide the list to any city entity, as requested. This list will be maintained in business records and electronic format for easy access by law enforcement personnel or other city entities.
- ♦ Schedule security camera monitoring by the security team as may be needed.
- ♦ Maintain security camera data and make sure these recordings and make these accessible to law enforcement personnel as requested.
- ♦ Undertake regular rigorous security and safety assessments and reviews and report to business owner.

Front of establishment/entrance

Security professionals: During nights live events (1) one member of security team will be posted at each of the entry doors where patrons will/could enter/exit the premises with their main job being to check the identification of patrons and to ensure no alcohol/ weapons/ drugs enter the property. Metal detection will be used but it fails to pick up plastic bottles and narcotics. For this reason frisking shall be done regularly and women will be asked to show the of content purse. These members of the security team will make sure our house rules are clear. These members of the security team will be in radio contact with other security and management and they will help remove combatants inside when asked for help on the radio. In such an event parking lot security will move toward the building to prepare for removal, and to watch the cash register (which may be outside the door during events).

Purpose: Monitoring incoming patrons. This is an important component of the security program many problems can be avoided by diligent work at this point.

-MONITOR TOTAL MAX OCUPANCY/WITH COUNTER AT LIVE ENTERTAINMENT TIMES 99 PERSONS ALL INCLUSIVE

Task:

- ♦ Will be responsible for monitoring the entrance, metal detectors, dress code, rules of establishment, etc.

Bar, Lounge, Restaurant -MONITORING TO OCCUR AT LIVE ENTERTAINMENT DAYS/HOURS ONLY

Security professionals: (2) two members of the security team will be posted and/or roaming inside, keeping an eye on patrons as they are eating, dancing and consuming alcohol. Problematic people will be removed quietly and with as little force as necessary. They will watch for suspicious behavior, standoffish behavior, signs of over-indulgence/over-intoxication, odd movement, etc. This is the primary "removal team" so they must have patience along with physical size and ability to remove someone without harming them. This team is the team that will need assistance most often, so the move to get inside must be quick but careful.

Purpose: Monitor bar, lounge and restaurant areas to ensure a quiet and peaceful atmosphere.

Task:

- ♦ Monitor bar flange and restaurant entrances and the area immediately adjacent to entrance.
- ♦ Enforce zero tolerance policy towards narcotics contraband and violations of policy slash procedures.
- ♦ Monitor patrons for proper conduct and prevent situations of public intoxicated belligerents.

- ♦ Monitor bathroom areas on a frequent basis as well as areas out of view of the normal establishment area.

Parking Lot and Surrounding Affected Areas

Security professionals (Not required/ To Be Determined): The security team will patrol the parking lot (if applicable) or the street where customer vehicles are parked to deter drinking, use of narcotics or suspicious loitering. They will be watched by (1) one other security guard who operates the door and they will be in radio contact with Security and Management.

Purpose: Monitors parking lot and street areas to ensure quiet and peaceful pedestrian and traffic flow.

Task:

- ♦ Monitor parking lot and street areas for loitering and or illegal activity.
- ♦ Enforce zero tolerance policy towards narcotics, contraband and violations of policies/procedures.
- ♦ Monitor the ingress and egress of patrons for proper conduct and prevent situations of public intoxication in fighting.
- ♦ Monitor patrons for possession of open containers in areas outside of the establishment accepted areas of consumption.

Special Note: This position may be subjected to independent modification where one or more may be required based on Visalia Police Department's observations/recommendations.

STAFF TRAINING

All Staff Will:

- ♦ Receive regular training on comprehensive emergency response plans.
- ♦ Be knowledgeable of all security positions and their requirements each different position entails.
- ♦ Be trained to monitor noise levels and to make sure that there is no loud music or noises emanating from the business.
- ♦ Be trained to make sure people are not rowdy or obviously intoxicated and to maintain a secure and safe environment.
- ♦ Be required to obtain a certification of completion from the Alcoholic Beverage Control Department "LEAD Program".

All security staff will be trained to:

- ♦ Maintain order within the restaurant lounge bar in immediate property surrounding and preventing any incident that might hinder the quiet environment enjoyed by nearby residents and businesses.
- ♦ Keep patrons and employees safe and take preventative steps to resolve issues in an efficient and secure manner.

Uniforms

Members of the security team must be visually obvious to clientele in any first responders (including law enforcement, EMTs, fire departments, etc.) For that reason, T-shirts or polo shirts that say security must be worn at all times (or if warranted security can wear BDU bombs security patches boots belt duty belts etc.) if you are the start of the security team that should be obvious due to your clothing.

Security Awareness Regarding Gangs:

Because of the unfortunate plague of St. gangs in California security must be keenly aware of local St. gangs and organizations. The goal is to keep active gang members out of the building. The dress code will be enforced which will ban all sports attire, hats and excessive colors after 2100 hrs (9:00 PM PST). Anyone with visible gang tattoos will be denied entry and anyone discussing participation in any gang activity on the premises will be warned or possibly escorted out. While we cannot guarantee with certainty that gang members will not fraud crowd, we can make sure that they aren't dressed like gang members, talking like members and behaving like gang members. Anyone threatening other patrons will be escorted out and if necessary VPD will be contacted.

If any openly "gang related" conflicts occur in the parking lot or while escorting people out of the building VPD will be contacted. Even if a fight is quickly broken up, we can contact VPD to share intelligence and explain the incident (if requested by a Sgt or Lt. of the Visalia Police Department.)

Dealing with Intoxicated Customers

Our main priority when identifying an intoxicated customer is the safety of that person, other customers and staff. For that reason, anyone deemed intoxicated shall not be served any more alcohol and asked to pay their tab. If they become belligerent, they will be escorted outside. If they disturb the overall piece of the establishment after removal or create a scene VPD may be contacted to deal with them. If someone is unconscious for any reason, VPD will be contacted so that the person may be evaluated on a case-to-case basis. If the servers, take the LEAD Program training and avoid over serving, this should not happen very often.

Fires, Earthquakes etc.:


Security and Management will address our evacuation plans for situations like structure fires, earthquakes etc. The method of escape and which doors are still accessible shape or movements in the event of a fire or something similar. The security team will use flashlights to help the customer to nearby exits and should anything like this occur.

Videotapes, Footage and Surveillance Recordings:

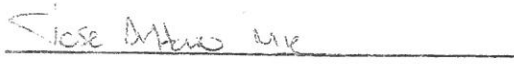
The surveillance system at Los Culichis will reveal the last 10 days of footage.

Persons over under 21 years:

-NO PERSON UNDER 21 YEARS OF AGE WILL BE PERMITTED DURING HOURS OF LIVE ENTERTAINMENT.


Visalia Police Department

2-8-24
Date


Business Owner

02/02/23
Date

City of Visalia



To: Planning Commission

From: Colleen A. Moreno, Assistant Planner (559-713-4031)

Date: January 22, 2024

Re: Request to Continue Item No. 6 Conditional Use Permit 2023-27: A request by Los Culichis Restaurant to allow live entertainment in the D-MU (Downtown Mixed Use) zone. The site is located at 309 East Main Street (APN: 094-296-002).

Recommendation

Staff recommends that the Planning Commission continue Public Hearing Item No. 6 from the January 22, 2024, Planning Commission Agenda to the February 12, 2024, meeting. This request is based on inconsistencies regarding information within the staff report, conditions of project approval, and attached exhibits.

Summary:

It was brought to staff's attention that there are inconsistencies in the applicant's Operational Statement, Security Plan, and the Project's Conditions of Project Approval. Staff would like the opportunity to address and correct the inconsistencies with the applicant and is therefore requesting the Planning Commission continue the item to the February 12th Planning Commission meeting so that the necessary changes can be made.



June 16, 2023

Site Plan Review No. 2022-193-B:

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 **May 17, 2023**. 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".

Paul Bernal
Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE May 17, 2023
SITE PLAN NO. 2022-193
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 – Lot Line Adjustment
☐ **ADDITIONAL COMMNTS:**

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

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4443

Date: May 17, 2022

SITE PLAN NO: 2022-193 – B
PROJECT TITLE: Los Culichis Sushi & Bar
DESCRIPTION: Family Restaurant
APPLICANT: Jose Antonio Martinez
PROP. OWNER: Gilberto & Alicia Cortes (TRS)
LOCATION TITLE: 309 E. Main Street
APN TITLE: 094-296-002
GENERAL PLAN: Downtown Mixed Use
EXISTING ZONING: D-MU (Mixed-Use Downtown Zone)

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit
- Building Permit

PROJECT SPECIFIC INFORMATION: May 17, 2023

1. VMC Use Table 17.25.030 lists the follow as needing a conditional use permit:
 - a. Line E12, Live Entertainment.
 - b. Line E14, Sit-down restaurant /café – with full bar using greater than 25% of public area, Conditionally permitted in the D-MU Zone.
 - c. Line E11, Night Clubs/Discotheques
2. A Conditional Use Permit (CUP) submittal will require detailed exhibits of the following:
 - a. Security Plan (to be reviewed by the Visalia Police Department).
 - b. Operational Statement (describe daily use and the live entertainment and dancing).
 - c. Floor Plan (showing layout and proposed layout for live entertainment).
3. The request will be conditioned to provide food service during bar service, dancing, and live entertainment.
4. A Building Permit shall be required for all interior improvements proposed.
5. Comply with all requirements from the Building Division and Visalia Fire Department.

PROJECT SPECIFIC INFORMATION: December 14, 2022

1. The existing restaurant use is permitted by right in the D-MU Zone.
2. A Conditional Use Permit is required to conduct live entertainment in the D-MU Zone, per Line E12 of Visalia Municipal Code Chapter 17.25. Activities such as a DJ playing music, karaoke, live performances by groups, is considered live entertainment.
3. If dancing is proposed at the restaurant, a Conditional use Permit shall also be required, per Line E11 of Visalia Municipal Code Chapter 17.25.
4. Detailed exhibits of the following will be required:
 - a. Security Plan (to be reviewed by the Visalia Police Department). Note that a sample Security Plan and Operational Statement from Simply Brewing Company are provided below for your review.
 - b. Operational Statement (describing day-to-day use and the proposed live

- entertainment/dancing uses).
- c. Floor Plan (showing the typical layout, and proposed layout for live entertainment).
 - d. Site Plan (showing the entire property and all buildings onsite).
5. A Building Permit shall be required for all interior improvements proposed.
6. Comply with all requirements from the Building Division and Visalia Fire Department.

Note:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required through the District.

Sections of the Municipal Code to review:

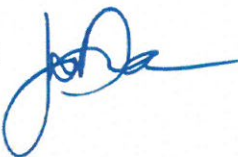
17.19.070 Development standards in the D-MU zone

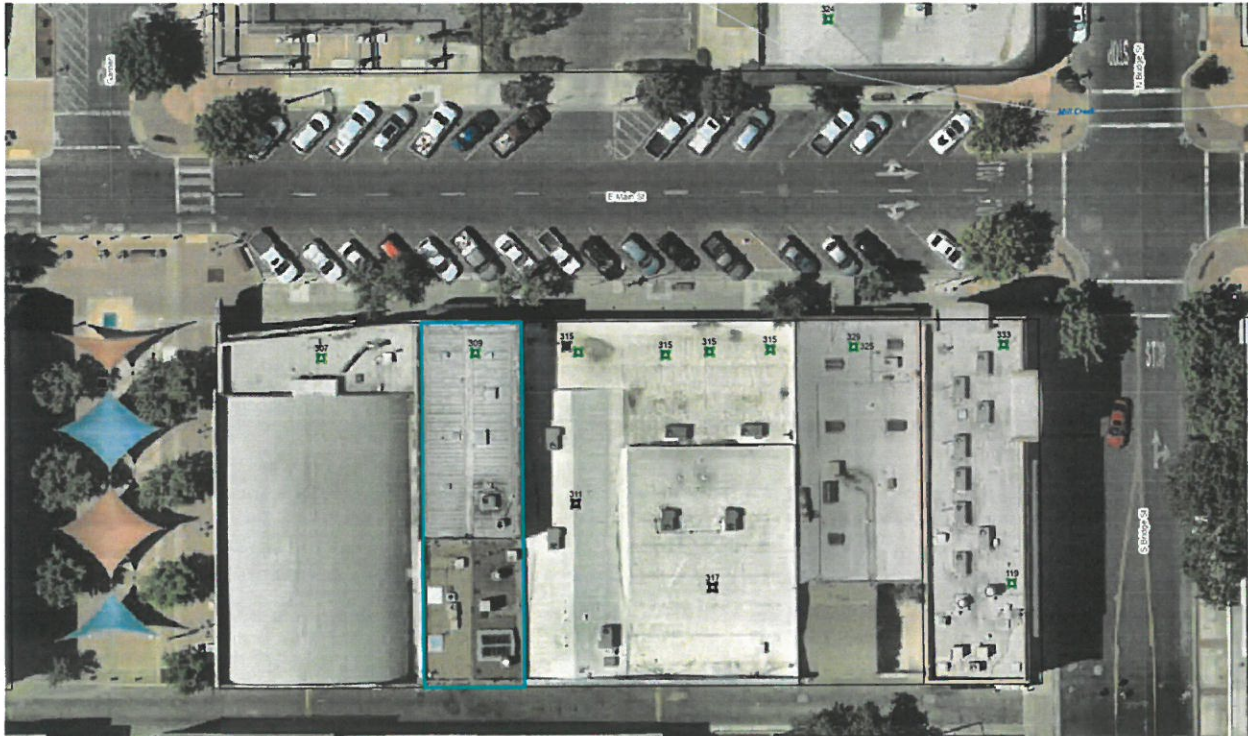
17.30 Development Standards [17.30.015(H) Lighting]

17.34.020 Off-street parking 17.34.020(B)

17.58 Downtown Retail Overlay District

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: 



Site Plan Review No. 2022-193 – B

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

☐ Adrian Rubalcaba 713-4271
☒ Edelma Gonzalez 713-4364

ITEM NO: 1 DATE: MAY 17TH, 2023

SITE PLAN NO.: 22-193 RESUBMITTAL
PROJECT TITLE: LOS CULICHIS SUSHI & BAR
DESCRIPTION: FAMILY RESTAURANT
APPLICANT: JOSE ANTHONIO MARTINEZ
PROP OWNER: CORTES GILBERTO & ALICIA (TRS)
LOCATION: 309 E MAIN ST
APN: 094-296-002

SITE PLAN REVIEW COMMENTS

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

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

Additional Comments:

1. No comments as submitted.

2. If any improvements to existing structure is required by Building and Fire Dept. 20% of improvement cost will need to go towards "Path Of Travel" upgrades.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **22-193R**

Date: **05/17/2023**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date: **8/20/22**)

(Project type for fee rates: **N/A**)

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

Reimbursement:

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



Edelma Gonzalez

SPR 22193
LOS CULICHIS SUSHI BAR
309 E MAIN ST

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

- ☒ A building permit will be required. **FOR ANY IMPROVEMENTS** For information call (559) 713-4444
- ☒ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- ☒ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☒ A path of travel, parking and common area must comply with requirements for access for persons with disabilities. **20% OF PERMIT VALUE SHALL BE USED FOR 'PATH OF TRAVEL' ADA UPGRADES.**
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☒ A demolition permit & deposit is required. For information call (559) 713-4444
- ☒ Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- ☐ Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
- ☒ Project is located in flood zone **AE** * ☐ Hazardous materials report. **MEET FEMA FLOOD REQUIREMENTS FOR ANY IMPROVEMENTS.** For information call (559) 713-4444
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00)
- ☐ School Development fees.
- ☐ 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: **CALCULATE OCCUPANT LOAD OF DANCE FLOOR AT (1) PERSON FOR EVERY (7) SQ. FT. OF DANCE FLOOR AREA. RESTAURANTS WITH OCCUPANT LOAD OF 100 OR MORE REQUIRES FIRE SPRINKLER PROTECTION. ALL EXIT DOORS SHALL SWING IN THE DIRECTION OF EGRESS AND BE EQUIPPED WITH PANIC HARDWARE. ASSEMBLY OCCUPANCIES WITH OCCUPANT LOAD OF 51 TO 150 REQUIRES (3) FLUSHING FIXTURES IN BOTH MALE AND FEMALE RESTROOMS.**

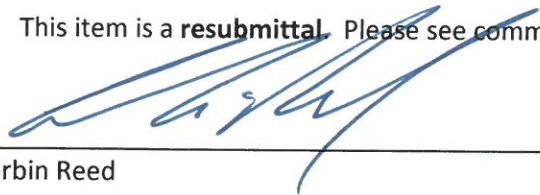
**Site Plan Comments**

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

Date	May 16, 2023
Item #	1
Site Plan #	22193
APN:	094296002

- 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 2022 California Fire Code (CFC), 2022 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. 2022 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2022 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. 2022 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. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 506.1
- An **automatic fire sprinkler system** will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. 2022 CFC §912 and VMC 8.20.010 subsection C103.4
- Locking **fire department connection (FDC) caps** are required. The caps shall be ordered using an approved Knox Authorization Order Form. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 912.4.1
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors shall be provided with a **Type 1 Hood**, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. 2022 CFC 904.12 & 609.2

- All exterior risers, drain/test valves and backflow devices shall be protected from unauthorized tampering by approved means. Protection method shall be indicated on building plans. 2022 CFC 903.3.8.4.1
- This item is a **resubmittal**. Please see comments from previous submittals.

A handwritten signature in blue ink, appearing to read 'Corbin Reed', is written over a horizontal line.

Corbin Reed
Fire Marshal



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

Date: 05/16/23
Item: 1
Site Plan: SPR22193
Name: Agt. R. Avalos

Site Plan Review Comments

- ☒ No Comment at this time.
- ☐ Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- ☐ Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- ☐ Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- ☐ Not enough information provided. Please provide additional information pertaining to:
- ☐ Territorial Reinforcement: Define property lines (private/public space).
- ☐ Access Controlled/ Restricted etc.
- ☐ lighting Concerns:
- ☐ Traffic Concerns:
- ☐ Surveillance Issues:
- ☐ Line of Sight Issues:
- ☐ Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

May 17, 2023

ITEM NO: 1 **Resubmit**
SITE PLAN NO: **SPR22193**
PROJECT TITLE: Los Culichis Sushi & Bar
DESCRIPTION: Family Restaurant
APPLICANT: Jose Antonio Martinez
OWNER: CORTES GILBERTO & ALICIA (TRS)
APN: 094296002
LOCATION: 309 E MAIN ST

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

- ☒ No Comments
- ☐ See Previous Site Plan Comments
- ☐ Install Street Light(s) per City Standards at time of development.
- ☐ Install Street Name Blades at Locations at time of development.
- ☐ Install Stop Signs at **local road intersection with collector/arterial** Locations.
- ☐ Construct parking per City Standards PK-1 through PK-4 at time of development.
- ☐ Construct drive approach per City Standards at time of development.
- ☐ 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



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 Tel: (559) 624-1600

Site Plan Review Comments From:

California Water Service
Scott McNamara, Superintendent
216 N Valley Oaks Dr.
Visalia, CA 93292
559-624-1622 Office
smcnamara@calwater.com

Date: 05/17/2023
Item # 1
Site Plan # 22-193
Project: Los Culichis Sushi & Bar
Description: Restaurant
Location: 309 E Main St
APN: 094-296-002

The following comments are applicable when checked:

- ☒ **Re-submitted**
☐ **No Comments at this time**
-

- ☐ **Fire Hydrants:**
- ☒ **Services:** Existing domestic/commercial service, if this service is not sufficient in size, the customer will need to pay for an upsize in service or any additional services that may be needed.
- ☐ **Mains:**
- ☒ **Backflow Requirements:** Will be required if any parcel is for multi-family, commercial, or has multiple services on one parcel. Please contact Cross Connection Control Specialist, Juan Cisneros at 559-624-1670 or visaliabackfow@calwater.com for a backflow install packet.

Additional Comments:

- ☒ Please contact New Business Superintendent Sedelia Sanchez at 559-624-1621 or ssanchez@calwater.com to start your project with Cal Water.



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

22193

May 17, 2023

☐ No comments.

☒ XX

See comments below

☐ Revisions required prior to submitting final plans. See comments below.

☐ Resubmittal required. See comments below.

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

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

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

☐ Type of refuse service not indicated.

☐ Location of bin enclosure not acceptable. See comments below.

☐ Bin enclosure not to city standards double.

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

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

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

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

☐ Bin enclosure gates are required

☐ Hammerhead turnaround must be built per city standards.

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

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

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

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

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

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

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

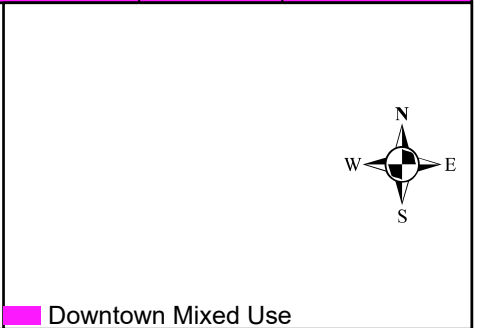
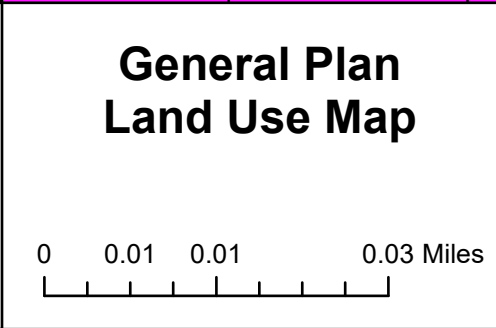
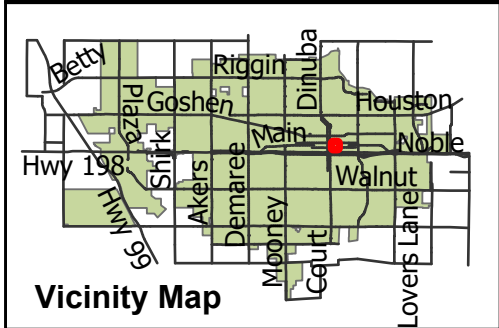
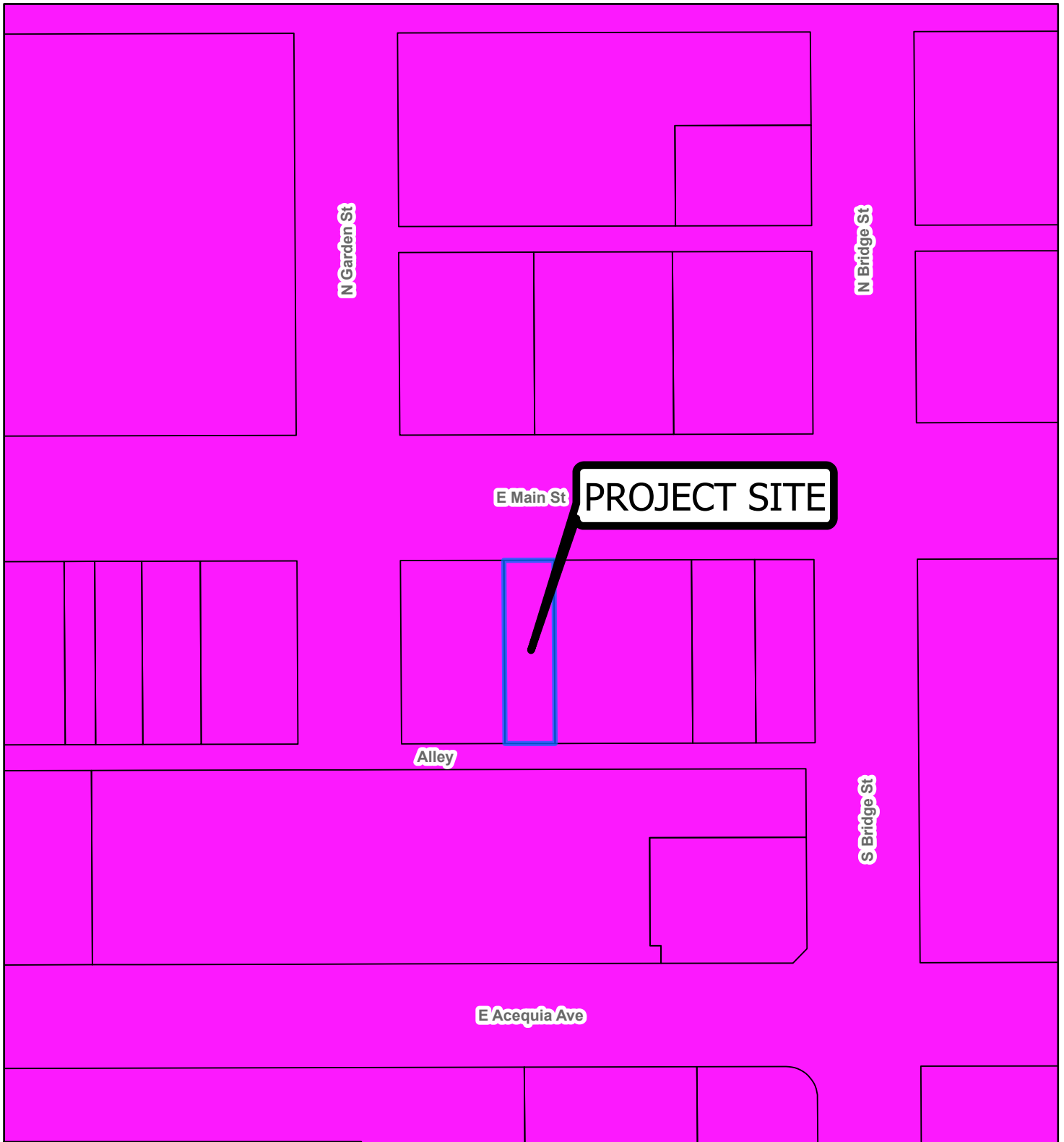
☐ City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

☐ Comment

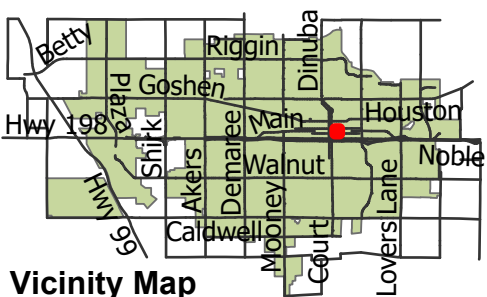
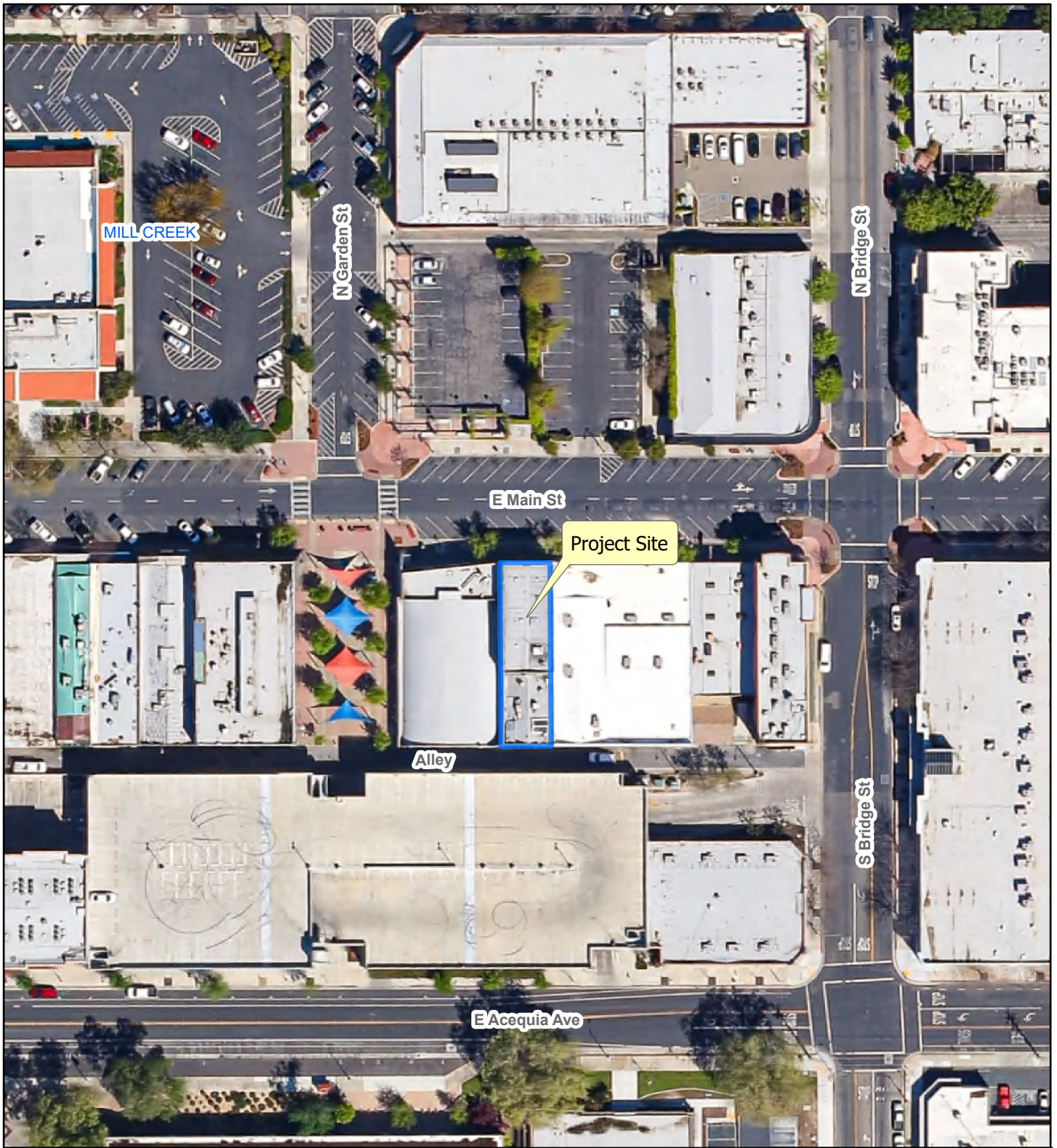
Existing solid waste services onsite. Customers is encouraged to contact Solid Waste at 559-713-4499 if adjustments to existing services are required.

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

Nathan Garza, Solid Waste, 559-713-4532



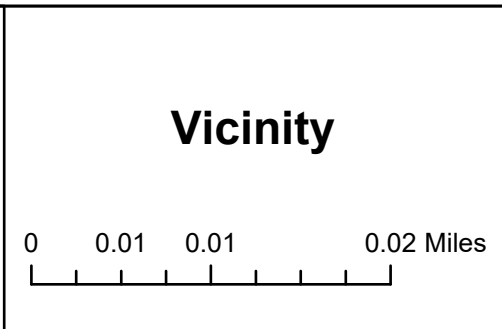
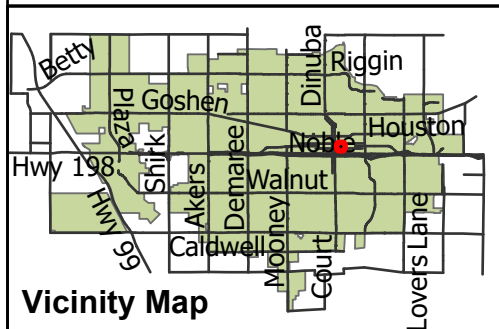
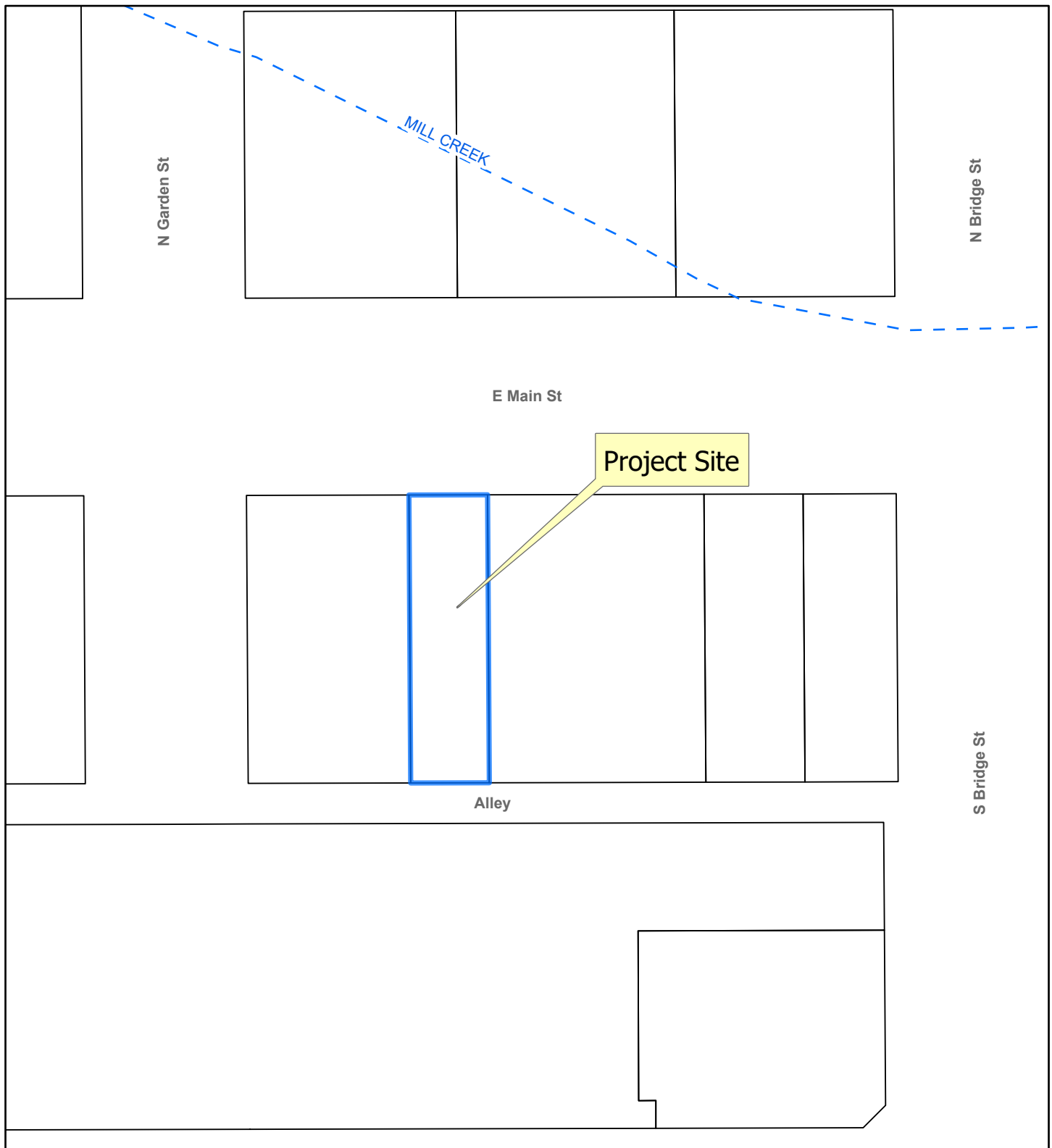




Aerial Map

0 0.01 0.01 0.03 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 12, 2024

PROJECT PLANNER: Colleen A. Moreno, Assistant Planner
Phone No.: (559) 713-4031
E-mail: colleen.moreno@visalia.city

SUBJECT: Conditional Use Permit No. 2023-38: A request to establish an eyebrow threading and esthetician business within a 900 square foot tenant space in an existing office building in the O-PA (Professional/Administrative Office) zone. The project site is located at 1526 West Mineral King Avenue (APN: 093-283-016).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2023-38 based on the findings and conditions in Resolution No. 2023-69. Staff's recommendation is based on the on the project's consistency with the Visalia General Plan and the Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2023-38 based on the findings and conditions in Resolution No. 2023-69.

PROJECT DESCRIPTION

Conditional Use Permit No. 2023-38 is a request by Ana Lopez to establish an eyebrow threading and esthetician salon (Lux Beauty Professional & Waxed by Jaymee) in an existing building located at 1526 West Mineral King Avenue. The building has two additional tenant spaces, the center tenant space is occupied by a physical therapist and the tenant space on the east side of the property is currently vacant. The proposed use will occupy the west side of the building in a 900 square foot tenant space with primary frontage along West Mineral King Avenue. The proposed site will have a primary point of entry independent from all other spaces.



The Floor Plan (Exhibit "B") details the layout of the space, with three rooms; one for eyebrow threading, the second for esthetician services (waxing and facials), and the third for the ancillary use of eyebrow threading educational services. The space also includes an area designated as the lobby/waiting area, one restroom and two storage areas. There are no exterior modifications proposed to this space.

The applicant has provided an Operational Statement (Exhibit "C") indicating that Lux Beauty Professional will be managed by the applicant and one additional employee (Waxed by Jaymee). Lux Beauty Professional will provide eyebrow threading and shaping services and Waxed by

Jaymee will provide esthetician services, waxing and facials. Furthermore, the applicant would like to utilize the third room for educational services in the form of eyebrow threading training by offering one session once a month with 2 – 3 pupils at a time. The primary use will remain eyebrow threading and esthetician services to clientele while the educational services of eyebrow threading will be ancillary to the primary use due to the limited frequency of the sessions. Lux Beauty Professional and Waxed by Jaymee operate by appointment only and walk-ins will not be accepted. The hours of operation for Lux Beauty Professional are Tuesdays, 10:00 a.m. – 4:00 p.m., Thursdays 10:00 a.m. – 6:00 p.m., Fridays 12:00 p.m. – 6:00 p.m. and Saturdays, from 9:00 a.m. – 3:00 p.m. The hours of operation for Waxed by Jaymee are Tuesdays, 1:00 p.m. – 4:00 p.m., Fridays, 10:00 a.m. – 4:00 p.m. and Saturdays 11:00 a.m. – 4:00 p.m.; both services are closed on Mondays, Wednesdays, and Sundays.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Office
Zoning:	O-PA (Professional/Administrative Office Zone)
Surrounding Zoning and Land Use:	North: O-PA (Professional/Administrative Office) South: N/A (Mineral King Avenue and Highway 198) East: O-PA (Professional/Administrative Office) West: O-PA (Professional/Administrative Office)
Environmental Document	Categorical Exemption No. 2023-65
Site Plan:	2023-149

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2023-38, as conditioned, based on the project's consistency with the General Plan Land Use and the Zoning Ordinance.

Land Use Compatibility

The Visalia Zoning Matrix identifies uses such as stand-alone Barbers, Hairstylists, Cosmeticians, Day Spas, and similar uses as conditionally permitted within the O-PA Zone requiring submittal and approval of a Conditional Use Permit (CUP). Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses.

A mixture of offices are within proximity to the project site (Exhibit "A") with fitness studios, a beauty salon and a barbershop along Mineral King Avenue within a one-block radius. There are no businesses directly across the street to the south, as the project site is located directly on Mineral King Avenue which parallels CA-Highway 198. Staff concludes that the proposed use will not have a negative impact on the project site and surrounding area.

Parking

The subject site currently provides six (6) parking stalls, however of the six (6), only four (4) stalls are assigned



to the tenant space, two (2) stalls are located directly to the west of the building and the additional two (2) are located on the northwest side of the property along the rear of the building and will be utilized for employee parking (Exhibit "A"). All parking stalls can be accessed by the street. The parking requirement for beauty salons and similar uses requires two parking spaces for each beautician, with a minimum of four (4) spaces, with two employees, the number of parking spaces provided meet the requirements.

Furthermore, pursuant to Assembly Bill 2097, which went into effect January 1, 2023, prohibits public agencies from imposing minimum parking requirements on sites that are located within a half-mile radius of a major transit stop. *(Please note a major transit stop is defined as major transit stop" to include an existing or planned (1) rail or bus rapid transit station, (2) ferry terminal served by bus or rail transit, or (3) intersection of two or more major bus routes with service every 15 minutes or less during peak commute periods.)*

The City of Visalia Transit operates bus service along Route 1 with bus stops located on Main Street and Mooney Boulevard. Route 1 meets the definition of a "major transit stop" and the project site is within approximately .25 miles from Route 1 bus stops. Therefore, the site meets parking provisions per AB 2097.

Environmental Review

The requested action is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2023-65). Projects determined to meet this classification consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the Class 1 are not intended to be all-inclusive of the types of projects.

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - 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. 2023-65).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2023-149, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in Exhibits “A”, “B”, and “C”. Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
4. That all other federal, state and city laws, codes and ordinances be complied with.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street Visalia California. 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. 2023-69
- Exhibit “A” – Site Plan
- Exhibit “B” – Floor Plan
- Exhibit “C” – Operational Statement
- Site Plan Review Comments 2023-149
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Location Map

NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2023-38

PROJECT TITLE

1526 West Mineral King Avenue (APN: 093-283-016)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request to establish an eyebrow threading and esthetician business in a 900 square foot office space in the O-PA (Professional /Administrative Office) zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Ana Lopez, 1526 W. Mineral King Ave, Visalia, CA 93291, 559-679-7952

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Same as above

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15268
☐ Emergency Project - Section 15269
☒ Categorical Exemption - State type and Section number: **Section 15301**
☐ Statutory Exemptions- State code number:

A request to re-use an existing building. Additionally, there are no proposed alterations or changes to the site or building.

REASON FOR PROJECT EXEMPTION

Colleen A. Moreno, Assistant Planner

CONTACT PERSON

(559) 713-4031

AREA CODE/PHONE

January 19, 2024

DATE

ENVIRONMENTAL COORDINATOR
Brandon Smith, AICP

Related Plans & Policies
Conditional Use Permits
(Section 17.38)

17.38.010 Purposes and powers

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 - 1. Name and address of the applicant;
 - 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 - 3. Address and legal description of the property;
 - 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 - 5. The purposes of the conditional use permit and the general description of the use proposed;
 - 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit

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

17.38.040 Revocation

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

17.38.050 New application

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

17.38.060 Conditional use permit to run with the land

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

17.38.065 Abandonment of conditional use permit

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

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 - 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 - 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 - 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 - 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 - 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 - 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 - 7. Signing for temporary uses shall be subject to the approval of the city planner.
 - 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice

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

17.38.090 Investigation and report

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

17.38.100 Public hearing--Procedure

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

17.38.110 Action by planning commission

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

17.38.120 Appeal to city council

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

17.38.130 Effective date of conditional use permit

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

RESOLUTION NO. 2023-69

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-38, A REQUEST TO ESTABLISH AN EYEBROW THREADING AND ESTHETICIAN BUSINESS WITHIN A 900 SQUARE FOOT LEASED TENANT SPACE IN AN EXISTING OFFICE BUILDING IN THE O-PA (PROFESSIONAL/ADMINISTRATIVE OFFICE) ZONE. THE SITE IS LOCATED AT 1526 WEST MINERAL KING AVENUE (APN: 093-283-016).

WHEREAS, Conditional Use Permit No. 2023-38 is a request to establish an eyebrow threading and esthetician business within an existing 900 square foot leased tenant space in a building in the O-PA (Professional/Administrative Office) zone. The site is located at 1526 West Mineral King Avenue (APN: 093-283-016); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on February 12, 2024; 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.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - 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. 2023-65).

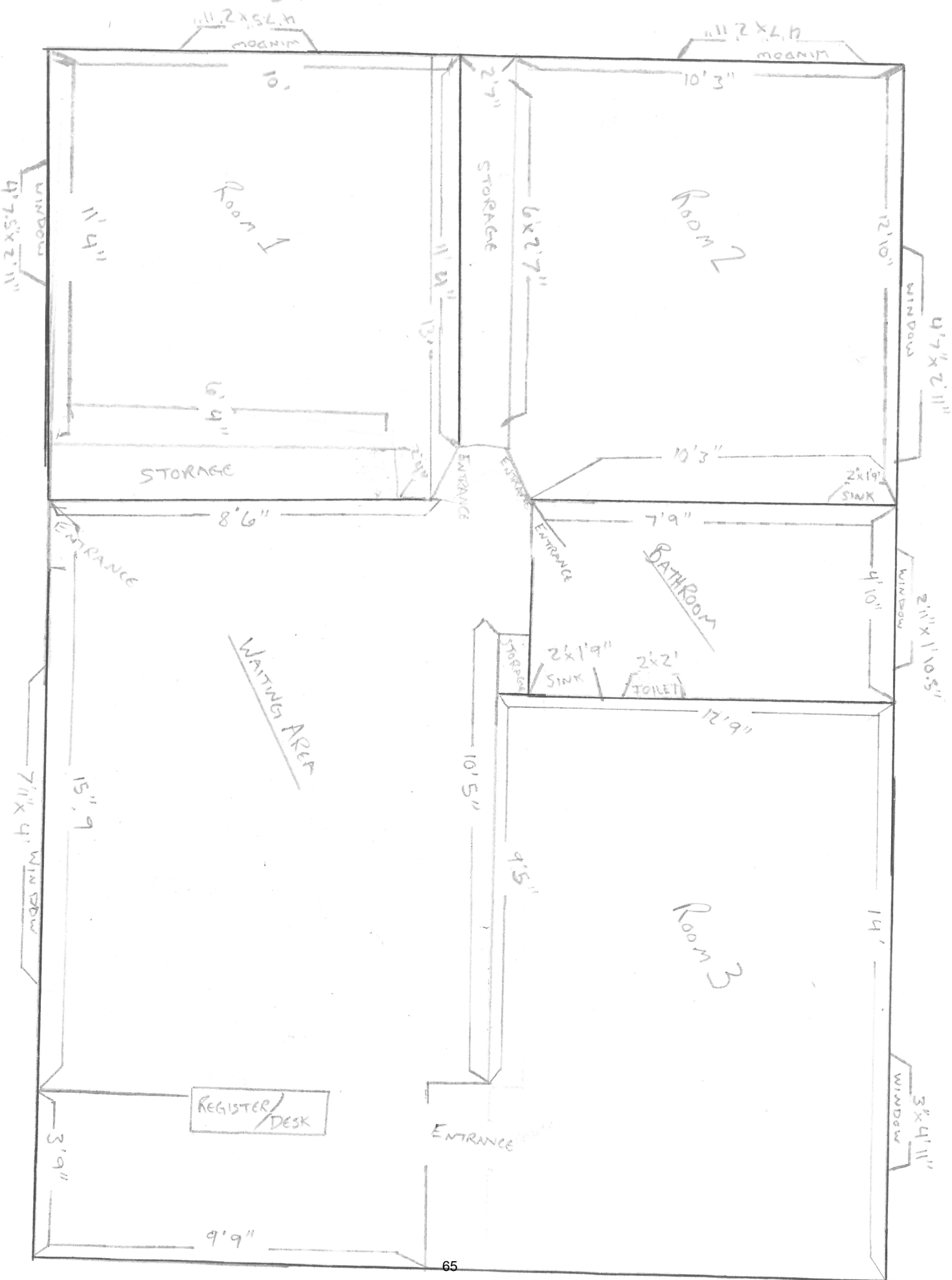
BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2023-149.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operation statement, in Exhibits "A", "B", and "C". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
4. That all other federal, state and city laws, codes and ordinances be complied with.



S. DIVISADERO

W. NOBEL



LUX BEAUTY PROFESSIONAL

December 27th, 2023

Eyebrow threading studio

Lux beauty professional is a threading business by appointment only . It is managed by owner and 1 employee. All clients must have an appointment reserved in order to be serviced by our threading team . Parking lot is very limited we allow 4 cars parked at a time . Appointments take anywhere from 15-30 minutes at the most . We have 3 rooms inside the building. 1 room is used for storage . 2 rooms are used to service clients . Reception desk is located in the waiting area,

Our business hours are from 9am-7pm. We are closed Wednesdays and Sundays

Ana Lopez



Ana Lopez
Lux Beauty Professional
1526 W Mineral King Ave.
Visalia, CA 93291

Site Plan Review No. 2023-149

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.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires the submittal of a Conditional Use Permit (CUP) application as stated on the attached Site Plan Review comments. You may now proceed with filing the CUP application to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **September 20, 2023**. 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 be "Ana Lopez".

 Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE

September 20, 2023

SITE PLAN NO.

2023-149

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 – Lot Line Adjustment

☐

ADDITIONAL COMMENTS:

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

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: September 20, 2023

SITE PLAN NO: 2023-149

PROJECT: Eyebrow threading business

LOCATION: 1526 W. Mineral King Ave.

APN: 093-283-016

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit (CUP)
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: September 20, 2023

1. VMC Use Table 17.25.030, Line B3 lists Barbers, Hairstylists, Cosmeticians, and Day Spas as a conditionally permitted use.
2. A complete CUP application will include detailed exhibits of the following:
 - a. Operational Statement
 - b. Site Plan
 - c. Floor Plan
3. The submittal needs to comply with the development standards of the O-PA zone as detailed in VMC Section 17.20.050.
4. Other information as needed.

Note:

Sections of the Municipal Code to review:

17.20 Office Zones

17.32.080 Maintenance of landscaped areas

17.34 Off-Street Parking Requirements

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

Signature: 



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/> Lupe Garcia	713-4197
<input checked="" type="checkbox"/> Keyshawn Ford	713-4268
<input type="checkbox"/> Edelma Gonzalez	713-4364
<input type="checkbox"/> Sarah MacLennan	713-4271
<input type="checkbox"/> Luqman Ragabi	713-4362

ITEM NO: 4 DATE: SEPTEMBER 20, 2023

SITE PLAN NO.: 23-149
PROJECT TITLE: ANA LOPEZ
DESCRIPTION: LUX BEAUTY PROFESSIONAL IS AN EYEBROW
THREADING BUSINESS WHICH IS APPT-BASED
ONLY
APPLICANT: ANA LOPEZ
PROP OWNER: SAMEH NASR
LOCATION: 1526 W MINERAL KING AVE
APN: 093-283-016

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. **FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- ☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- ☐ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- ☐ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☐ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☐ Prepared by registered civil engineer or project architect. ☐ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☐ directed to the City's existing storm drainage system; b) ☐ directed to a permanent on-site basin; or c) ☐ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- ☐ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- ☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .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. Proposed project will not incur impact fees as there is no change of use.**
- 2. A building permit may be required, standard plan check and inspection fees will apply.**
- 3. Comply with City standards PK-1 through PK-4.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-149**

Date: **09/20/2023**

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: **08/19/2023**)

(Project type for fee rates: **OFFICE**)

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

Reimbursement:

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



Keyshawn Ford

Building: Site Plan
Review Comments

FR 23149
ANA LOPEZ
1524 W MINERAL KING AVE

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

- ☐ A building permit will be required. *For information call (559) 713-4444*
- ☐ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- ☐ You are responsible to ensure compliance with the following checked items:
Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☐ A demolition permit & deposit is required. *For information call (559) 713-4444*
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- ☐ Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- ☐ Project is located in flood zone _____ * ☐ Hazardous materials report.
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- ☐ School Development fees.
- ☐ 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:

NO ALTERATIONS - NO PERMIT
REQUIRED - NO COMMENTS.

VAL GARCIA 9/20/23
Signature

**Site Plan Comments**

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

Date	September 19, 2023
Item #	4
Site Plan #	23149
APN:	093283016

- 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 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All **fire detection, alarm, and extinguishing systems** in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. 2022 CFC 901.6

Corbin Reed
Fire Marshal



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

Date: 9-19-23
Item: 4
Site Plan: SPR 23149
Name: Agt. C. Sinatra

Site Plan Review Comments

- ☐ No Comment at this time.
- ☐ Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- ☐ Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- ☐ Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- ☐ Not enough information provided. Please provide additional information pertaining to:
- ☐ Territorial Reinforcement: Define property lines (private/public space).
- ☐ Access Controlled/ Restricted etc.
- ☒ lighting Concerns:
Ample exterior lighting to deter property crimes.
- ☐ Traffic Concerns:
- ☒ Surveillance Issues:
Internal/External surveillance cameras to deter property crimes.
- ☐ Line of Sight Issues:
- ☒ Other Concerns:
Enroll/Participate in the Trespass Enforcement Program (T.E.P.)

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

September 20, 2023

ITEM NO: 4 Added to Agenda MEETING TIME: 09:45 <NOT ASSIGNED>
SITE PLAN NO: [SPR23149](#)
PROJECT TITLE: ana lopez
DESCRIPTION: Lux Beauty Professional is an eyebrow threading business which is appt based only, client express how much they love my work and positive reviews. the business is for female and male clients
APPLICANT: Ana Lopez - Applicant
APN: 93283016
LOCATION: 1526 w mineral king ave visalia ca 93291

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 at time of development.
- ☐ Install Street Name Blades at Locations at time of development.
- ☐ Install Stop Signs at **local road intersection with collector/arterial** Locations.
- ☒ Construct parking per City Standards PK-1 through PK-4 at time of development.
- ☐ Construct drive approach per City Standards at time of development.
- ☐ 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

Susan Currier

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Tuesday, September 19, 2023 10:10 AM
To: Susan Currier
Cc: lorena.mendibles@dot.ca.gov; Deel, David@DOT
Subject: Caltrans response to Visalia SPR 092023

Hi Susan,

I have reviewed Visalia's SPR Agenda for September 20, 2023.

1. SPR 23146 – Tulare Corner Minimart LLC Retail Center: **Routed for Review.**
2. SPR 23147 – Eric McConnaughey Preschool: No comments.
3. SPR 23148 – Interior Tenant Improvement: No comments.
4. SPR 23149 – Ana Lopez Eyebrow Threading: No comments.
5. SPR 23150 – New Light Industrial: No comments.
6. SPR 23151 – Barr & Wood TPM: **Routed for Review.**

Respectfully,



Scott Lau

Associate Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
Cell: (559) 981-7341



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 Tel: (559) 624-1600

Site Plan Review Comments From:

California Water Service
Scott McNamara, Superintendent
216 N Valley Oaks Dr.
Visalia, CA 93292
559-624-1622 Office
559-735-3189 Fax
smcnamara@calwater.com

Date: 09/20/2023

Item # 4

Site Plan # 23-149

Project: Lux Beauty

Description:

Applicant: Ana Lopez

Location: 1526 W Mineral King

APN:

The following comments are applicable when checked:

- ☐ Re-submit
- ☐ No Comments at this time

☒ Fire Hydrants

Comments- Per Visalia Fire Department requirements. If street frontage hydrants are required off existing water main, Cal Water will utilize our own contractor for that work and that work will be paid for by the developer/customer. The location of those hydrants is to be approved by Visalia Fire.

☒ Services

Comments- Existing service at this location. If the existing service is not sufficient in size to meet the customers' demand, the property owner will need to request and pay for an upsize in service. If the existing infrastructure lands within a new drive approach, the property owner will need to pay for the abandonment and relocation of that infrastructure.

☐ Mains

Comments-

☒ Backflow Requirements

Comments- Will be required if any parcel is for multi-family, commercial, or has multiple services on one parcel. Please contact Cross Connection Control Specialist, Juan Cisneros at 559-624-1670 or visaliabackfow@calwater.com for a backflow install packet.

Additional Comments:

- ☒ Please contact New Business Superintendent Sedelia Sanchez at 559-624-1621 or ssanchez@calwater.com to start your project with Cal Water.

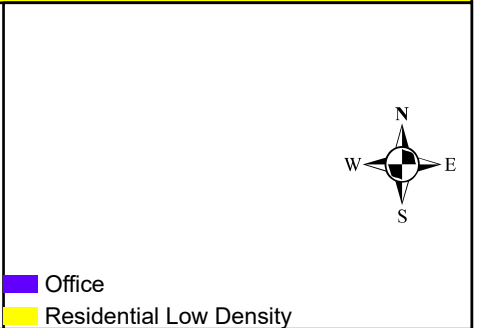
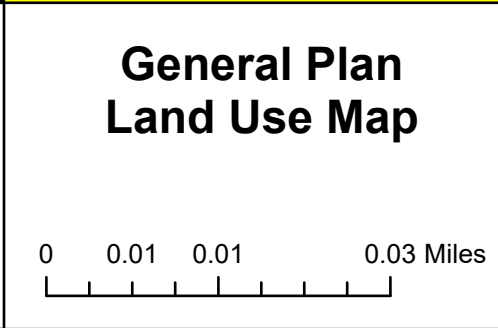
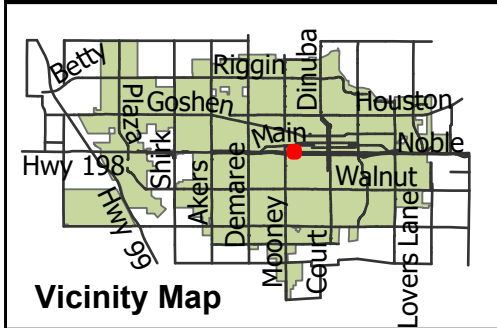
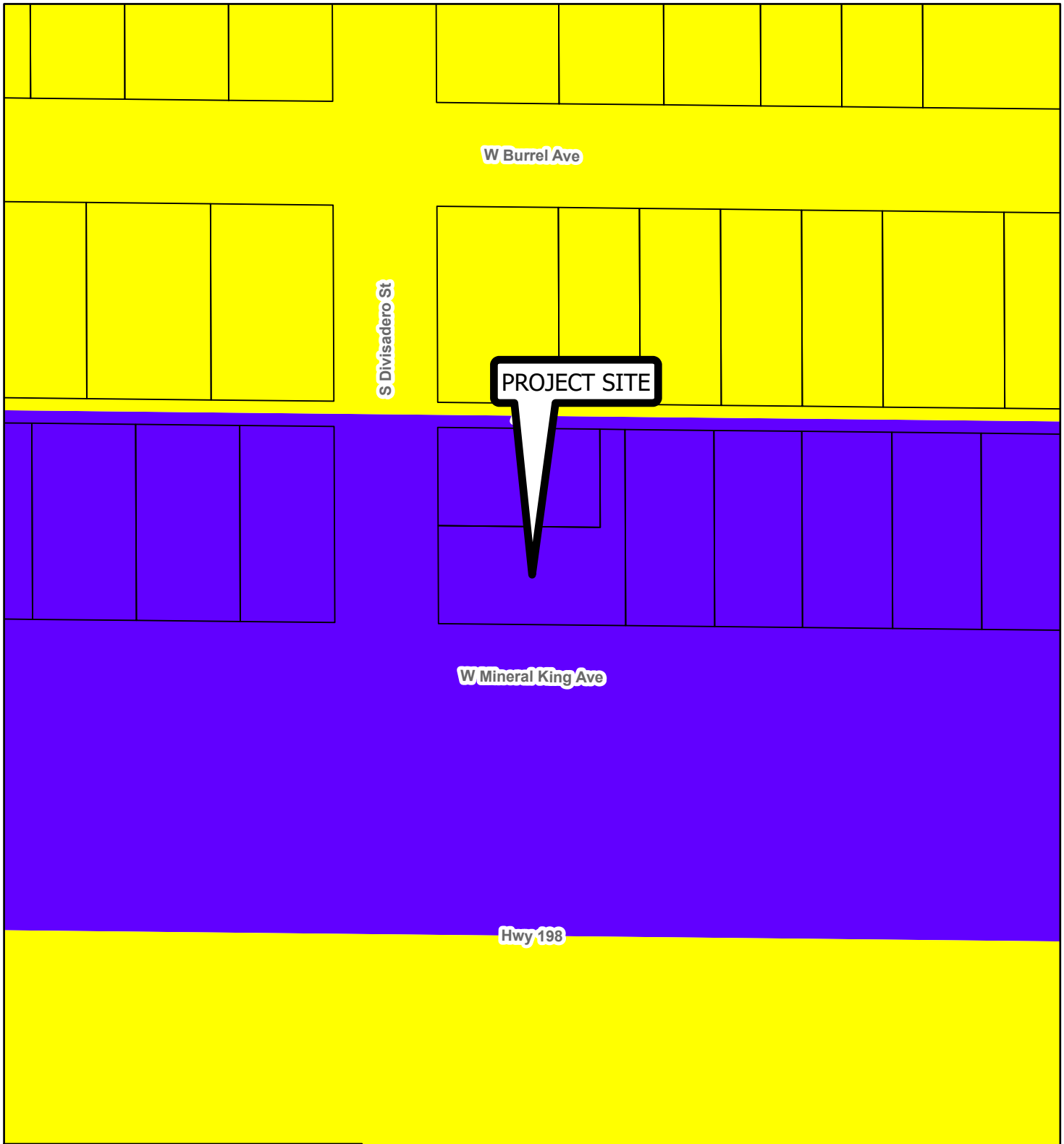


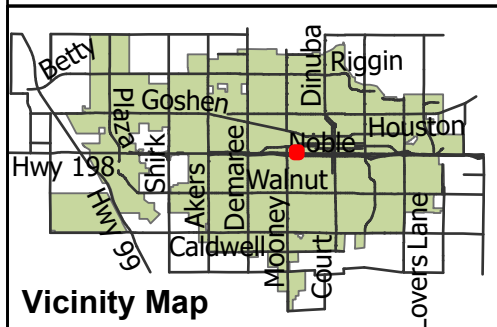
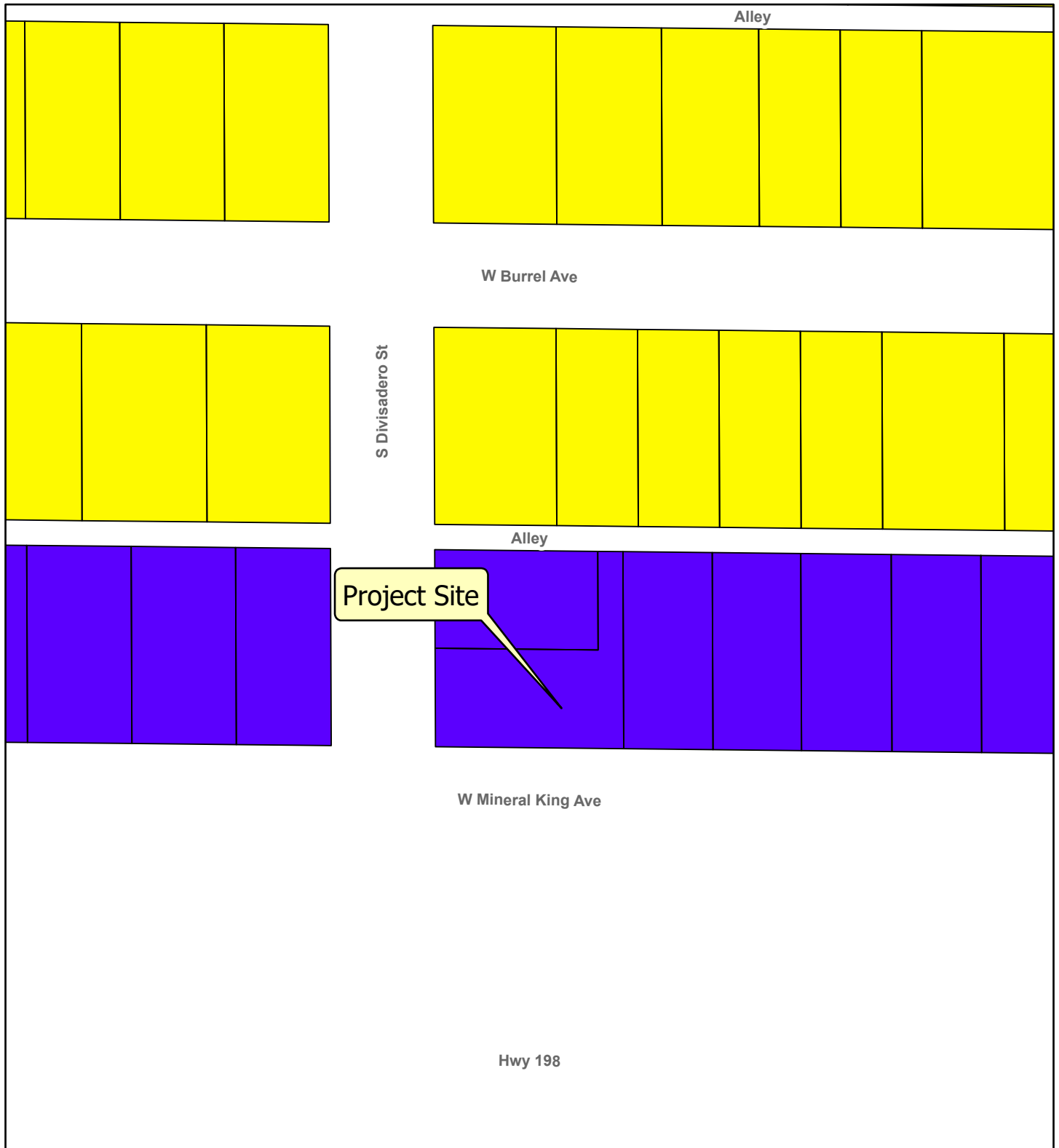
CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

23149

September 20, 2023

<input type="checkbox"/>	No comments.
<input checked="" type="checkbox"/>	See comments below
<input type="checkbox"/>	Revisions required prior to submitting final plans. See comments below.
<input type="checkbox"/>	Resubmittal required. See comments below.
<input checked="" type="checkbox"/>	Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
<input type="checkbox"/>	ALL refuse enclosures must be R-3 OR R-4
<input type="checkbox"/>	Customer must provide combination or keys for access to locked gates/bins
<input type="checkbox"/>	Type of refuse service not indicated.
<input type="checkbox"/>	Location of bin enclosure not acceptable. See comments below.
<input type="checkbox"/>	Bin enclosure not to city standards double.
<input type="checkbox"/>	Inadequate number of bins to provide sufficient service. See comments below.
<input type="checkbox"/>	Drive approach too narrow for refuse trucks access. See comments below.
<input type="checkbox"/>	Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
<input type="checkbox"/>	Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
<input type="checkbox"/>	Bin enclosure gates are required
<input type="checkbox"/>	Hammerhead turnaround must be built per city standards.
<input type="checkbox"/>	Cul - de - sac must be built per city standards.
<input type="checkbox"/>	Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
<input type="checkbox"/>	Area in front of refuse enclosure must be marked off indicating no parking
<input type="checkbox"/>	Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
<input checked="" type="checkbox"/>	Customer will be required to roll container out to curb for service.
<input type="checkbox"/>	Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
<input type="checkbox"/>	Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
<input checked="" type="checkbox"/>	City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
Comment	Customer to use existing solid waste services assigned to the property owners account.
Jason Serpa, Solid Waste Manager, 559-713-4533	
Edward Zuniga, Solid Waste Supervisor, 559-713-4338	
Nathan Garza, Solid Waste, 559-713-4532	





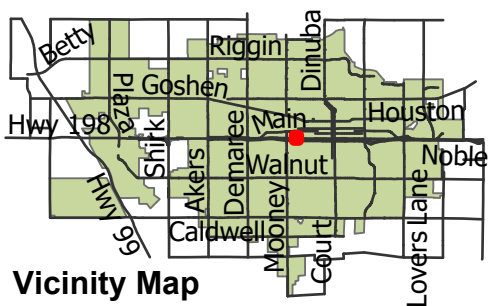
Vicinity Map

Zoning Map

0 0.01 0.01 0.03 Miles



- O-PA Professional / Admin Office
- R-1-5 Single-family Residential

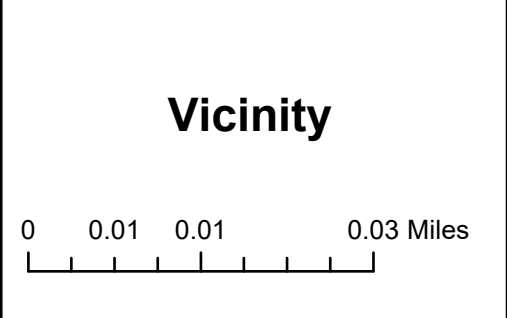
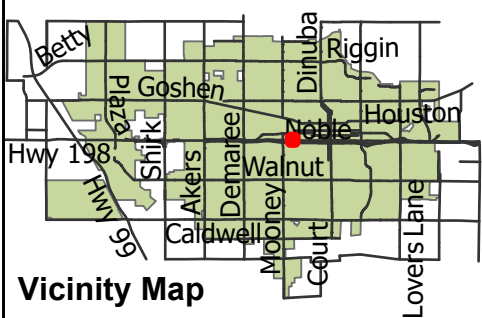
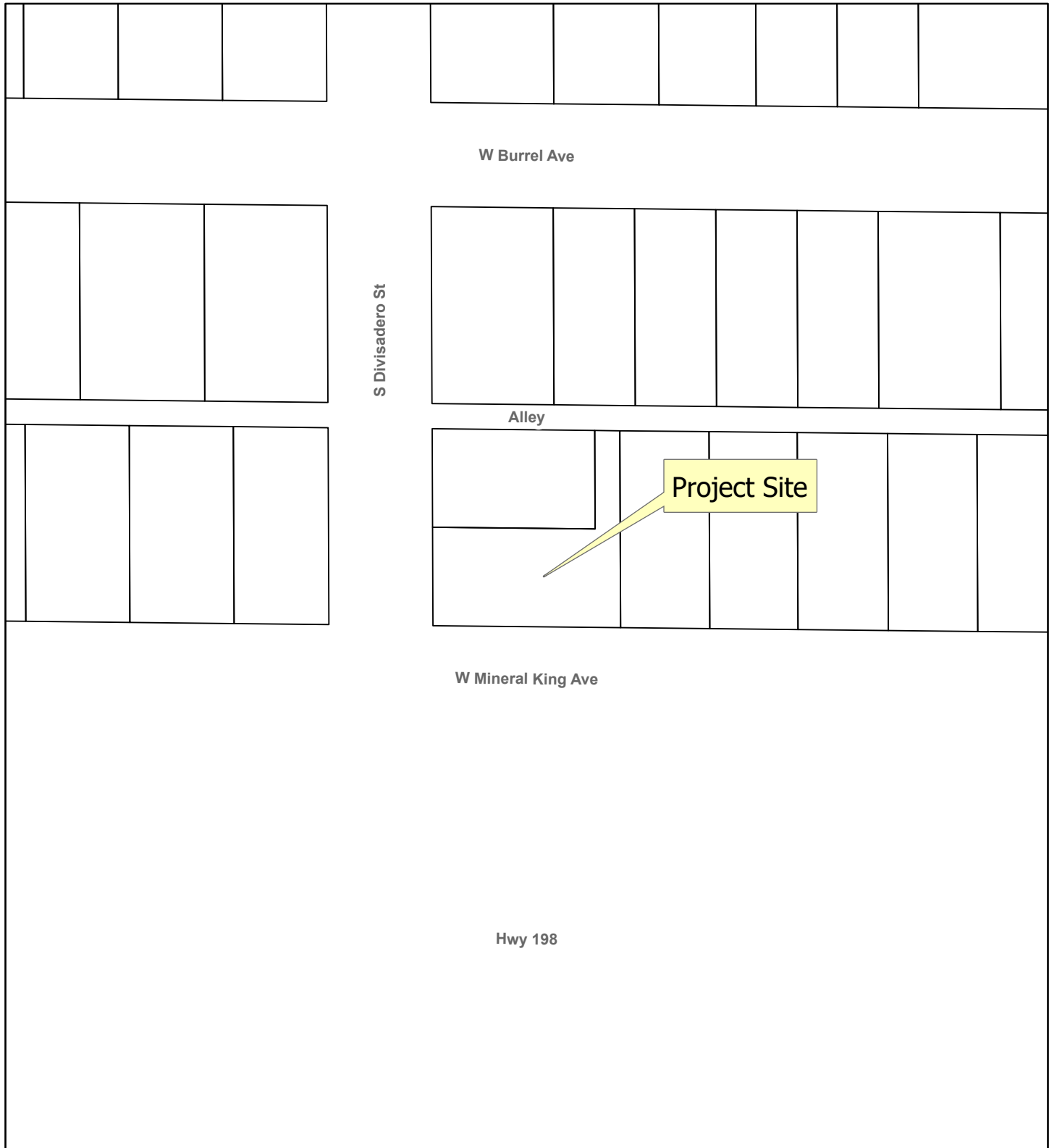


Vicinity Map

Aerial Map

0 0.01 0.01 0.03 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 12, 2024

PROJECT PLANNER: Colleen A. Moreno, Assistant Planner
Phone: (559) 713-4031
Email: colleen.moreno@visalia.city

SUBJECT: Conditional Use Permit No. 2024-03: A request by San Joaquin Valley College to amend Conditional Use Permit No. 2021-13, to add a parking lot on an existing vacant lot based on modification of the use of the existing facility to have additional classroom space in the C-S (Service Commercial) zone. The project is located at 8233 W. Hillsdale Court (APN: 081-071-027).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-03 based upon the findings and conditions in Resolution No. 2024-04. Staff's recommendation is based on the project's consistency with the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

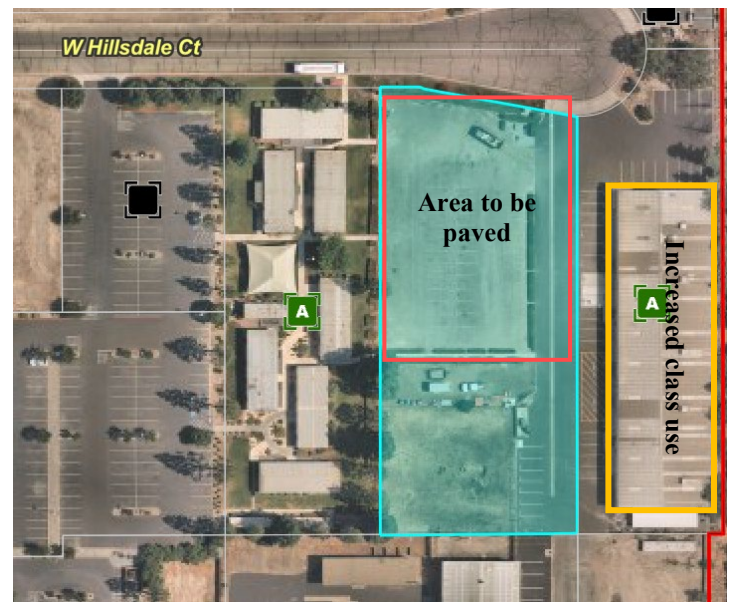
I move to approve Conditional Use Permit No. 2024-03 based on the findings and conditions in Resolution No. 2024-04.

PROJECT DESCRIPTION

Conditional Use Permit (CUP) No. 2024-03 is a request by San Joaquin Valley College (SJVC) to amend CUP No. 2021-13 to increase the number of classrooms on a project site from three to five. The additional classroom space will be supported by the addition of a 111-space parking lot, located on an approximately 0.61-acre parcel to the west of the classroom facility (Exhibit "A"). The project area currently contains an existing 20,000 square foot vocational training facility consisting of two vocational classrooms, offices, classroom lab, and school supply storage areas.

Per the Operational Statement (Exhibit "C") the additional classrooms at SJVC will allow for the accommodation of an increased class size, from 58 students to a maximum size of 95. Class times will be between the hours of 5:00 p.m. – 10:00 p.m. The facility will contain seven instructors.

The applicant has stated in the Operational Statement that no exterior modifications will be occurring, all changes will be made to the layout of the current facility (Exhibit "B"). The site provides 28 parking stalls and with the increase of two additional classrooms, SJVC is requesting to pave an existing lot that will allow a total of 111 parking spaces.



BACKGROUND INFORMATION

General Plan Land Use Designation	Commercial Service
Zoning	C-S (Service Commercial)
Surrounding Zoning and Land Use	North: C-S (Service Commercial) – multi-tenant contractor offices. South: C-S (Service Commercial) – Oak Liquidators East: Tulare County Jurisdiction (AE-20 – Exclusive Agriculture, 20-Acre, Minimum) – Row crops West: C-S (Service Commercial) – SJVC Campus
Environmental Review	Categorical Exemption No. 2024-03
Site Plan	SPR No. 2023-182

Related Projects

Conditional Use Permit No. 2021-13: A request by San Joaquin Valley College to use an existing 20,000 square foot building for vocational training and storage in the C-S (Service Commercial) zone. The project is located at 8233 W. Hillsdale Court. (APN: 081-071-027). The project was approved by the Planning Commission on May 10, 2021.

Conditional Use Permit No. 9614: A request by SJVC to establish a Dental Hygiene College on the current SJVC campus at West Hillsdale Ct. The project was approved in 1996 by the Planning Commission.

PROJECT EVALUATION

Staff recommends approval of Conditional Use Permit No. 2024-03, as conditioned, based on the project's consistency with the General Plan Land Use and Zoning Ordinance.

Land Use Compatibility

The City of Visalia General Plan contains land use policies that promote businesses that provide opportunities for skill training (LU-P-1, PSCU-P-39) and local workforce training (LU-P-11). The full text of these policies can be found under the Related Plans and Policies attachment of the staff report. This project will provide both skill and workforce training through the addition of classes and lab instructions of SJVC.

The project will be located within the SJVC campus. The usage of SJVC as a trade school will not change, therefore the addition of classrooms to the project site is considered compatible with the site and surrounding area. In addition, the SJVC campus is within close proximity to the Visalia Industrial Park which may benefit from hiring students that have completed their education and course training in related job fields found in the industrial park.



Parking

Zoning Ordinance Section 17.34.020.C.4 requires trade schools to provide one parking space for each employee plus ten parking spaces for each classroom. The building that is expanding classrooms for the adult education trade school function currently provides 28 parking stalls , which is sufficient to support the three existing classrooms. Based on the amendment, two additional classrooms are proposed, increasing the total number of classrooms to five. Factoring in the seven staff members working onsite, a total of 57 stalls are required to support the increase of classroom use. The current parking is not sufficient. As such, the applicant proposes employing the vacant property to the west for parking purposes. Paving of the vacant lot located to the west of the building will provide a total of 111 parking spaces, which provides sufficient parking for the additional classrooms, and for the SJVC campus as a whole.

Environmental Review

The project is Categorically Exempt under Section 15301 (Existing Facilities) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2024-03).

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The proposed use is similar in nature and intensity to other existing vocational training, warehousing, and office uses occurring on neighboring parcels. The request to amend the previous conditional use permit approval through the addition of two classrooms and parking lot is expansion will serve SJVC by providing additional education and training opportunities to the residents of Visalia and the surrounding communities. The General Plan contains land use policies that promote capturing businesses that provide opportunities for skill training (LU-P-1, PSCU-P-39) and local workforce training (LU-P-11).
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-03).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-182, incorporated herein by reference.
2. That the use be in substantial compliance with Exhibits "A", "B" and "C". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.

3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
4. That all other federal, state and city laws, codes and ordinances be complied with.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees 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. 2024-04
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Exhibit "D" – Conditional Use Permit No. 2021-13
- Site Plan Review Comments No. 2023-182
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2024-03

PROJECT TITLE

The site is located at 8233 W. Hillsdale Ct. (APN: 081-071-027)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request to add two classrooms and a parking lot on a parcel within the C-S (Service Commercial) zone for San Joaquin Valley College.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Jeffrey A. Stewart, ArchInteriors, LLC, 611 Alexandrite Dr

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Same as above

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15073
☐ Emergency Project - Section 15071
☒ Categorical Exemption - State type and Section number: **Section 15301**
☐ Statutory Exemptions- State code number:

A request by San Joaquin Valley College to add two vocational training classrooms and a paved parking lot in the C-S (Service Commercial) zone, constituting only minor changes to existing facilities with similar neighboring uses.

REASON FOR PROJECT EXEMPTION

Colleen A. Moreno, Assistant Planner

CONTACT PERSON

(559) 713-4031

AREA CODE/PHONE

January 22, 2024

DATE

Brandon Smith, AICP
Environmental Coordinator

RELATED PLANS AND POLICIES

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

General Plan Policy

LU-P-1 Work to capture emerging market sectors and technologies to enhance Visalia's economic base, through incentives and other business attraction strategies described in this Element. Focus on businesses that:

- Possess a high growth potential, such as agricultural processing, healthcare, recycling industries, technology, light manufacturing, warehousing and distribution and other businesses that benefit from a Central Valley location;
- Provide opportunities for skill training;
- Create higher-paying and/or higher quality jobs for Visalia residents;
- Complement or expand existing goods and services in Visalia;
- Have a minimal negative impact on the environment; and
- Require minimal public investment.

LU-P-11 Continue to coordinate planning, economic development, local workforce training, tourism, and other activities of regional significance with the Chamber of Commerce, Tulare County and other cities and organizations to foster the economic health of the area.

PSCU-P-39 Promote the location and development of vocational and trade schools and alternative and continuing education programs such as Visalia Charter Independent Study.

Zoning Ordinance

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)

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

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)

RESOLUTION NO. 2024-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-03, A REQUEST BY SAN JOAQUIN VALLEY COLLEGE AMEND CONDITIONAL USE PERMIT NO. 2021-13, TO ADD A PARKING LOT ON AN EXISTING VACANT LOT BASED ON MODIFICATION OF THE USE OF THE EXISTING FACILITY TO HAVE ADDITIONAL CLASSROOM SPACE IN THE C-S (SERVICE COMMERCIAL) ZONE. THE PROJECT IS LOCATED AT 8233 W. HILLSDALE COURT (APN: 081-071-027).

WHEREAS, Conditional Use Permit No. 2024-03, is a request by San Joaquin Valley College to amend Conditional Use Permit No. 2021-13 to add a parking lot on an existing vacant lot based on modification of the use of the existing facility to have additional classroom space on in the C-S (Service Commercial) zone. The project is located at 8233 W. Hillside Court (APN: 081-071-027); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 12, 2024; and

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

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

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The proposed use is similar in nature and intensity to other existing vocational training, warehousing, and office uses occurring on neighboring parcels. The request to amend the previous conditional use permit approval through the addition of two classrooms and parking lot is expansion will serve SJVC by providing additional education and training opportunities to the residents of Visalia and the surrounding communities. The General Plan contains

land use policies that promote capturing businesses that provide opportunities for skill training (LU-P-1, PSCU-P-39) and local workforce training (LU-P-11).

- b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-03).

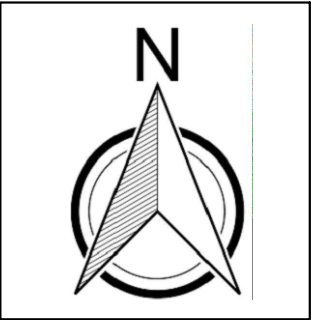
BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-182.
2. That the use be in substantial compliance with Exhibits “A”, “B” and “C”. Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
4. That all other federal, state and city laws, codes and ordinances be complied with.

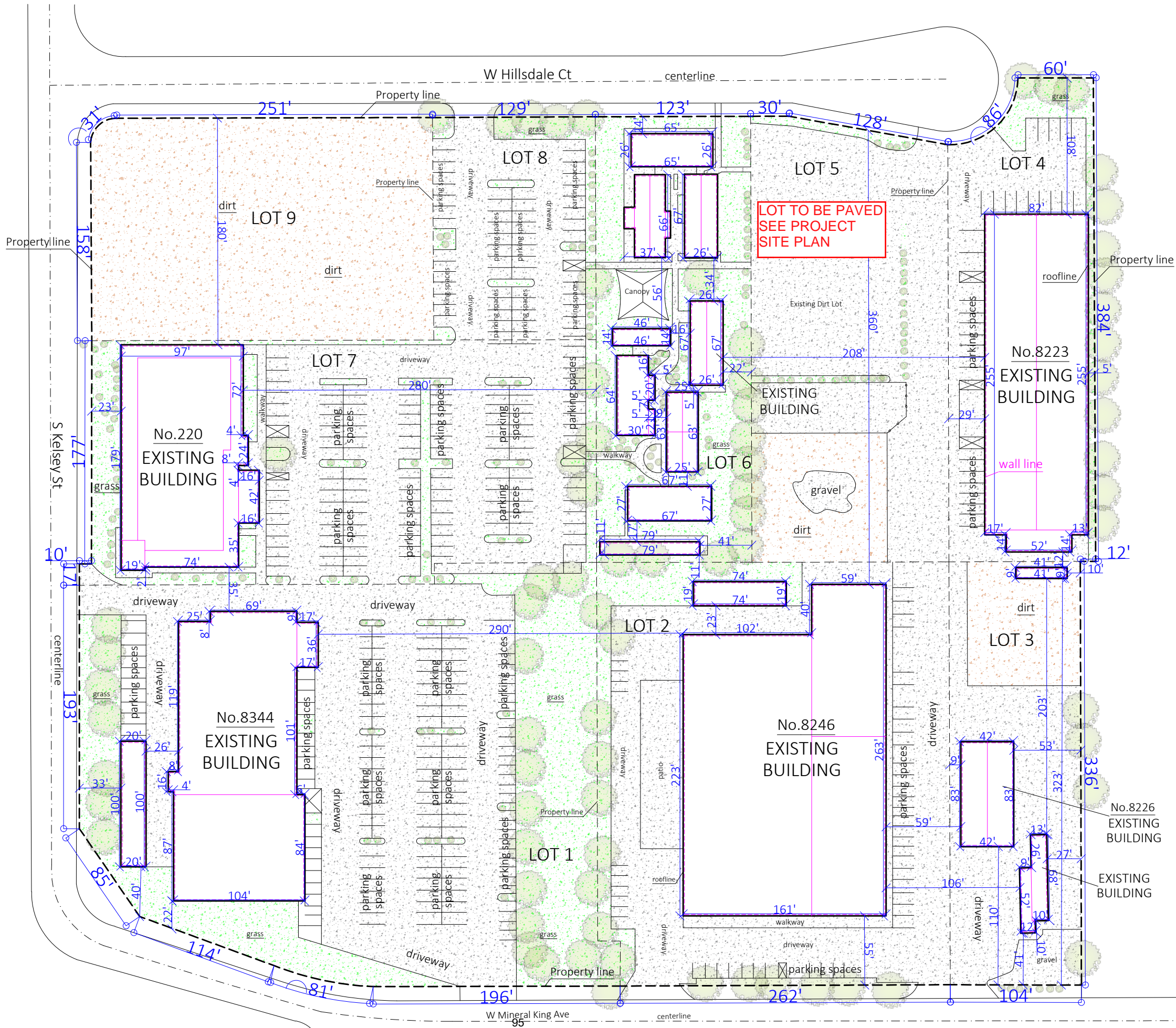
SITE PLAN

8344 W Mineral King Ave
Visalia, CA 93291
Paper Size: 11"x17"

INCLUDES 8233 W. Hillsdale



scale 1"=80'



SAN JOAQUIN VALLEY COLLEGE - SITE PLAN
8233 W. HILLSDALE CT - EXISTING SATELLITE BUILDING

November 14, 2023



- VINCINITY MAP**
- A SJVC CLASSROOM CENTER A
 - B SJVC CLASSROOM CENTER B
 - C CAMPUS PARKING
 - D STORM RETENTION BASIN
 - E SJVC CLASSROOM CENTER C
 - F RESERVE PARKING
 - G 8246 W. MINERAL KING (RETAIL)
 - H 8233 W. HILLSDALE: SJVC SATELLITE BUILDING
 - I 8226 W. MINERAL KING COMMERCIAL ZONE
 - J VACANT PARCEL

DATA SUMMARY

EVALUATION OF EXISTING USER:

1. SHIPPING/RECEIVING/WAREHOUSE
EDUCATIONAL RESOURCES (BOOKS, CLASSROOM SUPPLIES, TEACHING RESOURCE)
2. VOCATIONAL CLASSROOMS

PROPERTY

APN: 081-071-027
ADDRESS: 8233 W. HILLSDALE
0.96 AC
SERVICE COMMERCIAL ZONE

EXISTING BUILDING

- 80'-0" X 250'-0"
- 20,000 SQFT
- SINGLE STORY PRE-ENGINEERED METAL BUILDING, (CMU WALL AT EAST PROPERTY LINE), CONCRETE FOUNDATION AND SLAB-ON-GRADE, WOOD FRAMED OFFICE & ANCILLARY SPACES
- FULLY SPRINKLERED

CODE CLASSIFICATION

TYPE VB, SPRINKLED
ALLOWABLE AREA
BL: 36,000 (SPRINKLERED, NO INCREASES)
FL: 34,000 (SPRINKLERED, NO INCREASES)
NON-SEPARATED OCCUPANCY (CBC 508.3, TABLE 508.4)
EXISTING:
MAXIMUM COMMON PATH OF EXIT EGRESS TRAVEL (TABLE 1006.3.4(2))
A: 100FT (SPRINKLERED) MAX 49 OCC.
B: 100FT (SPRINKLERED) MAX 49 OCC.

NOTES:

VERIFY IF BACK FLOW PREVENTORS
ARE CURRENTLY INSTALLED, IF NONE
ARE INSTALLED, PROVIDE BACKFLOW
PREVENTORS

MINIMUM OF 10% OF PARKING AREA WILL BE LANDSCAPED

EXISTING CUP PARKING LAYOUT

10 STALLS PER CLASSROOM 1 STALLS PER STAFF			
CATEGORY	ACTUAL	RATIO	COUNT
CLASSROOMS	3	10/ROOM	30
STAFF	6	1/STAFF	6
			36 REQ'D

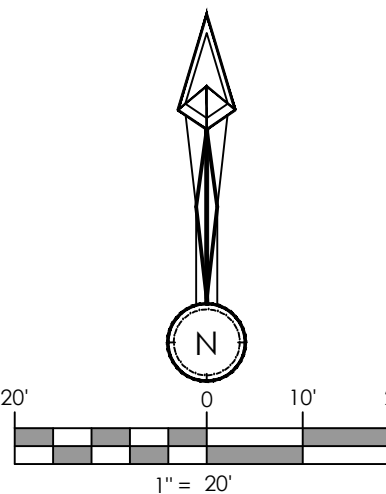
+2 ACCESSIBLE STALLS REQUIRED
TOTAL 38 PROVIDED

REVISED CUP PARKING LAYOUT

10 STALLS PER CLASSROOM 1 STALLS PER STAFF			
CATEGORY	ACTUAL	RATIO	COUNT
CLASSROOMS	5	10/ROOM	50
STAFF	7	1/STAFF	7
			57 REQ'D

+3 ACCESSIBLE STALLS REQUIRED
TOTAL 111 PROVIDED

CUP UPDATE-CHANGE IN USE OF 2 ROOM, NEW
TOTAL IS 5 CLASSROOMS AND 5 STAFF TOTAL PARKING
REVISED FROM 36+2 HC TO 57 + 2HC THE BALANCE
OF CUP TO REMAIN AS ORIGINALLY SUBMITTED



LEGEND OF ROOM NUMBERS

- ① WAREHOUSE
- ② CLASSROOM
- ③ CLASSROOM
- ④ WAREHOUSE
- ⑤ OFFICE
- ⑥ OFFICE
- ⑦ WAREHOUSE
- ⑧ CLASSROOM
- ⑨ CLASSROOM
- ⑩ CLASSROOM

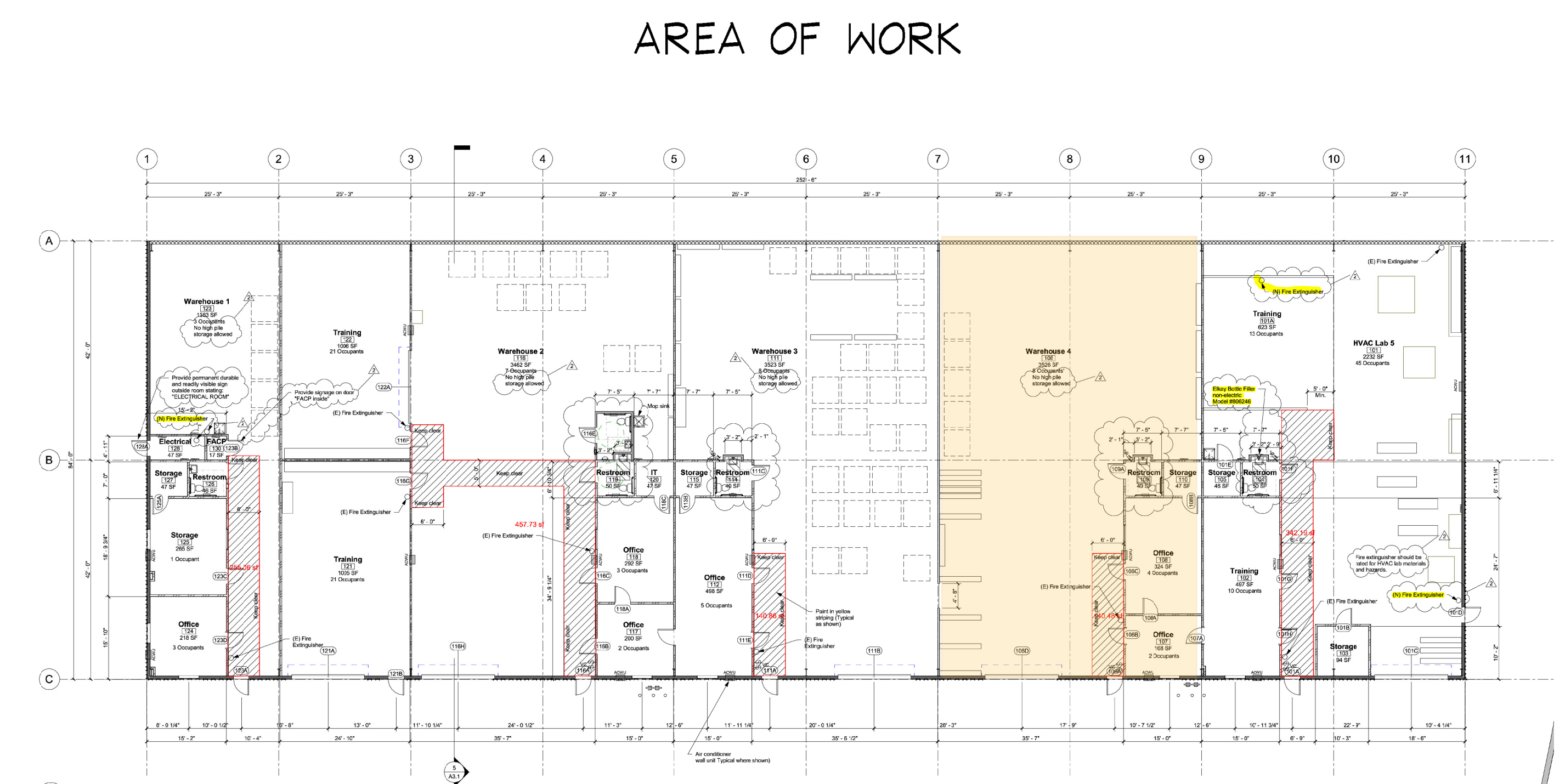
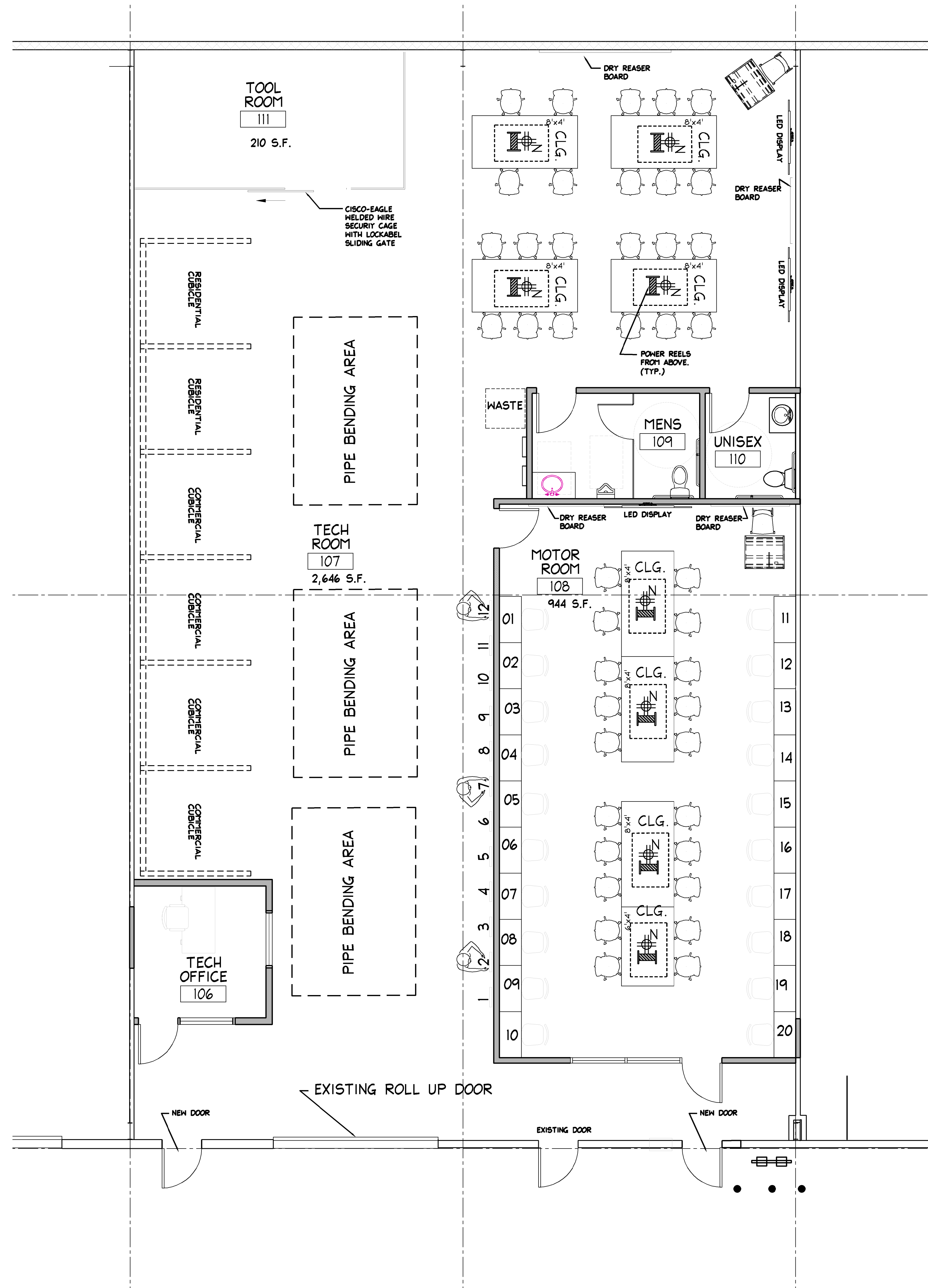


SJVC CLASSROOM
CENTER "C"

RESERVE PARKING
AREA

CAMPUS PARKING
AREA

(E) 20FT GATE WITH KNOX BOX
FOR EMERGENCY RESPONDER
THROUGH-ACCESS



BUILDING LEGEND

VISALIA, ELECTRICAL TECH BUILDING

DATE: OCTOBER 19, 2023



SCALE: 1/4" = 1'-0"

RESPONSE TO COMMENTS MADE IN PREVIOUS SUBMISSION:

1. ***PARKING - Adjacent unpaved parking area will be paved to the City of Visalia Requirements - below is a picture of the lot to be paved - adding approximately 50 +/- parking spaces. - Required number of accessible spaces will be provided - SEE ATTACHED SITE PLAN.***



2. ***Any additional impact fees will be paid if required.***
3. ***An Accessible Route will be provided from the Public Way.***
4. ***Peak Hour Trip Generation from addition of classrooms - Note that the Department of Industrial Relations has a limitation of no more than 20 students in a class and the program supports only two classes; class times are from 5 to 10 PM; so maximum of 40 trips and not at peak hour. Immaterial impact to Peak Hour Trip Generation.***
5. ***Refuse Enclosure Requirements if not currently met will be met.***

OPERATIONAL USE STATEMENT

The building is currently used for Adult Education functions and operationally will not change, the intent is to simply add a new program for adult education as outlined above. This project is to simply add additional area to the existing functional / operational use.



November 17, 2023

Site Plan Review No. 2023-182:

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 1, 2023**. 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".

Paul Bernal
Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE

November 1, 2023

SITE PLAN NO.

2023-182

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 – Lot Line Adjustment

☒

ADDITIONAL COMMENTS:

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

SITE PLAN REVIEW COMMENTS

Cristobal Carrillo, Planning Division, (559) 713-4443

Date: November 1, 2023

SITE PLAN NO: 2023-182
PROJECT TITLE: Modification to CUP 2021-13
DESCRIPTION: CUP Modification to change the use of two rooms to Classrooms at SJVC
APPLICANT: Jeffrey A Stewart
LOCATION TITLE: 8233 W Hillsdale Ct.
APN TITLE: 081-071-027
GENERAL PLAN: Service Commercial
EXISTING ZONING: C-S – Service Commercial

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit Amendment
- Lot Line Adjustment or Shared Use/Access Agreement

PROJECT SPECIFIC INFORMATION: November 1, 2023

1. A Conditional Use Permit Amendment shall be required.
2. Provide a site plan, floor plan, building elevations, landscape plan, and operational statement with the Conditional Use Permit submittal.
3. A master site plan shall be provided, showing all the properties and structures on the San Joaquin Valley College campus.
4. The site plan and landscape plan shall depict the proposed parking lot, verifying that sufficient parking stalls are provided for the proposed use, and that a minimum 10% of the parking lot is landscaped.
5. The floor plan shall identify the use and square footage of each room.
6. Plans shall note whether the project site and proposed parking lot will be merged into one parcel, or remain as is. If the former, then a Lot Line Merger shall be required. If the latter, then a shared use and access agreement shall be required.

NOTES:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required through the District.
2. 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.

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

Signature _____



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/> Lupe Garcia	713-4197
<input checked="" type="checkbox"/> Keyshawn Ford	713-4268
<input type="checkbox"/> Edelma Gonzalez	713-4364
<input type="checkbox"/> Sarah MacLennan	713-4271
<input type="checkbox"/> Luqman Ragabi	713-4362

ITEM NO: 1 DATE: NOVEMBER 1, 2023

SITE PLAN NO.:	23-182
PROJECT TITLE:	MODIFICATION TO CUP 2021-13
DESCRIPTION:	CUP MODIFICATION TO CHANGE THE USE OF TWO ROOMS TO TWO CLASSROOMS
APPLICANT:	JEFFREY STEWART
PROP OWNER:	PERRY ENTERPRISES
LOCATION:	8233 W HILLSDALE CT
APN:	081-071-027

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. **FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- ☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- ☐ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- ☐ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☒ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☒ Prepared by registered civil engineer or project architect. ☒ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☒ directed to the City's existing storm drainage system; b) ☐ directed to a permanent on-site basin; or c) ☐ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- ☐ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- ☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .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. Proposed project will incur impact fees with change of use.**
- 2. A building permit is required, standard plan check and inspection fees will apply.**
- 3. Parking lot shall comply with City parking standards PK-1 through PK-5.**
- 4. Project is located in an "AE" flood zone and shall comply with FEMA flood requirements. Substantial improvement determination shall be assessed at the time of permit review.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-182**

Date: **11/01/2023**

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: **08/19/2023**)

(Project type for fee rates:)

☒ Existing uses may qualify for credits on Development Impact Fees. **SERV COMM**

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	[\$5,390/1KSF - (\$2,467/KSF CREDIT)] X 4.7
<input type="checkbox"/> Trunk Line Capacity Fee	
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

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



Keyshawn Ford

SPR 23181/2
S JVC CLASSROOM
8233 W. HILLSDALE CT.

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 PAYING** For information call (559) 713-4444
- ☐ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- ☐ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☐ A demolition permit & deposit is required. For information call (559) 713-4444
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- ☐ Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
- ☒ Project is located in flood zone **AE** * ☐ Hazardous materials report. **MEET FEMA FLOOD REQUIREMENTS**
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- ☐ School Development fees.
- ☐ 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:

VERIFY ADEQUATE NUMBER OF ACCESSIBLE STALLS ARE PROVIDED BASE ON THE TOTAL NUMBER OF PARKING STALLS WITHIN THE FACILITY.


VAL GARCIA 10/31/23
Signature

**Site Plan Comments**

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

Date	October 31, 2023
Item #	1
Site Plan #	23182
APN:	081027

- 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 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All **fire detection, alarm, and extinguishing systems** in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. 2022 CFC 901.6
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2022 CFC 505.1
- 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. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 506.1
- **Special comments:** Ensure Knox Lock has been installed on southern gate to allow cross access due to lack of turn around.



Corbin Reed
Fire Marshal



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

Date: 10/30/23
Item: 1
Site Plan: SPR23182
Name: Agent McBride

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:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 1, 2023

ITEM NO: 1 Added to Agenda

MEETING TIME: 09:00

SITE PLAN NO: [SPR23182](#)

ASSIGNED TO: Cristobal Carrillo Cristobal.Carrillo@visalia.ci

PROJECT TITLE: Modification to CUP 2021-13

DESCRIPTION: CUP Modification to change the use of two rooms to Classrooms - New total is 5 Classrooms and 5 Sta

APPLICANT: Jeffrey A Stewart - Applicant

APN: 081071027

ADDRESS: 8233 W HILLSDALE CT

LOCATION: 8233 W. Hillsdale CT

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 at time of development.
- ☐ Install Street Name Blades at Locations at time of development.
- ☐ Install Stop Signs at **local road intersection with collector/arterial** Locations.
- ☒ Construct parking per City Standards PK-1 through PK-4 at time of development.
- ☐ Construct drive approach per City Standards at time of development.
- ☐ 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

Susan Currier

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Tuesday, October 31, 2023 3:58 PM
To: Susan Currier
Cc: lorena.mendibles@dot.ca.gov; Deel, David@DOT
Subject: Caltrans response to Visalia SPR 110123

Hi,

I have reviewed the Visalia SPR Agenda for November 1, 2023:

1. **SPR 23182** – Modification to CUP 2021-13: No comments.
2. SPR 23183 – Raising Cane's Restaurant: No comments.
3. SPR 23184 – 4 Plex: No comments.

Respectfully,



Scott Lau

Associate Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
Cell: (559) 981-7341

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

23182

November 1, 2023

<input type="checkbox"/>	No comments.
<input checked="" type="checkbox"/>	See comments below
<input type="checkbox"/>	Revisions required prior to submitting final plans. See comments below.
<input type="checkbox"/>	Resubmittal required. See comments below.
<input checked="" type="checkbox"/>	Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
<input type="checkbox"/>	ALL refuse enclosures must be R-3 OR R-4
<input checked="" type="checkbox"/>	Customer must provide combination or keys for access to locked gates/bins
<input type="checkbox"/>	Type of refuse service not indicated.
<input type="checkbox"/>	Location of bin enclosure not acceptable. See comments below.
<input type="checkbox"/>	Bin enclosure not to city standards double.
<input type="checkbox"/>	Inadequate number of bins to provide sufficient service. See comments below.
<input type="checkbox"/>	Drive approach too narrow for refuse trucks access. See comments below.
<input type="checkbox"/>	Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
<input type="checkbox"/>	Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
<input type="checkbox"/>	Bin enclosure gates are required
<input type="checkbox"/>	Hammerhead turnaround must be built per city standards.
<input type="checkbox"/>	Cul - de - sac must be built per city standards.
<input checked="" type="checkbox"/>	Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
<input type="checkbox"/>	Area in front of refuse enclosure must be marked off indicating no parking
<input type="checkbox"/>	Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
<input type="checkbox"/>	Customer will be required to roll container out to curb for service.
<input type="checkbox"/>	Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
<input type="checkbox"/>	Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
<input checked="" type="checkbox"/>	City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
<input checked="" type="checkbox"/>	Customer confirmed no changes to existing solid waste services assigned to the school campus.
Jason Serpa, Solid Waste Manager, 559-713-4533	
Edward Zuniga, Solid Waste Supervisor, 559-713-4338	
Nathan Garza, Solid Waste, 559-713-4532	



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 *Tel:* (559) 624-1600

Site Plan Review Comments From:

California Water Service
Scott McNamara, Superintendent
216 N Valley Oaks Dr.
Visalia, CA 93292
559-624-1622 Office
559-735-3189 Fax
smcnamara@calwater.com

Date: 11/01/2023

Item # 1

Site Plan # 23-182

Project: CUP Modification (SJVC)

Description: Additional Classrooms

Applicant:

Location: 8233 W Hillside

APN: 081-071-027

The following comments are applicable when checked:

- ☐ Re-submit
- ☐ No Comments at this time

☒ Fire Hydrants

Comments- Per Visalia Fire Department requirements. If street frontage hydrants are required off existing water main, Cal Water will utilize our own contractor for that work and that work will be paid for by the developer/customer. The location of those hydrants is to be approved by Visalia Fire.

☒ Services

Comments- Existing service(s) at this location. If the existing service(s) is not sufficient in size to meet the customers' demand, the property owner will need to request and pay for an upsize in service or any additional services that may be needed. If the existing infrastructure lands within a new drive approach, the property owner will need to pay for the abandonment and relocation of that infrastructure.

☐ Mains

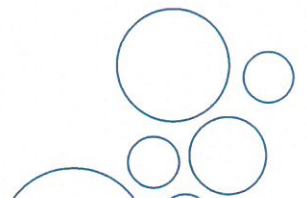
Comments-

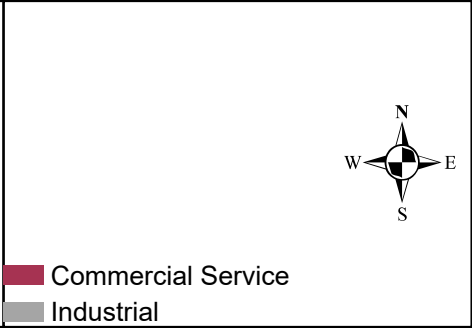
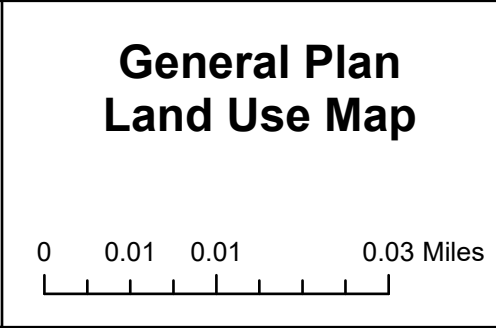
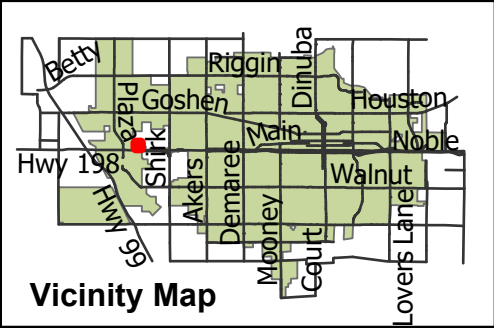
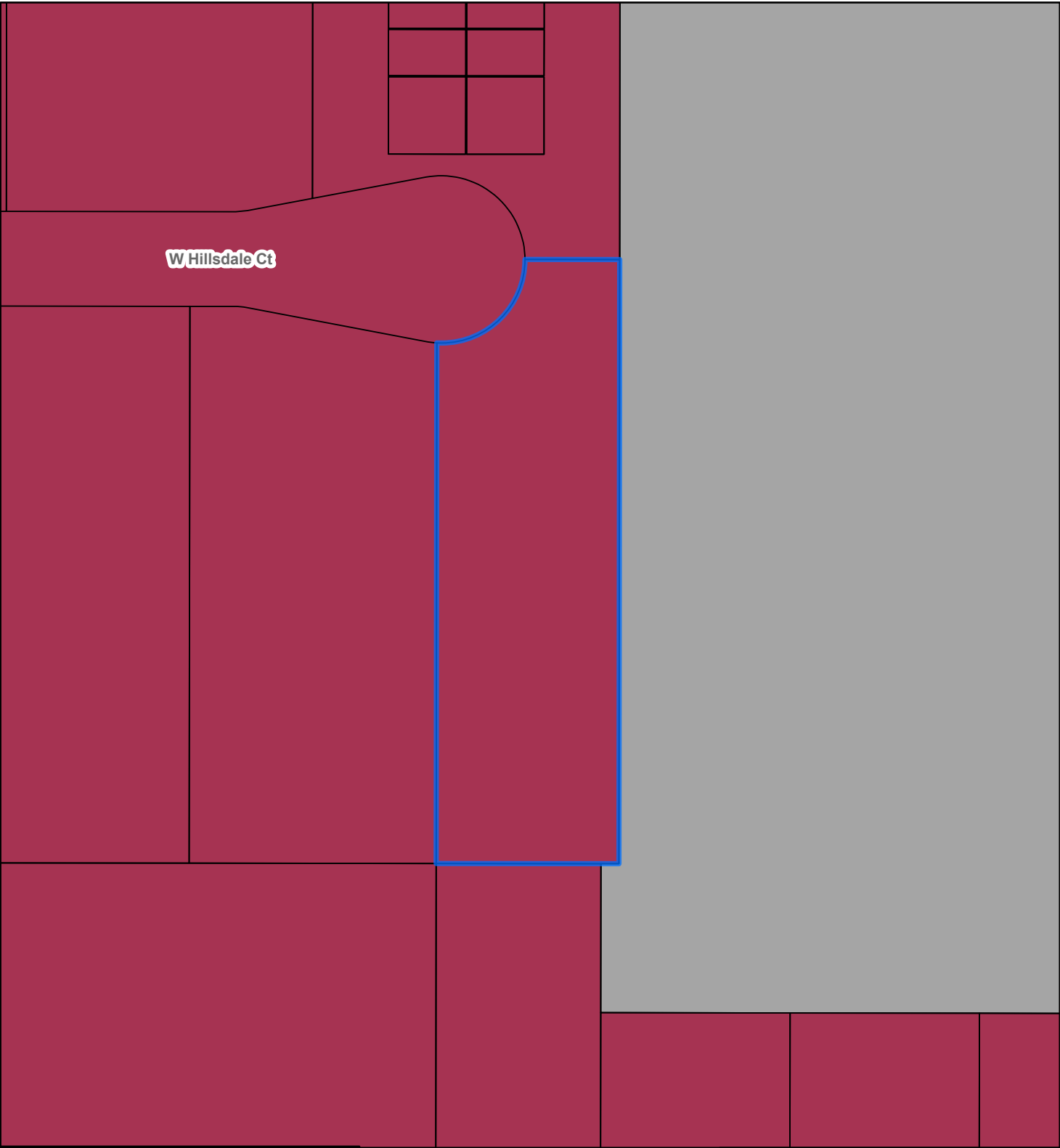
☒ Backflow Requirements

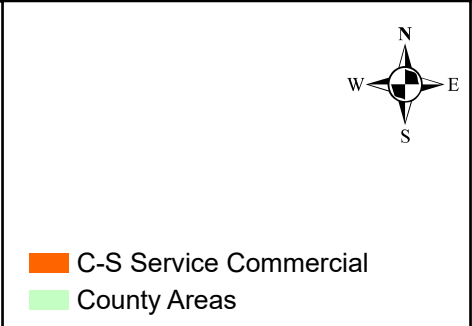
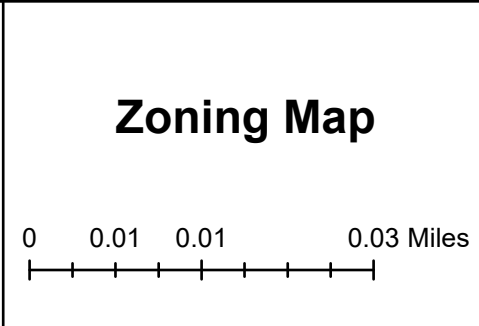
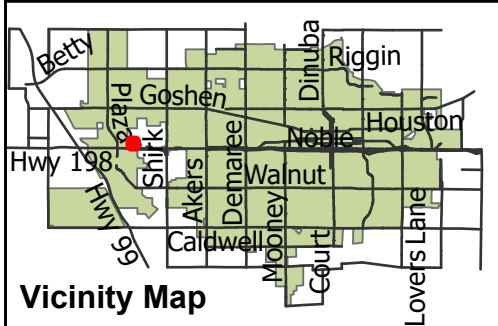
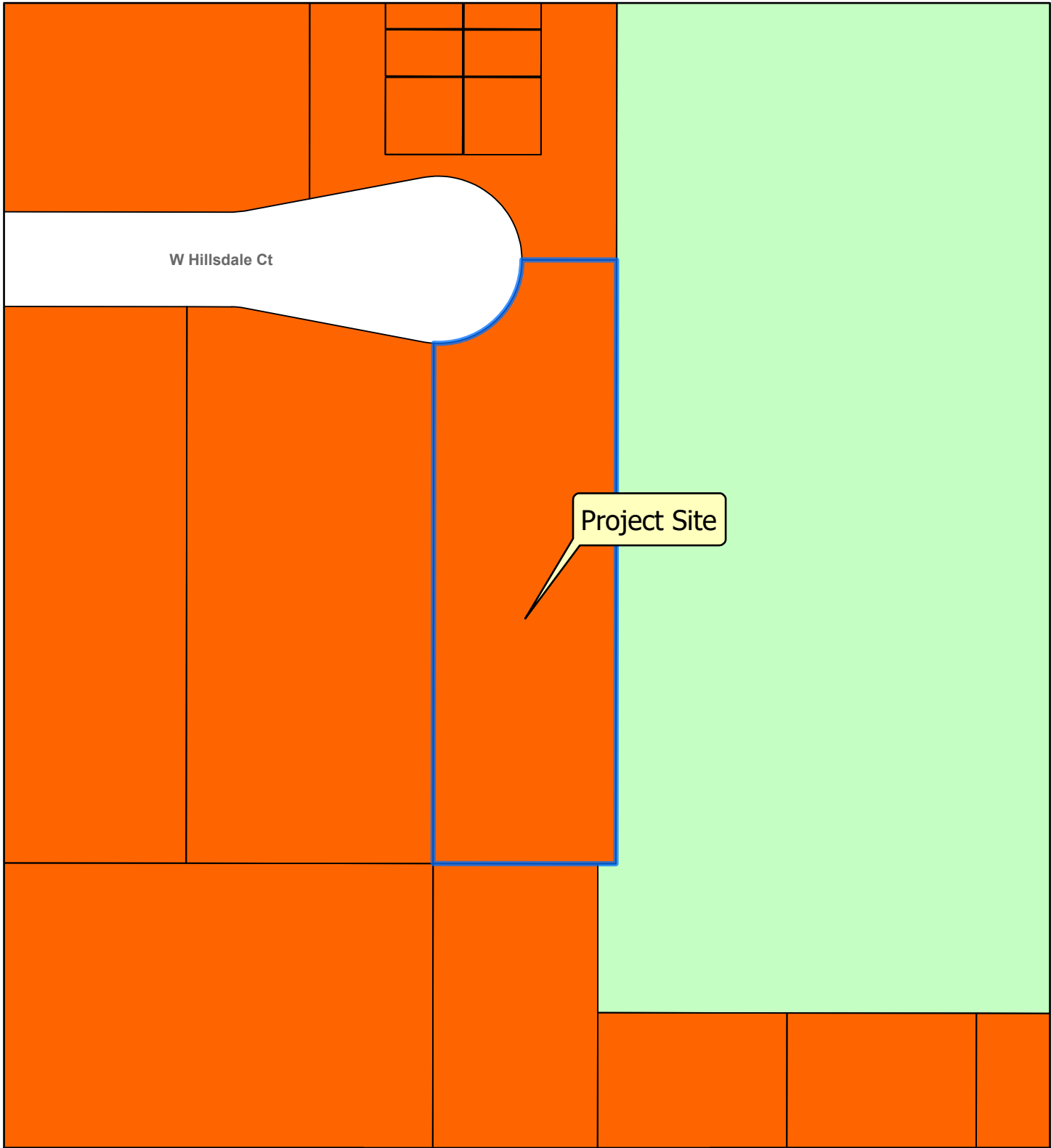
Comments- Will be required if any parcel is for multi-family, commercial, or has multiple services on one parcel. Please contact Cross Connection Control Specialist, Juan Cisneros at 559-624-1670 or visaliabackfow@calwater.com for a backflow install packet.

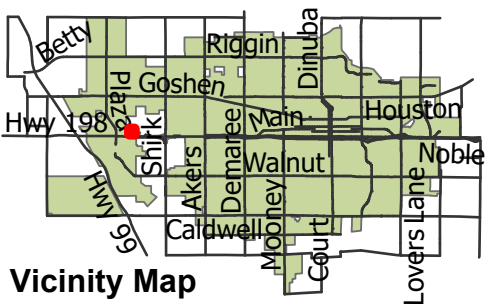
Additional Comments:

- ☒ Please contact New Business Superintendent Sedelia Sanchez at 559-624-1621 or ssanchez@calwater.com to start your project with Cal Water.





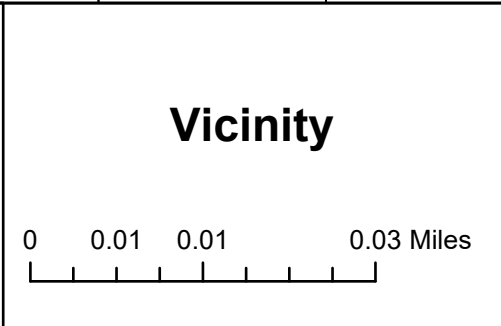
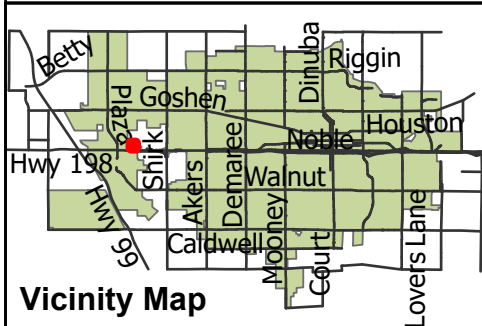
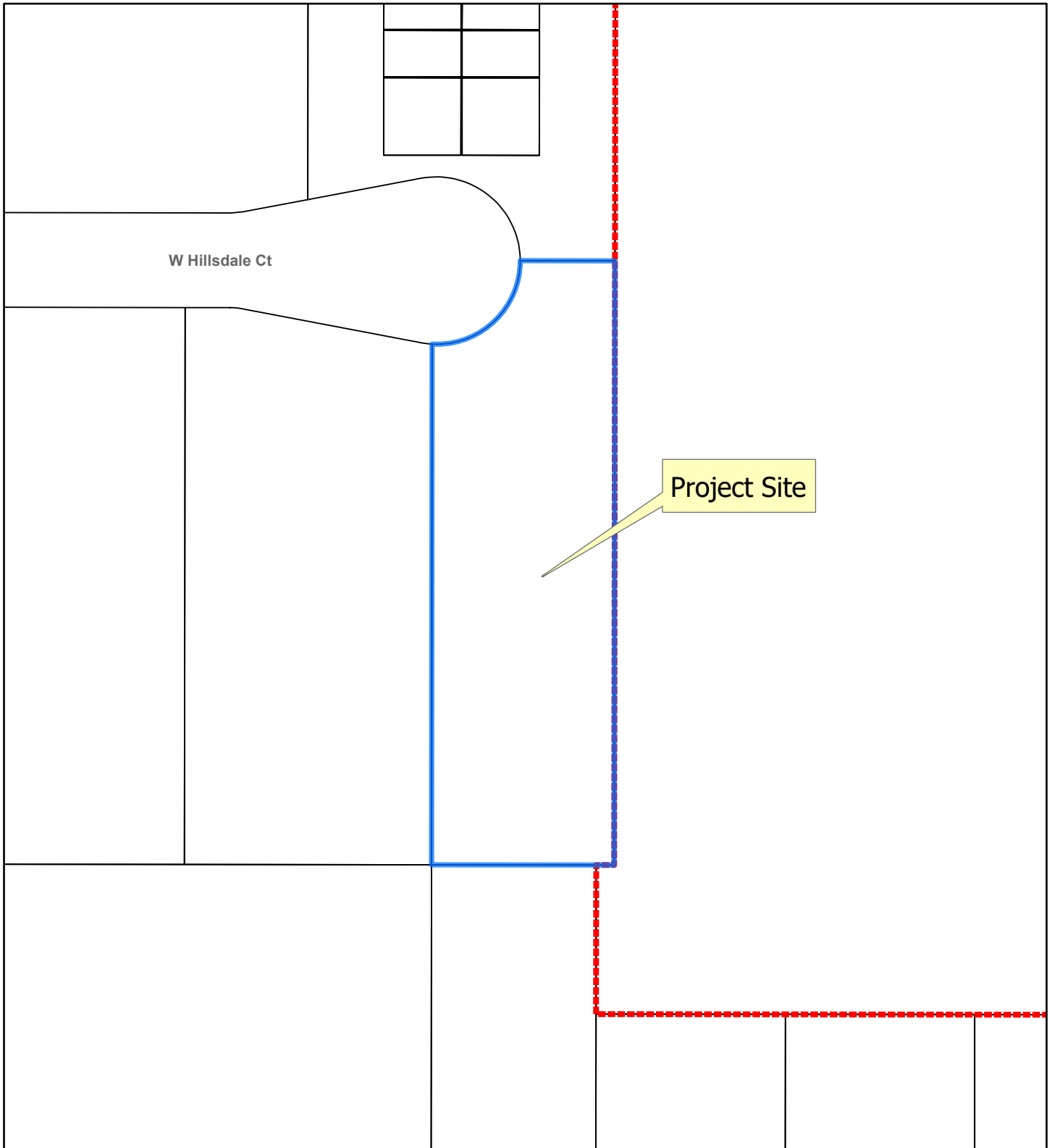




Aerial Map

0 0.01 0.01 0.03 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 12, 2024

PROJECT PLANNER: Josh Dan
Senior Planner, (559) 713-4003
E-mail: josh.dan@visalia.city

SUBJECT: Conditional Use Permit No. 2023-36: A request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing two parcels with undisclosed retail multi-tenant uses, and two additional parcels consisting of a drive-thru Starbucks Coffee Co. and a drive-thru Panera Bread Restaurant. The site is zoned C-MU (Commercial Mixed-Use Zone).

Tentative Parcel Map No. 2023-09: A request by Rob Toro of Cal Gold Development to divide a 7.36-acre parcel within the Orchard Walk Specific Plan into four parcels. The site is zoned C-MU (Commercial Mixed-Use).

Location: The project site is located at the northeast corner of West Riggan Avenue and North Conyer Street. (Addresses not assigned) (APN: 078-120-055).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2023-36, based upon the findings and conditions in Resolution No. 2023-62. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan, Zoning Ordinance and Orchard Walk Specific Plan.

Staff recommends approval of Tentative Parcel Map No. 2023-09, based upon the finding and conditions in Resolution No. 2023-63. Staff's recommendation is based on the conclusion that the parcel map, as conditioned, is consistent with the policies of the City's Zoning and Subdivision Ordinances, and the Orchard Walk Specific Plan.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2023-36, based on the findings and conditions in Resolution No. 2023-62.

I move to approve Tentative Parcel Map No. 2023-09, based on the findings and conditions in Resolution No. 2023-63.

PROJECT DESCRIPTION

Conditional Use Permit No. 2023-36

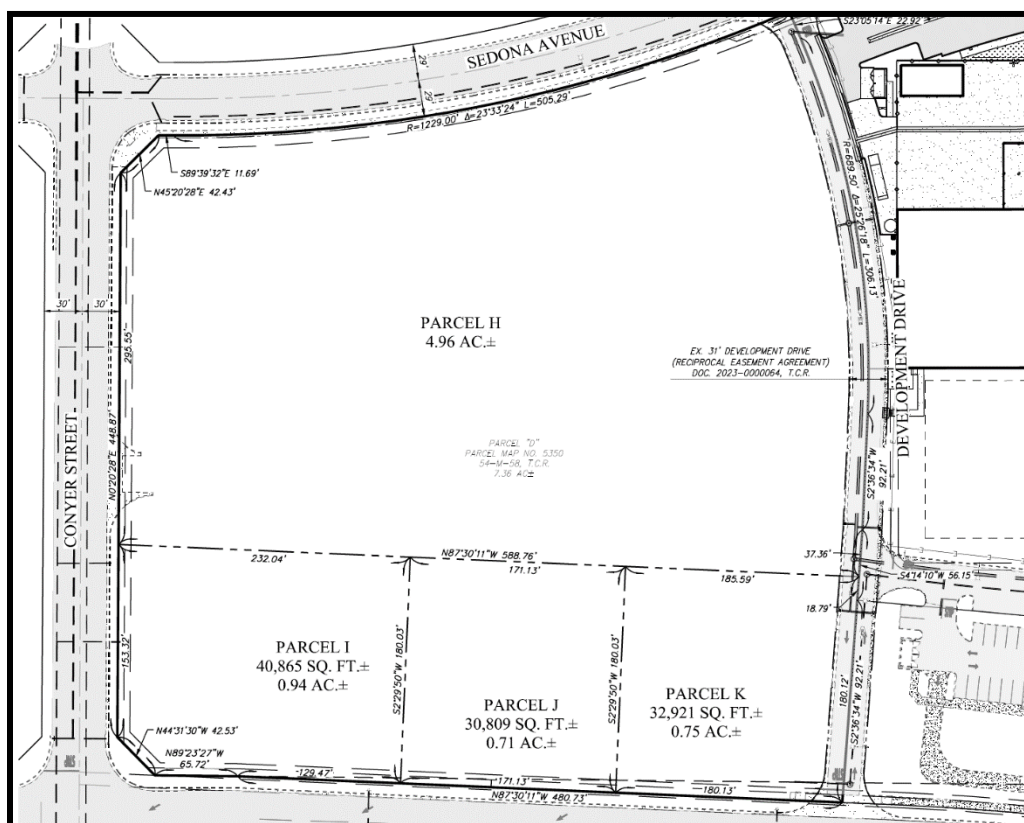
Conditional Use Permit No. 2023-36 is a request to amend the configuration of the site initially established with the adoption of the Orchard Walk Specific Plan No. 2007-02. The Orchard Walk specific plan detailed onsite and offsite improvements across a 56-acre mixed-use development area. This included major and minor retail, commercial services, and restaurant uses straddled across the west and east sides of North Dinuba Boulevard, north of West Riggan Avenue.

The applicant has submitted a revised master site plan for the Orchard Walk west development portion of the project area. The revised site plan proposes to reconfigure the internal site layout and uses within the remaining 7.36-acre parcel identified in Exhibit "A" by the applicant. The proposal describes the following proposed development as two parcels with undisclosed retail multi-tenant uses, and two additional parcels consisting of a drive-thru Starbucks Coffee Co. and

a drive-thru Panera Bread Restaurant. Visalia Municipal Code Table 17.25.030 lists drive-thrus (which do not meet drive-thru performance standards) as conditionally permitted. The site plan exhibit approved as part of the Orchard Walk specific plan initially identified this portion of the development area with a 106,437 square foot major retailer identified as Home Depot and other commercial and office buildings. In the wake of the 2008 economic downturn, the home improvement store never materialized, and the site laid vacant for many years.

Tentative Parcel Map No. 2023-09

Tentative Parcel Map No. 2023-09 is a request to subdivide the remaining 7.36-acre parcel to provide individual parcels for the uses described above. The four parcels measure 4.96-acres, 0.94-acres, 0.75-acres, and 0.71-acres respectively as shown in Exhibit “C” and below. The eastern portion of the overall site is developed with an In-N-Out fast-food restaurant with a drive-thru lane, El Pollo Loco fast-food restaurant with a drive-thru, and a Tractor Supply Company store. The remaining parcels slated for development include a Chipotle fast-food restaurant, a Grocery Outlet, and Rasing Canes fast-food restaurant. There is also an entitlement with a carwash development that has yet to complete permit review.



Site Development

The applicant/developer is seeking approval of these entitlements which will aid in developing Parcels “H”, “I”, “J”, and “K” in substantial compliance with the previously approved development plan for the site while adopting an alternate configuration on-site. Although only two specific tenants are detailed on the exhibit, the undisclosed users each will be required to return to Site Plan Review to detail the proposed use and its compliance with the Specific Plan design criteria and development standards of the C-MU zone. If the specific tenants are unable to comply with the site plan layout as depicted per Exhibit “A”, then a subsequent amendment to this conditional use permit amendment shall be required.

BACKGROUND INFORMATION

General Plan Land Use Designation	Commercial Mixed-Use
Zoning	Commercial Mixed-Use
Surrounding Land Use and Zoning	North: C-MU & R-M-3 / Sedona Ave. / Vacant Lot South: R-1-5 / W. Riggan Ave. / Fairview Village Subdivision East: C-MU / N. Dinuba Blvd. (State Route 63) / Orchard Walk Shopping Center West: R-M-2 / N. Conyer St. / Vacant Lot (Shannon Ranch East Subdivision)
Environmental Review:	Addendum to Mitigated Negative Declaration 2013-54
Special Districts	None
Site Plan	Site Plan Review No. 2023-117

RELATED PLANS & POLICIES

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

RELATED PROJECTS

The subject site is part of a larger shopping center with a Target store and other major tenants as the main anchors and added retail space and related out-pads for retail and food services. The development plan for the shopping center was approved under the Orchard Walk Specific Plan, which was reviewed by the Planning Commission on May 29, 2007, and adopted by the City Council on June 18, 2007.

Two Conditional Use Permits on the May 29, 2007, Planning Commission agenda were approved for the development of the first phase of each of the commercial centers with a Home Depot home improvement store and a Target retail store as the anchor tenants (CUPs 2007-13 and 2007-14, respectively). However, the Home Depot project was never developed.

Two other Conditional Use Permits No. 2007-58 and 2007-59 on the December 10, 2007, Planning Commission agenda were approved for a McDonalds and Starbucks, both with drive-thru lanes, located in the Orchard Walk East development area.

Conditional Use Permit No. 2019-36: A request by Donahue Schriber Realty Group to develop three pad sites with fast food dining, retail shops, on-site parking and drive-thrus across 3.72 acres of the Orchard Walk West development area. The site is zoned C-MU (Mixed Use Commercial Zone) and located at the northwest corner of north Dinuba Blvd and west Riggan Ave. (APN: 078-120-030 & 078-120-032).

Conditional Use Permit No. 2020-25 & Tentative Parcel Map No. 2020-06: Approved by the Planning Commission on November 9, 2020 which requested subdividing two parcels into four parcels creating two lots with no public street access, and parcels with less than the minimum five (5) acre size requirement in the C-MU (Commercial Mixed-Use) Zone District.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit (CUP) and Tentative Parcel Map (TPM) based on the project's consistency with the policies of the Land Use Element of the General Plan, Zoning and Subdivision Ordinances and the Orchard Walk Specific Plan for approval of the CUP and TPM.

Consistency with Zoning and Subdivision Ordinances

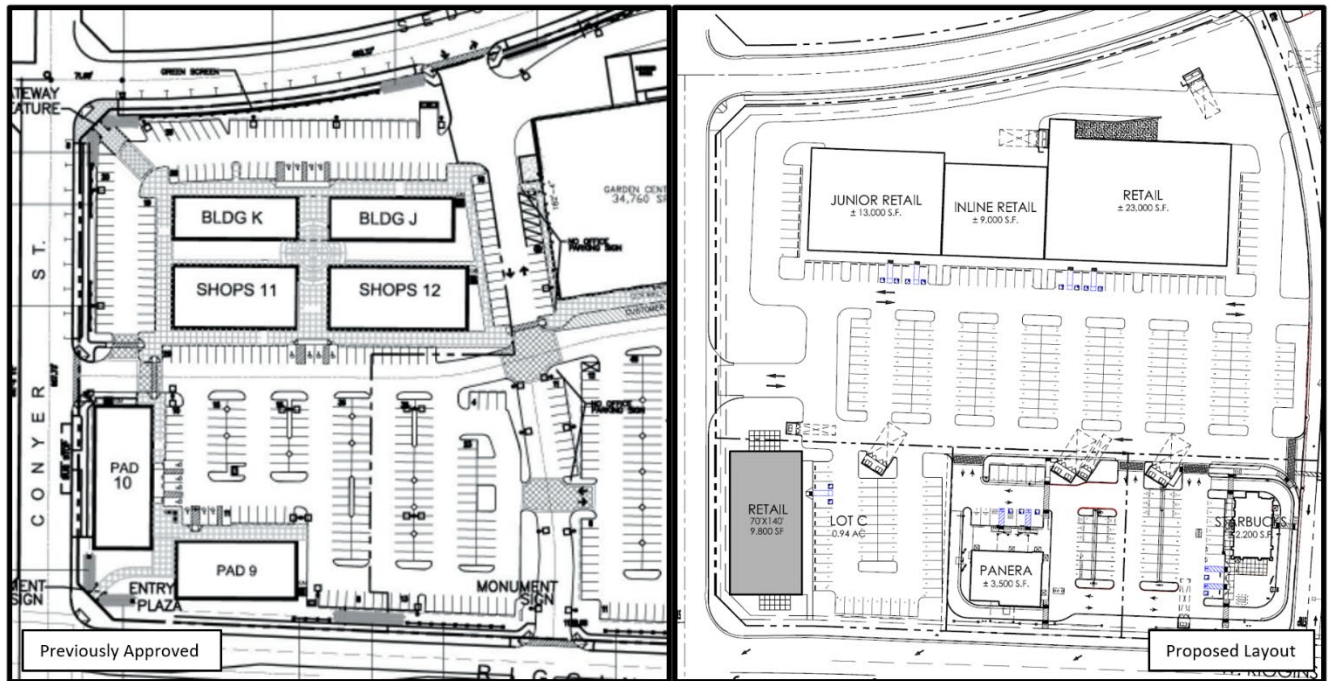
Establishment of a parcel with an area less than five (5) acres in the C-MU Zone is conditionally permitted with the approval of a CUP and a development plan depicting the ability of the site to comply with development standards, provide safe on-site vehicular circulation, and pedestrian connectivity between each of the proposed parcels / commercial building pads.

Staff concludes the newly proposed development configuration is consistent with the existing and future commercial land uses in for the Orchard Walk area. Both Dinuba Boulevard and Riggin Avenue are major roadways while Sedona Avenue is a local roadway, and the future development of this site will provide additional commercial shopping opportunities to the surrounding residential neighborhoods. With the further development of the Orchard Walk Shopping Center, and the installation of frontage improvements, the catalyst for the remaining balance of the site to be developed could be initiated by the development of the pads approved by this project.

Overall Revised Site Plan

The applicant at this time has requested to further deviate from the approved Orchard Walk Specific Plan (referred to as the Orchard Walk West portion of the site) which initially depicted a 100,000 square foot hardware store and various retail out pads. Previous revisions to the site entitled the placement of three retail and drive-thru out-pads at the southeast corner of the site. Revisions proposed by the applicant in this entitlement application are listed and shown in the image below:

- Parcel 'H' is shown on the north side of the project site, along Sedona Avenue. Parcel 'H' will be developed with a one-story retail building showing three tenant spaces, consisting of a total building area of 45,000 square-feet. There are no tenants identified at this time.
- Parcel 'I' is shown on the west side, along Conyer Street, and Parcel 'I' will be developed with a one-story retail building, consisting of a total building area of 9,800 square-feet. There is no tenant identified at this time.
- Parcel 'J' is shown on the south side of the project site, along Riggin Avenue and Parcel 'J' will be developed with a Panera Bread Restaurant with drive-thru measuring 3,500 square-feet.
- Parcel 'K' is shown on the south side of the project site, along Riggin Avenue and Parcel 'K' will be developed with a Starbucks Coffee shop with drive-thru measuring 2,200 square-feet.

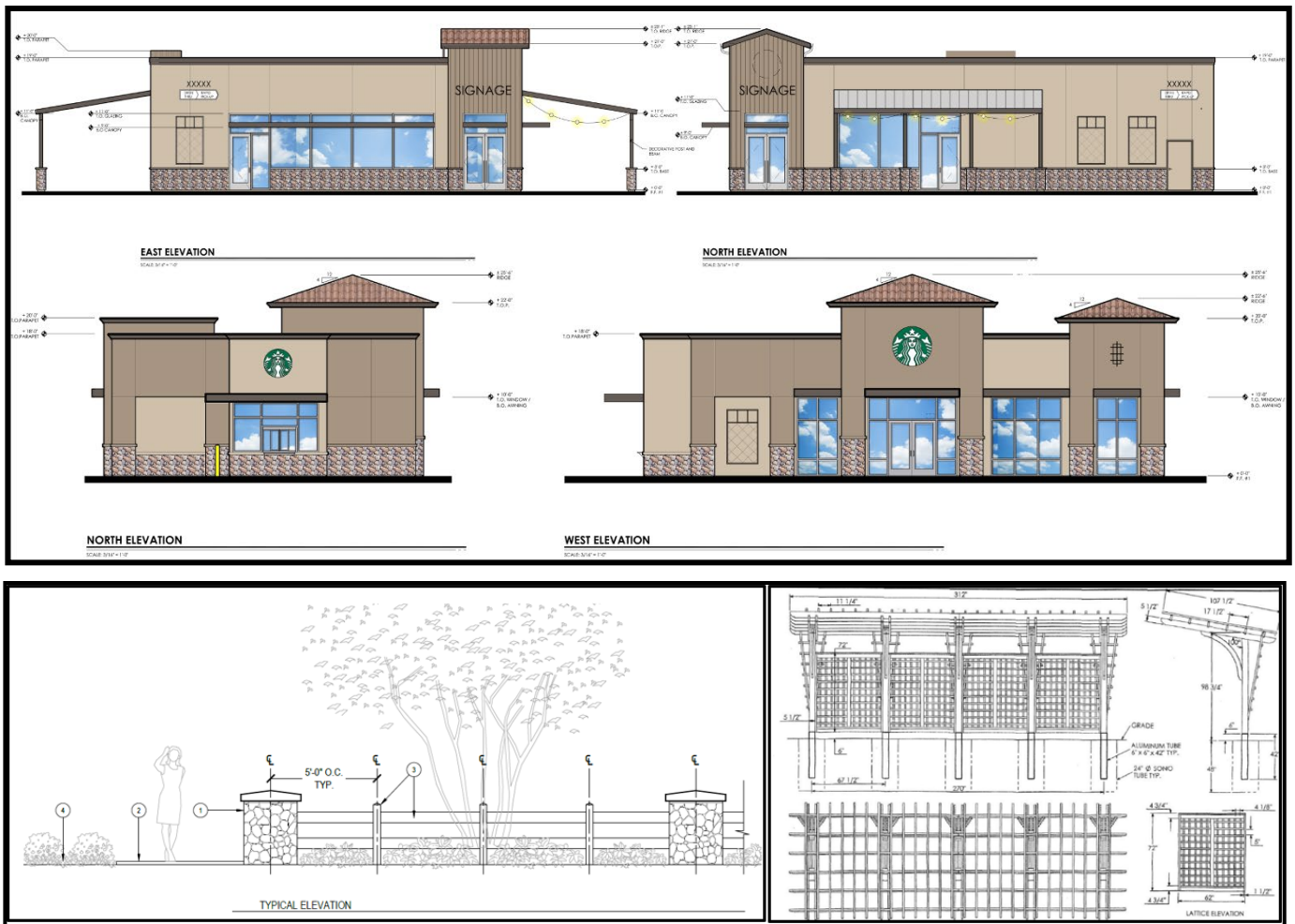


Drive-thru Pads (3,500 sq. ft. and 2,200 sq. ft. buildings)

The proposed drive-thrus, as shown above and in Exhibit "A", are detailed as future Starbucks Coffee and Panera Bread Restaurants on proposed Parcels "J" & "K". The two are the smallest of the four parcels, measuring 0.75-acres and 0.71-acres, respectively. The proposed configuration of the sites will provide a total of 55 parking stalls, 29 more than required by Section 17.34.020(F)(14) of the Zoning Ordinance. The parking requirement for this use is one parking space for each two hundred twenty-five (225) square feet of building area, as prescribed for major shopping centers. The two proposed drive-thrus comply with all the requirements of the drive-thru performance standards of Section 17.32.162 of the VMC, except one, the 250-ft separation requirement from residences or residentially zoned parcels. This is a primary requirement for the Conditional Use Permit.

Requirement to comply with Orchard Walk Specific Plan

The Orchard Walk Specific Plan was approved with rustic, bucolic architectural requirements for tenant buildings. Additional requirements include incorporation of amenities adopted for the specific plan including the wood split-rail fencing, bucolic landscaping, and trellis covers. Staff has reviewed the applicant's request and supplemental building elevations and details (shown in Exhibit "C" and below) and finds them to be consistent with the Specific Plan's design requirements. Staff have added Condition No. 7, which requires development across the site to comply with the Orchard Walk Specific Plan for architectural details and site amenities on all building and civil permits which are submitted for review.



Development within the Specific Plan area by future tenants will require applicants to show compliance with the bucolic architectural theme should any changes be proposed.

Planned Development Requirement

The minimum site area for properties in the C-MU zone is five acres (ref. Municipal Code Section 17.19.060.A). However, according to Municipal Code Section 17.26.040 pertaining to Planned Developments, the Planning Commission may consider lot sizes smaller than the minimum site area if “there are unique circumstances (shape, natural features, location, etc.) which would deprive the landowner of development potential consistent with other properties classified in the same underlying zone.”

The Site Plan Review Committee reviewed and issued a “Revise and Proceed” to the applicant’s proposal based on its consistency with the previously approved development plan and circulation pattern proposed for the Orchard Walk West site. The Site Plan Review Committee subsequently reviewed the proposed parcel map and concluded the parcel map is consistent with City development standards and is in substantial conformance with the overall Orchard Walk Specific Plan. The proposed parcel map and planned development ultimately allow for the site to be developed while maintaining access points that minimize vehicle conflicts on Conyer Street and Riggan Avenue.

Shared Access / Maintenance Agreement

The tentative parcel map shown in Exhibit “B” is subject to approval of the associated conditional use permit. The minimum parcel size in the C-MU zone is five acres unless approved as a part of an acceptable master plan. The proposed development pattern depicts vehicular driveways and

drive aisles that require a shared access agreement for ingress/egress, utilities, and any other pertinent infrastructure or services for the proposed parcels and existing parcels within the master plan.

Staff is recommending Condition No. 3 be adopted for the Tentative Parcel Map and Condition No. 5 be adopted for the Conditional Use Permit. These conditions require the recordation of an agreement addressing shared vehicular access, utilities, and any other pertinent infrastructure or services for all parcels including parcels without public street access. This agreement shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures.

Improvements to Right-of-Ways, Access and Circulation

All frontage improvements along all roadways have been conditioned with the previously approved entitlements. Currently all improvements along public roadways have been completed and the applicant has submitted permits for on-site improvements consistent with the proposed layout which are currently pending approval of the entitlements.

Subdivision Map Act Findings

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven "negative" findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff's analysis are below. The findings in response to this Government Code section are included in the recommended findings for the denial of the tentative subdivision map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City's Zoning Ordinance and the Orchard Walk Specific Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City's Zoning Ordinance and the Orchard Walk Specific Plan. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the commercial development type described on the proposed map. This is included as recommended Finding No. 3 of the Tentative Parcel Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed commercial uses. This is included as recommended Finding No. 4 of the Tentative Parcel Map.
(e) That the design of the subdivision or the proposed	The proposed design and improvement of the map has not been found likely to cause environmental

improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	damage or substantially and avoidable injure fish or wildlife or their habitat. This is included as recommended Finding No. 5.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has not been found to cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 3 of the Tentative Parcel Map.

Environmental Review

An addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34 originally prepared for the development of the Orchard Walk Specific Plan has been prepared to include CUP No. 2023-36 and TPM No. 2023-09 into the project description.

RECOMMENDED FINDINGS

Tentative Parcel Map No. 2023-09

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning and Subdivision Ordinances and the Orchard Walk Specific Plan.
2. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site is bordered by existing commercial development and the proposed development of this site is consistent with the approved Orchard Walk Specific Plan.
3. That the site is physically suitable for the purposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Mixed Use Commercial General Plan Land Use Designation. The proposed location and layout of the Tentative Parcel Map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Zoning Ordinance, Subdivision Ordinance, and the Orchard Walk Specific Plan.
5. That the proposed design and improvement of the proposed tentative parcel map has not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
6. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

Conditional Use Permit No. 2023-36

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, Zoning Ordinance and Orchard Walk Specific Plan.
 - a. That the proposed location of the Conditional Use Permit is compatible with adjacent land uses.
 - b. That the proposed Conditional Use Permit is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The site is bordered by similar commercial uses.
4. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map No. 2023-09

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-117.
2. That Tentative Parcel Map No. 2023-09 be prepared in substantial compliance with Exhibit "C".
3. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services for parcels without public street access shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
4. That all other federal, state and city codes, ordinances and laws be met.

Conditional Use Permit No. 2023-36

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-117.
2. That all end-users seeking to develop the pad sites be required to apply first to Site Plan Review and detail compliance with the CUP, TPM, Specific Plan, and all other development standards.
3. That the drive-thru lanes shall provide a minimum of 10-queuing length.
4. That deviation from the Site Plan by either use or parcel configuration may constitute substantial change and require the applicant to return to the Planning Commission for an amendment to the approval.

5. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services for parcels without public street access shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
6. All signage shall comply with the Orchard Walk Specific Plan.
7. That all development within the Specific Plan shall be required to comply with all site design amenities as required by the Orchard Walk Specific Plan.
8. That all other federal, state and city codes, ordinances and laws be met.

APPEAL INFORMATION

According to the City of Visalia Subdivision Ordinance Section 16.04.040 and Zoning Ordinance Section 17.02.145 an appeal to the City Council may be submitted within ten calendar days following the date of a decision by the Planning Commission on the tentative parcel map and conditional use permit applications. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia California. 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 Nos. 2023-63 & 2023-62
- Exhibit "A-1" & "A-2" – Site Plan Exhibits
- Exhibit "B" – Tentative Parcel Map
- Exhibit "C" – Building Elevations
- Addendum to IS/MND No. 2007-34
- Site Plan Review Comments Nos. 2023-117
- General Land Use Map
- Zoning Map
- Aerial Map
- Location Map

Conditional Use Permits

(Section 17.38)

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 - 1. Name and address of the applicant;
 - 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 - 3. Address and legal description of the property;
 - 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 - 5. The purposes of the conditional use permit and the general description of the use proposed;
 - 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 - 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 - 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 - 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 - 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 - 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 - 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 - 7. Signing for temporary uses shall be subject to the approval of the city planner.

8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

ZONING ORDINANCE, TITLE 17 OF VISALIA MUNICIPAL CODE

EXCERPT FROM CHAPTER 17.19: MIXED USE ZONES

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.

RESOLUTION NO. 2023-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-36, A REQUEST BY ROB TORO OF CAL GOLD DEVELOPMENT TO AMEND THE APPROVED USES AND LAYOUT OF THE ORCHARD WALK SPECIFIC PLAN SITE PLAN, PROPOSING TWO PARCELS WITH UNDISCLOSED RETAIL MULTI-TENANT USES, AND TWO ADDITIONAL PARCELS CONSISTING OF A DRIVE-THRU STARBUCKS COFFEE CO. AND A DRIVE-THRU PANERA BREAD RESTAURANT. THE SITE IS ZONED C-MU (COMMERCIAL MIXED-USE ZONE). THE PROJECT SITE IS LOCATED AT THE NORTHEAST CORNER OF WEST RIGGIN AVENUE AND NORTH CONYER STREET (ADDRESSES NOT ASSIGNED) (APN: 078-120-055).

WHEREAS, Conditional Use Permit No. 2023-36, is a request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing two parcels with undisclosed retail multi-tenant uses, and two additional parcels consisting of a drive-thru Starbucks Coffee Co. and a drive-thru Panera Bread Restaurant. The site is zoned C-MU (Commercial Mixed-Use Zone). The project site is located at the northeast corner of West Riggins Avenue and North Conyer Street (Addresses not assigned) (APN: 078-120-055); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 12, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2023-36, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared for the entire Orchard Walk Specific Plan Project which disclosed that the mitigation incorporated into the project no significant environmental impacts would result from this project, and

WHEREAS, an addendum to the Initial Study was prepared based on the original document's adequate analysis with regard to the revised project description. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162 which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR have been met.

NOW, THEREFORE, BE IT RESOLVED, that Mitigated Negative Declaration Document No. 2007-34, with the addendum, was prepared in accordance with the California Environmental Quality Act and City of Visalia Environmental Guidelines, including consistency with CEQA Guidelines Section 15162, and that the environmental setting in which the project will be built has not changed since the Mitigated Negative Declaration for the original project was adopted, so Mitigated negative Declaration No. 2007-34 is incorporated in the project approval.

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 within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, Zoning Ordinance and Orchard Walk Specific Plan.
 - a. That the proposed location of the Conditional Use Permit is compatible with adjacent land uses.
 - b. That the proposed Conditional Use Permit is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The site is bordered by similar commercial uses.
4. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-117.
2. That all end-users seeking to develop the pad sites be required to apply first to Site Plan Review and detail compliance with the CUP, TPM, Specific Plan, and all other development standards.
3. That the drive-thru lanes shall provide a minimum of 10-queuing length.
4. That deviation from the Site Plan by either use or parcel configuration may constitute substantial change and require the applicant to return to the Planning Commission for an amendment to the approval.
5. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services for parcels without public street access shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
6. All signage shall comply with the Orchard Walk Specific Plan.
7. That all development within the Specific Plan shall be required to comply with all site design amenities as required by the Orchard Walk Specific Plan.
8. That all other federal, state and city codes, ordinances and laws be met.

RESOLUTION NO. 2023-63

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2023-09, A REQUEST BY ROB TORO OF CAL GOLD DEVELOPMENT TO DIVIDE A 7.36-ACRE PARCEL WITHIN THE ORCHARD WALK SPECIFIC PLAN INTO FOUR PARCELS. THE PROJECT IS LOCATED AT THE NORTHEAST CORNER OF WEST RIGGIN AVENUE AND NORTH CONYER STREET (ADDRESSES NOT ASSIGNED) (APN: 078-120-055).

WHEREAS, Tentative Parcel Map No. 2023-09, is a request by Rob Toro of Cal Gold Development to divide a 7.36-acre parcel within the Orchard Walk Specific Plan into four parcels. The site is zoned C-MU (Commercial Mixed-Use). The project site is located at the northeast corner of West Rigglin Avenue and North Conyer Street. (Addresses not assigned) (APN: 078-120-055); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on February 12, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds Tentative Parcel Map No. 2023-09, as conditioned, in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, an Initial Study was prepared for the entire Orchard Walk Specific Plan Project which disclosed that the mitigation incorporated into the project no significant environmental impacts would result from this project.

WHEREAS, an addendum to the Initial Study was prepared based on the original document's adequate analysis with regard to the revised project description. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162 which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR have been met.

NOW, THEREFORE, BE IT RESOLVED, that Mitigated Negative Declaration Document No. 2007-34, with the addendum, was prepared in accordance with the California Environmental Quality Act and City of Visalia Environmental Guidelines, including consistency with CEQA Guidelines Section 15162, and that the environmental setting in which the project will be built has not changed since the Mitigated Negative Declaration for the original project was adopted, so Mitigated negative Declaration No. 2007-34 is incorporated in the project approval.

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

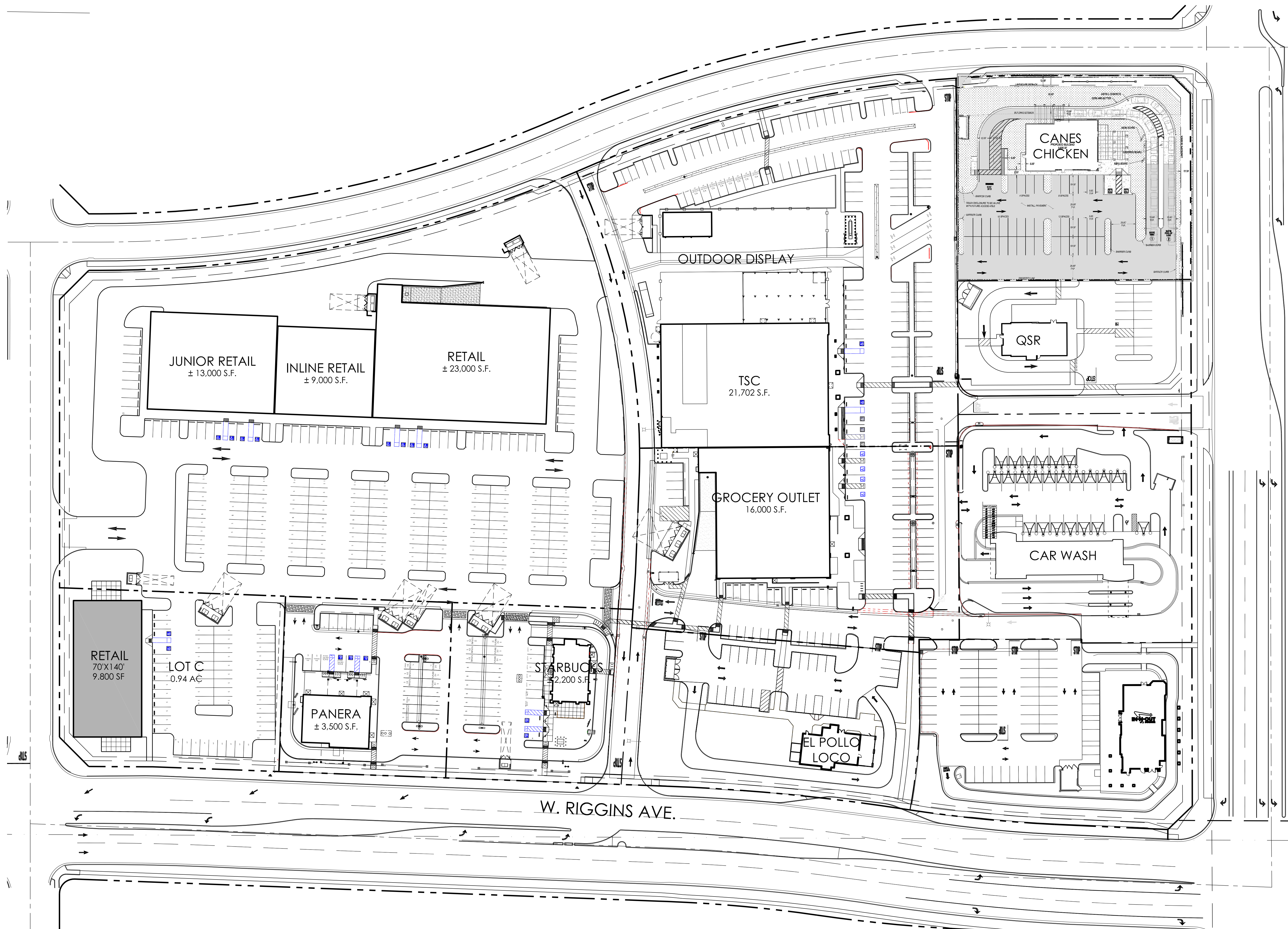
1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning and Subdivision Ordinances and the Orchard Walk Specific Plan.
2. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in

the vicinity, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site is bordered by existing commercial development and the proposed development of this site is consistent with the approved Orchard Walk Specific Plan.

3. That the site is physically suitable for the purposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Mixed Use Commercial General Plan Land Use Designation. The proposed location and layout of the Tentative Parcel Map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Zoning Ordinance, Subdivision Ordinance, and the Orchard Walk Specific Plan.
5. That the proposed design and improvement of the proposed tentative parcel map has not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
6. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

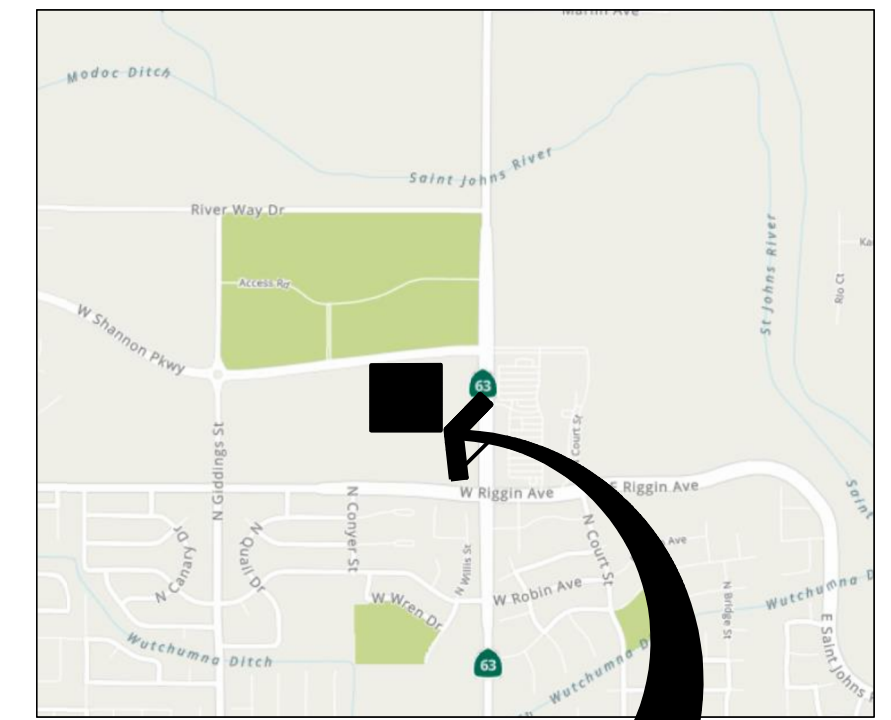
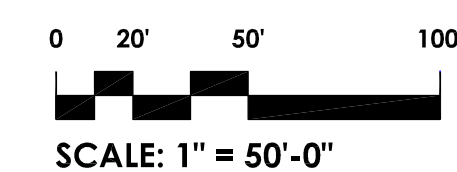
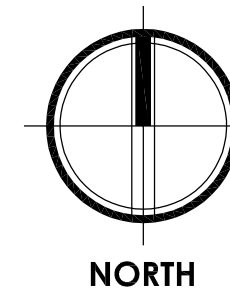
BE IT FURTHER RESOLVED that the Planning Commission hereby approved the parcel map on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.12.010 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-117.
2. That Tentative Parcel Map No. 2023-09 be prepared in substantial compliance with Exhibit "C".
3. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services for parcels without public street access shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
4. That all other federal, state and city codes, ordinances and laws be met.



OVERALL SITE PLAN - OPTION 1

SCALE: 1" = 50'-0"



VICINITY MAP

PROJECT LOCATION
ORCHARD WALK WEST
VISALIA, CA

PROJECT TEAM

DEVELOPER:
CALIFORNIA GOLD DEVELOPMENT
CORPORATION
133 OLD WARDS FERRY ROAD
SONORA, CA 95370
(209) 533-3333
CONTACT: SCOT PATTERSON

ARCHITECT:
API
4335-B NORTH STAR WAY
MODESTO, CA 95356
(209) 577-4661
CONTACT: JOSEPH L. SMITH

**RETAIL
DEVELOPMENT**

ORCHARD WALK WEST
VISALIA, CA.

PLANNING
ARCHITECTURE

api

ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
MODESTO, CA 95356

ph. 209.577.4661
fx. 209.577.0213

www.apiarc.com

REFERENCES

(R1) PARCEL MAP 5350 BOOK 54 OF MAPS, AT PAGE 58, T.C.R.

FLOOD ZONE DESIGATION

FLOOD ZONE CLASSIFICATION FOR THE SUBJECT PROPERTY: SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X", OTHER FLOOD AREAS (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD), ON FLOOD INSURANCE RATE MAP NO. 06107C0935E, WITH A DATE OF IDENTIFICATION OF JUNE 16, 2009, FOR COMMUNITY NO. 060409, IN THE CITY OF VISALIA, STATE OF CALIFORNIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

BASIS OF BEARINGS

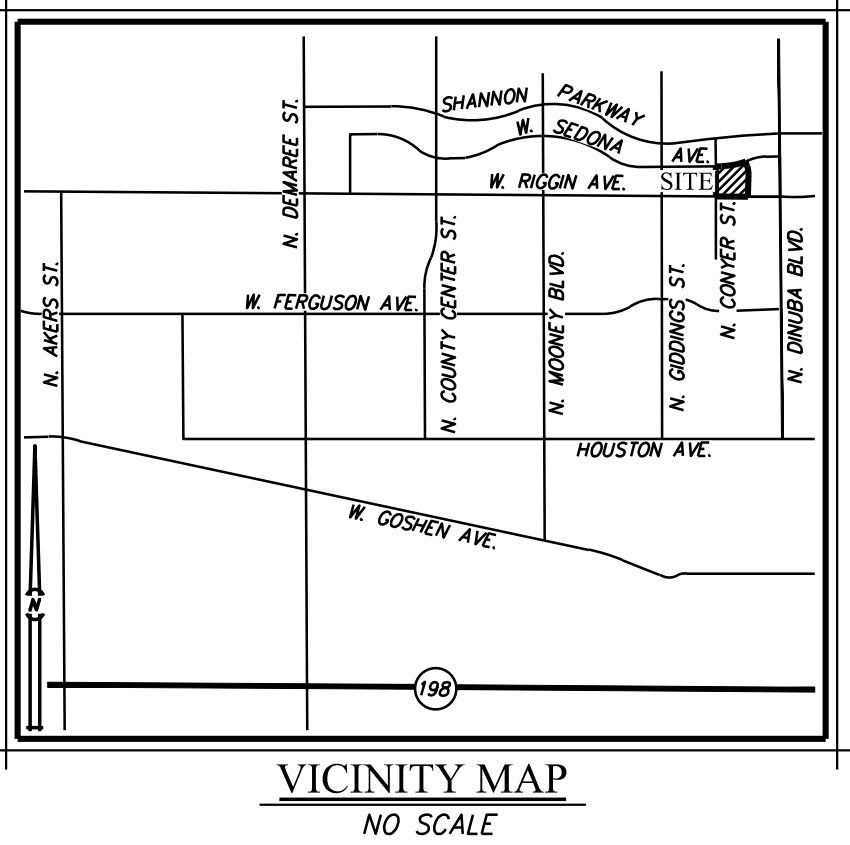
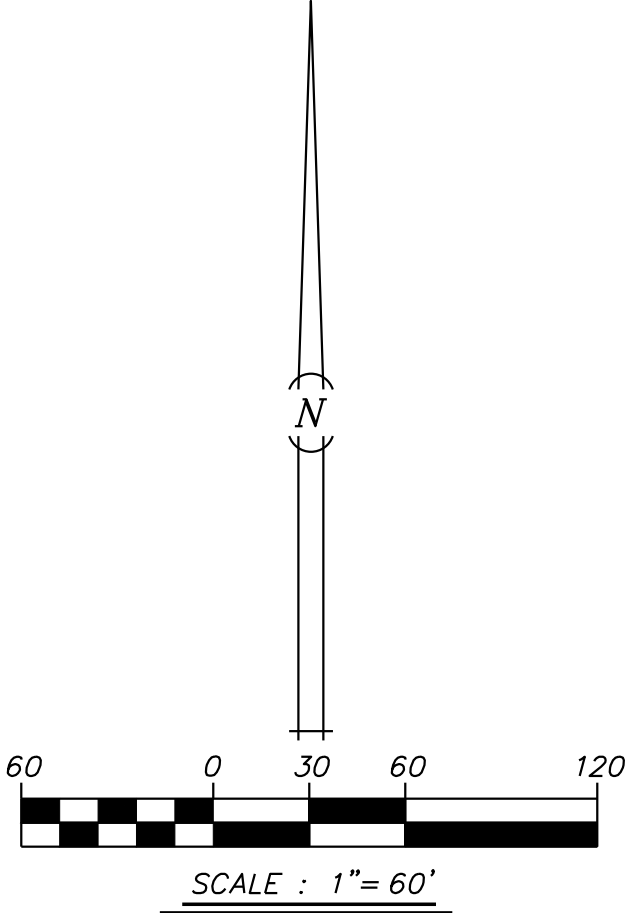
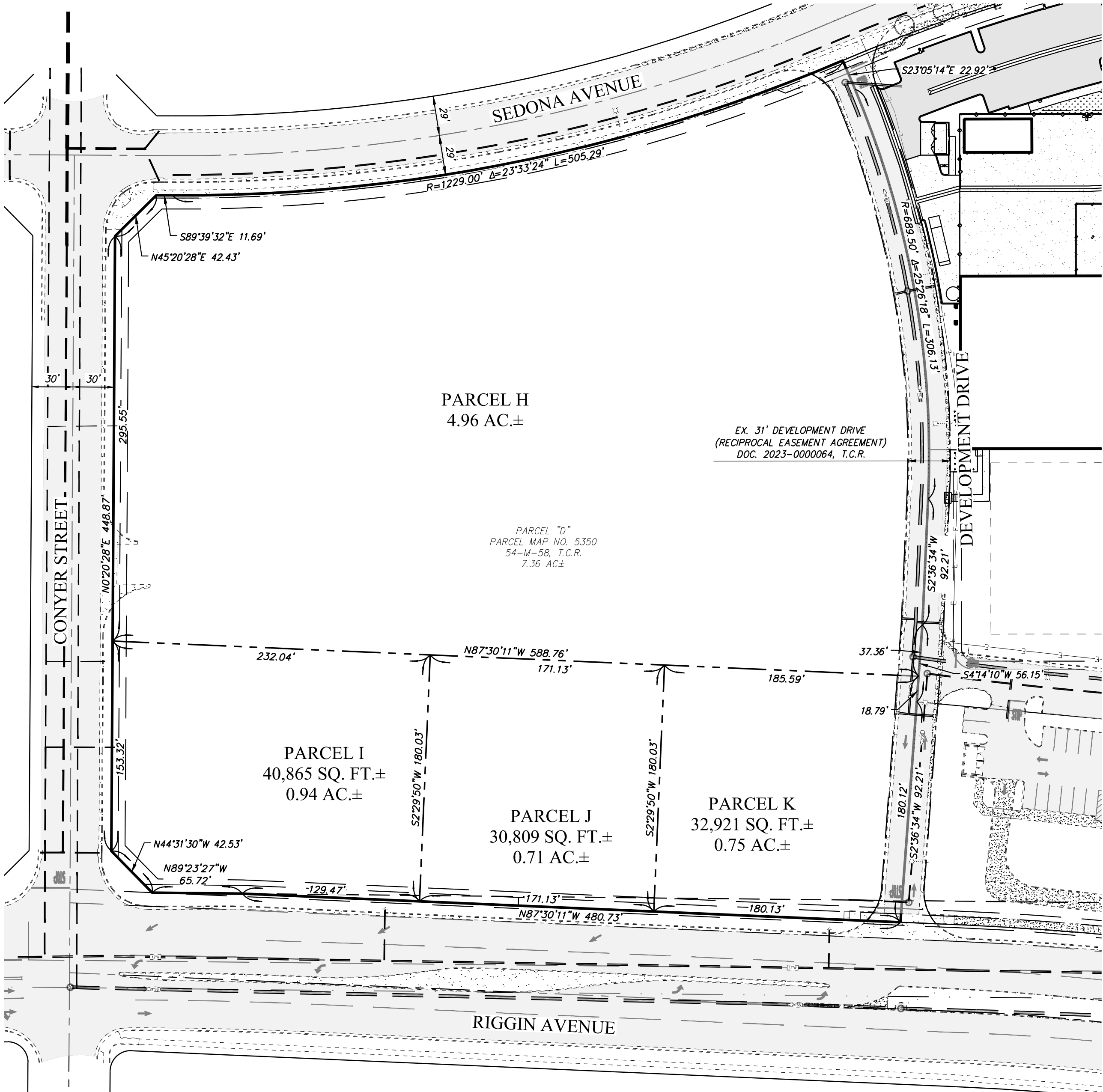
THE BEARING OF NORTH 00°20'28" EAST FOR THE CENTERLINE OF CONYER STREET AS SHOWN IN PARCEL MAP 5350, BOOK 54 OF PARCEL MAPS, AT PAGE 58, TULARE COUNTY RECORDS, IS THE BASIS FOR ALL BEARINGS THIS SURVEY.

OWNER/SUBDIVIDER

RP INVESTMENT PROPERTIES, LP, A CALIFORNIA LIMITED PARTNERSHIP
133 OLD WARDS FERRY ROAD, SONORA, CA 95370
(209) 533-3333

NOTES

1. OBSERVED EVIDENCE OF UTILITIES HAVE BEEN SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
2. THE CURRENT ZONING IS C-MU (MIXED USE COMMERCIAL)
3. UTILITY PROVIDERS: AT&T (COMMUNICATION), CA WATER SERVICE CO (WATER), SOCALGAS (NATURAL GAS), SOUTHERN CA EDISON (ELECTRIC)



BENCHMARK

P-K NAIL IN TOP OF CURB AT THE CENTER OF THE CURB RETURN AT THE SOUTHWEST CORNER OF THE INTERSECTION OF DINUBA BOULEVARD AND RIGGIN AVENUE.
ELEVATION: 328.94, CITY OF VISALIA DATUM

LEGEND

	EXISTING CURB		PROPOSED CURB
	EXISTING CURB & GUTTER		PROPOSED CURB & GUTTER
	EXISTING CURB GUTTER & SIDEWALK		PROPOSED AREA OF AC PAVING
	EXISTING AREA OF AC PAVING		PROPOSED AREA OF CONCRETE
	EXISTING AREA OF CONCRETE		
	EXISTING WATER VALVE		
	EXISTING WATER METER		
	EXISTING FIRE HYDRANT		
	EXISTING WATER REDUCED PRESSURE BACKFLOW PREVENTOR		
	EXISTING UNDERGROUND WATER LINE		
	EXISTING STORM DRAIN DROP INLET		
	EXISTING STORM DRAIN CATCH BASIN		
	EXISTING UNDERGROUND STORM DRAIN LINE		
	EXISTING STORM DRAIN MANHOLE		
	EXISTING SANITARY SEWER CLEANOUT		
	EXISTING SANITARY SEWER MANHOLE		
	EXISTING UNDERGROUND SANITARY SEWER LINE		
	EXISTING STREET LIGHT		
	EXISTING UNDERGROUND ELECTRIC LINE		
	EXISTING CABLE BOX		
	EXISTING UTILITY RISER		
	EXISTING LANDSCAPE IRRIGATION CONTROL VALVE		
	MEASURED AS NOTED ON THIS MAP		
	TULARE COUNTY RECORDS		
	ASSESSORS PARCEL NUMBER		
	EXISTING BOUNDARY		
	EXISTING RIGHT-OF-WAY LINE		
	EXISTING LOT LINE		
	EXISTING CENTER LINE		
	EXISTING EASEMENT LINE		

RODRICK H. HAWKINS:R.C.E. 50188
L.S. 9489

BY: RCS
CHK: RHH
DATE: 6/29/2023
SCALE: 1"=80'
JOB #: 3616.03

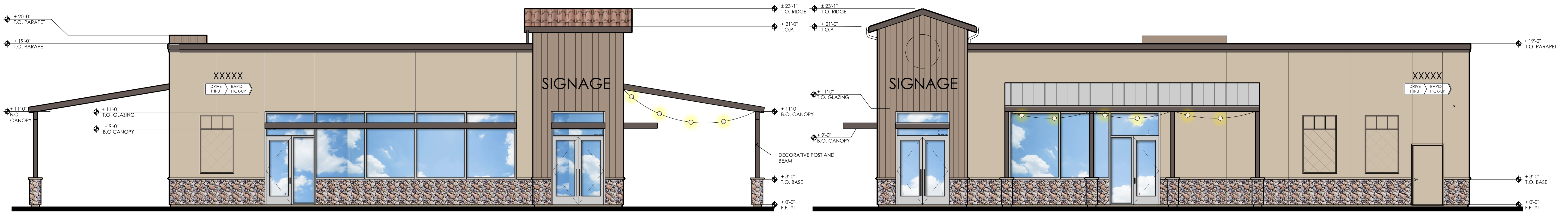
TENTATIVE PARCEL MAP
CALIFORNIA GOLD DEVELOPMENT

PARCEL "D" OF PM NO. 5350
VISALIA, CALIFORNIA

HAWKINS & ASSOCIATES
ENGINEERING, INC.
436 MITCHELL RD.
MODESTO, CA. 95354
PH: (209) 575 - 4295 FX: (209) 578 - 4295

SHEET

1
OF
1

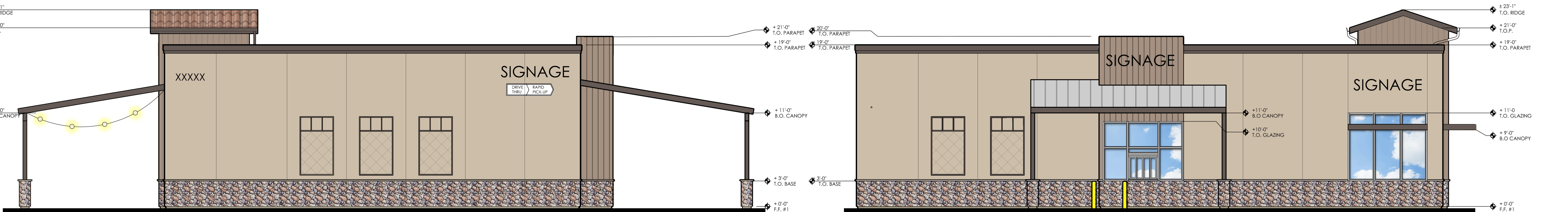


EAST ELEVATION

SCALE: 3/16" = 1'-0"

NORTH ELEVATION

SCALE: 3/16" = 1'-0"

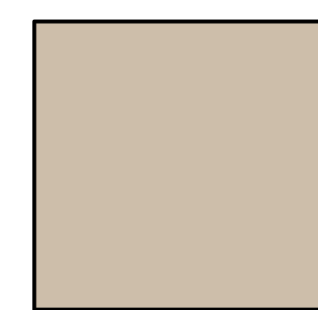


WEST ELEVATION

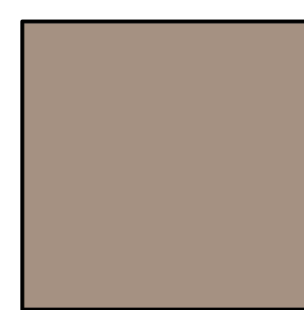
SCALE: 3/16" = 1'-0"

SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



SHERWIN WILLIAMS
"URBAN PUTTY"
SW7532



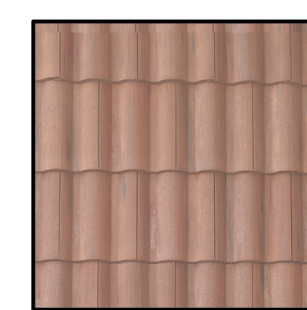
SHERWIN WILLIAMS
"SANDERLING"
SW7513



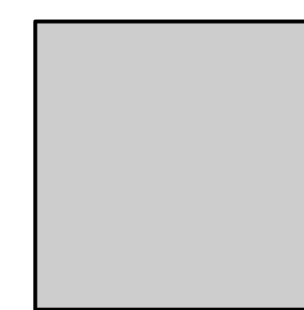
SHERWIN WILLIAMS
"MANORY HOUSE"
SW7505



CORONADO STONE
"RIVER ROCK"
DESERT RUST



BARREL CONCRETE TILE
"BOREL - VILLA 900"
CASA GRANDE BLEND



MBCI
"STANDING SEAM"
GALVALUME PLUS



SCALE: 3/16" = 1'-0"

RETAIL DEVELOPMENT

ORCHARD WALK WEST
VISALIA, CA.

PLANNING
ARCHITECTURE

api

ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
MODESTO, CA 95356

ph. 209.577.4661
fx. 209.577.0213

www.aplarc.com



NORTH ELEVATION

SCALE: 3/16" = 1'-0"



WEST ELEVATION

SCALE: 3/16" = 1'-0"



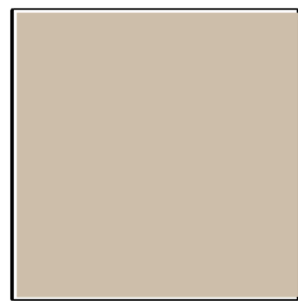
SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

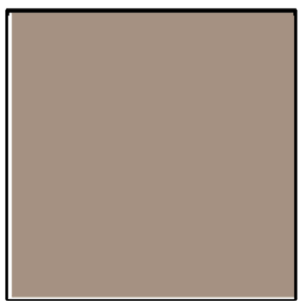


EAST ELEVATION

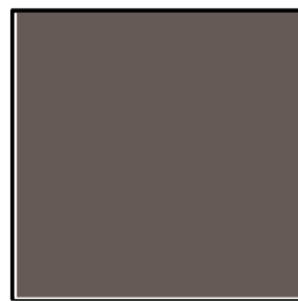
SCALE: 3/16" = 1'-0"



SHERWIN WILLIAMS
"URBAN PUTTY"
SW7532



SHERWIN WILLIAMS
"SANDERLING"
SW7513



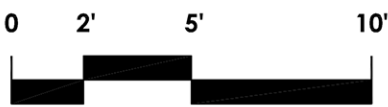
SHERWIN WILLIAMS
"MANOR HOUSE"
SW7505



CORONADO STONE
"RIVER ROCK"
DESERT RUST



CONCRETE BARREL TILE -
"CORAL - VILLA 900"
CASA GRANDE BLEND



SCALE: 3/16" = 1'-0"

RETAIL DEVELOPMENT

ORCHARD WALK WEST
VISALIA, CA.

PLANNING
ARCHITECTURE

api

ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
MODESTO, CA 95356

ph. 209.577.4661
fx. 209.577.0213

www.apiarc.com

DESCRIPTION OF PROJECT:

Conditional Use Permit No. 2023-36: A request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing two parcels with undisclosed retail multi-tenant uses, and two additional parcels consisting of a drive-thru Starbucks Coffee Co. and a drive-thru Panera Bread Restaurant. The site is zoned C-MU (Commercial Mixed-Use Zone).

Tentative Parcel Map No. 2023-09: A request by Rob Toro of Cal Gold Development to divide a 7.36-acre parcel within the Orchard Walk Specific Plan into four parcels. The site is zoned C-MU (Commercial Mixed-Use).

Location: The project site is located at the northeast corner of West Riggins Avenue and North Conyer Street. (Addresses not assigned) (APN: 078-120-055).

SUMMARY

This document is an addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34 originally prepared for the development of the Orchard Walk Specific Plan and its related entitlements. The decision to prepare an addendum was based on the original document's adequate analysis with regard to the revised project description. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162 which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR have been met.

This addendum is being prepared to include Conditional Use Permit No. 2023-36 and Tentative Parcel Map No. 2023-09 into the project description. These entitlements will allow the creation of additional parcels in the master-planned development. No changes will be made to the zoning or land use designation associated with the development plan, though the changes will allow for other land uses within the development that are allowed by zoning and consistent with the General Plan. The change to the Initial Study/Mitigated Negative Declaration's project description is minor and is supported by evidence in the record.

This addendum shall be attached to and considered with Initial Study / Mitigated Negative Declaration No. 2007-34, which was prepared for the Orchard Walk Specific Plan and its related entitlements, and was adopted by the Visalia City Council on May 29, 2007. The Initial Study / Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and disclosed that environmental impacts are determined to be not significant for the project if mitigation specified in the document is carried out.

DECISION TO PREPARE AN ADDENDUM PURSUANT TO CEQA GUIDELINES, SECTION 15162

According to CEQA Guidelines Section 15162, a subsequent Negative Declaration is required if one or more of three criterion have occurred. These criterion generally involve substantial changes proposed in the project or occurring with respect to the circumstances under which the

City of Visalia - First Addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34

project is taken that warrant major revisions to the Mitigated Negative Declaration due to new or increased significant environmental effects, or the revealing of new information of substantial importance that was not and could not have reasonably been known previously that show an increased significant impact from the project.

The City's evaluation of the proposed project has determined that a further subdivision of land that was previously considered and approved for a master-planned development is not a substantial change that brings about a new significant environmental impact or significantly increases the severity of an environmental impact. Also, no new information has arisen since the approval of Mitigated Negative Declaration No. 2007-34 regarding the project or its site conditions that warrant a change in environmental effects.

Staff is making the following findings for the First Addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34:

FINDINGS

1. That the inclusion of (a) Conditional Use Permit No. 2023-36, a request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing two parcels with undisclosed retail multi-tenant uses, and two additional parcels consisting of a drive-thru Starbucks Coffee Co. and a drive-thru Panera Bread Restaurant, and (b) Tentative Parcel Map No. 2021-07, a request by Rob Toro of Cal Gold Development to divide a 7.36-acre parcel within the Orchard Walk Specific Plan into four parcels, constitute a minor change to the project description and none of the conditions which would require the preparation of a Subsequent Mitigated Negative Declaration have occurred, Guidelines Section 15164(a).
2. That no changes have occurred since Initial Study/Negative Declaration No. 2007-34 was approved that would change the outcome of the previous Initial Study.

Addendum to Initial Study/Mitigated Negative Declaration No. 2007-34 prepared by:

Josh Dan
Senior Planner
City of Visalia Planning Division

Date

SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Addendum by reference:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.

City of Visalia - First Addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34

- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.
- 2015 Urban Water Management Plan, Visalia District. California Water Service Company, June 2016.



10/19/2023

Robert Toro
3020 Old Rnach Parkway, Suite 300
Seal Beach, CA 90740

Site Plan Review No. 2023-117-1

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.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination that your project may proceed with filing the necessary entitlement applications to the Planning Department.

This is your Site Plan Review Permit; your Site Plan Review became effective **September 13, 2023**. 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 Brul".

Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE September 13, 2023
SITE PLAN NO. 2023-117-1
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

☒ MCUP/TPM

☐ HISTORIC PRESERVATION

☐ OTHER – Lot Line Adjustment

☐ **ADDITIONAL COMMNTS:**

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

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: September 13, 2023

SITE PLAN NO: 2023-117-1

PROJECT: Cal Gold Development – Phase 2a Starbucks / Panera Bread

LOCATION: Dinuba / Highway 63 and W. Riggan / W. Sedona

APN: 078-120-055

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Master Conditional Use Plan (MCUP)
- Tentative Parcel Map (TPM)
- Queuing Analyses
- Compliance with the Orchard Walk Specific Plan
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: September 13, 2023

1. All previous comments still apply.
2. The applicant shall ensure that the submittal complies with all the architectural design requirements of the Specific Plan, as detailed in the previous comments below.
3. It should be noted that the item will not be deemed complete or scheduled for a public hearing without having first vetted all studies (listed in previous comments) or design prior with staff.
4. Should the gas station still be considered at time of entitlement a Health Risk Assessment may be required.

PROJECT SPECIFIC INFORMATION: July 26, 2023

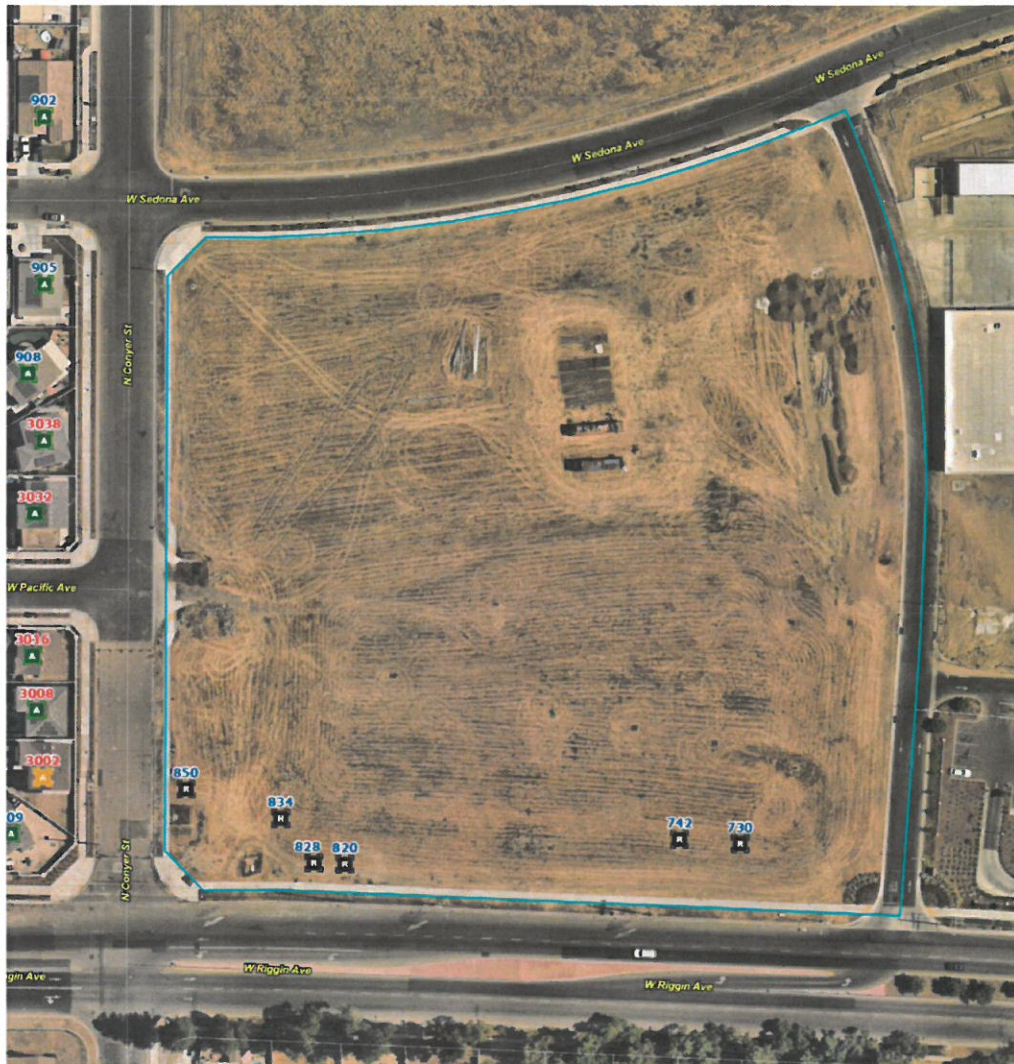
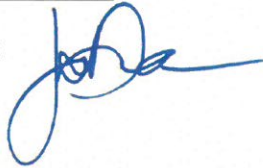
5. MCUP will be needed to detail the adjustment of uses across the remainder of the site.
6. A complete submittal will include a TPM, Phasing Plan, Queuing Analyses for drive-thrus.
7. The applicant is requested to provide elevations of each side of the building, especially South.
8. The submittal shall comply with the requirements of the Orchard Walk Specific Plan:
 - a. Site and Building permit submittals will require the following:
 - i. On and off-site circulation improvements,
 - ii. Operational statement,
 - iii. Floor plans,
 - iv. Building elevations,
 1. Demonstrating compliance with the Specific Plan's Architectural requirements.
 - v. Landscaping,
 1. The plan shall verify that a minimum 10% of the parking lot is landscaped.
 - vi. Pedestrian connectivity,
 1. Stamped concrete design details and trellises (consistent with the SP),
 - vii. The submittal will be reviewed by staff for conformance with sections of the SP.
 1. Staff encourages the applicant and their proposed tenants/partners to give specific attention to the following sections of the Specific Plan:
 - a. Table 3.1-1 Development Standards [Setbacks]
 - b. Table 3.2-1 Fencing Requirements
 - c. 3-8 Elevations
 - d. 3.9 Elements of Project Design
 - i. 3.9.4 Architecture ["A" through "I"]

- e. 4.1 Entranceways
- f. 4.4 Pedestrian Circulation

5. Parking: The site will be parked at a rate of 1 stall per 225 square feet of area.
 - a. Not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more;
6. All signage shall require a separate Building Permit submittal.
7. Comply with other reviewer requirements.

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

Signature:



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/> Lupe Garcia	713-4197
<input type="checkbox"/> Keyshawn Ford	713-4268
<input type="checkbox"/> Edelma Gonzalez	713-4364
<input type="checkbox"/> Sarah MacLennan	713-4271
<input checked="" type="checkbox"/> Luqman Ragabi	713-4362

ITEM NO: 1 DATE: SEPTEMBER 13, 2023

SITE PLAN NO.:	23-117 RESUBMITTAL
PROJECT TITLE:	CAL GOLD DEVELOPMENT
DESCRIPTION:	PHASE 2A DEVELOPMENT OF ORCHARD WALK WEST (PANERA BREAD & STARBUCKS)
APPLICANT:	ROBERT TORO
PROP OWNER:	RP INVESTMENT PROPERTIES, LP
LOCATION:	9828 W GROVE AVE
APN:	078-120-055

SITE PLAN REVIEW COMMENTS

- ☒ REQUIREMENTS (indicated by checked boxes)
- ☒ Install curb return with ramp, with _____ radius;
- ☒ Install curb; ☒ gutter **PER PLAN**
- ☐ 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. FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY
- Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- ☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- ☐ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- ☒ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☒ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☒ Prepared by registered civil engineer or project architect. ☒ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☒ directed to the City's existing storm drainage system; b) ☐ directed to a permanent on-site basin; or c) ☐ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- ☐ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- ☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .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. ***Proposed development will incur impact fees associated with site improvements and building construction. Refer to page 4 for applicable fees and estimate.***
2. ***A building permit is required, standard plan check and inspection fees will apply.>> still applies.***
3. ***Comply with City standards Pk-1 through Pk-4. The proposed parking lot layout appears to not meet City parking standards. Drive aisles shall be 25' with 9'x19' stalls. >> Still applies.***
4. ***New parcels will need to be submitted as a tentative parcel map separately through SPR process.***
5. ***Provide pedestrian accessibility plan onsite for all phases. Design should accommodate pedestrian connectivity to future parcels/buildings. >> still applies.***
6. ***Development to connect to onsite utility infrastructure. >> still applies.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-117 RESUBMITTAL**

Date: **09/13/2023**

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: **08/19/2023**)

(Project type for fee rates: **VARIES**)

☐ Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,568/AC
<input checked="" type="checkbox"/> Transportation Impact Fee	\$17,663/1KSF
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	WALK UP: \$1,633/EACH FAST FOOD: \$5,495/EACH TREATMENT PLANT: WALKUP = \$7,170/EACH FAST FOOD = \$24,096/EACH
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$52/LF X RIGGIN
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$8,375/AC
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$6,148/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$10,505/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$2,298/AC
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$673/1KSF
<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.



Luqman Ragabi

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 EACH BUILDING** For information call (559) 713-4444
- ☒ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- ☒ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☐ A demolition permit & deposit is required. For information call (559) 713-4444
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- ☒ Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
FOR EACH BUILDING
- ☐ 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: \$0.78 PER S.F.**
- ☐ 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: **PROVIDE INGROUND GREASE INTERCEPTOR AND TYPE I HOODS FOR AREAS PROVIDING COMMERCIAL COOKING. PROVIDE FIRE SPRINKLERS FOR BUILDINGS WITH AN OCCUPANT LOAD OF 100 OR MORE. PROVIDE SAND/OIL INTERCEPTOR FOR FUEL CANOPY. ALL BUILDINGS SHALL BE EQUIPPED WITH (PV) SOLAR AND BATTERY STORAGE AND BIKE RACKS. BABY CHANGING TABLE REQUIRED IN RESTAURANTS WITH AN OCCUPANT LOAD OF 60 OR MORE.**

VAL GARCIA 9/13/23



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	September 13, 2023
Item #	1
Site Plan #	23117-1
APN:	078120055

- 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 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Construction and demolition sites prior to and during construction shall comply with the following:
 - **Water supply** for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. 2022 CFC §3312
 - Provide an all-weather, 20 feet width **construction access road** capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. 2022 CFC §3310
- **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. 2022 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2022 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. 2022 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. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 506.1
- Where a portion of any building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2022 CFC 507.5.1, App B and C
- Due to insufficient building information, the number and distance between **fire hydrants** cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with 2022 CFC §507, App B and C.

To determine **fire hydrant** location(s) and distribution the following information should be provided to the Site Plan Review committee: Type of construction _____ Square footage _____

- An **automatic fire sprinkler system** may be required for these buildings depending on occupant load. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. 2022 CFC §912 and VMC 8.20.010 subsection C103.4
- Locking **fire department connection (FDC) caps** are required. The caps shall be ordered using an approved Knox Authorization Order Form. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 912.4.1
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors shall be provided with a **Type 1 Hood**, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. 2022 CFC 904.12 & 609.2
- All exterior risers, drain/test valves and backflow devices shall be protected from unauthorized tampering by approved means. Protection method shall be indicated on building plans. 2022 CFC 903.3.8.4.1



Corbin Reed
Fire Marshal



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

Date: 6/12/23
Item: 1
Site Plan: SPR23117-1
Name: Agent McBride

Site Plan Review Comments

- ☐ No Comment at this time.
- ☐ Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- ☐ Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- ☐ Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- ☐ Not enough information provided. Please provide additional information pertaining to:
- ☐ Territorial Reinforcement: Define property lines (private/public space).
- ☐ Access Controlled/ Restricted etc.
- ☒ lighting Concerns:
Ample interior lighting for businesses and exterior lighting to cover the property/area.
- ☐ Traffic Concerns:
- ☒ Surveillance Issues:
Installation of interior and exterior surveillance cameras on businesses to capture criminal activity on the property.
- ☒ Line of Sight Issues:
Installation of low perimeter shrubs to deter criminal activity.
- ☒ Other Concerns:
Participation in the TEP Program.

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

September 13, 2023

ITEM NO: 1 **Added to Agenda**

MEETING TIME: 09:00

ASSIGNED TO: Josh Dan Josh.Dan@visalia.city

SITE PLAN NO: [SPR23117-1](#)

PROJECT TITLE: Cal Gold Development

DESCRIPTION: Phase 2a development of Orchard Walk West. (Panera Bread and Starbucks)

APPLICANT: Robert Toro - Applicant

APN: 078120055

LOCATION: NEC of Riggins and Conyer

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 at time of development.
- ☐ Install Street Name Blades at Locations at time of development.
- ☒ Install Stop Signs at **local road intersection with collector/arterial** Locations.
- ☒ Construct parking per City Standards PK-1 through PK-4 at time of development.
- ☒ Construct drive approach per City Standards at time of development.
- ☐ Traffic Impact Analysis required (CUP)
 - ☒ Provide more traffic information such as **See Additional Comments below**. 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:

- Provide conformance with TIA previously performed for master plan of site. If change in ITE Land Use, provide change in projected peak hour trip generation. Depending on size of increase, an update to TIA or simply a traffic memo may be required.
- Onsite circulation? Applicant to ensure spillover of queue for drive thru does not impede traffic on thru drive aisle.

Leslie Blair

Leslie Blair



SITE PLAN REVIEW DATE: 09/13/2023

WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 23117-1

PROJECT NAME: CAL GOLD DEV ORCH. WALK WEST

THE PROJECT IS SUBJECT TO THE FOLLOWING REQUIREMENTS FROM WASTEWATER
PRETREATMENT DIVISION (QUALITY ASSURANCE):

☒ SUBMISSION OF WASTEWATER DISCHARGE PERMIT
APPLICATION/QUESTIONNAIRE/OTHER REGULATORY FORMS

- FORM REQUIRED FSE Questionnaire
- FORM REQUIRED
- FORM REQUIRED

☐ INSTALLATION OF SAND AND GREASE INTERCEPTOR

☒ INSTALLATION GREASE INTERCEPTOR

☒ OTHER GREASE PREVENTION DEVICE

☐ SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE) AT
(559) 713-4529 OR JESSICA.SANDOVAL@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS:

Starbucks and Panera will both need to fill out the FSE questionnaire. Grease prevention devices will be required for both locations. Determination of type and size will be determined by the process.

DATE REVIEWED: 09/11/2023



FOOD SERVICE ESTABLISHMENT WASTEWATER SURVEY

- This survey must be filled out completely. **Please write N/A (not applicable) if the requested information does not apply.**
- The survey must be signed by an official company representative, who is authorized to sign such documents.
- If assistance in completing this questionnaire is needed, please contact:

Jessica Sandoval
Pretreatment Program Coordinator
Email: Jessica.Sandoval@visalia.city
Phone: (559) 713-4529

- Please return survey via email to Jessica.sandoval@visalia.city, and hand deliver or mail original to:

City of Visalia, WCP
Attention: Jessica Sandoval
7579 Ave 288
Visalia, CA 93277

Contact Information:

- A. Applicant Name: _____
- B. Doing Business As: _____
- C. City of Visalia Business License Number: _____
- D. Owner Name(s): _____
- E. Business Address: _____
- F. Business Phone Number: _____
- G. Mailing Address: _____
- H. Alternate Phone Number: _____
- I. Email Address: _____
- J. Website: _____
- K. Designated Representative and Signatory at the facility that has been authorized and can sign for all correspondence and reports. All correspondence from the City will be sent to this person.

Name/Title: _____

Address: _____

Phone Number: _____

L. Facility Contact During Inspections

Name/Title: _____

Phone number: _____ Email: _____

Facility Information:

M. Please check all descriptions that apply to your facility.

Type of Food Service Establishment	Location
<input type="checkbox"/> Fast Food Restaurant	<input type="checkbox"/> Stand-Alone Restaurant
<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Strip Mall
<input type="checkbox"/> Doughnut Shop	<input type="checkbox"/> Mall/Food Court
<input type="checkbox"/> Coffee Shop	<input type="checkbox"/> School
<input type="checkbox"/> Supermarket/Grocery Store	<input type="checkbox"/> Religious Institution
<input type="checkbox"/> Convenience Store/Mini Mart	<input type="checkbox"/> Amusement Park
<input type="checkbox"/> Ice Cream/Smoothie Shop	<input type="checkbox"/> Hospital
<input type="checkbox"/> Deli/Sandwich shop	<input type="checkbox"/> Nursing home
<input type="checkbox"/> Meat Processor	<input type="checkbox"/> Hotel
<input type="checkbox"/> Bakery	<input type="checkbox"/> Supermarket
<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Office Building
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

N. Please check all the equipment currently in your facility

Food Processing Equipment		Kitchen Equipment	
	QTY		QTY
<input type="checkbox"/> Deep Fryer		<input type="checkbox"/> Dishwasher	
<input type="checkbox"/> Char broiler		<input type="checkbox"/> Pre-rinse sink	
<input type="checkbox"/> Griddle		<input type="checkbox"/> Mop	
<input type="checkbox"/> Grill		<input type="checkbox"/> Floor drains	
<input type="checkbox"/> Oven		<input type="checkbox"/> Garbage disposal	
<input type="checkbox"/> Rotisserie		<input type="checkbox"/> Other _____	
<input type="checkbox"/> Stove			
<input type="checkbox"/> Other			

O. Number of employees/shift: _____ Number of shifts/day: _____

P. Outdoor seating capacity: _____ Indoor seating capacity: _____

Q. Please provide the following information for hours of operation.

Day	Hours of Operation	24 Hours	Approximate Number of Meals Served Daily
Monday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Tuesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Wednesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Thursday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Friday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Saturday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sunday		<input type="checkbox"/> Yes <input type="checkbox"/> No	

R. Grease Removal Device Information

<input type="checkbox"/> Indoor Trap	<input type="checkbox"/> Outdoor Interceptor	<input type="checkbox"/> No grease removal device
--------------------------------------	----------------------------------------------	---------------------------------------------------

S. What is the capacity of the grease interceptor/grease trap? _____

T. How frequently is the interceptor/grease trap cleaned? _____

U. Date of last cleaning? _____

V. Company or firm who performs grease interceptor maintenance and pumping:

Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

W. Do you have a waste oil container for recycling used cooking oil? () Yes () No

X. If yes, what is the frequency that it is pumped? _____

Y. If yes, name of company or firm that pumps and disposes of your used cooking oil:

Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

Z. Certification

By signing below, I certify that I have examined and am familiar with the information submitted in the attached document and under penalty of law; the submitted information is true, accurate, and complete. I am aware there are penalties for submitting false information, including the possibility of fine.

Name (Please Print)

Title

Signature

Date

City Use Only	
Survey Received Date	Received by

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

23117-1

September 13, 2023

☐ No comments.

☒ See comments below

☐ Revisions required prior to submitting final plans. See comments below.

☐ Resubmittal required. See comments below.

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

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

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

☐ Type of refuse service not indicated.

☒ Location of bin enclosure not acceptable. See comments below.

☐ Bin enclosure not to city standards double.

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

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

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

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

☒ Bin enclosure gates are required

☐ Hammerhead turnaround must be built per city standards.

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

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

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

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

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

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

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

☒ City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

Comment

The customer is to identify the placement of one city standard (R1/R2) single bin enclosure and one city standard (R3/R4) double enclosures on each individual parcel (Option 2 for Gas Station). Solid waste services which will include trash, recycling, and organic collections per the State of California's mandatory recycling laws (AB341 & AB1826). All enclosures must be set for STAB load collection services. Enclosure gates are required and must swing 180 degrees, clearing all curbing. Cane bolts will be required to secure the gates when opened.

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

Nathan Garza, Solid Waste, 559-713-4532

Susan Currier

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Tuesday, September 19, 2023 9:43 AM
To: Susan Currier
Cc: lorena.mendibles@dot.ca.gov; Deel, David@DOT
Subject: Caltrans response to Visalia SPR 091323

Hi Susan,

I have reviewed Visalia's SPR Agenda for September 13, 2023.

1. SPR 23117-1 – Cal Gold Development: **Routed for Review.**
2. SPR 23143 – Mooney 33: **Routed for Review.**
3. SPR 23145 – Nashs: No comment.

Respectfully,



Scott Lau

Associate Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
Cell: (559) 981-7341



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 **Tel:** (559) 624-1600

Site Plan Review Comments From:

California Water Service
Scott McNamara, Superintendent
216 N Valley Oaks Dr.
Visalia, CA 93292
559-624-1622 Office
559-735-3189 Fax
smcnamara@calwater.com

Date: 09/13/2023

Item # 1

Site Plan # 23-117

Project: Orchard Walk West – Panera & Starbucks

Description:

Applicant:

Location: NEC of Riggins and Conyer

APN: 078-120-055

The following comments are applicable when checked:

- ☐ Re-submit
- ☐ No Comments at this time

☒ Fire Hydrants

Comments- Per Visalia Fire Department requirements. If street frontage hydrants are required off existing water main, Cal Water will utilize our own contractor for that work and that work will be paid for by the developer/customer. The location of those hydrants is to be approved by Visalia Fire.

☒ Services

Comments- Existing service(s) near this location. There is one 2" service on Conyer and a fire protection service. There is also two 2" services east of Conyer on Riggins and a fire service. If the existing service(s) is not sufficient in size to meet the customers demand, the developer/customer will need to pay for an upsized service. If the existing infrastructure lands within a new drive approach, the developer/customer will need to pay for the abandonment and relocation of that infrastructure. If the existing service(s) does not land on the correct parcel, the developer/customer will need to pay to have the service relocated to the correct parcel.

☒ Mains

Comments- Existing water main on Riggins and on Conyer.

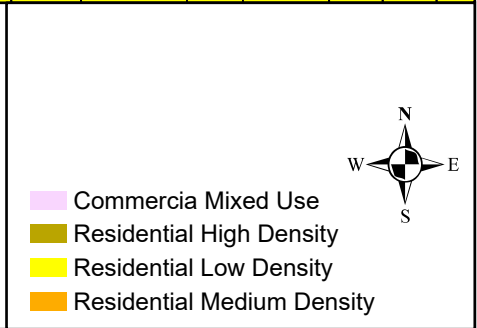
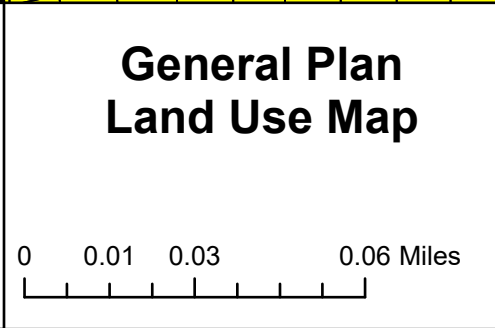
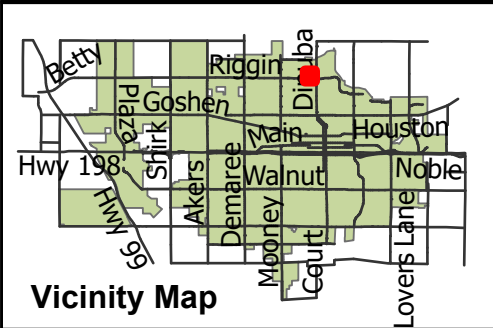
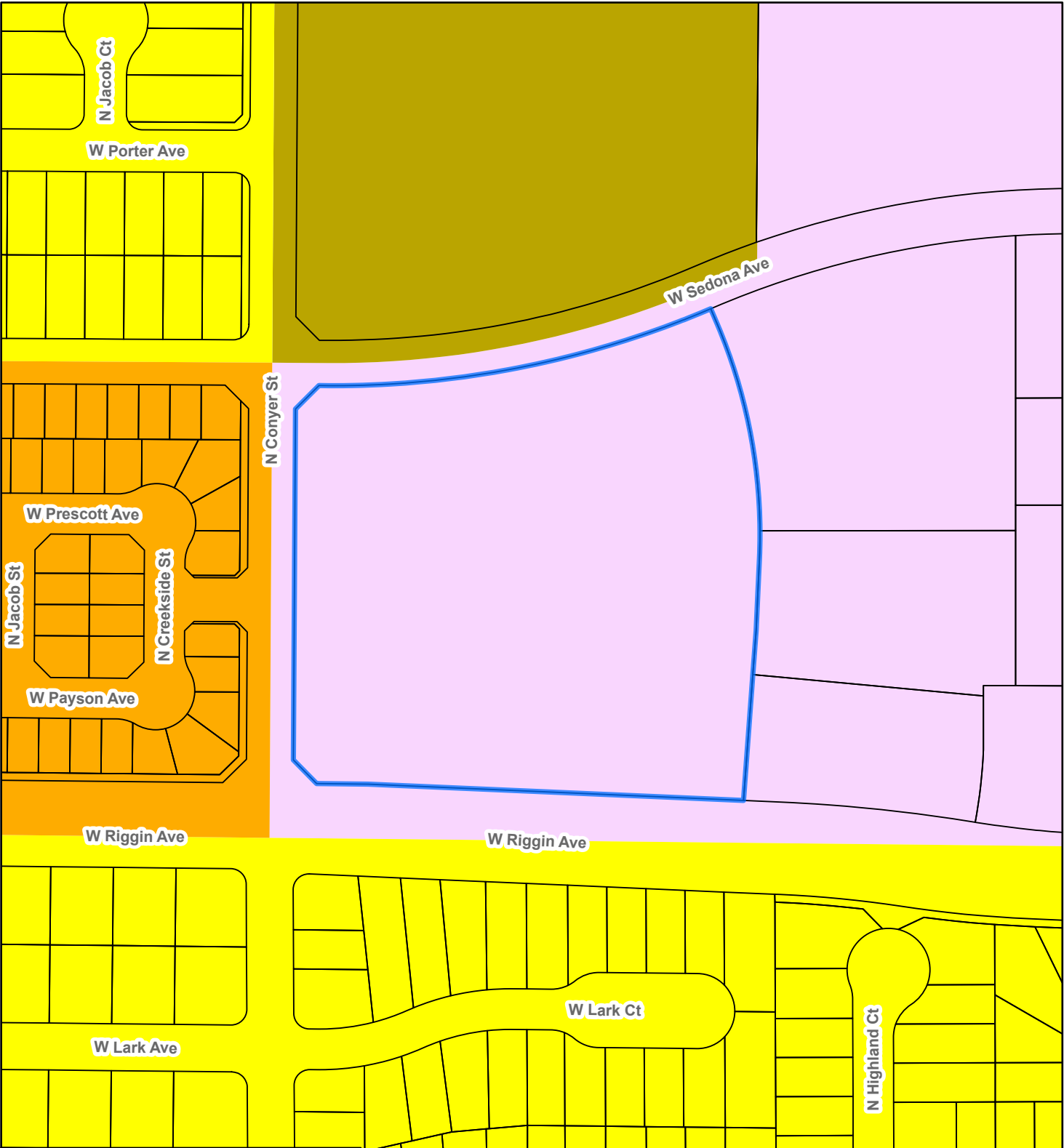
☒ Backflow Requirements

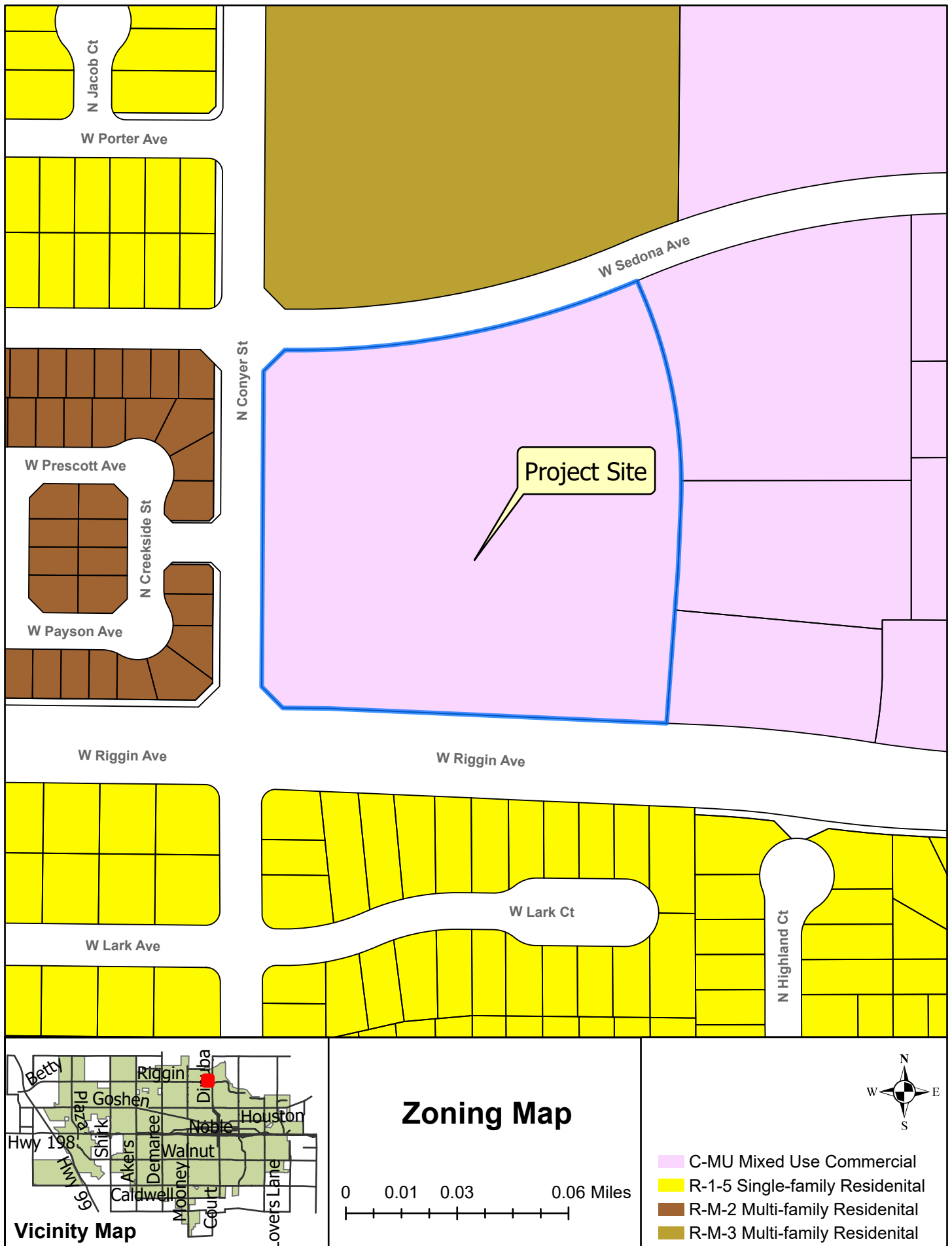
Comments- Will be required if any parcel is for multi-family, commercial, or has multiple services on one parcel. Please contact Cross Connection Control Specialist, Juan Cisneros at 559-624-1670 or visaliabackflow@calwater.com for a backflow install packet.

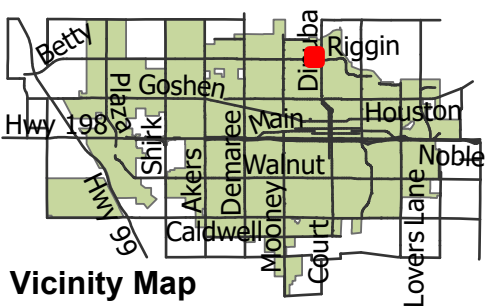
Additional Comments:

- ☒ Please contact New Business Superintendent Sedelia Sanchez at 559-624-1621 or ssanchez@calwater.com to start your project with Cal Water.









Aerial Map

0 0.02 0.04 0.08 Miles



