



Agri-Center of the World

City of Tulare

Planning Commission

Agenda

Chair
Chuck Miguel

Vice-Chair
Sandi Miller

Commissioners
Chad Petersen
Erica Cubas
Jocelyn Limas

Tulare Public Library & Council Chamber
491 North M Street, Tulare
www.tulare.ca.gov

Monday, April 24, 2023
7:00 p.m. – Regular Meeting

Mission Statement

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper.

Attending and Participating in Meetings

Regular Planning Commission Meetings are held on the second and fourth Monday of each month in the City Council Chamber located in the Tulare Public Library at 491 North M Street, Tulare. Additional meetings of the Planning Commission may be called as needed.

Documents related to items on the agenda are accessible on the City's website at www.tulare.ca.gov and available for viewing at the entrance of the Council Chamber.

Rules for Addressing Planning Commission

- Members of the public may address the Tulare Planning Commission on matters within the jurisdiction of the City of Tulare.
- If you wish to address Planning Commission, please complete one of the yellow speaker cards located at the entrance to the Council Chamber and provide to the Clerk.
- Persons wishing to address the Planning Commission concerning an **agendized** item will be invited to address the Planning Commission during the time that Planning Commission is considering that particular agenda item. Persons wishing to address Planning Commission concerning a **non-agendized** issue will be invited to address Planning Commission during the Citizen Comments portion of the meeting.
- When invited by the Commission Chair to speak, please step up to the podium, state and spell your name and city where you reside, and make your comments. Comments are limited to three minutes per speaker.

I. CALL TO ORDER REGULAR MEETING – 7:00 p.m.**II. PLEDGE OF ALLEGIANCE**

III. CITIZEN COMMENTS - This is the time for citizens to comment on subject matters, not on the agenda within the jurisdiction of the Tulare Planning Commission. The Commissioners ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Commission cannot legally discuss or take official action on citizen request items that are introduced tonight. This is also the time for citizens to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to general business items or public hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. In fairness to all who wish to speak, each speaker will be allowed three minutes, with a maximum time of 15 minutes per item, unless otherwise extended by the Planning Commission Chair. Please begin your comments by stating and spelling your name and providing your city of residence.

IV. COMMISSIONER REPORTS OR ITEMS OF INTEREST – G.C. 54954.2(a)(3)

V. CONSENT CALENDAR - All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

(a) Approve minutes of the March 27, 2023 regular meeting [Submitted by: M. Sanchez]

VI. GENERAL BUSINESS – PUBLIC HEARING: Comments related to General Business – Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Commission.

1. Conditional Use Permit No. 2023-07

Consider a request by Superior Grocers for a Conditional Use Permit for a Type 21: (Off-Sale General) to sell beer, wine, and distilled spirits for consumption off-site in conjunction with an existing grocery store. The project is located at 115 South West Street on the east side of South West Street and south side of West Tulare Avenue. (C-3: Retail Commercial). Project is exempt pursuant to Section 15301 of the California Environmental Quality Act of 1970 as amended.

Project Planner: Jonathan Coelho, Assistant Planner

Recommended Motion: Adopt Resolution 5454 approving Conditional Use Permit No. 2023-07, based on the findings and subject to the conditions as listed in the staff report.

VII. GENERAL BUSINESS – NON PUBLIC HEARING ITEMS**VIII. DIRECTOR/STAFF UPDATES – GC 54954.2(a)(3)****IX. ADJOURN REGULAR MEETING**

Americans with Disabilities Act

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification from the Community and Economic Development Department at (559) 684-4217. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

AFFIDAVIT OF POSTING

State of California }
County of Tulare } ss.
City of Tulare }

I, MARIA SANCHEZ, Planning Commission Clerk for the City of Tulare, hereby certify, under penalty of perjury, that I caused the posting of this agenda before 5:00 p.m. on Thursday, April 20, 2023, at City Hall, 411 E. Kern Avenue, as well as on the City’s website.

POSTED BY: Maria Sanchez, Planning Commission Clerk

**ACTION MINUTES
PLANNING COMMISSION OF THE CITY OF TULARE**

March 27, 2023

A regular meeting of the Planning Commission of the City of Tulare was held on Monday, March 27, 2023, at 7:00p.m. in the Tulare Public Library and Council Chamber located at 491 North M Street.

COMMISSIONERS PRESENT: Chad Petersen, Sandi Miller, Erica Cubas, Chuck Miguel

COMMISSIONERS ABSENT: Jocelyn Limas

TEENS ON BOARD PRESENT: None

STAFF PRESENT: Mario Anaya, Interim Community Development Director
Steven Sopp, Principal Planner
Jonathan Coelho, Assistant Planner
Maria Sanchez, Commission Clerk

I. CALL TO ORDER REGULAR MEETING

Chair Miguel called the regular meeting to order at 7:00p.m.

II. PLEDGE OF ALLEGIANCE

Commissioner Cubas led the Pledge of Allegiance.

III. CITIZEN COMMENTS

None

IV. COMMISSIONER REPORTS OR ITEMS OF INTEREST – G.C. 54954.2(a)(3)

None

V. CONSENT CALENDAR

It was moved by Vice-Chair Miller, seconded by Commissioner Petersen and unanimously carried for items on the Consent Calendar be approved as presented.

(a) Minutes of the March 13, 2023 regular meeting of the Planning Commission.

VI. GENERAL BUSINESS

Public Hearing

- 1. Consider a request initiated by City of Tulare Community Development Department to adopt a master sign program with related design standards regarding commercial highway signs to be established for properties adjacent to SR-99, between Cartmill Avenue and the existing Tulare Outlets Shopping Center. Project is exempt pursuant to Section 15311(a) (Accessory Structures) of the California Environmental Quality Act of 1970 as amended.** Presented by Principal Planner Steven Sopp. Chair Miguel opened the public hearing at 7:08pm. Chris Pacheco, Fresno resident and representative of A+ Signs, spoke in support of the project. The hearing was closed at 7:10pm. Following discussion, it was moved by Vice-Chair Miller, seconded by Commissioner Petersen and passed 4 to 0.
- 2. Receive and file the 2022 Housing Element Annual Progress Report as an informational item.** Principal Planner Sopp provided a report for the Commission's review and consideration. Chair Miguel opened the public hearing at 7:41pm. Receiving no public comment, the public hearing was closed at 7:41pm. Questions posed by the Commission were responded to by staff. There was no action taken on this item.
- 3. Receive and file the 2022 General Plan Annual Progress Report as an informational item.** Principal Planner Sopp provided a report for the Commission's review and consideration. Chair Miguel opened the public hearing at 7:52pm. Receiving no public comment, the public hearing was closed at 7:52pm. Questions posed by the Commission were responded to by staff. There was no action taken on this item.

VII. GENERAL BUSINESS – NON PUBLIC HEARING ITEMS

None

VIII. DIRECTOR/STAFF UPDATES – GC 54954.2(a)(3)

Provided by Staff.

IX. ADJOURN REGULAR MEETING

Chair Miguel adjourned the meeting at 7:56pm.

Chuck Miguel, Chair
City of Tulare Planning Commission

ATTEST:

Mario Anaya, Secretary
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

April 24, 2023

CONDITIONAL USE PERMIT No. 2023-07

PROJECT PLANNER:	Jonathan Coelho, Assistant Planner	
APPLICANT:	Super Center Concepts Inc.	
LOCATION:	115 South West Street	
APN:	168-060-052	
ZONING CLASSIFICATION:	C-3 (Retail Commercial)	
GENERAL PLAN DESIGNATION:	Community Commercial	
SURROUNDING LAND USES AND ZONING:	North: Auto Shop/Health Clinic.	M-1
	South: Drainage Basin.	R-1-6
	West: Single-Family Dwellings	R-1-6
	East: Retail Building	C-3

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2023-07 subject to the findings and conditions in Resolution No. 5454. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

REQUEST:

Conditional Use Permit No. 2023-07 is a request by Super Center Concepts Inc. to upgrade an existing Alcoholic Beverage Control (ABC) License to a Type 21: Off-Sale General to sell beer, wine and distilled spirits for consumption off the premises where sold, in association with an existing grocery store (Superior Grocers). The project is proposed within an existing building located at 115 South West Street on the west side of South West Street and the south side of West Tulare Drive (APN 168-060-052).

DETAILS OF THE PROPOSAL:

The applicant currently operates a grocery store located at 115 South West Street. The grocery stores hours of operation are from 7:00 a.m. to 10:00 p.m. seven days per week. The grocery store employs 91 and there will be an estimated 30 employees per shift during 4 shifts daily.

STAFF COMMENTS:

The zoning ordinance requires that businesses engaged in the sale alcoholic of beverages are subject to approval of a conditional use permit (Zoning Ordinance Section 10.168.04). The applicant is applying to obtain an ABC Type 21 (Off-Sale General) license. This license type authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.

No comments have been received by staff in response to the public notice that was published and mailed to surrounding property owners.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2023-07:

- 1) That the proposed location of the project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title.
- 4) That the proposed use is consistent with the Tulare General Plan.
- 5) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 6) The project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970, as amended.
- 7) That public convenience and necessity would be served by the issuance of an “Type 21 Off-Sale General” ABC License.

CONDITIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No. 2023-07, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to off-sale beer, wine and distilled spirits in conjunction with a grocery store.
- 3) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 4) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 5) Applicant to maintain all licenses and/or permits required by the State.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

- I. Location Map
- II. Site Plan
- III. Floor Plan 48600
- IV. Resolution 5454





**SUPERIOR
GROCERS**

SUPERIOR GROCERS #151
115 S WEST ST
TULARE, CA 93274

Sheet No. 151

Date: 08/14/2014

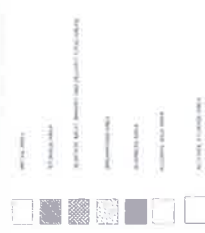
**EXITING
FLOOR PLAN**

A1.5

BUILDING OCCUPANCY CALCULATIONS

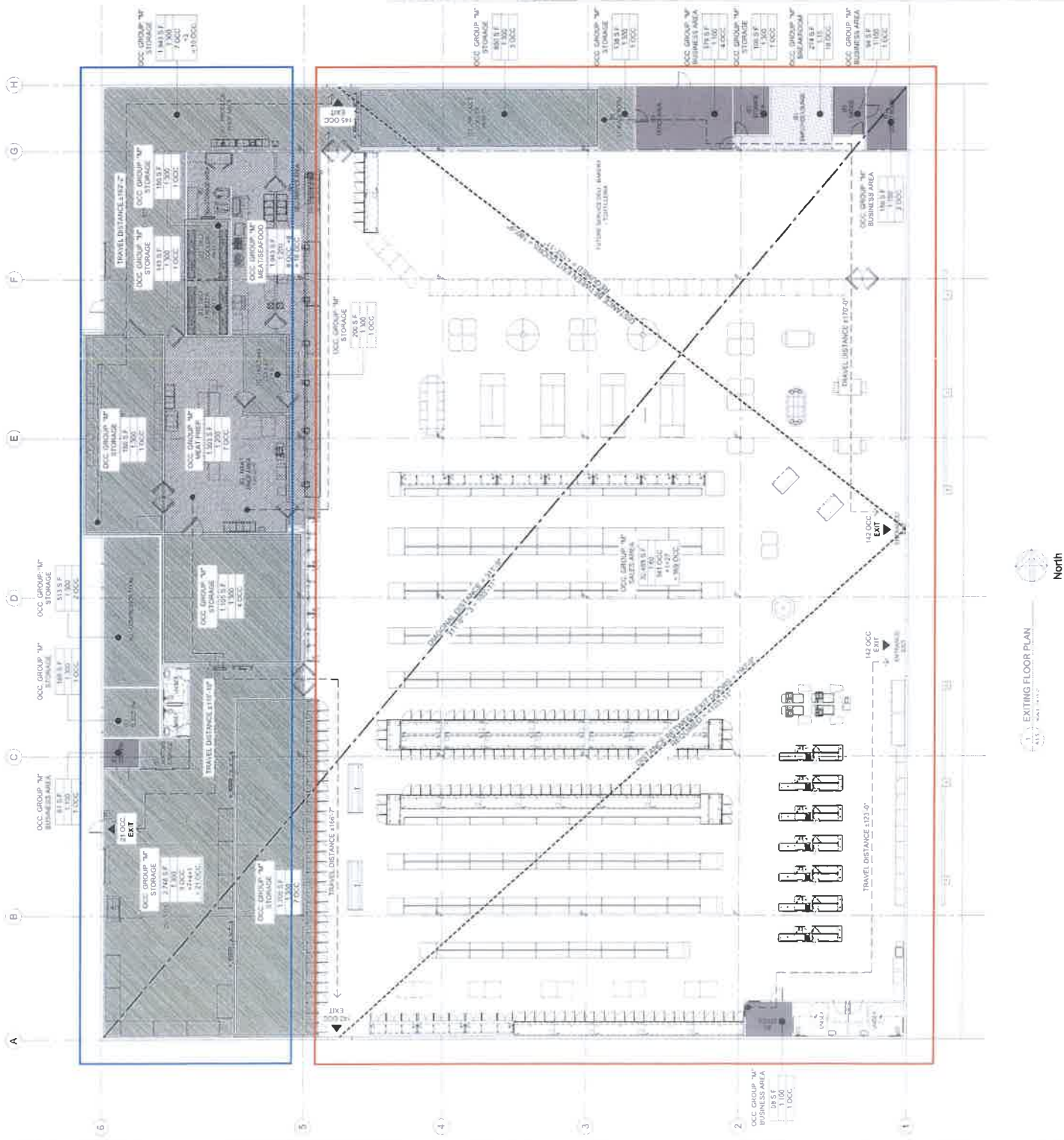
Room	Area (SF)	Occupancy	Calculation	Total
101	1,143.37	1.00	1,143.37	1,143.37
102	1,143.37	1.00	1,143.37	1,143.37
103	1,143.37	1.00	1,143.37	1,143.37
104	1,143.37	1.00	1,143.37	1,143.37
105	1,143.37	1.00	1,143.37	1,143.37
106	1,143.37	1.00	1,143.37	1,143.37
107	1,143.37	1.00	1,143.37	1,143.37
108	1,143.37	1.00	1,143.37	1,143.37
109	1,143.37	1.00	1,143.37	1,143.37
110	1,143.37	1.00	1,143.37	1,143.37
111	1,143.37	1.00	1,143.37	1,143.37
112	1,143.37	1.00	1,143.37	1,143.37
113	1,143.37	1.00	1,143.37	1,143.37
114	1,143.37	1.00	1,143.37	1,143.37
115	1,143.37	1.00	1,143.37	1,143.37
116	1,143.37	1.00	1,143.37	1,143.37
117	1,143.37	1.00	1,143.37	1,143.37
118	1,143.37	1.00	1,143.37	1,143.37
119	1,143.37	1.00	1,143.37	1,143.37
120	1,143.37	1.00	1,143.37	1,143.37
121	1,143.37	1.00	1,143.37	1,143.37
122	1,143.37	1.00	1,143.37	1,143.37
123	1,143.37	1.00	1,143.37	1,143.37
124	1,143.37	1.00	1,143.37	1,143.37
125	1,143.37	1.00	1,143.37	1,143.37
126	1,143.37	1.00	1,143.37	1,143.37
127	1,143.37	1.00	1,143.37	1,143.37
128	1,143.37	1.00	1,143.37	1,143.37
129	1,143.37	1.00	1,143.37	1,143.37
130	1,143.37	1.00	1,143.37	1,143.37
131	1,143.37	1.00	1,143.37	1,143.37
132	1,143.37	1.00	1,143.37	1,143.37
133	1,143.37	1.00	1,143.37	1,143.37
134	1,143.37	1.00	1,143.37	1,143.37
135	1,143.37	1.00	1,143.37	1,143.37
136	1,143.37	1.00	1,143.37	1,143.37
137	1,143.37	1.00	1,143.37	1,143.37
138	1,143.37	1.00	1,143.37	1,143.37
139	1,143.37	1.00	1,143.37	1,143.37
140	1,143.37	1.00	1,143.37	1,143.37
141	1,143.37	1.00	1,143.37	1,143.37
142	1,143.37	1.00	1,143.37	1,143.37
143	1,143.37	1.00	1,143.37	1,143.37
144	1,143.37	1.00	1,143.37	1,143.37
145	1,143.37	1.00	1,143.37	1,143.37
146	1,143.37	1.00	1,143.37	1,143.37
147	1,143.37	1.00	1,143.37	1,143.37
148	1,143.37	1.00	1,143.37	1,143.37
149	1,143.37	1.00	1,143.37	1,143.37
150	1,143.37	1.00	1,143.37	1,143.37
151	1,143.37	1.00	1,143.37	1,143.37
152	1,143.37	1.00	1,143.37	1,143.37
153	1,143.37	1.00	1,143.37	1,143.37
154	1,143.37	1.00	1,143.37	1,143.37
155	1,143.37	1.00	1,143.37	1,143.37
156	1,143.37	1.00	1,143.37	1,143.37
157	1,143.37	1.00	1,143.37	1,143.37
158	1,143.37	1.00	1,143.37	1,143.37
159	1,143.37	1.00	1,143.37	1,143.37
160	1,143.37	1.00	1,143.37	1,143.37
161	1,143.37	1.00	1,143.37	1,143.37
162	1,143.37	1.00	1,143.37	1,143.37
163	1,143.37	1.00	1,143.37	1,143.37
164	1,143.37	1.00	1,143.37	1,143.37
165	1,143.37	1.00	1,143.37	1,143.37
166	1,143.37	1.00	1,143.37	1,143.37
167	1,143.37	1.00	1,143.37	1,143.37
168	1,143.37	1.00	1,143.37	1,143.37
169	1,143.37	1.00	1,143.37	1,143.37
170	1,143.37	1.00	1,143.37	1,143.37
171	1,143.37	1.00	1,143.37	1,143.37
172	1,143.37	1.00	1,143.37	1,143.37
173	1,143.37	1.00	1,143.37	1,143.37
174	1,143.37	1.00	1,143.37	1,143.37
175	1,143.37	1.00	1,143.37	1,143.37
176	1,143.37	1.00	1,143.37	1,143.37
177	1,143.37	1.00	1,143.37	1,143.37
178	1,143.37	1.00	1,143.37	1,143.37
179	1,143.37	1.00	1,143.37	1,143.37
180	1,143.37	1.00	1,143.37	1,143.37
181	1,143.37	1.00	1,143.37	1,143.37
182	1,143.37	1.00	1,143.37	1,143.37
183	1,143.37	1.00	1,143.37	1,143.37
184	1,143.37	1.00	1,143.37	1,143.37
185	1,143.37	1.00	1,143.37	1,143.37
186	1,143.37	1.00	1,143.37	1,143.37
187	1,143.37	1.00	1,143.37	1,143.37
188	1,143.37	1.00	1,143.37	1,143.37
189	1,143.37	1.00	1,143.37	1,143.37
190	1,143.37	1.00	1,143.37	1,143.37
191	1,143.37	1.00	1,143.37	1,143.37
192	1,143.37	1.00	1,143.37	1,143.37
193	1,143.37	1.00	1,143.37	1,143.37
194	1,143.37	1.00	1,143.37	1,143.37
195	1,143.37	1.00	1,143.37	1,143.37
196	1,143.37	1.00	1,143.37	1,143.37
197	1,143.37	1.00	1,143.37	1,143.37
198	1,143.37	1.00	1,143.37	1,143.37
199	1,143.37	1.00	1,143.37	1,143.37
200	1,143.37	1.00	1,143.37	1,143.37

EXITING PLAN LEGEND



EXITING PLAN GENERAL NOTES

1. ALL EXITS SHALL BE UNOBSTRUCTED AT ALL TIMES.
2. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL HEIGHT OF THE CEILING.
3. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL WIDTH OF THE DOOR.
4. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL DEPTH OF THE DOOR.
5. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL HEIGHT OF THE DOOR.
6. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL WIDTH OF THE DOOR.
7. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL DEPTH OF THE DOOR.
8. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL HEIGHT OF THE DOOR.
9. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL WIDTH OF THE DOOR.
10. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL DEPTH OF THE DOOR.
11. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL HEIGHT OF THE DOOR.
12. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL WIDTH OF THE DOOR.
13. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL DEPTH OF THE DOOR.
14. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL HEIGHT OF THE DOOR.
15. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL WIDTH OF THE DOOR.
16. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL DEPTH OF THE DOOR.
17. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL HEIGHT OF THE DOOR.
18. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL WIDTH OF THE DOOR.
19. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL DEPTH OF THE DOOR.
20. ALL EXITS SHALL BE CLEAR OF OBSTRUCTIONS TO THE FULL HEIGHT OF THE DOOR.



RESOLUTION NO. 5454

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2023-07**

WHEREAS, Conditional Use Permit No. 2023-07 is a request by Super Center Concepts Inc., to upgrade an existing Alcoholic Beverage Control (ABC) License to a Type 21: Off-Sale General to sell beer, wine and distilled spirits for consumption off the premises where sold, in association with an existing grocery store. The project is proposed within an existing building located at 115 South West Street (APN 168-060-052); and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on April 24, 2023; and,

WHEREAS, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2023-07 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301(*existing facilities*); and,

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

- 1) The proposed request will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity; and,
- 2) The request will comply with each of the provisions of the Zoning Title; and,
- 3) The request is consistent with the Tulare General Plan; and,
- 4) The request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site; and.
- 5) This project is exempt pursuant to Section 15301 (*existing facilities*) of the California Environmental Quality Act of 1970, as amended.
- 6) That public convenience and necessity would be served by the issuance of an “Type 21 Off-Sale General” ABC 48600License.

BE IT FURTHER RESOLVED, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2023-07 is hereby approved subject to the following conditions:

Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to off-sale beer, wine and distilled spirits in conjunction with a grocery store.
- 3) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 4) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 5) Applicant to maintain all licenses and/or permits required by the State.

PASSED, APPROVED AND ADOPTED this twenty-fourth day of April, 2023 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

Mario Anaya, SECRETARY
City of Tulare Planning Commission