



*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

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Tulare Public Library & Council Chamber  
491 North M Street, Tulare  
[www.tulare.ca.gov](http://www.tulare.ca.gov)

Monday, August 28, 2023  
7:00 p.m. – Regular Meeting

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### Mission Statement

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

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### 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](http://www.tulare.ca.gov) and available for viewing at the entrance of the Council Chamber.

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### 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 August 14, 2023, regular meeting [Submitted by: M. Sanchez]
  - (b) Request for time extension of the Villa Toscana 2 Tentative Subdivision Map [Submitted by: S. Sopp]
- 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.

**(Continued from 7/24/23 and 8/14/23 meeting)**

1. **Conditional Use Permit No. 2023-13**

Consider a request by Dryvebox Golf Lounge, LLC to operate a virtual golf lounge and to apply for an ABC License Type 40: On-Sale Beer to sell beer for consumption on or off the premises where sold. The project is proposed within an existing building located at 132 E. Kern Avenue. Project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970 as amended.

**Project Planner:** Jonathan Coelho, Assistant Planner

**Recommended Motion: Adopt Resolution 5461** approving Conditional Use Permit No. 2023-13, based on the findings and subject to the conditions as listed in the staff report.

**2. Conditional Use Permit No. 2023-15**

Consider a request by Esmeralda Ramirez with Tacos Los Pericos LLC for an ABC license (Type 41: On Sale Beer and Wine—Eating Place) to sell beer and wine on-site at an existing restaurant located on the north side of Prosperity Avenue at Brentwood Street, within the FoodsCo shopping center (1348 E. Prosperity Avenue). Project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970 as amended.

**Project Planner:** Steven Sopp, Principal Planner

**Recommended Motion: Adopt Resolution 5462** approving Conditional Use Permit No. 2023-15, based on the findings and subject to the conditions as listed in the staff report.

**VII. GENERAL BUSINESS – NON-PUBLIC HEARING ITEMS**

NONE

**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 Monday, August 21, 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**

**August 14, 2023**

**A regular meeting of the Planning Commission of the City of Tulare was held on Monday, August 14, 2023, at 7:00p.m. in the Tulare Public Library and Council Chamber located at 491 North M Street.**

**COMMISSIONERS PRESENT:** Sandi Miller, Jocelyn Limas, Chuck Miguel

**COMMISSIONERS ABSENT:** Erica Cubas, Chad Petersen

**TEENS ON BOARD PRESENT:** None

**STAFF PRESENT:** Mario Anaya, Community Development Director  
Steven Sopp, Principal Planner  
Maria Sanchez, Commission Clerk

**I. CALL TO ORDER REGULAR MEETING**

Chair Miguel called the regular meeting to order at 7:07pm.

**II. PLEDGE OF ALLEGIANCE**

Commissioner Limas led the Pledge of Allegiance.

**III. CITIZEN COMMENTS**

None

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

Provided by Commissioners.

**V. CONSENT CALENDAR**

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

**(a) Minutes of the July 10, 2023 regular meeting of the Planning Commission.**

**(b) Minutes of the July 24, 2023 regular meeting of the Planning Commission.**

**VI. GENERAL BUSINESS****Public Hearing**

- 1. Consider a request by Dryvebox Golf Lounge, LLC to operate a virtual golf lounge and to apply for an ABC License Type 40: On-Sale Beer to sell beer for consumption on or off the premises where sold. The project is proposed within an existing building located at 132 E. Kern Avenue. Project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970 as amended. *\*Presented by Principal Planner Steven Sopp. Chair Miguel opened the public hearing at 7:23pm. Michael Limas, Tulare resident, spoke in support of the project. John Harmann from Tulare Downtown Association also spoke in support of the project. Matthew Taylor, General Manager for Dryvebox Golf Lounge provided more information about the project. The hearing was closed at 7:24pm. Following discussion, it was moved by Vice-Chair Miller, seconded by Chair Miguel, and carried 2 to 0 (Commissioner Limas motioned for a recusal) to approve item as presented.***

*\*This action was determined to be invalid due to lack of quorum. The item will be reviewed at the Planning Commission's August 28, 2023 meeting and a new Public Hearing held.*

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

Provided by Staff.

**VIII. ADJOURN REGULAR MEETING**

Chair Miguel closed the meeting at 7:31pm.

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Chuck Miguel, Chairman  
City of Tulare Planning Commission

ATTEST:

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Mario Anaya, Secretary  
City of Tulare Planning Commission




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*Community & Economic Development Department*

**To:** *Planning Commission*  
**From:** *Steven Sopp, Principal Planner*  
**Re:** *Villa Toscana 2*  
**Date:** *August 28, 2023*

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Department staff has received a request by Mark Hoffman for a time extension for the Villa Toscana 2 Tentative Subdivision Map (TSM). The Villa Toscana 2 TSM subdivides approximately 4.4 acres into 24 single family residential lots. The property is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot area) and is located on the south side of Olema Avenue at Hall Street, west of West Street

The Villa Toscana 2 TSM was approved by the Planning Commission on October 23, 2017 and was valid for a period of 24 months. The Subdivision Map Act Section 66452.6(e) allows that the developer may request, and the City may grant, discretionary extensions not to exceed a total of (6) years. The requested time extension would be the third and final two-year time extension available under provisions of the Subdivision Map Act and would extend the map to October 23, 2025.

**RECOMMENDATION**

Staff offers no objections and recommends that a two-year extension be approved until October 23, 2025.

**Attachments**

Applicants Extension Request  
 Villa Toscana 2 TSM

MARK  
**HOFFMAN**  
General Engineering

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**August 8, 2023**

Att: Traci Myers  
City of Tulare  
Community and Economic Development  
411 East Kern Avenue  
Tulare, Ca 93274

RE: Extension of Time — Tentative Subdivision Map Villa Toscana No. 2  
(Northwest corner of Cross Avenue and West Street)

Ms. Myers;

I would like to apply for a 1 year extension of Time for the Tentative Subdivision Map — Villa Toscana 2. We now have Phase 1 map in for recording and are ready to move forward.

Please Call if you have any questions

Sincerely,



Mark Hoffman  
President  
(559) 686 -4925  
[mark@hoffmange.com](mailto:mark@hoffmange.com)



# VILLA TOSCANA PHASE 2 TENTATIVE SUBDIVISION MAP

BEING A PORTION OF THE REMAINDER OF U.S.A. NO. 187 REG. AS DOC. NO. 2013-08553, T.C.R.  
TULARE COUNTY OF TULARE, STATE OF CALIFORNIA, T25S, R24E, N02&34E IN THE CITY OF  
TULARE, CALIFORNIA.

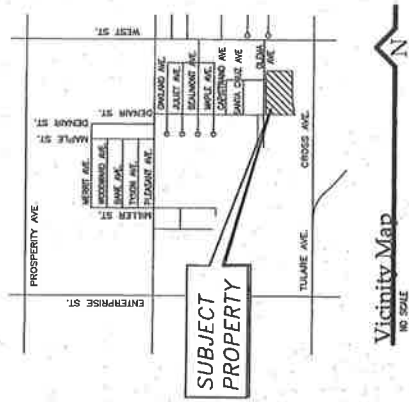
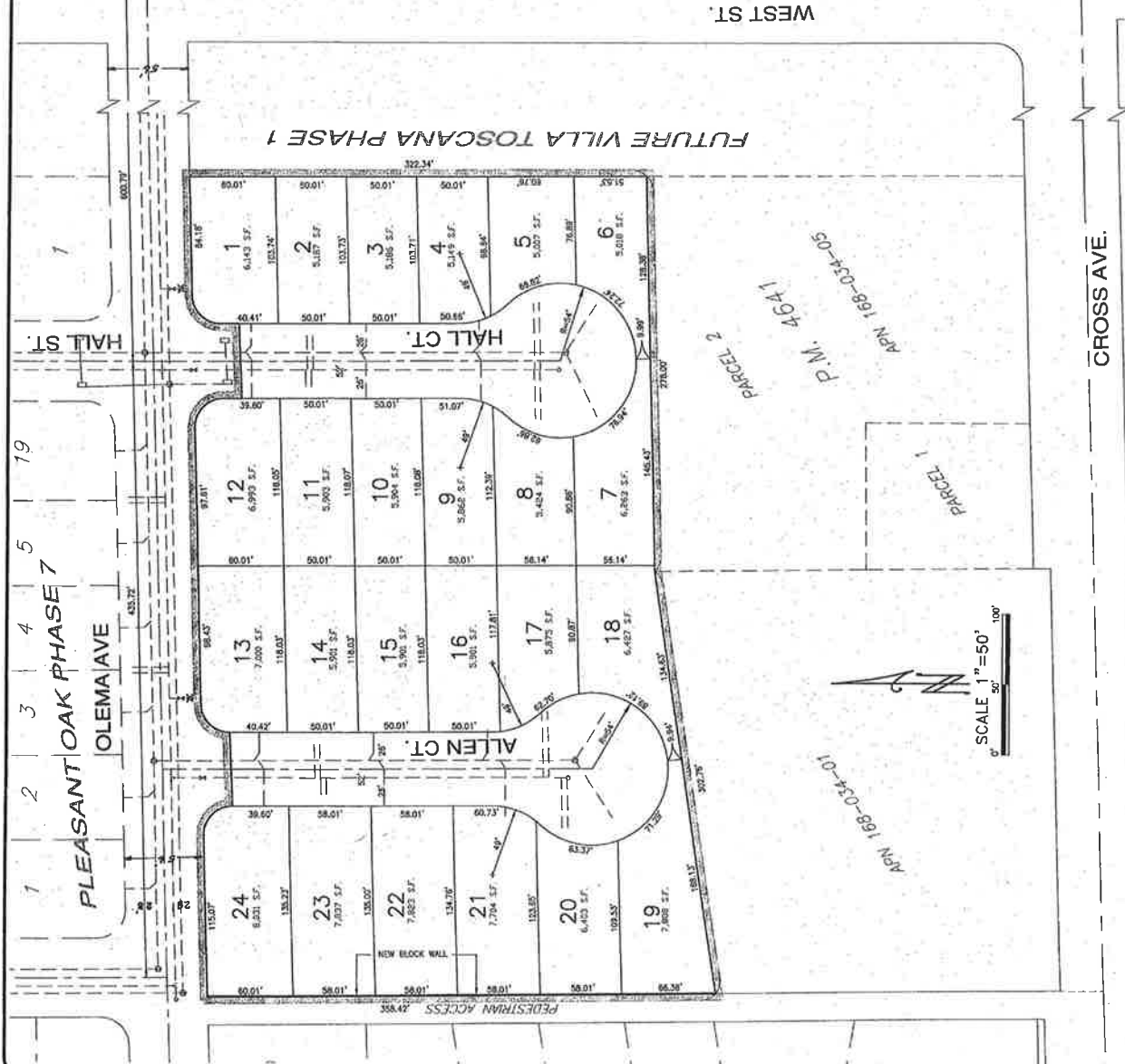
JULY, 2017

**OWNERS:** HOFMAR ENGINEERING AND CONSTRUCTION INC.  
dba MARK HOFFMAN GENERAL ENGINEERING  
21348 Road 140  
Tulare, California 93274

**SURVEYOR:** FORESTER WEBBER & ASSOCIATES L.L.C.  
11820 N. West Street, Suite B  
Tulare, California 93231  
(559) 732-0102  
e-mail: [fore@foresterwebber.com](mailto:fore@foresterwebber.com)

### NOTES:

- EXISTING PROPERTY USE: VACANT
- PROPOSED PROPERTY USE: RESIDENTIAL
- A.P.N.: 168-034-020
- ZONING: CITY OF TULARE
- SEWER: CITY OF TULARE
- FLOOD HAZARD AREA: 4.4 AG-2
- NOT WITHIN AIRPORT INFLUENCE AREA  
NO LANDSCAPE DISTRICT PROPOSED



Vicinity Map  
N  
1/8" SCALE



**CITY OF TULARE PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No.

August 28, 2023

**CONDITIONAL USE PERMIT No. 2023-15**

<b>PROJECT PLANNER:</b>	Steven Sopp, Principal Planner
<b>APPLICANT:</b>	Esmeralda Ramirez – Tacos Los Pericos
<b>LOCATION:</b>	1348 E. Prosperity Avenue North side of Prosperity Avenue at Brentwood Street (FoodsCo Shopping Center)
<b>APN:</b>	149-120-021
<b>ZONING CLASSIFICATION:</b>	C-3 (Retail Commercial)
<b>GENERAL PLAN DESIGNATION:</b>	Community Commercial
<b>SURROUNDING LAND USES AND ZONING:</b>	North: Drainage Basin      C-3 South: Bank / Chilli's      C-3 West: FoodsCo      C-3 East: Vacant / Office      C-3

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2023-15 subject to the findings and conditions in Resolution No. 5462. 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. 2023-15 is a request by Esmeralda Ramirez with Tacos Los Pericos LLC for an ABC license (Type 41: On Sale Beer and Wine—Eating Place) to sell beer and wine on-site at an existing restaurant located on the north side of Prosperity Avenue at Brentwood Street, within the FoodsCo shopping center (1348 E. Prosperity Avenue). (APN 149-120-021).

**DETAILS OF THE PROPOSAL:**

The applicant operates an existing restaurant (Tacos Los Pericos) within a portion of an existing shopping center located on the north side of Prosperity Avenue at Brentwood Street (FoodsCo Shopping Center). The applicant is looking to add beer and wine sales in conjunction with the restaurant.

The restaurant's hours of operation are Monday through Friday from 8:30 a.m. to 9 p.m. and Saturday and Sunday 8 a.m. to 9 p.m. The business currently employes 8 employees working two shifts (4 each shift).

**STAFF COMMENTS:**

The zoning ordinance requires that businesses engaged in on-sale alcoholic beverages are subject to a conditional use permit (Zoning Ordinance Section 10.168.04). This application is for an ABC Type 41 On Sale Beer and Wine – Eating Place) in conjunction with a restaurant.

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. 2023-15:

- 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 “on-sale Beer and Wine — eating place” Type 41.

## **CONDITIONS:**

Based on the approved findings, staff recommends that Conditional Use Permit No. 2023-15, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to the sale of beer and wine for consumption on or off the premises where sold. Applicant must operate and maintain the licensed premises as a bona fide eating place.
- 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. Resolution



Conditional Use Permit No. 2023-15

4200 License - Type 41 - Tacos Los Pericos



Legend

Tacos Los Pericos



**RESOLUTION NO. 5462**

**A RESOLUTION OF THE CITY OF TULARE PLANNING  
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2023-15**

**WHEREAS**, Conditional Use Permit No. 2023-15 is a request by Esmeralda Ramirez with Tacos Los Pericos LLC for an ABC license (Type 41: On Sale Beer and Wine—Eating Place) to sell beer and wine on-site at an existing restaurant located on the north side of Prosperity Avenue at Brentwood Street, within the FoodsCo shopping center (1348 E. Prosperity Avenue). (APN 149-120-021); and,

**WHEREAS**, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on August 28, 2023; and,

**WHEREAS**, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2023-15 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) 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; and,
- 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; and,
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title; and,
- 4) That the proposed use is consistent with the Tulare General Plan; and,
- 5) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site; and,
- 6) The project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970, as amended; and,
- 7) That public convenience and necessity would be served by the issuance of an “Type 41 On-sale, Beer and Wine – Eating Place” ABC License.

**BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2023-15 is hereby approved subject to the following conditions:

**Conditions:**

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to the sale of beer and wine for consumption on or off the premises where sold. Applicant must operate and maintain the licensed premises as a bona fide eating place.
- 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-eighth day of August, 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



**CITY OF TULARE PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No. 1

August 28, 2023

**CONDITIONAL USE PERMIT No. 2023-13**

<b>PROJECT PLANNER:</b>	Jonathan Coelho, Assistant Planner	
<b>APPLICANT:</b>	Dryvebox Golf Lounge LLC.	
<b>LOCATION:</b>	132 East Kern Avenue	
<b>APN:</b>	176-081-013	
<b>ZONING CLASSIFICATION:</b>	C-3 (Retail Commercial)	
<b>GENERAL PLAN DESIGNATION:</b>	Central Business District	
<b>SURROUNDING LAND USES AND ZONING:</b>	North: Commercial Building	C-3
	South: Commercial Building	C-3
	West: Commercial Building	C-3
	East: Commercial Building	C-3

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2023-13 subject to the findings and conditions in Resolution No. 5461. 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. 2023-13 is a request by Dryvebox Golf Lounge, LLC to operate a virtual golf lounge and to apply for an Alcoholic Beverage Control License Type 40: On-Sale Beer to sell beer for consumption on or off the premises where sold, in association with the proposed business. The project is proposed within an existing building located at 132 East Kern Avenue on the north side of East Kern Avenue and west of South K Street (APN 176-081-013).

**DETAILS OF THE PROPOSAL:**

The hours of operation will be from 9:00 a.m. to 11:00 p.m. seven days a week. The proposed business will have 2 to 4 employees and will expect to have between 5 to 10 customers during business hours. The business will operate 2 virtual golf simulators for recreational purposes, offer golf club services, golf instruction, provide non-alcoholic beverages and snacks and sell branded merchandise. The business plans to maintain a Type 40 ABC license which will allow them to sell only beer.

**STAFF COMMENTS:**

The proposed site General Plan Designation is Central Business District and zoned C-3 (Retail-Commercial). The City of Tulare Municipal Code states that businesses engaged miscellaneous indoor uses (bowling alleys, billiard halls, dance halls, gymnasium, skating rinks, sports arenas, arcades) are subject to approval of a conditional use permit (Zoning Ordinance Section 10.168.04).

The zoning ordinance requires that businesses engaged in on-sale alcoholic beverages are subject to approval of a conditional use permit (Zoning Ordinance Section 10.168.04). This license type authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.

The Site Plan Review Committee has reviewed the project with the applicant on May 31, 2023, and prepared comments and conditions. The site plan and floor plan were reviewed by the Committee for compliance with the City’s adopted Zoning Ordinance and Municipal Code.

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. 2023-13:

- 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 40 On-Sale Beer” ABC License.

**CONDITIONS:**

Based on the approved findings, staff recommends that Conditional Use Permit No. 2023-13, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) In accordance with Zoning Ordinance Section 10.116.080, this Conditional Use Permit approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and establishment of the use is being diligently pursued.
- 3) Applicant shall comply with Engineering Division, Fire Department, and Solid Waste Division comments/conditions (Attachments III, IV, and V).
- 4) The requested license type authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
- 5) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 6) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 7) Hours of operation shall be limited to 9 a.m. to 11 p.m., seven days per week. Any significant change shall require approval by the Planning Commission.
- 8) 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. Floor Plan
- III. Engineering Comments
- IV. Fire Department Comments
- V. Solid Waste Comments
- VI. Resolution 5461

**RESOLUTION NO. 5461**

**A RESOLUTION OF THE CITY OF TULARE PLANNING  
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2023-13**

**WHEREAS**, Conditional Use Permit No. 2023-13 is a request by Dryvebox Golf Lounge, LLC to operate a virtual golf lounge and to apply for an Alcoholic Beverage Control (ABC) License Type 40: On-Sale Beer to sell beer for consumption on or off the premises. The project is proposed within an existing building located at 132 East Kern Avenue on the north side of East Kern Avenue and west of South K Street (APN 176-081-013); and,

**WHEREAS**, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on August 28, 2023; and,

**WHEREAS**, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2023-13 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) 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; and,
- 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; and,
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title; and,
- 4) That the proposed use is consistent with the Tulare General Plan; and,
- 5) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site; and,
- 6) The project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970, as amended; and,
- 7) That public convenience and necessity would be served by the issuance of an “Type 40 On-Sale Beer” ABC License.

**BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2023-13 is hereby approved subject to the following conditions:

**Conditions:**

- 1) All requirements of Title 10 shall be met.
- 2) In accordance with Zoning Ordinance Section 10.116.080, this Conditional Use Permit approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and establishment of the use is being diligently pursued.
- 3) Applicant shall comply with Engineering Division, Fire Department, and Solid Waste Division comments/conditions (Attachments III, IV, and V).
- 4) The requested license type authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
- 5) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 6) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 7) Hours of operation shall be limited to 9 a.m. to 11 p.m., seven days per week. Any significant change shall require approval by the Planning Commission.
- 8) Applicant to maintain all licenses and/or permits required by the State.

**PASSED, APPROVED AND ADOPTED** this twenty-eighth day of August, 2023 by the following recorded vote:

AYES: \_\_\_\_\_  
\_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



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CHUCK MIGUEL, CHAIRMAN  
City of Tulare Planning Commission

ATTEST:

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Mario Anaya, SECRETARY  
City of Tulare Planning Commission