

PLANNING COMMISSION AGENDA

Pending no technical difficulties, the Planning Commission meeting will be streamed via Facebook Live at <https://www.facebook.com/cityofvisalia/>

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

COMMISSIONERS: Mary Beatie, Chris Gomez, Marvin Hansen, Sarrah Peariso, Adam Peck

MONDAY JULY 27, 2020 AT 7:00 P.M., AT THE VISALIA CONVENTION CENTER LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA

1. THE PLEDGE OF ALLEGIANCE –
2. 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.
3. CHANGES OR COMMENTS TO THE AGENDA –
4. 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
5. PUBLIC HEARING – Josh Dan, Associate Planner
Variance No. 2020-04: A request by Confluent Development, on behalf of Sherwin Williams, to allow a variance from the standard 15-foot landscape required in the Commercial Mixed-Use zone to optimize business viability from the roadway. The site is located at 1312 & 1318 S. Mooney Blvd. (APN: 096-321-009 & 096-321-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(i)(3), Categorical Exemption No. 2020-41.
6. PUBLIC HEARING – Josh Dan, Associate Planner
 - Tentative Parcel Map No. 2020-03: A request by Casa Grande Senior Housing and Care Facility to divide 3.02 acres into three parcels, located in the R-M-2 (Multi-Family Residential, one unit per 3,000 square feet) Zone District. The proposed parcels measure 6,284 sq. ft., 8,130 sq. ft., and 118,130 sq. ft. respectively. The project is located on the southwest corner of South Santa Fe Street and East Walnut Avenue. (APN: 123-063-030) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315,

Categorical Exemption No. 2020-42.

- Conditional Use Permit No. 2020-03: A request by Casa Grande Senior Housing and Care Facility to allow Single-Family Residential homes on the two smaller R-M-2 (Multi-Family Residential, one unit per 3,000 square feet) Zone District parcels created by the requested Tentative Parcel Map. The project is located on the southwest corner of South Santa Fe Street and East Walnut Avenue. (APN: 123-063-030) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2020-42.

7. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2020-13: A request by Carrie Blue and Julie Lovero to establish an adult day program facility within an existing building in the D-MU (Downtown Mixed Use) Zone. The site is located at 823 W. Center Avenue. (APN: 093-191-003) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2020-24.

8. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2020-10: A request by Matt Graham to establish a 32-unit multi-family complex on a 2.78 acre property within the O-PA (Professional/Administrative Office) zone. The project site is located north of E. Tulare Avenue, in between S. Lovers Lane and S. Vista Street (APNs: 101-013-022). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-22.

9. PUBLIC HEARING – Brandon Smith, Senior Planner

Zoning Text Amendment No. 2020-02: A request by the City of Visalia to amend portions of Visalia Municipal Code Title 17 (Zoning Ordinance) as to: a) implement programs contained in the City of Visalia 2020-2023 Housing Element, and b) correct and update portions of the Zoning Ordinance that pertain to housing and residential uses. The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan. A previously prepared Program Environmental Impact Report and Negative Declaration adequately analyzed and addresses the project, and would recommend that the City Council adopt Environmental Document No. 2020-40 for this project.

10. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting Monday, August 10, 2020.
- GPA/COZ for Hillsdale Southland approved by Council on July 20, 2020

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, AUGUST 6, 2020 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 93292. 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, AUGUST 10, 2020



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: July 27, 2020

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone: (559) 713-4443;
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2020-10: A request by Matt Graham to establish a 32-unit multi-family complex on a 2.78 acre property within the O-PA (Professional/Administrative Office) zone. The project site is located on the north side of E. Tulare Avenue, in between S. Lovers Lane and S. Vista Street (APNs: 101-013-022).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2020-10, as conditioned, based upon the findings and conditions in Resolution No. 2020-24. Staff's recommendation is based on the conclusion that the request is consistent with the City General Plan, Housing Element policies, and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2020-10 based on the findings and conditions in Resolution No. 2020-24.

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow development of a 32-unit multi-family complex in the O-PA Zone. The development will be located on a single elongated parcel that primarily fronts East Tulare Avenue, with South Lovers Lane to the west and South Vista Street to the east. The proposed density, calculated at 11.5 units per acre, is within the density range of the Residential Medium Density land use designation (10 to 15 units per acre), and just outside of the Residential Low Density range (2 to 10 units per acre). However, the project site has a General Plan designation of Office, which does not contain a preferred density range. The applicant is seeking development of the site employing multi-family development standards. This is discussed in greater detail under the "Project Evaluation" section of the staff report below.

The proposed site plan (see Exhibit "A") demonstrates that the complex will consist of 16 two-story duplexes, aligned along Tulare Avenue, with landscaping along the northern and southern edges of each building (see Exhibit "D"). Elevations provided in Exhibit "C" show that primary views from the buildings will be oriented towards Tulare Avenue, with enclosed garages, bathroom windows, and small, highly placed bedroom windows (i.e., clear story windows) oriented towards the single family residences to the north.

Per the floor plans in Exhibit "B", each unit will be approximately 1,350 sq. ft. in size, containing three bedrooms, two bathrooms, a kitchen, a garage, and living space. The applicant has indicated that the unit types will range from one to three bedrooms. Garages will be able to accommodate two vehicles per dwelling unit, providing for 64 covered parking spaces. Per the site plan, an additional 12 stall guest parking lot is provided in the middle of the complex, with an access drive leading to Tulare Avenue. Each unit also contains a paved driveway in front of

each garage, providing additional outdoor parking area for each occupant. The complex will not contain any shared clubhouse or recreation areas. Each unit will instead be provided with a private side yard area totaling approximately 400 sq. ft. Front yard areas along Tulare Avenue will be landscaped and fenced off, allowing for use as recreation areas as well.

The complex will contain three separate fencing structures as shown in Exhibit "A". Along the northern boundary adjacent to single family residential, a seven foot tall CMU block wall will be placed along its entire length. A six foot tall CMU block wall will be placed along the western and eastern ends of the project site, approximately five to six feet from property line, providing screening from noise generated by Tulare Avenue/Vista Street traffic. Along the Tulare Avenue frontage, a four foot, six inch tall wrought iron fence will be placed blocking front yard areas from the street.

The site currently contains existing curb, gutter, and sidewalk improvements along the east, west, and southern property frontages. The project will include construction of three access drives, one at each street frontage, providing access to the site and guest parking area (see Exhibit "A"). The project will also include construction of a 20 foot, 8 inch wide access aisle spanning the entire northern end of the project site. The access aisle will connect Lovers Lane and Vista Street, provide access to all units onsite, and also serve as a fire access lane for emergency services. On days when trash is collected, residential trash bins will be placed along the northern end of the access aisle for pick-up.

The project site is vacant and has never contained development. The site has not been actively cultivated in more than a decade. Areas to the north and east are developed with single family residential homes. Areas to the west contain a small number of mixed commercial uses. Areas to the south contain or will contain public facilities (United States Post Office, a future Visalia Fire Station) and agricultural land.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Office
Zoning:	O-PA (Professional-Administrative Office)
Surrounding Zoning and Land Use	North: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area) / Single family residential subdivision South: R-1-5, O-PA, R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area) / United States Post Office, agricultural land, scattered single family residences East: R-1-5, QP (Quasi-Public) / Single family residential subdivision, Kiwanis Park West: O-PA, C-N (Neighborhood Commercial), C-MU (Mixed Use Commercial / Mixed commercial and office uses.
Environmental Review:	Categorical Exemption No. 2020-22
Special Districts:	N/A
Site Plan:	2019-74

RELATED PROJECTS

Tentative Subdivision Map No. 5566: A request by Lennar Homes of California, Inc. to subdivide five parcels totaling 33.71 acres into 149 single family residential lots. The site is located immediately east of the project site. The Planning Commission approved the proposal on May 29, 2018 by a 4-0-1 vote (one member was absent).

PROJECT EVALUATION

Land Use Compatibility / Density

The site is zoned O-PA, which allows for the development of residential units as a conditionally permitted use. With 32 units proposed on 2.78 acres, the density range of the proposal is 11.5 dwelling units per acre. The project site has a General Plan designation of Office, which does not identify a preferred density range. However, the applicant is seeking development of the site employing multi-family development standards prescribed per the Residential Medium Density (RMD) General Plan land use designation (density range 10 to 15 dwelling units per acre).

The proposal is in line with RMD General Plan requirements. The project repurposes a vacant, irregular site for multi-family use, providing additional housing opportunities at a time when residential development is in demand. The development of a variety of housing types is consistent with the objectives and policies of the Housing Element. As it stands, land designated for office use is currently located along the east and west frontages of Lovers Lane, south of Tulare Avenue. It remains largely undeveloped, underlining the lack of demand for land designated for offices uses compared to residential.

The project is designed with block walls, attached garages, and clear story windows to obstruct clear visibility towards single-family residential areas to the north. These improvements have been included by the applicant for the purpose of buffering noise and preserving the privacy of nearby residents, thereby improving the compatibility of the project with the surrounding neighborhood.

Street Improvements

Ingress and egress to the site will be from three access drives as shown in Exhibit "A". Primary access points will be from Vista Street to the east and Tulare Street to the south. The proposed access drive along Lovers Lane will only allow for exiting traffic. All other off-site infrastructure improvements are already in place. Access through the complex will be provided by a 20 foot, 8 inch wide drive aisle running along the northern edge of the project site. The drive aisle will provide access to all units onsite as well as serve as a fire access lane for emergency services.

Noise

The project site is adjacent to both arterial and collector roadways (Lovers Lane and Tulare Avenue respectively), which produce noise impacts as a result of traffic activity. Improvements are proposed by the applicant to reduce noise impacts on proposed multi-family units through the installation of two six foot tall CMU walls along the Lovers Lane and Vista Street frontages, and the addition of noise reduction improvements to walls and windows facing Tulare Street (see Exhibit "E").

Potential noise impacts arising from placement of the multi-family complex next to residential areas will be reduced through construction of a seven foot tall block wall along the northern property boundary and placement of multi-family units approximately 42 feet south of the shared boundary. HVAC units, while within the rear yard area adjacent to single family homes, are screened by small trash enclosures and are a minimum 37 feet from the northern property

boundary. Based on the site layout, in conjunction with the 25 foot rear yard setback requirements for the single family residential areas to the north, there is approximately 67 feet of separation between the multi-family units and the single-family homes.

With the above improvements, noise impacts to adjacent properties, as well as to the site itself, will be mitigated. The block wall and noise reduction improvements are included in the Conditions of Approval Condition Nos. 2 and 4.

Walls / Fences

The project will construct a seven-foot tall CMU block wall along the northern property line, with additional six foot tall CMU walls placed along the Lovers Lane and Vista Street frontages. The block walls will act as barriers to the existing single-family residences to the north, and streets to the east and west. This is included as Condition of Approval No. 4.

A four-foot, six inch wrought iron fence will be erected along the southern street frontage, similar to other multi-family residential developments found throughout Visalia. The fence will contain 3 foot, 6 inch wide wrought iron gates allowing access to each unit. Said gates will match the style of the proposed wrought iron fencing. Within multi-family zones, decorative wrought iron fencing of up to seven feet in height may be placed along the front yard property line (see Visalia Municipal Code Section 17.36.040.B). Staff concludes the wrought iron fence standard for multi-family zones is appropriate to apply to the project. This is based on the proposals multi-family nature, and because application will provide a measure of aesthetic appeal to the development, as well as a buffer from Tulare Avenue, thereby allowing for use of the front yard landscaped areas for recreational purposes.

Parking

The parking requirement for multi-family residential units is 1.5 parking stalls per unit. The Planning Commission has the ability to require an additional .25 parking spaces per unit if more than 50% of the units within the development are three or four bedroom units (Visalia Municipal Code Section 17.34.020.b).

Given that all 32 units are to be developed with three bedrooms, staff applied the 1.75 stall requirement per unit based on Section 17.34.020.b. Based on this parking requirement, a minimum of 56 parking stalls are required. The project proposes 64 enclosed parking spaces; two for each unit, as well as 12 uncovered guest parking stalls accessed off of Tulare Avenue (see Exhibit "A"). This amounts to a total of 76 parking spaces, provided at a parking ratio of 2.4 parking spaces per unit. The project provides sufficient onsite parking to support the proposed use.

Setbacks

The project site is unique in that it consists of one long parcel with street frontage on three sides. Staff supports the application of Multi-Family Residential development standards to the project site. The primary orientation of the multi-family units is towards Tulare Avenue, with the southern site boundary being used as the front yard area for this development.

The setbacks for the project are as follows:

- Front Yard (Tulare Avenue) – 15 feet
- Side Yard (Lovers Lane, Vista Street) – 10 feet
- Rear Yard (Northern boundary) – 25 feet

The setback requirements are included as Condition of Approval No. 6.

Building Elevations

Exhibit "C" provides typical building elevations proposed for the multi-family development. The elevations identify stucco exteriors with some wood siding, and El Dorado stacked stone highlights. Every unit will contain a small covered porch at each front entrance. The building design also incorporates limited visibility from second story windows to the adjacent single-family residential areas through the application of clear story windows on all northern façades (see Exhibit "C"). Staff has included Condition of Approval No. 2, requiring that the building elevations be developed consistent with those provided in Exhibit "C".

Lighting

The site plan provided in Exhibit "A" indicates that onsite lighting will be provided in the form of LED sconce lights at each side of the front entrances, facing south, and LED pole mounted light fixtures, approximately 15 feet in height, illuminating the access aisle. Pole lights will be setback approximately 20 feet from the northern property line. Condition No. 9 has been included requiring that any onsite lighting not produce glare onto neighboring properties.

Staff also recommends the adoption of Condition No. 10 requiring the applicant demonstrate that lighting does not exceed 0.5 lumens along the north property line. The lighting verification will be required prior to occupancy of any dwelling units within the development.

Good Neighbor Policies and Management and Maintenance Standards

The project is subject to the City's Good Neighbor Policies (GNP's) for multi-family residential development. The GNP's are a set of management and maintenance requirements that address the common maintenance of buildings and grounds. The GNP's prohibit the storage of boats, trailers, and recreational vehicles over one ton outside of carports, and require all buildings, mechanical equipment, and grounds to be maintained in good working order and in a neat and orderly fashion.

To ensure that these requirements are addressed and are consistent with the conditions placed on the subject multi-family project, staff recommends that management and maintenance conditions be included as a part of the conditional use permit. Among the recommended conditions is 24-hour availability for Visalia Police Department to Maintenance and/or Management staff. Maintenance and Management staff shall either be on-site or available by telephone at all times, with phone numbers to be provided to the Police Department dispatch center. The GNP's are included as Condition of Approval No. 11.

Public Comment

Staff received public comment from four residences located north of the project site, on East Laurel Street. Comments were provided by phone and e-mail (see Attachments). The residents cited potential harm to their places of residence as a result of placement of the multi-family development. Potential impacts cited include an increase to traffic in the vicinity, an increase to on-street parking, a rise in criminal activity, an increase in noise production, reductions in property values, and impacts to local schools. The residents also noted potential aesthetic impacts, stating that the apartment designs would not be compatible with surrounding areas.

As stated previously, the applicant has included a number of improvements on-site that will assist in reducing impacts to neighboring areas. This includes placement of block walls along shared boundaries, location of buildings approximately 42 feet from shared boundaries, and verification that on-site lighting does not produce intrusive glare onto neighboring properties. Elevations provided are adequately designed, maintain an internal consistency, and match with typical multi-family developments built in other areas of the City. Though traffic in the area may

increase as a result of the placement of additional uses, per the placement of access drives, traffic will be directed primarily to Tulare Street and Lovers Lane. Local streets within the subdivision to the north are unlikely to be used for access to the complex. Lastly, the project is conditioned to incorporate Good Neighbor Policies into its daily operations. These policies require that multi-family developments be well maintained and operated throughout their lifetime.

Impacts to crime and school capacity are unknown at this time, however no comments have been received from the Visalia Police Department, the Visalia Unified School District, or affected schools in opposition to the proposal. Staff concludes the concerns of the neighboring residents are adequately addressed by the design measures and conditions of project approval required for this project.

Environmental Review

The requested action is considered Categorical Exempt under Section 15332 (Infill Projects) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-22). The exemption is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on a 2.78 acre site with no significant habitat of note, and maintains sufficient access to required utilities and public services.

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 proposal repurposes a vacant, irregular site for multi-family use, providing additional housing opportunities at a time when residential development is in demand. The development of a variety of housing types is consistent with the objectives and policies of the Housing Element. The development of the site, using the multi-family development standards as prescribed per the Residential Medium Density General Plan land use designation range (density range 10 to 15 dwelling units per acre), is consistent with General Plan and Housing Element policies.
 - 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 requested action is Categorical Exempt under Section 15301 (Existing Facilities) of the Guidelines for the Implementation of the California Environmental Quality Act (Categorical Exemption No. 2020-22).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed in substantial compliance and be consistent with the conditions of the Site Plan No. 2019-074.
2. That the site be developed in substantial compliance with the approved site plan in Exhibit "A", floor plan in Exhibit "B", elevations in Exhibit "C", landscape plan in Exhibit "D", and with noise reduction improvements as shown in Exhibit "E".
3. That substantial changes to the site plan, floor plan, elevations, landscaping, or noise reduction improvements plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
4. That a seven-foot tall CMU block wall shall be installed along the northern boundary of the project site, and six foot tall CMU walls shall be installed along the east and west property boundaries, both as indicated in on Exhibit "A". The height of the northern boundary block wall shall be a minimum of seven feet on both sides of the wall, which may result in one side of the wall being up to eight feet tall.
5. That the multi-family development shall maintain a density of 10 to 15 dwelling units per acre in accordance with the Medium Density Residential land use designation, and shall not develop more than 32 units on the subject site.
6. Setbacks for the multi-family development shall be as follows:
 - Front Yard (Tulare Avenue) – 15 feet
 - Side Yard (Lovers Lane, Vista Street) – 10 feet
 - Rear Yard (Northern boundary) – 25 feet
7. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance (MWELo), shall be included in the construction document plans submitted for either grading or building construction permits. Prior to the project receiving final approved permits, a signed Certificate of Compliance stating that the project meets MWELo standards shall be submitted to the City.
8. That the development shall maintain the landscaping and fences/block walls along the street frontages, and within the site.
9. All onsite lighting shall be deflected away from abutting residential sites so as to cause no glare.
10. Prior to occupancy of the development, the applicant/developer shall demonstrate to the satisfaction of City staff that all on-site lighting installed shall not exceed the lumen intensity limit of 0.5 lumens at the property lines, as required by the Visalia Municipal Code.
11. That the owner/operator(s) of all multiple family residential units shall be subject to the following Good Neighbor Policies and Management and Maintenance Standards conditions:

A. Maintenance and Operations

- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.

- b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
- d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
- e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
- f. Remove graffiti within 24 hours of it having been observed.
- g. Recreation facilities shall be for tenant use only.
- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

B. Landscape Care and Maintenance

- a. Automatic irrigation systems shall be maintained.
- b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
- c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
- d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

C. Parking - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.

D. Tenant Agreement - The tenant agreement for the complex must contain the following:

- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).

- b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
- c. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
- d. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
- e. Standards of behavior for tenants that could lead to eviction.
- f. All tenants shall read and receive a copy of the Tenant Agreement.

12. Provide street trees per the City's Street Tree Ordinance.

13. That all applicable federal, state, regional, and city policies and ordinances be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street. 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. 2020-24
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Elevation Plan
- Exhibit "D" – Landscape Plan
- Exhibit "E" – Noise Reduction Improvements
- Public Comments
- Categorical Exemption No. 2020-24
- Site Plan Review Comments No. 2019-74
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Location Map

Related Plans & Policies

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

General Plan Land Use & Transportation Policy:

LU-P-52 Facilitate high-quality building and site design for multi-family developments by updating development standards in the zoning ordinance and providing clear rules for development review and approval and by creating and adopting design guidelines to be used in the development review and approval process.

Characteristics of high-quality site and building design include connectivity to the public realm; compatibility with surrounding development; small-scale buildings with variation in architecture and massing; usable open space and recreation facilities; orientation to natural features; and solar orientation.

LU-P-56 Update the Zoning Ordinance to reflect the Medium Density Residential designation on the Land Use Diagram for development at 10 to 15 dwelling units per gross acre.

This designation can accommodate a mix of housing types including small-lot single family, townhouses, two- and four-plexes, and garden apartments, on infill lots or new development areas within walking distance of neighborhood nodes and corridors. Medium Density Residential development may also be permitted on corner lots in single-family zones and in infill areas where it can be made to be consistent with adjacent properties through the conditional use process. Development standards will ensure that new development contributes positively to the larger community environment. Projects on sites larger than five acres or involving more than 60 units will require discretionary review.

T-P-41 Integrate the bicycle transportation system into new development and infill redevelopment. Development shall provide short term bicycle parking and long term bicycle storage facilities, such as bicycle racks, stocks, and rental bicycle lockers. Development also shall provide safe and convenient bicycle and pedestrian access to high activity land uses such as schools, parks, shopping, employment, and entertainment centers.

Zoning Ordinance Section for O-PA Zone

Chapter 17.20 OFFICE ZONES

17.20.010 Purposes.

- A. The several types of office zones included in this chapter are designed to achieve the following:
 1. Provide appropriate areas for various types of offices to be concentrated for the convenience of the public, and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;
 2. Maintain the central downtown business district (Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as Visalia's traditional, medical, professional, retail, government and cultural center;

3. Protect office areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences;
 4. Ensure compatibility with adjacent land uses.
- B. The purpose of the individual office land use zones are as follows:
1. Professional/Administrative Office Zone—(O-PA). The purpose and intent of the professional/administrative office zone district is to provide areas for professional and administrative offices where they can be effectively integrated into surrounding areas.
 2. Office Conversion Zone—(OC). The purpose and intent of the office conversion zone district is to promote the conversion, rather than the demolition, of existing residential structures where feasible, in designated areas for low-intensity administrative and professional offices. Office uses that are typically high generators of vehicle trips or parking need generators are not provided in this district. This zone will create opportunities for the long-term preservation of historic structures and the residential character of non-historic neighborhoods through the office conversion process. The development criteria will reduce the potential for land use conflicts between the office conversion sites and their adjacent residential neighborhoods. These provisions will serve to maintain the streetscape through architectural compatibility and the placement of on-site parking at the rear of the sites. This will also serve to maintain the historic and aesthetic character of the core area. (Ord. 2017-01 (part), 2017: prior code § 7372)

17.20.015 Applicability.

The requirements in this chapter shall apply to all property within the O-PA and O-C zone districts. (Ord. 2017-01 (part), 2017)

17.20.020 Permitted uses.

Permitted uses in the O-PA and OC zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017: prior code § 7375)

17.20.025 Conditional and temporary uses.

Conditional and temporary uses in the O-PA and OC zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017: prior code § 7375)

17.20.030 Required conditions.

- A. A site plan review permit must be obtained for all development in the O-PA and O-C zones subject to the requirements and procedures in Chapter 17.28;
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, outdoor dining areas, and play areas. (Ord. 2017-01 (part), 2017: prior code § 7380)

17.20.040 Off-street parking and loading facilities.

- A. Off-street parking facilities and off-street loading facilities shall be provided as prescribed in Chapter 17.34.
- B. On-site parking is prohibited in the front and street side setback areas for O-C zoned properties;
- C. Adequate parking for OC zoned properties must be provided on site to serve the desired office use. Parking is to be developed at the rear of the subject site, and should be master planned

with adjacent sites to allow the common use of planter strips, access points and handicap parking spaces to the greatest extent possible. (Ord. 2017-01 (part), 2017: prior code § 7385)

17.20.050 Development standards in the O-PA zone.

The following development standards shall apply to property located in the O-PA zone:

- 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. (Ord. 2017-01 (part), 2017)

Zoning Ordinance Section for R-M Zone

Chapter 17.16

R-M Multi-Family Residential Zone

17.16.010 Purpose and intent.

In the R-M multi-family residential zones, the purpose and intent is to provide living areas within the two multi-family residential zones (one medium density and one high density) with housing facilities where development is permitted with a relatively high concentration of dwelling units, and still preserve the desirable characteristics and amenities of a low density atmosphere.

17.16.015 Applicability.

The requirements in this chapter shall apply to all property within R-M zone districts.

17.16.020 Permitted uses.

In the R-M multi-family residential zones, the following uses are permitted by right:

- A. Existing one-family dwellings;
- B. Multi-family dwellings up to sixty (60) dwelling units per site in the R-M-2 zone and the R-M-3 zone;
- C. Fruit, vegetable and horticultural husbandry;
- D. Swimming pools used only by residents on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;

- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family, situated within an existing single-family dwelling;
- G. Twenty-four (24) hour care facilities or foster homes for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provision of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Adult day care for a maximum of twelve (12) individuals in addition to the residing family, situated within an existing single-family dwelling;
- K. Other uses similar in nature and intensity as determined by the city planner.
- L. Transitional or supportive housing for six (6) or fewer resident/clients.
- M. Single-room occupancy (SRO), as follows:
 1. Up to fifteen (15) units per gross acre in the R-M-2 zone district;
 2. Up to twenty-nine (29) units per gross acre in the R-M-3 zone district.

17.16.030 Accessory uses.

In the R-M multi-family residential zone, accessory uses include:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.16.090B.

17.16.040 Conditional uses.

In the R-M multi-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- B. Public and private charitable institutions; general hospitals, sanitariums, nursing and convalescent homes; including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- C. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers;
- D. In the R-M-3 zone only, an open air public or private parking lot, subject to all provisions of Section 17.34.030, excluding trucks over 3/4 ton;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations and/or elevated or underground tanks;
- H. Communication equipment buildings;
- I. In R-M-2 zone only, mobile home parks;
- J. More than sixty (60) units per site in the R-M-2 zone, and within the R-M-3 zone;
- K. Boarding houses and residential motels;
- L. [Reserved]
- M. Senior citizen residential developments;
- N. Adult day care in excess of twelve (12) individuals;
- O. Planned developments may utilize the provisions of Chapter 17.26;
- P. New one-family dwelling, meeting density identified in the general plan land use element designations;
- Q. Other uses similar in nature and intensity as determined by the city planner;
- R. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this chapter and in which the private streets are designed and constructed to meet or exceed public street standards.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.16.050 Site area and configuration.

A. The division of (R-M) multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit.

17.16.060 Site area per dwelling unit and per structure.

The minimum site area per dwelling unit shall be three thousand (3,000) square feet in the R-M-2 zone and one thousand two hundred (1,200) square feet in the R-M-3 zone.

17.16.070 Front yard.

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-M-2	15 feet
R-M-3	15 feet

B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. All garage doors facing the front property line shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

17.16.080 Side yards.

A. The minimum side yard for a permitted or conditional use shall be five feet per story subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.

C. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

17.16.090 Rear yard.

The minimum rear yard for a permitted use shall be fifteen (15) feet in the R-M-3 zone and twenty-five (25) feet in the R-M-2 zone, subject to the following exceptions:

A. On a corner or reverse corner lot in R-M-2 zone the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion, as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained.

B. Accessory structures not exceeding twelve (12) feet in height may be located in the required rear yard, but not closer than three feet to any lot line; provided, that on a reversed corner lot an accessory structure shall be located not closer to the rear property line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot. In placing accessory structures in a required rear yard a usable, open, rear yard area of at least one thousand two hundred (1,200) square feet shall be maintained.

C. Exceptions to the rear yard setback can be granted for multiple family units that have their rear yard abutting an alley. The exception may be granted if the rear yard area is to be used for parking.

17.16.100 Height of structures.

The maximum height of structures shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-2 zone. The maximum height shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-3 zone. Where an R-M-2 or R-M-3 site adjoins an R-1 site, the second and third story shall be designed to limit visibility from the second and third story to the R-1 site. Structures specified under Section 17.16.090(B) shall be exempt.

17.16.110 Off-street parking.

Off-street parking shall be subject to the provisions of Chapter 17.34.

17.16.120 Fences, walls and hedges.

Fences, walls and hedges shall be subject to the provisions of Section 17.36.040.

17.16.130 Trash enclosures.

Enclosures for trash receptacles are permitted that comply with the specifications and requirements of Section 17.32.010 and that are approved by the site plan review committee. Enclosures within the front

yard setback are permitted for multiple family dwelling units when deemed necessary by city staff because no other appropriate location for an enclosure exists on the property.

17.16.140 Site plan review.

A site plan review permit must be obtained for all developments other than a single-family residence in R-M zones, subject to the requirements and procedures of Chapter 17.28.

17.16.150 Open space and recreational areas.

Any multiple family project approved under a conditional use permit or site plan review permit shall dedicate at least five (5) percent of the site to open, common, usable space and/or recreational facilities for use by tenants as a part of that plan. The calculated space shall not include setback areas adjacent to a street. Shared open space could include parks, playgrounds, sports courts, swimming pools, gardens, and covered patios or gazebos open on at least three (3) sides. Further, the calculated space shall not include enclosed meeting or community rooms. The specific size, location and use shall be approved as a part of the conditional use permit.

17.16.160 Screening.

All parking areas adjacent to public streets and R-1 sites shall be screened from view subject to the requirements and procedures of Chapter 17.28.

17.16.170 Screening fence.

Where a multiple family site adjoins an R-1 site, a screening block wall or wood fence not less than six feet in height shall be located along the property line; except in a required front yard, or the street side of a corner lot and suitably maintained.

17.16.180 Landscaping.

All multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained.

17.16.190 Model Good Neighbor Policies.

Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution.

17.16.200 Signs.

Signs shall be placed in conformance with Chapter 17.48.

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.

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.
7. Additional technical studies or reports, as required by the Site Plan Review Committee.
8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the project in order to maintain the required services levels identified in the General Plan Circulation Element.

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

17.38.030 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 that 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.

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.

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.

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 that was the subject of the permit application subject to the provisions of Section 17.38.065.

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.
 9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.
- E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

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 that is the subject of the hearing, and by publication in a newspaper of general circulation within the city.

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval.

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.

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.

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.

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 ten days following the granting of the conditional use permit by the planning commission if no appeal has been filed.

RESOLUTION NO. 2020-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2020-10: A REQUEST BY MATT GRAHAM TO ESTABLISH A 32-UNIT MULTI-FAMILY COMPLEX ON A 2.78 ACRE PROPERTY WITHIN THE O-PA (PROFESSIONAL/ADMINISTRATIVE OFFICE) ZONE. THE PROJECT SITE IS LOCATED ON THE NORTH SIDE OF E. TULARE AVENUE, IN BETWEEN S. LOVERS LANE AND S. VISTA STREET (APNS: 101-013-022).

WHEREAS, Conditional Use Permit No. 2020-10 is a request by Matt Graham to establish a 32-unit multi-family complex on a 2.78 acre property within the O-PA (Professional/Administrative Office) zone. The project site is located on the north side of E. Tulare Avenue, in between S. Lovers Lane and S. Vista Street (APNs: 101-013-022); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on July 27, 2020; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit 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 15332.

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 proposal repurposes a vacant, irregular site for multi-family use, providing additional housing opportunities at a time when residential development is in demand. The development of a variety of housing types is consistent with the objectives and policies of the Housing Element. The development of the site, using the multi-family development standards as prescribed per the Residential Medium Density General Plan land use designation range (density range 10 to 15 dwelling units per acre), is consistent with General Plan and Housing Element policies.

- 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 requested action is Categorical Exempt under Section 15301 (Existing Facilities) of the Guidelines for the Implementation of the California Environmental Quality Act (Categorical Exemption No. 2020-22).

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 and be consistent with the conditions of the Site Plan No. 2019-074.
2. That the site be developed in substantial compliance with the approved site plan in Exhibit "A", floor plan in Exhibit "B", elevations in Exhibit "C", landscape plan in Exhibit "D", and with noise reduction improvements as shown in Exhibit "E".
3. That substantial changes to the site plan, floor plan, elevations, landscaping, or noise reduction improvements plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
4. That a seven-foot tall CMU block wall shall be installed along the northern boundary of the project site, and six foot tall CMU walls shall be installed along the east and west property boundaries, both as indicated in on Exhibit "A". The height of the northern boundary block wall shall be a minimum of seven feet on both sides of the wall, which may result in one side of the wall being up to eight feet tall.
5. That the multi-family development shall maintain a density of 10 to 15 dwelling units per acre in accordance with the Medium Density Residential land use designation, and shall not develop more than 32 units on the subject site.
6. Setbacks for the multi-family development shall be as follows:
 - Front Yard (Tulare Avenue) – 15 feet
 - Side Yard (Lovers Lane, Vista Street) – 10 feet
 - Rear Yard (Northern boundary) – 25 feet
7. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance (MWELO), shall be included in the construction document plans submitted for either grading or building construction permits. Prior to the project receiving final approved permits, a signed Certificate of Compliance stating that the project meets MWELO standards shall be submitted to the City.
8. That the development shall maintain the landscaping and fences/block walls along the street frontages, and within the site.
9. All onsite lighting shall be deflected away from abutting residential sites so as to cause no glare.
10. Prior to occupancy of the development, the applicant/developer shall demonstrate to the satisfaction of City staff that all on-site lighting installed shall not exceed the lumen intensity limit of 0.5 lumens at the property lines, as required by the Visalia Municipal Code.

11. That the owner/operator(s) of all multiple family residential units shall be subject to the following Good Neighbor Policies and Management and Maintenance Standards conditions:

A. Maintenance and Operations

- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
- b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
- d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
- e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
- f. Remove graffiti within 24 hours of it having been observed.
- g. Recreation facilities shall be for tenant use only.
- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

B. Landscape Care and Maintenance

- a. Automatic irrigation systems shall be maintained.
- b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
- c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated

diseases are capable of destroying an infected tree or other trees within a project.

- d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

C. Parking - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.

D. Tenant Agreement - The tenant agreement for the complex must contain the following:

- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
- b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
- c. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
- d. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
- e. Standards of behavior for tenants that could lead to eviction.
- f. All tenants shall read and receive a copy of the Tenant Agreement.

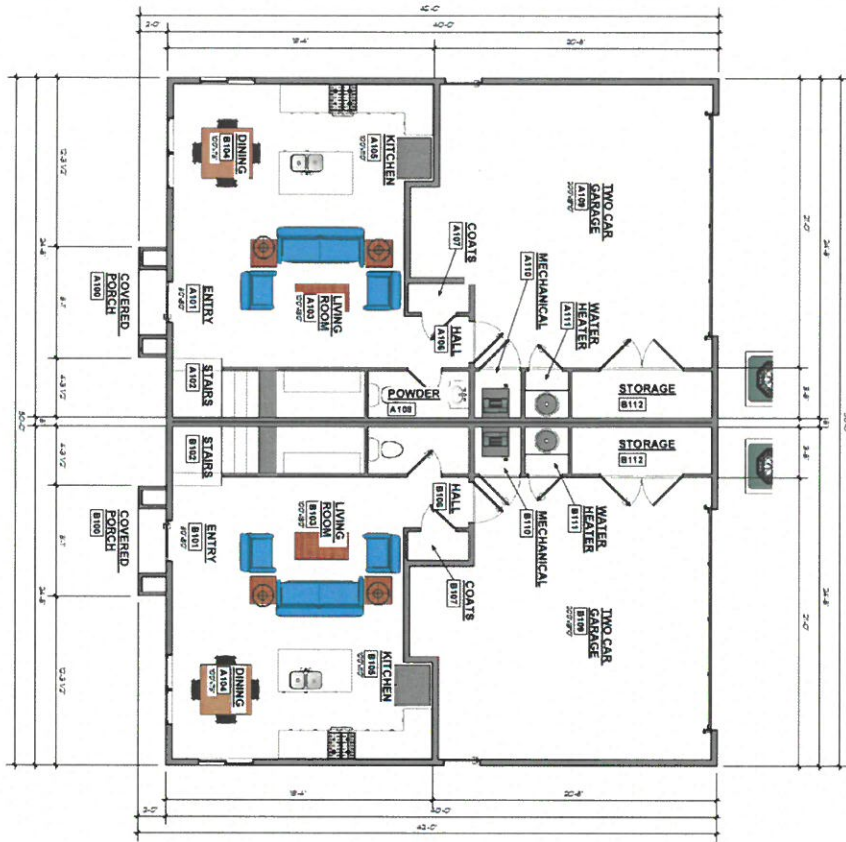
12. Provide street trees per the City's Street Tree Ordinance.

13. That all applicable federal, state, regional, and city policies and ordinances be met.

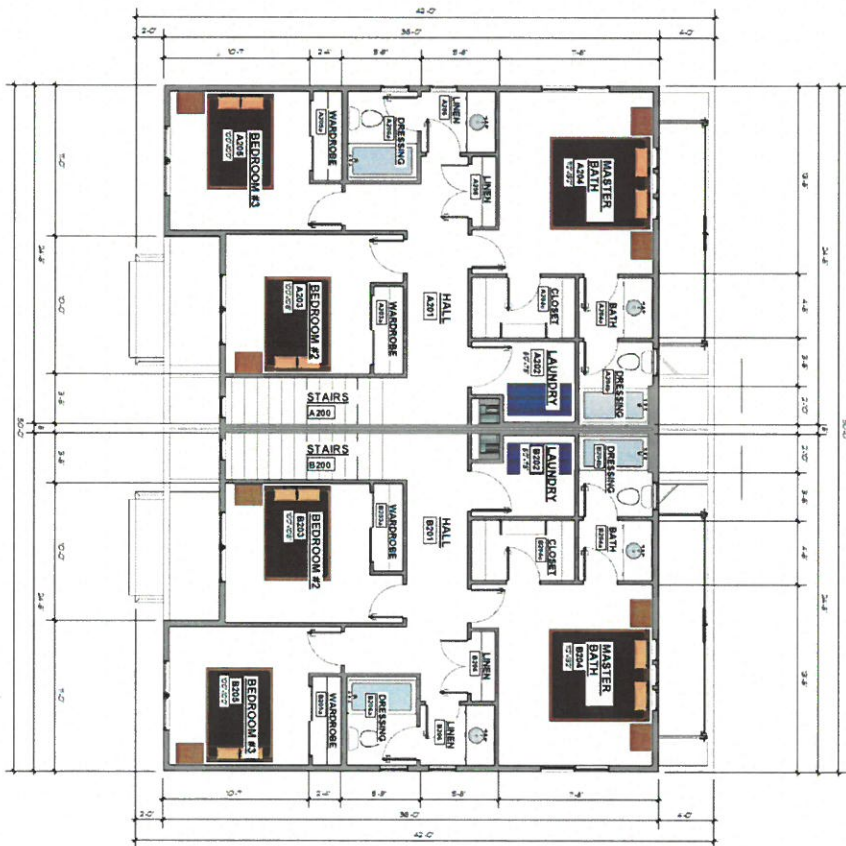
EXHIBIT "B"

© Sierra Cadd Services. All rights reserved. This drawing is the property of Sierra Cadd Services and is not to be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Sierra Cadd Services. A professional stamp authorized by Russ Merino (Sierra Cadd Services), Chairperson of the design team and superintendent is valid with Russ Merino (Sierra Cadd Services).

1 First and Second Floor Plans



2 Second Floor Plan



CONDITIONED FLOOR AREA

FIRST FLOOR	134,340 SF
SECOND FLOOR	134,340 SF
TOTAL	268,680 SF

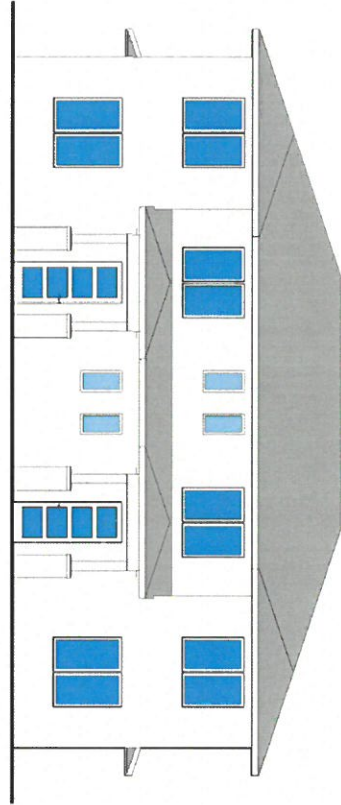
First and Second Floor Plans
A1.1

Lovers Lane and Tulare Duplex Complex

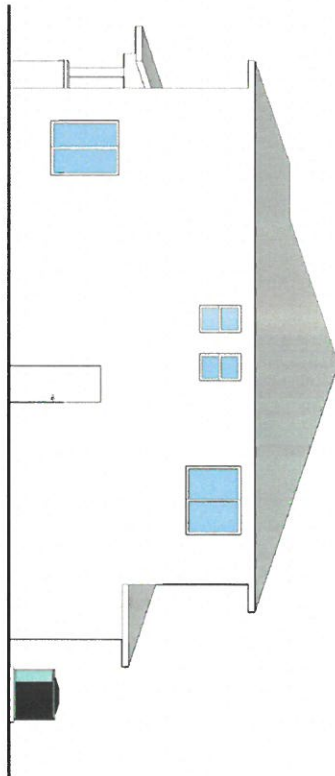
Owner: Matt Graham

South Lovers Lane and East Tulare Ave, Visalia, CA 93292
APN: 101-013-022

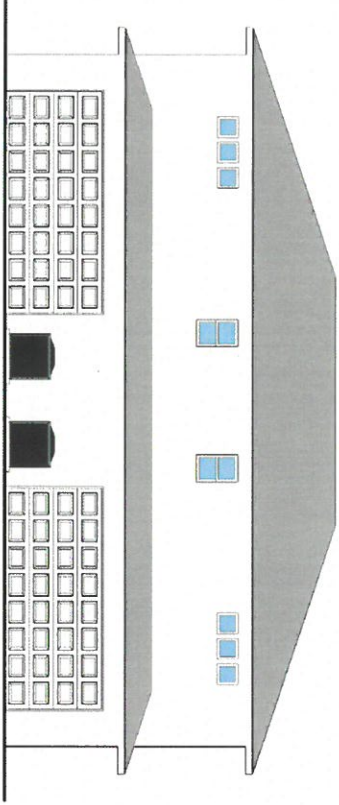




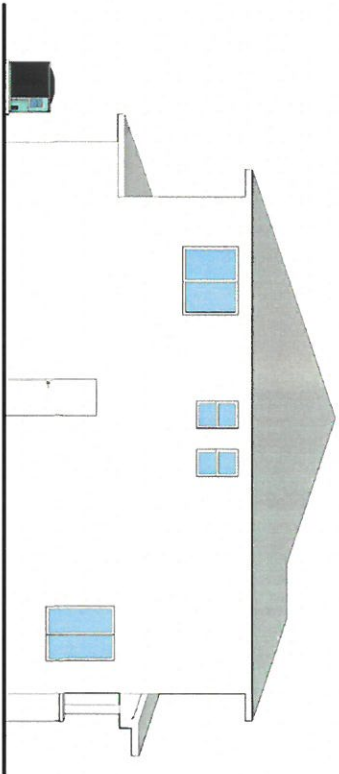
1 Front Elevation
A2.1 1/8" = 1'-0"



2 Right Elevation
A2.1 1/8" = 1'-0"



3 Rear Elevation
A2.1 1/8" = 1'-0"



4 Left Elevation
A2.1 1/8" = 1'-0"

SIERRA
COMMERCIAL ARCHITECTURE
1000 West Ave. 130
Visalia, CA 93292
Tel: 559-431-2642
info@sierrarch.com

South Lovers Lane and
East Tulare Ave.
Visalia, CA 93292
APN: 101-013-022

Lovers Lane and Tulare Duplex Complex

Owner: Matt Graham

Document Date:
June 14, 2019
Document Phase:
Schematic Documents
Title: 0207 - 00028
Project: 101-013 - Duplex Project Set

Elevations

A2.1

EXHIBIT "D"

LANDSCAPING INFORMATION

OVERALL SITE PLAN



Know what's below.
Call before you dig.

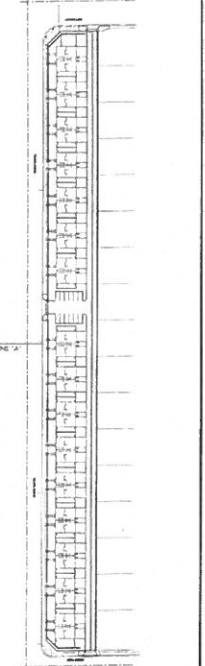
VICINITY MAP



SHEET 1
OF 3

EAST SIDE SITE PLANS

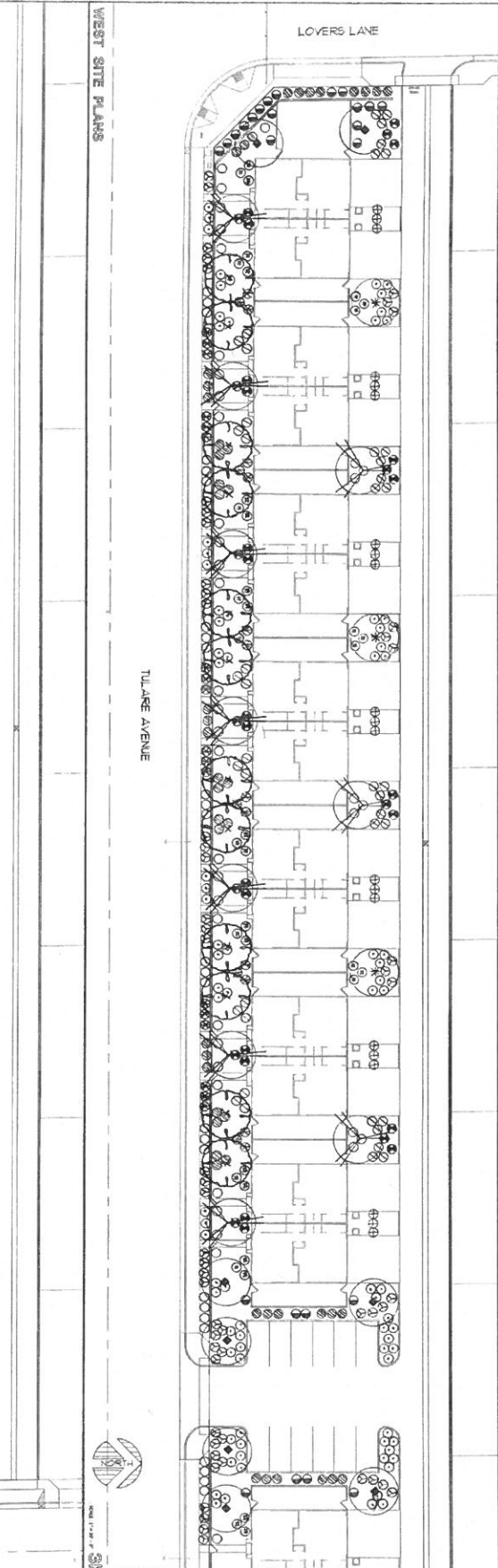
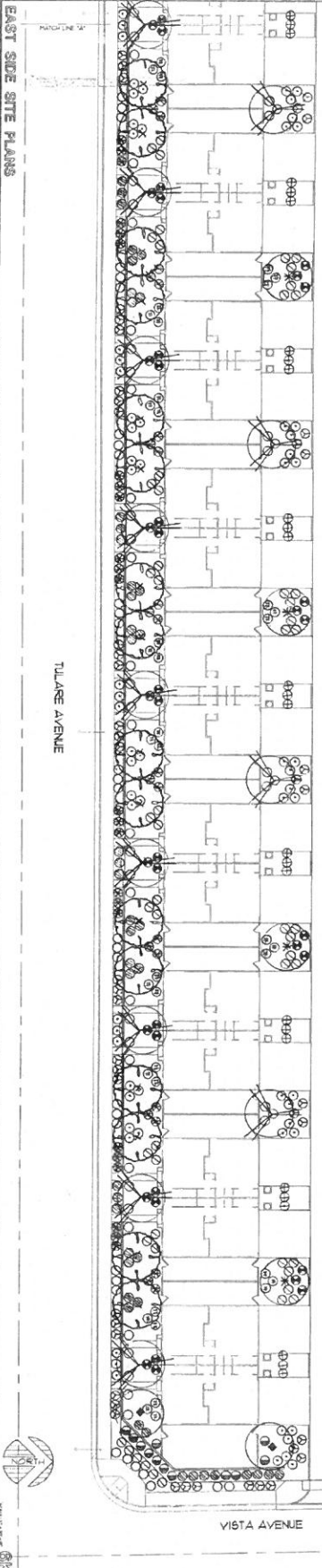
Plant	Quantity	Plant	Quantity
1	400	1	200
2	400	2	200
3	400	3	200
4	400	4	200
5	400	5	200
6	400	6	200
7	400	7	200
8	400	8	200
9	400	9	200
10	400	10	200
11	400	11	200
12	400	12	200
13	400	13	200
14	400	14	200
15	400	15	200
16	400	16	200
17	400	17	200
18	400	18	200
19	400	19	200
20	400	20	200
21	400	21	200
22	400	22	200
23	400	23	200
24	400	24	200
25	400	25	200
26	400	26	200
27	400	27	200
28	400	28	200
29	400	29	200
30	400	30	200
31	400	31	200
32	400	32	200
33	400	33	200
34	400	34	200
35	400	35	200
36	400	36	200
37	400	37	200
38	400	38	200
39	400	39	200
40	400	40	200
41	400	41	200
42	400	42	200
43	400	43	200
44	400	44	200
45	400	45	200
46	400	46	200
47	400	47	200
48	400	48	200
49	400	49	200
50	400	50	200
51	400	51	200
52	400	52	200
53	400	53	200
54	400	54	200
55	400	55	200
56	400	56	200
57	400	57	200
58	400	58	200
59	400	59	200
60	400	60	200
61	400	61	200
62	400	62	200
63	400	63	200
64	400	64	200
65	400	65	200
66	400	66	200
67	400	67	200
68	400	68	200
69	400	69	200
70	400	70	200
71	400	71	200
72	400	72	200
73	400	73	200
74	400	74	200
75	400	75	200
76	400	76	200
77	400	77	200
78	400	78	200
79	400	79	200
80	400	80	200
81	400	81	200
82	400	82	200
83	400	83	200
84	400	84	200
85	400	85	200
86	400	86	200
87	400	87	200
88	400	88	200
89	400	89	200
90	400	90	200
91	400	91	200
92	400	92	200
93	400	93	200
94	400	94	200
95	400	95	200
96	400	96	200
97	400	97	200
98	400	98	200
99	400	99	200
100	400	100	200



It has complied with the rules of the ordinance and applied from accounts for the efficient use of water in the landscape design plan.

BMP
Biospharm

UNDERGROUND SERVICE ALERT



QLC
QUALITY LANDSCAPE
CONSTRUCTION INC.
OFFICE: 1000 N. GARDEN ST. SUITE 100
SANTA ANA, CA 92705
TEL: 714.942.1111
WWW.QLC-CA.COM

800 S.F. Blvd., Suite 100, Vista, CA 92083 (619) 733-1318 Fax: 619 733-1311

A NEW MULTIFAMILY COMPLEX FOR:
MATT GRAHAM

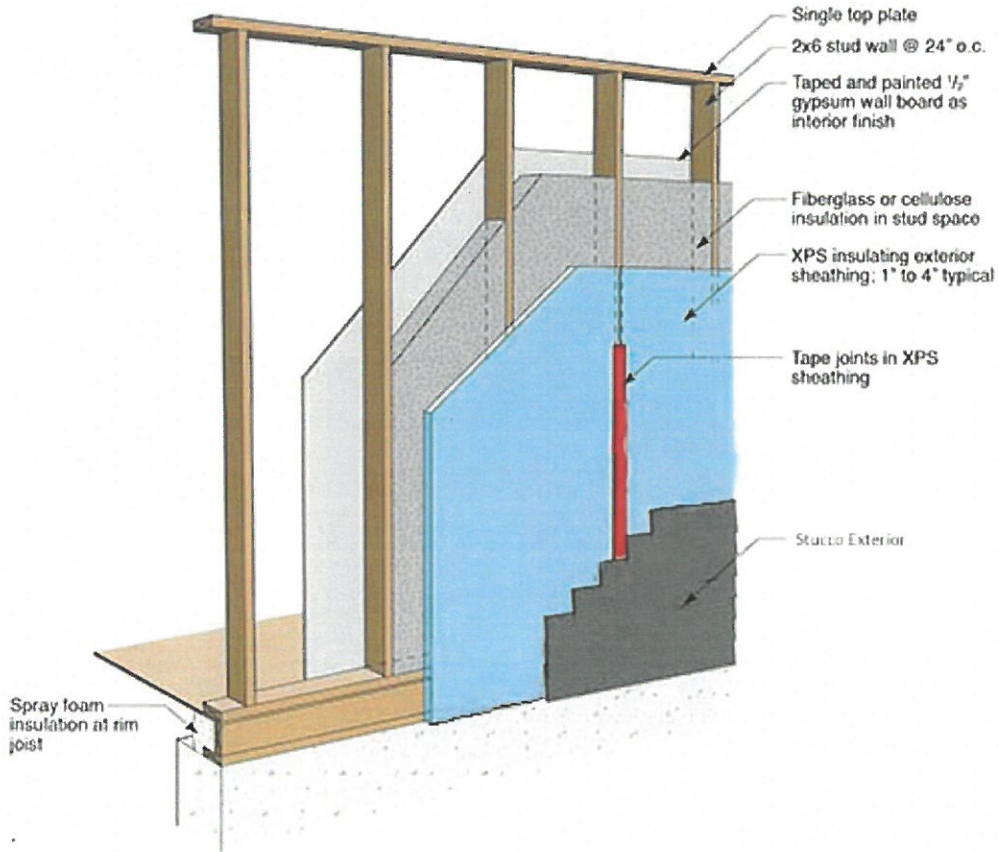
PROPERTY ADDRESS:
8078 LOVERS LANE AND EAST TULARE AVENUE

10/10/2022
VIA, A, CA 92702

EXHIBIT "E"

Wall Construction Along Tulare Avenue

We will be using a 2x6 stud wall at 24" O.C. with a R-21 Batt Insulation with ½" Gyp. Board at the interior and a Continuous ¾" (R-4) insulation (STC 45±). Our Windows will be Milgard Quiet Line Series Windows with a STC of 28.



From: Susan Currier
To: Cristobal Carrillo
Cc: Paul Bernal
Subject: FW: Public Hearing Notice

Sent: Mon 07/20/2020 3:29 PM

FYI

-----Original Message-----

From: Eve Workman [<mailto:eveworkman12@gmail.com>]
Sent: Monday, July 20, 2020 3:27 PM
To: Susan Currier
Subject: Public Hearing Notice

In regards to conditional use permit no 2020-10: A request by Matt Graham to establish a 32 unit multi family complex on a 7.78 acre property. Within the O-PA project site North of East Tulare Avenue, in between South Lovers Lane and South Vista St (APNs: 101-013-022).

On 3024 E Laurel Ave, Visalia, Ca 93292 we have experienced more traffic noise and exhaust emission. Due to new development around this area. As home owners we have experienced families moving into rentals around this area. We have seen how drugs and gang activities have gone up. Shootings have also come into the area when new development was permitted. In this area we need home owners not a 32 unit complex that looks over our neighborhood. We don't not need to be dealing with drug and gang activity or cars being broke into. Thank you.

Sincerely,
Eve Workman

This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

**Environmental Document No. 2020-22
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. 2020-10

PROJECT TITLE

North of Tulare Avenue, in between S. Lovers Lane and S. Vista Street (APN: 101-013-022)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request by Matt Graham to establish a 32-unit multi-family complex on a 2.78 acre property within the O-PA (Professional/Administrative Office) zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4443,
Email: Cristobal.Carrillo@visalia.city

NAME OF LEAD/PUBLIC AGENCY APPROVING PROJECT

Matt Graham, Attn: J. Allen Williams, AW Engineering, 724 N. Ben Maddox Way, Ste. A, Visalia CA 93292, Phone: (559) 754-3020, E-mail: Matt@mdgre.com

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

J. Allen Williams, AW Engineering, 724 N. Ben Maddox Way, Ste. A, Visalia CA 93292, Phone: (559) 967-8089, E-mail: awengineering09@gmail.com, dbryan@awe-inc.com

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 15332**
- Statutory Exemptions- State code number:

Section 15322 is appropriate as project will not produce significant effects to noise, air, traffic, or water quality, is consistent with applicable general plan/zoning, is located on a 2.78 acre site with no significant habitat, and maintains sufficient access to required utilities/public services.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner








CONTACT PERSON

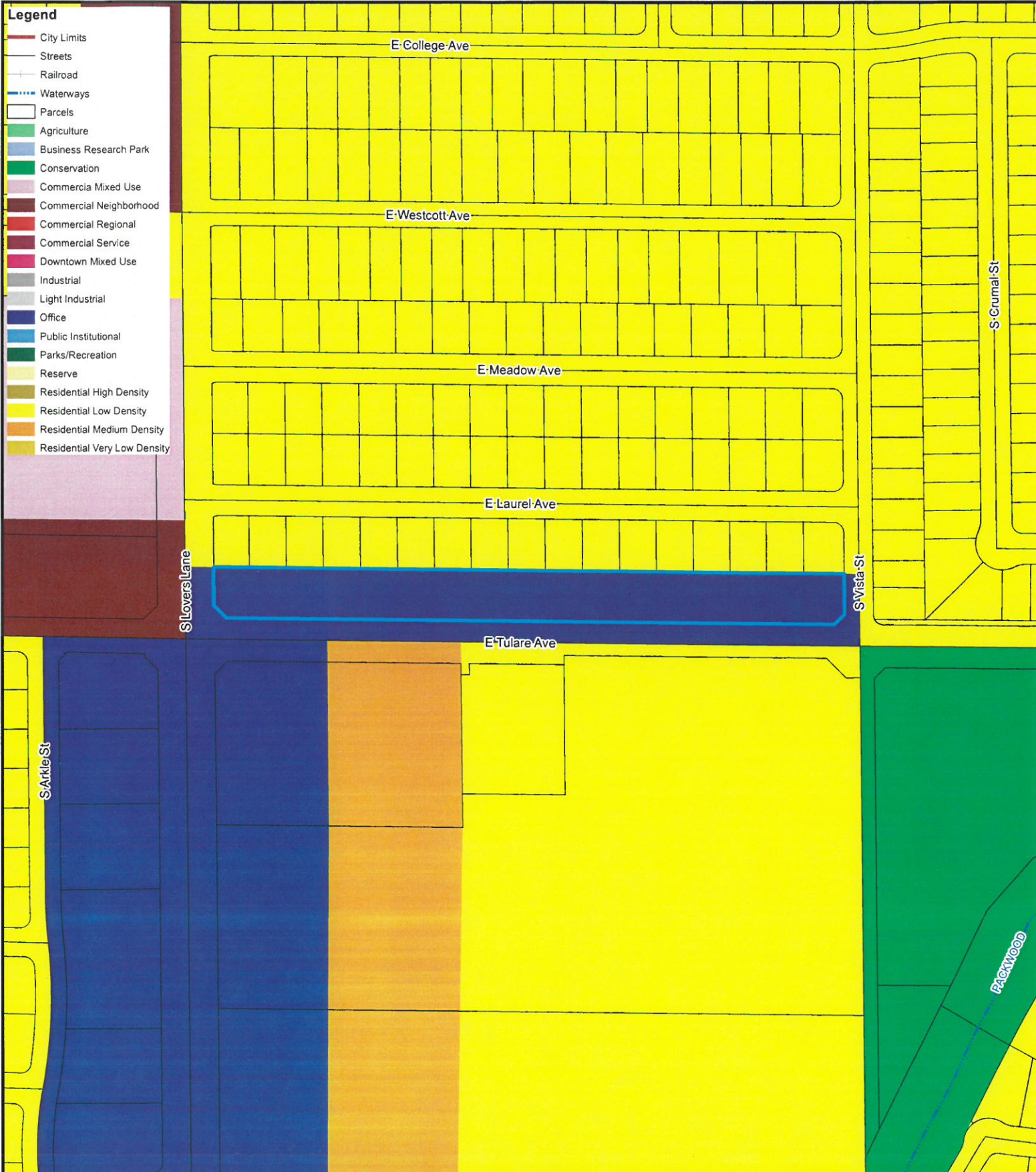
(559) 713-4443

AREA CODE/PHONE

DATE

**Brandon Smith, Senior Planner, AICP
ENVIRONMENTAL COORDINATOR**

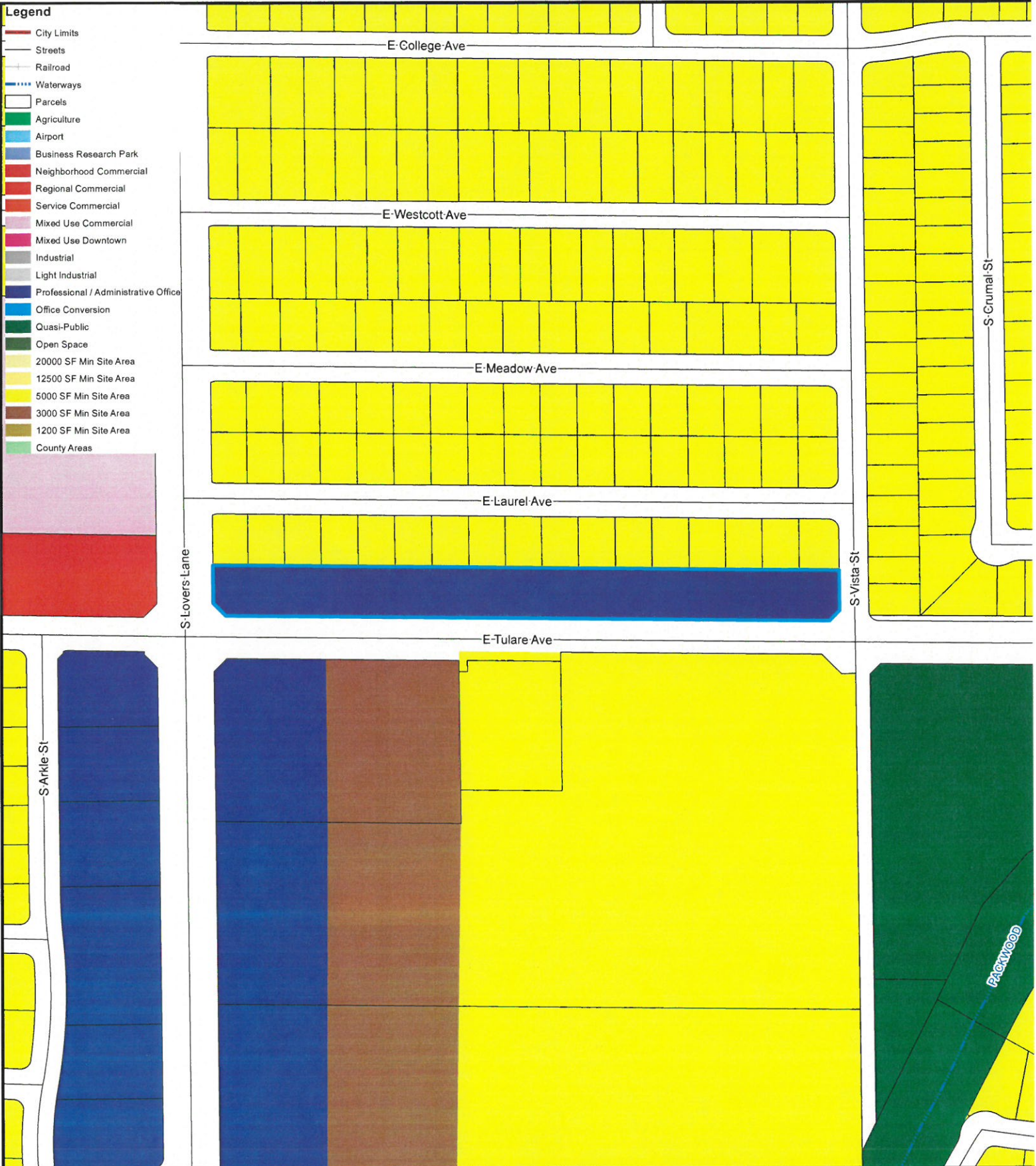
- Legend**
-  City Limits
 -  Streets
 -  Railroad
 -  Waterways
 -  Parcels
 -  Agriculture
 -  Business Research Park
 -  Conservation
 -  Commercial Mixed Use
 -  Commercial Neighborhood
 -  Commercial Regional
 -  Commercial Service
 -  Downtown Mixed Use
 -  Industrial
 -  Light Industrial
 -  Office
 -  Public Institutional
 -  Parks/Recreation
 -  Reserve
 -  Residential High Density
 -  Residential Low Density
 -  Residential Medium Density
 -  Residential Very Low Density



Conditional Use Permit No. 2020-10

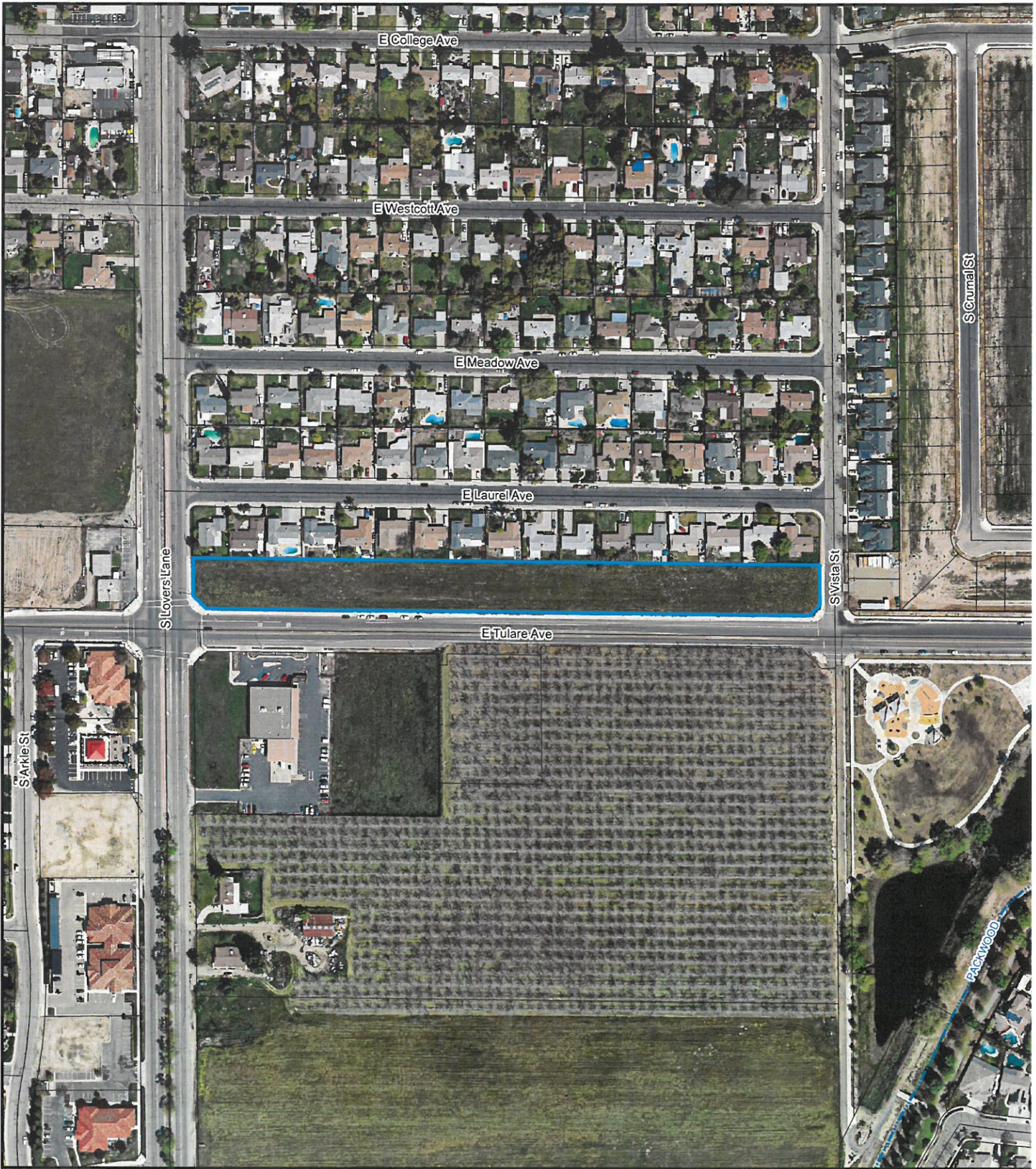
General Plan
Land Use Map

- Legend**
- City Limits
 - Streets
 - Railroad
 - Waterways
 - Parcels
 - Agriculture
 - Airport
 - Business Research Park
 - Neighborhood Commercial
 - Regional Commercial
 - Service Commercial
 - Mixed Use Commercial
 - Mixed Use Downtown
 - Industrial
 - Light Industrial
 - Professional / Administrative Office
 - Office Conversion
 - Quasi-Public
 - Open Space
 - 20000 SF Min Site Area
 - 12500 SF Min Site Area
 - 5000 SF Min Site Area
 - 3000 SF Min Site Area
 - 1200 SF Min Site Area
 - County Areas








Conditional Use Permit No. 2020-10

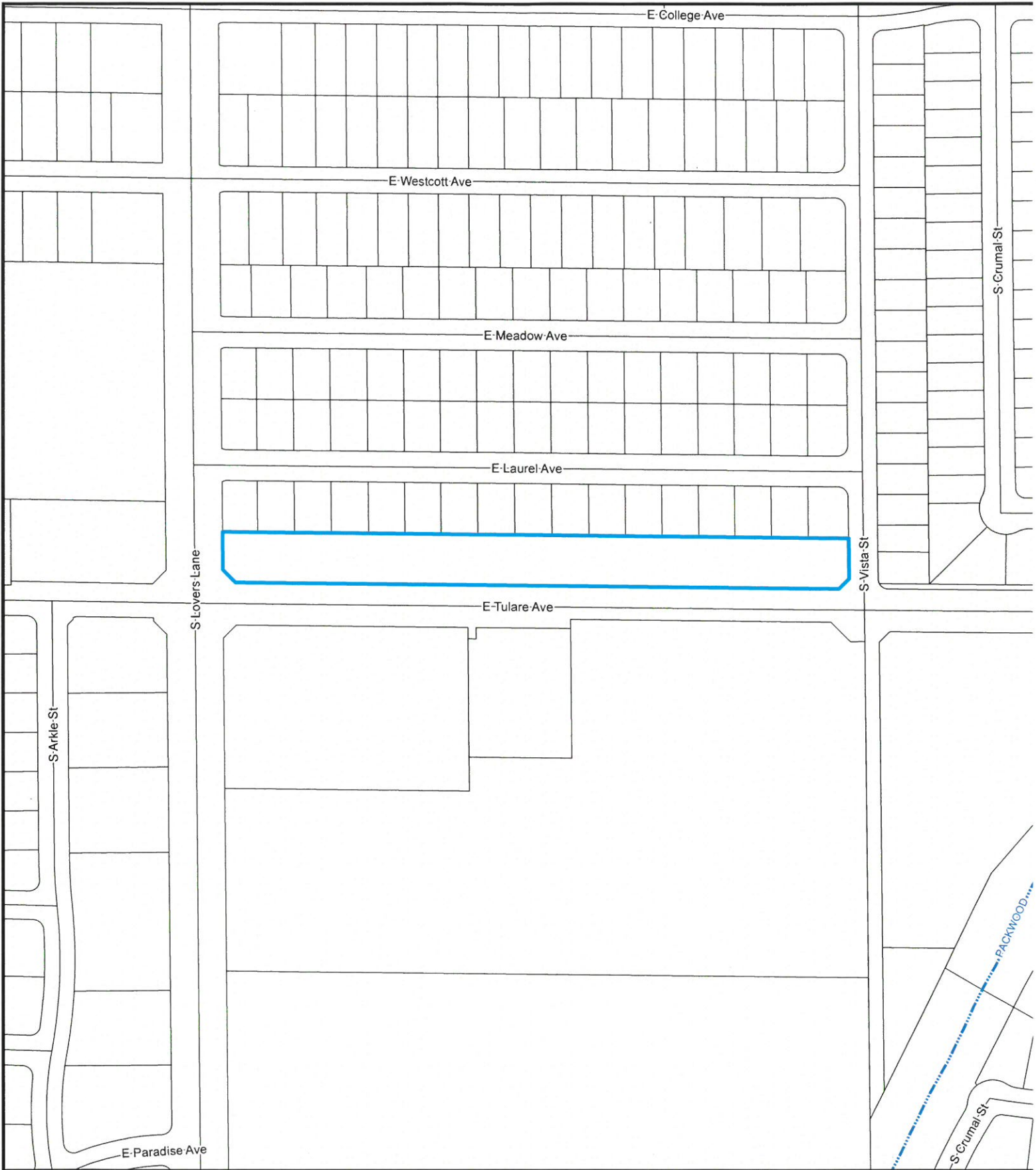
Zoning Map



Conditional Use Permit No. 2020-10

Aerial Map

- Legend**
-  City Limits
 -  Streets
 -  Railroad
 -  Waterways
 -  Parcels



Conditional Use Permit No. 2020-10

Location Map

Legend

- City Limits
- Streets
- Railroad
- - - - Waterways
- ▭ Parcels