

# PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Chris Gomez



VICE CHAIRPERSON:  
Marvin Hansen

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

**MONDAY, AUGUST 24, 2020 AT 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, 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. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
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 – Cristobal Carrillo, Associate Planner
  - Conditional Use Permit No. 2020-17: A request by Nikoll and Jose Morales to establish a duplex on a vacant corner lot within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at 323 W. Laurel Avenue, on the southeast corner of S. Watson Street and W. Laurel Avenue (APN: 097-018-016). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-38.
  - Variance No. 2020-05: A request by Nikoll and Jose Morales for a variance from the rear yard setback and rear yard area requirements for a new duplex within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at 323 W. Laurel Avenue, on the southeast corner of S. Watson Street and W. Laurel Avenue (APN: 097-018-016). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-38.
6. PUBLIC HEARING – Josh Dan, Associate Planner
  - Conditional Use Permit No. 2020-14: A request by Restoration Ministry to allow church use in two existing 5,000 sq. ft. buildings on a 1.63 acre site in the R-1-5 (Single-Family Residential, Minimum 5,000 sq. ft. lot size) zone district. The site is located on N. Sumter Court just east of N. McAuliff Street and between E. Houston Avenue and E. Douglas Avenue (APN: 103-380-014). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2020-45.

7. PUBLIC HEARING – Josh Dan, Associate Planner  
Conditional Use Permit No. 2020-18: A request by American Ambulance of Visalia to permit the use of an existing home for ambulance operations on a 7,444 sq. ft. lot in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot area) Zone district. The site is located on the southeast corner of N. Church Street and E. Murray Avenue (APN: 094-272-003). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2020-44.
8. PUBLIC HEARING – Josh Dan, Associate Planner  
Variance No. 2020-06: A request by Frank Gomez, on behalf of Kenneth Loy, for a variance to allow a larger accessory dwelling unit than allowed per the codified accessory dwelling unit standards. The site is located at 2412 W. Campus Avenue (APN: 095-081-011).
9. CITY PLANNER/ PLANNING COMMISSION DISCUSSION-
  - The Next Planning Commission Meeting will be September 14, 2020
  - CarMax Update
  - Housing Zone Text Amendment Update

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, SEPTEMBER 3, 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 14, 2020**



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** August 24, 2020

**PROJECT PLANNER:** Cristobal Carrillo, Associate Planner  
Phone No.: 713-4443  
E-mail: [cristobal.carrillo@visalia.city](mailto:cristobal.carrillo@visalia.city)

**SUBJECT: Conditional Use Permit No. 2020-17:** A request by Nikoll and Jose Morales to establish a duplex on a vacant corner lot within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at 323 W. Laurel Avenue, on the southeast corner of S. Watson Street and W. Laurel Avenue. (APN: 097-018-016)

**Variance No. 2020-05:** A request by Nikoll and Jose Morales for a variance from the rear yard setback and rear yard area requirements for a new duplex within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at 323 W. Laurel Avenue, on the southeast corner of S. Watson Street and W. Laurel Avenue. (APN: 097-018-016)

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2020-17 and Variance 2020-05 based on the findings and conditions in Resolution No. 2020-36 and Resolution No. 2020-35, respectively. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan, Housing Element and Zoning Ordinance as conditioned.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2020-17 and Variance 2020-05, as conditioned, based on the findings and conditions in Resolution No. 2020-36 and Resolution No. 2020-35.

## PROJECT DESCRIPTION

Conditional Use Permit (CUP) No. 2020-17 is a request to establish a duplex on a 5,518 square foot corner lot within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The applicant proposes building a 2,077 square foot structure containing an 809 and 804 square foot units (Unit A and B, respectively), with an attached two car garage between both units (see Exhibit "A"). Unit A would be oriented towards Laurel Avenue, while Unit B and the two car garage would face Watson Avenue. A third parking space in the form of a carport would also be located at the northeast corner of the project site, attached to the east side of Unit A. Per the Floor Plan in Exhibit "B", Unit A would contain one bedroom and two bathrooms, while Unit B would feature two bedrooms and two bathrooms. Landscaping will be provided along all frontages as shown in Exhibit "D". Per the Site Plan, a 1,200 square foot rear yard area along the eastern portion of the project site will be divided into private rear yards to provide open space area for each duplex unit.

Variance No. 2020-05 is a request to reduce the 20 foot rear yard setback requirement to 15 feet, 9 inches, and reduce the 1,500 square foot rear yard area requirement to 1,200 square

feet. The reduction to the rear yard area is proposed in order to facilitate the construction of a duplex while maintaining parking requirements in compliance with City standards.

**BACKGROUND INFORMATION**

General Plan Land Use Designation:	Residential Low Density
Zoning:	R-1-5 (Single-Family Residential)
Surrounding Land Use and Zoning:	North: R-1-5 (Single-Family Residential, 5,000 sq. ft. Minimum Site Area) / Multi-family residences South: R-1-5 / Mix of Single and Multi-family residences East: R-1-5 / Mix of Single and Multi-family residences West: Q-P (Quasi-Public) / Mount Whitney High School
Special Districts	N/A
Environmental Review:	Categorical Exemption No. 2020-38
Site Plan:	SPR No. 2017-074

**RELATED PROJECTS**

**Conditional Use Permit No. 2007-35** was request by Westland Development, LLC to allow two duplex units with modified yard setbacks on a 0.51-acre R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum lot size) zoned parcel located on the northwest corner of South Atwood Street and West Wagner Avenue. The Planning Commission approved the CUP for the duplex units on August 13, 2007.

**PROJECT EVALUATION**

**CONDITIONAL USE PERMIT NO. 2020-17**

**Land Use Compatibility**

The Zoning Ordinance Section 17.12.040.O allows for the construction of duplexes on corner lots within the R-1-5 Zone subject to approval of a Conditional Use Permit (CUP). The requested action is compatible with the adjacent land uses, which are primarily residential in nature. A mixed of single and multi-family residential units are located to the south and east, while areas to the north are more exclusively multi-family residential in nature. Mount Whitney High School is located to the west of the project site, largely containing sports fields and open space at the Laurel Avenue / Watson Street intersection. The proposed use would not be out of place in the general area, or pose a negative impact to the surrounding neighborhood.

Per Exhibit "A", the duplex will be designed to orient each unit towards a separate street frontage, creating the appearance of one residence onsite as viewed from the public right-of-way. Construction of duplexes on corner lots within the R-1-5 Zone is generally considered compatible as it helps address housing scarcity, in compliance with the goals of the Housing Element.

The placement of the duplex will maintain typical setback distances from the existing structures to the south and east. As shown in Exhibit "A", the structure maintains a five foot setback to the southern property line (the side yard of the residence to the south), and a 15 foot, 9 inch setback to the eastern property line (the side yard of the residence to the east). As such, normal separation of residences is maintained based on the setbacks for corner lots.

### **Parking**

Per the Visalia Municipal Code (VMC) the parking requirement for multi-family structures is 1.5 stalls per unit. The applicant is required to provide a minimum of three parking stalls. Per Exhibit "A", the proposal will include a two-car garage with access off of Watson Street and a one-car carport with access off of Laurel Avenue. The three covered parking spaces comply with the requirement of the VMC. The covered parking areas meet the 22 foot setback standard for parking facilities in the R-1-5 Zone, thereby providing sufficient driveway area for additional parking of vehicles.

### **Architectural Compatibility**

Elevations provided in Exhibit "C" show that the duplex will contain architectural features akin to historic structures. This includes 20 year comp roofing placed in decorative "shingle fashion", windows with faux shutters, a carriage like garage door, small awnings over entrance ways, and gable vents. The finished product will have elements that provide the appearance of a classic style home which will be compatible with the surrounding area.

### **Landscaping**

The applicant has provided a landscape plan depicting landscape areas and tree locations (see Exhibit "D"). The plan shows installation of turf and three trees onsite along the north, east and west boundaries, with an additional three street trees in the right-of-way. Landscaping and irrigation plans submitted with the building plans are required to comply with MELWO standards.

## **VARIANCE NO. 2020-05**

### **Setbacks**

For corner lots in the R-1-5 Zone, the VMC allows an applicant to choose whether the narrow side or long side of a lot is designated as the rear yard. In instances where the long side of a lot is chosen as the rear yard, the applicable rear yard setback shall be 20 feet. The "long side" rear yards are also subject to a separate requirement to maintain a minimum 1,500 square feet of usable rear yard area. Since the applicant has chosen the eastern portion of the site (i.e. the long side) as the rear yard, both the 20 foot setback and 1,500 square feet of minimum yard area requirement are applicable.

The applicant requests a reduction of the rear yard setback by 4 feet, 3 inches and a 300 square foot reduction to the rear yard area requirement in order to facilitate the construction of a 2,077 square foot duplex on a 5,518 square foot lot. The reductions will provide additional area to construct units with sufficient living space (approximately 800 sq. ft. per unit), and adequate parking areas in compliance with covered parking setbacks.

Per Exhibit "A", the reductions will preserve a rear yard setback of 15 feet, 9 inches with a total open space rear yard area of 1,200 square feet. The reductions are expected to maintain typical distances from adjacent residences to the south and east, as well as provide sufficient open space area for occupants in excess of other multi-family sites in the vicinity.

## **Findings for the Variance**

Variations are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance, such as for rear yard setbacks and site area minimums, when deemed in compliance with required findings. The applicant has provided proposed variance findings in Exhibit "E" intended to justify their goal of being able to encroach into the required rear yard setback as summarized below:

### **1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;**

*Applicant: The project includes a request for a variance to allow existing requirements from 1,500 sq. ft. yard space to be reduced to 1,200 sq. ft. to allow required parking and minimal structure size and meet all other requirements.*

*Analysis: Concur with the applicant. Duplexes on corner lots within R-1-5 Zones are a conditionally permitted use. The use is encouraged as a way to assist with providing additional housing units within the City. However, requirements for three parking stalls and 22 foot garage setbacks significantly reduce the amount of area available to meet rear yard setback and rear yard area mandates in this instance. Furthermore, the objective of both the rear yard setback and rear yard area requirements (the preservation of open space) is achieved in the site's development plan.*

### **2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;**

*Applicant: This is the last vacant lot in property area. All other structures have been constructed at a different time when zoning requirements were less restricted.*

Given that the project site is a corner lot in the R-1-5 Zone, the applicant has two options available to permit the construction of two homes: build a duplex or build a main unit with an accessory dwelling unit (ADU). The applicant's proposal to build a duplex on the subject site, as opposed to a main unit with an ADU, comes with added conditions not applicable to ADU's. The presence of two nearby transit stops located at the intersection of Watson Street and Tulare Avenue would exempt an ADU proposal from providing additional onsite parking. ADU's are also not subject to rear yard coverage requirements. In addition, since ADU's are considered "accessory structures", they can be situated as close as three feet to a property boundary.

In proposing a duplex, the applicant requires a CUP but avoids ADU general provisions to make the 2<sup>nd</sup> unit "clearly subordinate to the main unit", with "access...provided either to the side or rear of [a] second housing unit" (VMC Section 17.12.160). With a duplex, the applicant is able to development units of roughly the same size with front elevations oriented towards public streets. The choice preserves the appearance of one residence per frontage, improving compatibility with the surrounding neighborhood, but subjecting the proposal to onsite parking demands, open space minimums, and setback standards that reduce the amount of buildable area available.

Staff concludes the proposal meets the finding that exceptional conditions are applicable to the intended use of the site that would not be subject to similar proposals on properties in the same zone. Based on the analysis provided in the staff report, the proposal represents the highest and best use of the site, providing additional housing at a time of scarcity.

**3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;**

*Applicant:* Zoning classification of subject property granting variance will not constitute a grant of special privileges enjoyed by owner. There are multiple multi-family homes in the area with minimal yard space with a city park in the same zoning that allows nearby residents to utilize. Such development if permitted, property subjects will have no direct impact.

*Analysis:* Concur with applicant. Numerous properties north of the project site are similarly zoned but developed with four to five unit multi-family developments that do not meet rear yard area minimums. In some instances, minimum side yard setbacks are reduced and required onsite parking is not provided. Based on the development pattern of these multi-family units, denial of the project would be inconsistent with the approvals given to other sites within the vicinity.

**4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;**

*Applicant:* Granting of the Variance will not constitute special privilege because there are many other properties along this neighborhood which have develop their rear back yards with much less yard space such developments was permitted by the city in the past with no impacts. Development of our project will be consistent with other properties which were allowed by the city to construct multi-family homes.

*Analysis:* Concur with applicant. Other sites within the vicinity contain multi-family developments, with even higher densities. The VMC allows for duplexes on corner lots so long as a Conditional Use Permit is obtained for the use. The proposal would still provide sufficient rear yard area and separation from nearby residences in compliance with the intent of R-1-5 Zone requirements.

**5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.**

*Applicant:* Granting of Variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The project will be in compliance to all city codes and inspection.

*Analysis:* Concur with applicant. The granting of a variance to setbacks and rear yard area is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Adequate separation is maintained for the units to the south and east. The proposal will provide ample open space area for the occupants of the project site.

**Environmental Review**

The project is Categorically Exempt under Section 15332 (In-fill Development Projects) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2020-38).

**RECOMMENDED FINDINGS**

**Conditional Use Permit No. 2020-17**

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, as conditioned, 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:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-38).

**Variance No. 2020-05**

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Duplexes on corner lots within R-1-5 Zones are a conditionally permitted use. The use is encouraged in order to assist with providing additional housing units within the City. However, requirements for three parking stalls and 22 foot garage setbacks significantly reduce the amount of area available to meet rear yard setback and rear yard area mandates. Furthermore, the objective of both the rear yard setback and rear yard area requirements (the preservation of open space) is achieved in the site's development plan.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

Given that the project site is a corner lot in the R-1-5 Zone, the applicant has two options available to permit the construction of two homes: build a duplex or build a main unit with an accessory dwelling unit (ADU). The applicant's proposal to build a duplex on the subject site, as opposed to a main unit with an ADU, comes with added conditions not applicable to ADU's. The presence of two nearby transit stops located at the intersection of Watson Street and Tulare Avenue would exempt an ADU proposal from providing additional onsite parking. ADU's are also not subject to rear yard coverage requirements. And since ADU's are considered "accessory structures", they can be situated as close as three feet to a property boundary.

In proposing a duplex, the applicant requires a CUP but avoids ADU general provisions to make the 2<sup>nd</sup> unit "clearly subordinate to the main unit", with "access...provided either to the side or rear of [a] second housing unit" (VMC Section 17.12.160). With a duplex, the applicant is able to development units of roughly the same size with front elevations oriented towards public streets. The choice preserves the appearance of one residence per frontage, improving compatibility with the surrounding neighborhood, but subjecting the proposal to onsite parking demands, open space minimums, and setback standards that reduce the amount of buildable area available.

As such the proposal meets the finding that exceptional conditions are applicable to the intended use of the site that would not be subject to similar proposals on properties in the same zone. As it standards, staff believes that the proposal represents the highest and best use of the site, providing additional housing at a time of scarcity.



3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*

Numerous properties north of the project site are similarly zoned but developed with four to five unit multi-family developments that do not meet rear yard area minimums. In some instances, minimum side yard setbacks are reduced and required onsite parking is not provided. Denial of the project would be inconsistent with the approvals given to other sites within the vicinity.

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

Other sites within the vicinity contain multi-family developments, with even higher densities. The VMC allows for duplexes on corner lots so long as a Conditional Use Permit is obtained for the use. The proposal would still provide sufficient rear yard area and separation from nearby residences in compliance with the intent of R-1-5 Zone requirements.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The granting of a variance to setbacks and rear yard area is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Adequate separation is maintained for the units to the south and east. The proposal will provide ample open space area for the occupants of the project site.

6. That the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-38).

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Conditional Use Permit No. 2020-17**

1. That the use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2017-074.
2. That the use be developed in substantial compliance with the site plan in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and landscaping plan in Exhibit "D".
3. That substantial changes to the site plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
4. That all other Federal, State, Regional, and City codes and ordinances be met.

### **Variance No. 2020-17**

1. That the site is developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2017-074.
2. That the use is developed in substantial compliance with the site plan shown in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and landscaping plan in Exhibit "D".
3. That all other Federal, State, Regional, and City codes and ordinances be met.

## **APPEAL INFORMATION**

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning

Commission. An appeal 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](http://www.visalia.city) or from the City Clerk.

**Attachments:**

- Related Plans and Policies
- Resolution No. 2020-36 (Conditional Use Permit)
- Resolution No. 2020-35 (Variance)
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Elevations
- Exhibit "D" – Landscaping Plan
- Exhibit "E" – Variance Findings
- Categorical Exemption No. 2020-38
- Site Plan Review No. 2017-074 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

## EXCERPTS FROM CHAPTER 17.38: CONDITIONAL USE PERMITS

### **17.38.010 Purposes and powers.**

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

### **17.38.030 Lapse of conditional use permit.**

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

### **17.38.040 Revocation.**

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

### **17.38.050 New application.**

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

### **17.38.060 Conditional use permit to run with the land.**

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

### **17.38.065 Abandonment of conditional use permit.**

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

**17.38.080 Public hearing--Notice.**

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

**17.38.090 Investigation and report.**

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

**17.38.100 Public hearing--Procedure.**

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

**17.38.110 Action by planning commission.**

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

**17.38.120 Appeal to city council.**

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

**17.38.130 Effective date of conditional use permit.**

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

**CHAPTER 17.42: VARIANCES**

**17.42.010 Variance purposes.**

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or

the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title.

**17.42.020 [Reserved]**

**17.42.030 Variance powers of city planning commission.**

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards pursuant to Sections 17.12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

**17.42.040 [Reserved]**

**17.42.050 Application procedures.**

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty that would result from the strict interpretation and enforcement of this title;
5. The application shall be accompanied by such sketches or drawings that may be necessary to clearly show applicant's proposal;
6. Additional information as required by the historic preservation advisory board;
7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

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.

**17.42.060 Hearing and notice.**

A. The city planning commission shall hold a public hearing on an application for a variance.

B. Notice of a public hearing shall be given not less than ten days or 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.

**17.42.070 Investigation and report.**

The city planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the city planning commission.

**17.42.080 Public hearing procedure.**

At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090.

**17.42.090 Variance action of the city planning commission.**

A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

D. The city planning commission may deny a variance application.

#### **17.42.100 [Reserved]**

#### **17.42.110 Appeal to city council.**

The decision of the city planning commission on a variance or exception application shall be subject to the appeal provisions of Section 17.02.145.

#### **17.42.120 Lapse of variance.**

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site that was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure that was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance.

#### **17.42.130 Revocation.**

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

#### **17.42.140 New application.**

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance.

RESOLUTION NO. 2020-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2020-17: A REQUEST BY NIKOLL AND JOSE MORALES TO ESTABLISH A DUPLEX ON A VACANT CORNER LOT WITHIN THE R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM SITE AREA) ZONE. THE PROJECT IS LOCATED AT 323 W. LAUREL AVENUE, ON THE SOUTHEAST CORNER OF S. WATSON STREET AND W. LAUREL AVENUE. (APN: 097-018-016).

**WHEREAS**, Conditional Use Permit No. 2020-17 is a request by Nikoll and Jose Morales to establish a duplex on a vacant corner lot within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at 323 W. Laurel Avenue, on the southeast corner of S. Watson Street and W. Laurel Avenue. (APN: 097-018-016); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 24, 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, as conditioned, 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:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-38).

**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 use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2017-074.
2. That the use be developed in substantial compliance with the site plan in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and landscaping plan in Exhibit "D".
3. That substantial changes to the site plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
4. That all other Federal, State, Regional, and City codes and ordinances be met.



RESOLUTION NO. 2020-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2020-05: A REQUEST BY NIKOLL AND JOSE MORALES FOR A VARIANCE FROM THE REAR YARD SETBACK AND REAR YARD AREA REQUIREMENTS FOR A NEW DUPLEX WITHIN THE R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM SITE AREA) ZONE. THE PROJECT IS LOCATED AT 323 W. LAUREL AVENUE, ON THE SOUTHEAST CORNER OF S. WATSON STREET AND W. LAUREL AVENUE. (APN: 097-018-016).

**WHEREAS**, Variance No. 2020-05 is a request by Nikoll and Jose Morales for a variance from the rear yard setback and rear yard area requirements for a new duplex within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at 323 W. Laurel Avenue, on the southeast corner of S. Watson Street and W. Laurel Avenue. (APN: 097-018-016); and

**WHEREAS**, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on August 24, 2020; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2020-05 to be in accordance with Section 17.42.090 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 of the City of Visalia 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 finding based on the evidence presented:

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Duplexes on corner lots within R-1-5 Zones are a conditionally permitted use. The use is encouraged in order to assist with providing additional housing units within the City. However, requirements for three parking stalls and 22 foot garage setbacks significantly reduce the amount of area available to meet rear yard setback and rear yard area mandates. Furthermore, the objective of both the rear yard setback and rear yard area requirements (the preservation of open space) is achieved in the site's development plan.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

Given that the project site is a corner lot in the R-1-5 Zone, the applicant has two options available to permit the construction of two homes: build a duplex or build a main unit with an accessory dwelling unit (ADU). The applicant's proposal to build a duplex on the subject site, as opposed to a main unit with an ADU, comes with added conditions not applicable to ADU's. The presence of two nearby transit stops located at the intersection of Watson Street and Tulare Avenue would exempt an ADU proposal from providing additional onsite parking. ADU's are also not subject to rear yard coverage requirements. And since ADU's are considered "accessory structures", they can be situated as close as three feet to a property boundary.

In proposing a duplex, the applicant requires a CUP but avoids ADU general provisions to make the 2<sup>nd</sup> unit "clearly subordinate to the main unit", with "access...provided either to the side or rear of [a] second housing unit" (VMC Section 17.12.160). With a duplex, the applicant is able to development units of roughly the same size with front elevations oriented towards public streets. The choice preserves the appearance of one residence per frontage, improving compatibility with the surrounding neighborhood, but subjecting the proposal to onsite parking demands, open space minimums, and setback standards that reduce the amount of buildable area available.

As such the proposal meets the finding that exceptional conditions are applicable to the intended use of the site that would not be subject to similar proposals on properties in the same zone. As it standards, staff believes that the proposal represents the highest and best use of the site, providing additional housing at a time of scarcity.

3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*

Numerous properties north of the project site are similarly zoned but developed with four to five unit multi-family developments that do not meet rear yard area minimums. In some instances, minimum side yard setbacks are reduced and required onsite parking is not provided. Denial of the project would be inconsistent with the approvals given to other sites within the vicinity.

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

Other sites within the vicinity contain multi-family developments, with even higher densities. The VMC allows for duplexes on corner lots so long as a Conditional Use Permit is obtained for the use. The proposal would still provide sufficient rear yard area and separation from nearby residences in compliance with the intent of R-1-5 Zone requirements.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

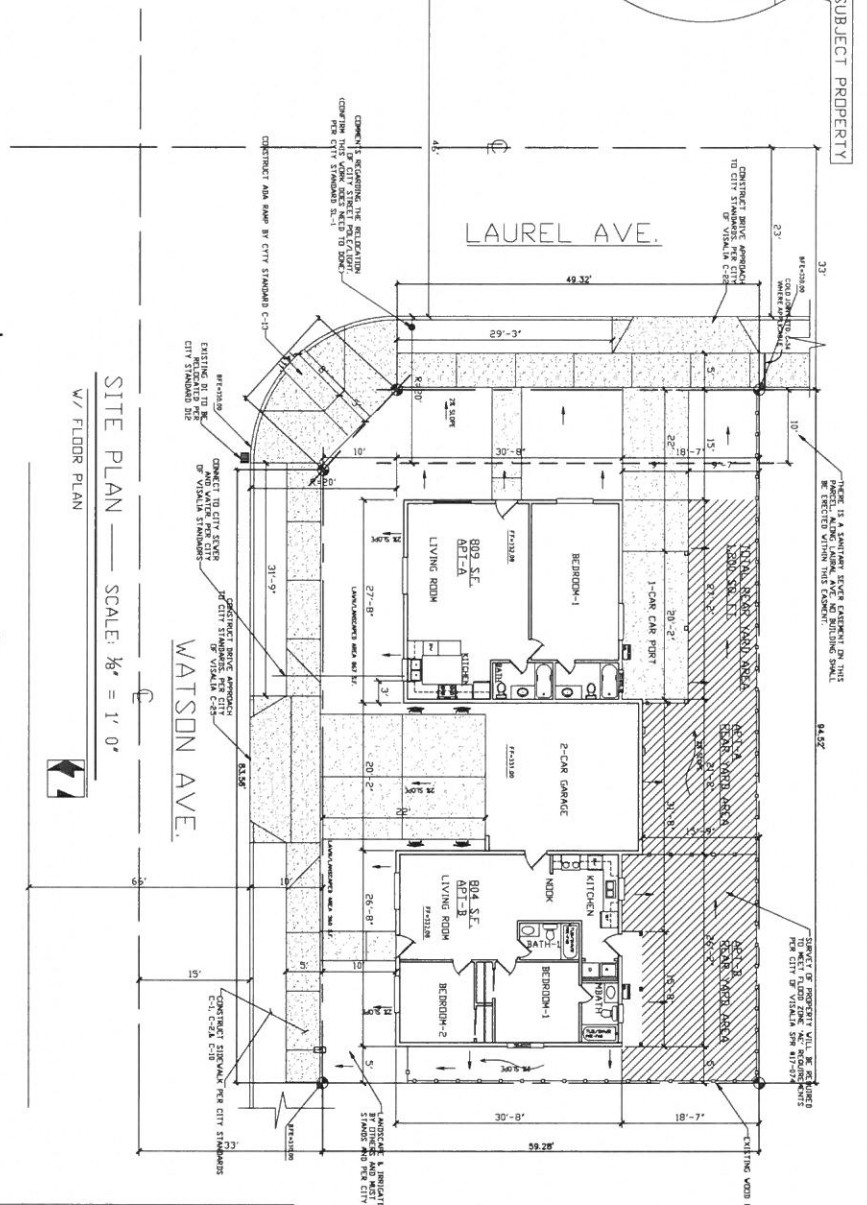
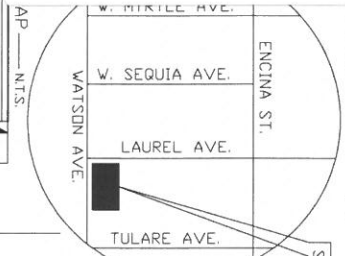
The granting of a variance to setbacks and rear yard area is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Adequate separation is maintained for the units to the south and east. The proposal will provide ample open space area for the occupants of the project site.

6. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-38).

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Variance No. 2020-05 on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site is developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2017-074.
2. That the use is developed in substantial compliance with the site plan shown in Exhibit "A", floor plan in Exhibit "B", elevation plan in Exhibit "C", and landscaping plan in Exhibit "D".
3. That all other Federal, State, Regional, and City codes and ordinances be met.

# Exhibit "A"



**General Cont. Info:**  
 MD INVESTMENTS  
 559-679-8738  
 TBD

**DATE:** 6-1-2019  
**DRAWN BY:** JQM

**PROPOSED DRAWINGS FOR:**  
 MD INVESTMENTS

**323 W. Laurel Ave. Visalia Ca. 93292**  
**APN-097-018-016**

**PROPOSED DRAWINGS FOR:**  
 MD INVESTMENTS

**J Q M DRAFTING**  
 COMMERCIAL • RESIDENTIAL • REMODEL  
 2043 WHITE CHAPEL LANE  
 PORTERVILLE, CA. 93257 (559) 783-1614

**NOTES:**  
 CITY OF VISALIA DUPLEX SET OF PLANS

**Drawing Legend:**

SHEET	DESCRIPTION
C1	SITE PLAN
C2	CITY STANDARDS
A1	FLOOR PLAN UNIT A & B
A2	UNIT A & B CALL OUT NOTES
A3	EXTERIOR ELEVATIONS
E1	PLUMBING SCHEMATIC
M1	ELECTRICAL SCHEMATIC
M2	MECHANICAL SCHEMATIC
S1	FOUNDATION PLAN
S2	ROOF FRAMING PLAN
S3	SECTIONS AND DETAILS
L1	LANDSCAPE DESIGN
L2	LANDSCAPE NOTES
T1	PLAN A ENL
T2	PLAN B ENL
	PLAN B TITLE 24 REPORT

**Site Notes:**  
 Address: 323 W. Laurel Ave.  
 Visalia Ca. 93292  
 APN: 097-018-016  
 ZONING: R-15  
 FLOOD ZONE: YES  
 SETBACK DESIGN CATEGORY: C  
 TYPE OF CONSTRUCTION: V-B  
 OCCUPANCY USE: M-F DUPLEX  
 Existing Structure: N/A  
 Proposed Structure: 2,077 S.F.  
 Existing Site Area: 5,603 S.F.  
 City of Visalia Building Permits Department must approve, sign & sign prior to commencing building/construction  
 Proposed Duplex Unit A-809 S.F. with a carport, Unit B-804 S.F. with a 2 car carport, Site Plan Review #17-074

**Project Notes:**  
 1. DIMENSIONS ARE 1'-0" +/-  
 2. 2X SLOPE AWAY FROM THE PROPOSED BUILDING FOR A MIN. OF 5% EXISTING GRADING, AND SITE CHANGES  
 3. CONSTRUCTION SHALL BE COMPLETED ON SITE DURING THE PERIOD OF THE PERMITS  
 4. INSTALL STREET ADDRESS NUMBERS, AT LEAST 4' HIGH WITH A MIN. 1/2" STROKE, MOUNTED ON A CONTRASTING BACKGROUND CLEARLY VISIBLE FROM THE STREET  
 5. THE CONTRACTOR IS TO CONTACT THE CITY ENGINEER TO VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION (SEWER, WATER, ELECT, GAS)  
 6. CONTRACTOR TO VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION (SEWER, WATER, ELECT, GAS)  
 7. DIMENSIONS PRIOR TO CONSTRUCTION/DENIAL/DENY  
 8. PROJECT TO COMPLY WITH 2016 CBC, CBC/CAC, CPC, CEC, CCG, CENERGROCODE.  
 9. ALL WORK MUST BE COMPLETED PER CURRENT TULARE COUNTY CODES STANDARDS AND ORDINANCES

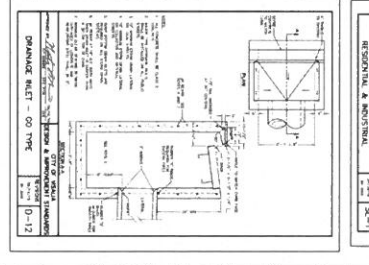
**ST. SLOPE**  
 Drainage Slope  
**R** Property Corners  
**P** Property Line  
**W** Braced Wall Call Out  
**(1)** Existing to be Dereditioned  
**(2)** Proposed New Construction  
**(3)** Section #  
**(4)** Sheet #  
**(5)** Above Finish Floor  
**(6)** Existing  
**(7)** Demolition  
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**RELATION CERTIFICATE**

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**THIS PLAN IS PROPERTY OF JESUS O MARTINEZ 2043 WHITE CHAPEL LANE PORTERVILLE CA 93257**

**DATE:** 6-1-2019  
**DRAWN BY:** JQM

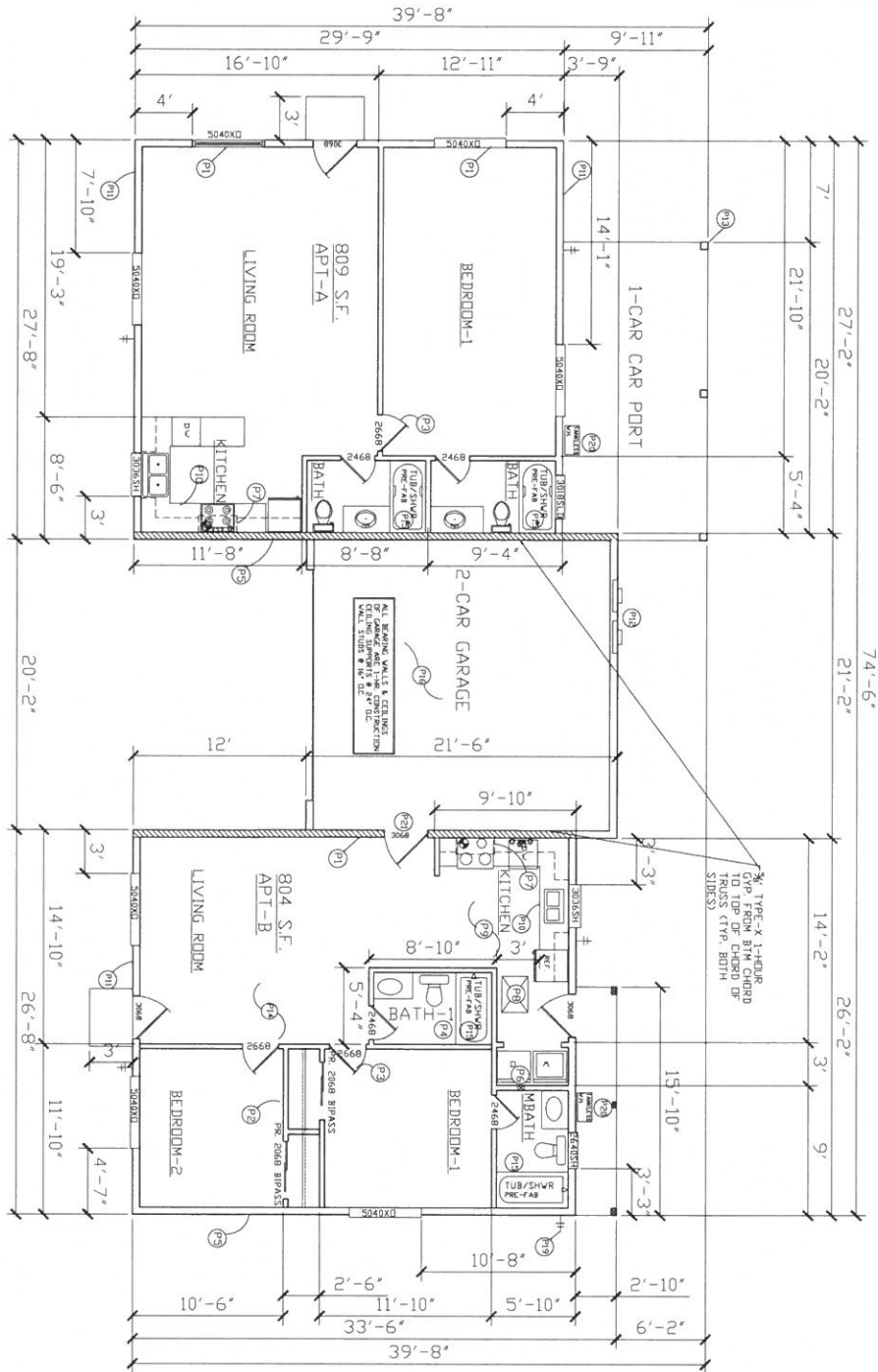
**J Q M DRAFTING**  
 COMMERCIAL • RESIDENTIAL • REMODEL  
 2043 WHITE CHAPEL LANE  
 PORTERVILLE, CA. 93257 (559) 783-1614

**NOTES:**  
 CITY OF VISALIA DUPLEX SET OF PLANS

# Exhibit "B"

## FLOOR PLAN A & B

SCALE: 1/4" = 1' 0"



UNDER ROOF AREA UNITS A & B	
LIVING AREA A	809 SQ. FT.
CAR PORT AREA	187 SQ. FT.
LIVING AREA B	804 SQ. FT.
GARAGE AREA	433 SQ. FT.
PATIO	44 SQ. FT.
TOTAL AREA	2,277 SQ. FT.
TYP. 9" TOP PLATE	

DATE	DATE	DATE	DATE
JAN-19	MAY-19	MAY-19	MAY-19
REV. 1	REV. 2	REV. 3	REV. 4
1	2	3	4

323 W. Laurel Ave. Visalia Ca. 93292  
 APN-097-018-016

PROPOSED DRAWINGS FOR  
**MD INVESTMENTS**

DUPLEX UNIT A & B  
 FLOOR PLAN

DATE: 6-1-2019 DRAWN BY: JQM  
 REV.:

**JQM DRAFTING**  
 COMMERCIAL • RESIDENTIAL • REMODEL  
 3043 WHITE CHAPEL LANE  
 PORTERVILLE, CA. 93257 (559) 783-1614

NOTES:  
 CITY OF VISALIA DUPLEX SET OF PLANS





## City of visalia Planning Department Variance/Exception supplemental

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**MD investments**

**Site plan Review # 17074**

**APN 097-018-016**

**Address 323 W. Laurel Ave.**

1.The project includes a request for a variance to allow Existing requirements from 1500 sq ft yard space. to be reduced to 1200 sq ft.To allow required parking and minimal structure size and meet all other requirements.

2.This is the last vacant lot in property area. All other structure have been constructed, at a different time when zoning requirements were less restricted.

3.Zoning classification of subject property granting variance will not constitute a grant of special privileges enjoyed by owner. There are multiple multi-family homes in the area with minimal yard space with a city park in the same zoning that allows near by residents to utilize. Such development if permitted, property subjects will have no direct impact.

4.Granted of the Variance will not constitute special privilege because there are many other properties along this neighborhood which have develop their rear back yards with much less yard space such developments was permitted by the city in the past with no impacts. Development of our project will be consistent with other properties which were allowed by the city to construct multi-family homes.

5.Granted of Variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The project will be in compliance to all city codes and inspection.



# Environmental Document No. 2020-38

## 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. 2020-17 and Variance No. 2020-05

---

**PROJECT TITLE**

323 N. Laurel Avenue (APN: 097-018-016)

---

**PROJECT LOCATION**

Visalia

---

**PROJECT LOCATION - CITY**

Tulare

---

**COUNTY**

Allow a duplex on a corner lot within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone, with a reduced rear yard setback and reduced rear yard area.

---

**DESCRIPTION - Nature, Purpose, & Beneficiaries of Project**

City of Visalia

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**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Jose and Nikoll Morales, 2649 N. Chinowth, Visalia CA 93291, (559) 679-8738,  
[vtb2007@hotmail.com](mailto:vtb2007@hotmail.com).

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**NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT**

Jose Morales and Andy Vaccaro, 2050 Quincy Street, Visalia CA 93291, (559) 280-7753,  
[fastestv8@gmail.com](mailto:fastestv8@gmail.com)

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**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, Infill Developments**  
 Statutory Exemptions- State code number:

The site is located in an urbanized area on less than five acres and has access to all required utilities.

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**REASON FOR PROJECT EXEMPTION**

Cristobal Carrillo, Associate Planner

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**CONTACT PERSON**

(559) 713-4443

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**AREA CODE/PHONE**

DATE

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



#2

MEETING DATE: APRIL 26, 2017  
SITE PLAN NO. 17-074 RESUBMITTAL  
PARCEL MAP NO.  
SUBDIVISION:  
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

- RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.
  - During site plan design/policy concerns were identified, schedule a meeting with
    - Planning       Engineering prior to resubmittal plans for Site Plan Review.
    - Solid Waste       Parks and Recreation       Fire Dept.

- REVISE AND PROCEED** (see below)
  - A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
  - Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.
  - Your plans must be reviewed by:
    - CITY COUNCIL       REDEVELOPMENT
    - PLANNING COMMISSION       PARK/RECREATION
    - CUP
    - HISTORIC PRESERVATION       OTHER: \_\_\_\_\_

**ADDITIONAL COMMENTS :**

If you have any questions or comments, please call Jason Huckieberry at (559) 713-4259.

*Site Plan Review Committee*



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

ITEM NO: 2      DATE: April 27, 2017  
SITE PLAN NO: SPR17074      **RESUBMIT**  
PROJECT TITLE: MULTI-FAMILY DUPLEX  
DESCRIPTION: BUILD A 2,190 SF MULTI-FAMILY DUPLEX (R-1-5) (AE)  
APPLICANT: MORALES JOSE  
PROP OWNER: WELCH CRAIG A & CYNTHIA D (TRS)  
LOCATION: 323 W LAUREL AVE  
APN(S): 097-018-016

### Site Plan Review Comments

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

Visalia Police Department

492

**City of Visalia**  
**Building: Site Plan**  
**Review Comments**

ITEM NO: 2      DATE: April 27, 2017  
SITE PLAN NO: SPR17074      **RESUBMIT**  
PROJECT TITLE: MULTI-FAMILY DUPLEX  
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LOCATION: 323 W LAUREL AVE  
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NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project  
Please refer to the applicable California Codes & local ordinance for additional requirements.

- Business Tax Certification is required. *For information call (559) 713-4326*
- A building permit will be required. *For information call (559) 713-4444*
- Submit 4 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 4 sets of plans prepared by an architect or engineer. Must comply with 2013 California Building Cod Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking, common area and public right of way must comply with requirements for access for persons with disabilities.
- Multi family units shall be accessible or adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements ~~at property lines~~ **BETWEEN UNITS 1 HR MIN. SEPARATION.**
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required clearance from San Joaquin Valley Air Pollution Board. Prior to am demolition work  
*For information call (661) 392-5500*
- Location of cashier must provide clear view of gas pump island
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-7400*
- Project is located in flood zone AE •  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.56 per square foot. Residential \$3.75 per square foot.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments
- See previous comments dated: \_\_\_\_\_

Special comments: LANDSCAPING SHALL MEET THE MWFLD REQUIREMENTS.

  
Signature: \_\_\_\_\_ Date: 4/26/17

CITY OF VISALIA  
SOLID WASTE DIVISION  
336 N. BEN MADDOX  
VISALIA CA. 93291  
713 - 4500

# 17-074  
# 323 W LAUREL

COMMERCIAL BIN SERVICE

SEE COMMENTS BELOW

Same comments as

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

Resubmittal required. See comments below.

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

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

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

Type of refuse service not indicated 16-06

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

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

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

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

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

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

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

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

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

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

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

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



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

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**COMMENTS**

Residential service ok.

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Javier Hernandez, Solid Waste Front Load Supervisor 713-4338  
Earl Nielsen, Solid Waste Manager

**QUALITY ASSURANCE DIVISION  
SITE PLAN REVIEW COMMENTS**

ITEM NO: 2	DATE: <u>April 27, 2017</u>
SITE PLAN NO: SPR17074	<b>RESUBMIT</b>
PROJECT TITLE: MULTI-FAMILY DUPLEX	
DESCRIPTION: BUILD A 2,190 SF MULTI-FAMILY DUPLEX (R-1-5) (AE)	
APPLICANT: MORALES JOSE	
PROP OWNER: WELCH CRAIG A & CYNTHIA D (TRS)	
LOCATION: 323 W LAUREL AVE	
APN(S): 097-018-016	

YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR – 3 COMPARTMENT \_\_\_\_\_
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER – ¾ HP. MAXIMUM \_\_\_\_\_
- SUBMISSION OF A DRY PROCESS DECLARATION \_\_\_\_\_
- NO SINGLE PASS COOLING WATER IS PERMITTED \_\_\_\_\_
- OTHER \_\_\_\_\_
- SITE PLAN REVIEWED – NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA  
PUBLIC WORKS DEPARTMENT  
QUALITY ASSURANCE DIVISION  
7579 AVENUE 288  
VISALIA, CA 93277



\_\_\_\_\_  
AUTHORIZED SIGNATURE

4-24-17

\_\_\_\_\_  
DATE

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 26, 2017

ITEM NO: 2	RESUBMTL
SITE PLAN NO: SPR17074	
PROJECT TITLE: MULTI-FAMILY DUPLEX	
DESCRIPTION: BUILD A 2,190 SF MULTI-FAMILY DUPLEX (R-1-5) (AE)	
APPLICANT: MORALES JOSE	
PROP. OWNER: WELCH CRAIG A & CYNTHIA D (TRS)	
APN: 097-018-016	
LOCATION: 323 W LAUREL AVE VISA	

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required.
  - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.

**Additional Comments:**

- Construct sidewalk, curb and gutter to City standards.

  
\_\_\_\_\_  
Leslie Blair



**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259  
 Adrian Rubalcaba 713-4271

ITEM NO: 2 DATE: APRIL 26, 2017

SITE PLAN NO.: 17-074 RESUBMITTAL  
PROJECT TITLE: MULTI-FAMILY DUPLEX  
DESCRIPTION: BUILD A 2,190 SF MULTI-FAMILY DUPLEX (R15) (AE)  
APPLICANT: MORALES JOSE  
PROP OWNER: WELCH CRAIG A & CYNTHIA D (TRS)  
LOCATION: 323 W LAUREL AVE  
APN: 097-018-016

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with **EXISTING** radius; **REFER TO CITY STDS, SEE ADDL COMMENTS**
- Install curb;  gutter
- Drive approach size: **18' MIN**  Use radius return; **REFER TO CITY RESIDENTIAL STDS**
- Sidewalk: **5'** width;  **5'** parkway width at **LAUREL AND WATSON**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ALL WORK WITHIN PUBLIC RIGHT-OF-WAY**  
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests:                    each at
- Written comments required from ditch company                    Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum    Provide                    wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations.    Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact Joel Hooyer at 713-4295 for an Oak tree evaluation or permit to remove.    A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments.    Resubmit with additional information.    Redesign required.

**Additional Comments:**

- 1. Proposed duplex development will be required to install all public frontage improvements on Watson and Laurel, to include but not limited to, sidewalks, parkway landscaping and trees, curb ramp return, and drive approaches.***
- 2. There is a 10' wide sanitary sewer easement on this parcel running along Laural Ave. No buildings shall be erected within this easement. Refer to the underlying parcel map.***
- 3. Comply with City standards for all required public improvements.***
- 4. There is a street light and utility pole at corner of Laurel and Watson that will need to be relocated to allow for the new curb ramp return. Refer to City curb ramp standards. A modified ramp return is required to continue the existing radius design and comply with accessibility standards. A 20' radius (current City std) can be utilized, if applicant desires, however additional road work would be required.***
- 5. Duplexes shall connect to City sewer. Further coordinate with City Engineer for point of connection.***
- 6. Proposed development will incur impact fees pertaining to land development and multi-family buildings. Partial impact fees were paid with the underlying map recordation. Refer to page 3 for applicable fees and summary.***
- 7. Project is located in a high risk flood plain, additional building code requirements apply.***

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: **17-074 RESUBMITTAL**

Date: **4/26/2017**

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

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

(Fee Schedule Date: **10/1/2016**)

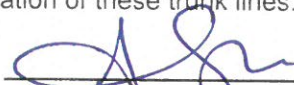
(Project type for fee rates: **MULTI-FAM**)

Existing uses may qualify for credits on Development Impact Fees. **FEES PAID W/ MAP**

<b>FEE ITEM</b>	<b>FEE RATE</b>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	<b>\$3,933/UNIT X 2 = \$7,866</b>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	<b>\$425/UNIT X 2 - (\$751CR) = \$99</b> <b>TREATMENT PLANT FEE:</b> <b>\$745/UNIT X 2 = \$1,490</b>
<input type="checkbox"/> Sewer Front Foot Fee	
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	<b>\$332/AC X 0.41 X 1/2 = \$68</b>
<input checked="" type="checkbox"/> Park Acq/Dev Fee	<b>\$3,058/UNIT X 2 - (\$1,477CR) = \$4,639</b>
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	<b>\$1,646/AC X 0.41 X 1/2 = \$337</b>
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	<b>\$1,799/AC X 0.41 X 1/2 = \$369</b>
<input checked="" type="checkbox"/> Public Facility Impact Fee	<b>\$547/UNIT X 2 = \$1,094</b>
<input type="checkbox"/> Parking In-Lieu	

**Reimbursement:**

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

  
\_\_\_\_\_  
**Adrian Rubalcaba**

# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: April 26, 2017

SITE PLAN NO: 2017-074 RESUBMITTAL  
PROJECT: MULTI-FAMILY DUPLEX  
DESCRIPTION: BUILD A 2,190 SF MULTI-FAMILY DUPLEX (R-1-5) (AE)  
APPLICANT: MORALES JOSE  
PROP. OWNER: WELCH CRAIG A & CYNTHIA D (TRS)  
LOCATION TITLE: 323 W LAUREL AVE  
APN TITLE: 097-018-016  
GENERAL PLAN: Residential Low Density  
ZONING: R-1-5 – Single-Family Residential 5,000 sq. ft. min. site area

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

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

## **PROJECT SPECIFIC INFORMATION: 04/26/2017**

1. A CUP is required for a duplex on an R-1-5 corner lot.
2. Provide elevations of the duplex with the CUP application submittal.
3. Comply with previous comments from the April 19, 2017 Site Plan Review meeting.

## **PREVIOUS COMMENTS**

### **PROJECT SPECIFIC INFORMATION: 04/19/2017**

1. A CUP is required for a duplex on an R-1-5 corner lot.
2. Staff request the duplex units be redesigned to accommodate one unit facing Laurel Ave. and one unit facing Watson Ave.
3. Staff encourages that covered parking spaces be provided for each unit with a minimum of two spaces per unit based on the number of bedrooms proposed per unit.
4. Provide a site plan that clearly depicts all improvements including sidewalk and park strip along Laurel Ave. and Watson St.
5. Comply with the Good Neighbor Policies (see below).

## **CITY GENERAL PLAN CONSISTENCY**

Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

## **R-1-5 Single Family Residential Zone [17.12]**

**Maximum Building Height:** 35 Feet

### **Minimum Setbacks:**

	<b>Building</b>	<b>Landscaping</b>
➤ Front	15 Feet	15 Feet
➤ Front Garage (garage w/door to street)	22 Feet	22 Feet

➤ Side	5 Feet	5 Feet
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	25 Feet*	25 Feet

**Minimum Site Area:** 5,000 square feet

**Accessory Structures:**

Maximum Height: 12 feet (as measured from average grade next to the structure)

Maximum Coverage: 20% of required Rear Yard (last 25 feet by the width)

Reverse Corner Lots: No structure in the 25 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

**Parking:**

1. Provide two spaces per unit.

**Landscaping:**

1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELo standards is required indicating that the landscaping has been installed to MWELo standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.130.C).

**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.

**A. Operational Management Plan Required**

Before issuance of a building permit for a multi-family project in the R-M zone that is subject to review and approval by the Site Plan Review Committee or the Planning Commission, an operational management plan (Plan) shall be established for the long-term maintenance and management of the project. The Plan shall include but not be limited to the following:

- a. The maintenance of landscaping for the associated properties;
- b. The maintenance of private drives and open space parking;
- c. The maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages;
- d. Enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and

- e. Enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission.

## **B. Plan Shall Be Recorded**

Before issuance of a building permit for the project, applicant shall prepare a statement in a form approved by the Planning Director, referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department. The statement shall be recorded with the Tulare County Recorder.

## **C. Maintenance and Operations**

1. 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.
2. 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.
3. 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.
4. Maintain all electrical, plumbing, heating, and other facilities in good working order.
5. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
6. Remove graffiti within 24 hours of it having been observed.
7. Recreation facilities shall be for tenant use only.
8. 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.
9. 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.
10. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

## **D. Landscape Care and Maintenance**

1. Automatic irrigation systems shall be maintained.
2. 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.
3. 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.

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

**E. 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.

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

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

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

Signature \_\_\_\_\_





**Site Plan Review Comments For:**

Visalia Fire Department  
Kurtis A. Brown, Fire Marshal  
707 W Acequia  
Visalia, CA 93291  
559-713-4261 Office  
559-713-4808 Fax

ITEM NO: 2

DATE: April 27, 2017

SITE PLAN NO:

SPR17074

**RESUBMIT**

PROJECT TITLE:

MULTI-FAMILY DUPLEX

DESCRIPTION:

BUILD A 2,190 SF MULTI-FAMILY DUPLEX (R-1-5) (AE)

APPLICANT:

MORALES JOSE

PROP OWNER:

WELCH CRAIG A & CYNTHIA D (TRS)

LOCATION:

323 W LAUREL AVE

APN(S):

097-018-016

**The following comments are applicable when checked:**

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2016 California Fire Code (CFC), 2016 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2016 CFC 901.6*
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.
- Construction and demolition sites prior to and during construction shall comply with the following:
  - Water Supply for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. *2016 CFC 3312*
  - An all-weather, 20 feet width Construction Access Road capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. *2016 CFC 3310*
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on

**General:**

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2016 CFC 505.1*
- All hardware on exit doors, illuminated exit signs and emergency lighting shall comply with the 2016 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2016 CFC 304.3.3*



- A Knox Box key lock system is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation. *2016 CFC 506.1*
- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2016 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

**Water Supply for Residential, Commercial & Industrial:**

Residential

- Fire hydrant spacing and location shall comply with the following requirements:  
The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120(5)*
  - Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
  - Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
  - Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial & Industrial

- Where a portion of the facility or building is more than 400 feet from a hydrant on a fire apparatus access road, on-site fire hydrant(s) shall be provided. *2016 CFC 507.5.1*
- Due to insufficient building information, the number and distance between fire hydrants cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with *CFC 2016 Appendix C102 & C103 & CFC 507.5.1*
- To determine fire hydrant location(s) and distribution the following information was provided to the Site Plan Review committee: **Type of construction** \_\_\_\_\_ **Square footage** \_\_\_\_\_

**Emergency Access**

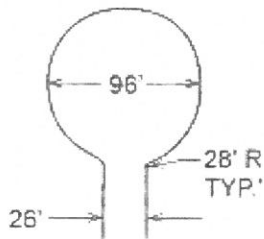
- A fire apparatus access roads shall be provided and must comply with the 2016 CFC and extend within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire apparatus access

roads shall have an unobstructed width of not less than 20 feet. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. *2016 CFC 503.1.1*

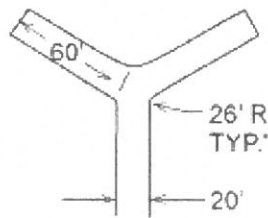
☐ Buildings or portions of buildings or facilities with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus.

- Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders.
- Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
- Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

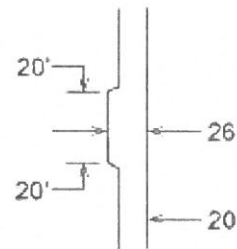
☐ Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Fire apparatus access roads with a length of 151-500 feet shall be a minimum of 20 feet in width. Length of 501-750 feet shall be 26 feet in width. *2016 CFC Table D103.4*



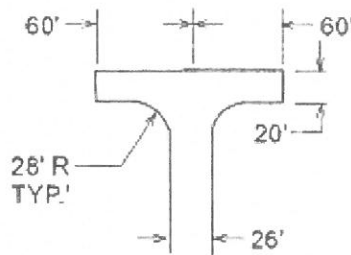
96" DIAMETER  
CUL-DE-SAC



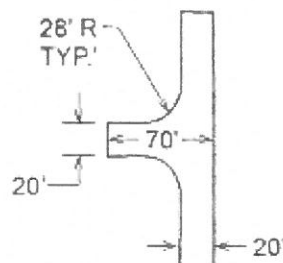
60' "Y"



MINIMUM CLEARANCE  
AROUND A FIRE  
HYDRANT



120' HAMMERHEAD



ACCEPTABLE ALTERNATIVE  
TO 120' HAMMERHEAD

☐ Approved No PARKING – FIRE LANE signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. *2013 CFC 503.3/D103.6*

SIGN TYPE "A"



12"

SIGN TYPE "C"



12"

SIGN TYPE "D"



12"

18"

- On site Fire Apparatus Access Roads shall be provided and have an unobstructed width of not less than the following:
  - 20 feet width, exclusive of shoulders (No Parking)
  - More than 26 feet width, exclusive of shoulders (No Parking one side)
  - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)
  
- Marking- approved signs, other approved notices or marking that include the words "NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. *CFC 503.3*
  
- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:  
*2016 CFC D103.5*
  - Gates shall be of the swinging or sliding type.
  - Gates shall allow manual operation by one person (power outages).
  - Gates shall be maintained in an operative condition at all times.
  - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation.)
  
- Streets shall meet the City of Visalia's Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.

### **Fire Protection Systems**

- An automatic fire sprinkler system will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. *2016 CFC 912 and Visalia Municipal Code 8.20.010 subsection C103.4*
  
- Locking fire department connection (FDC) caps are required. The caps shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. *2016 CFC 912.4.1*
  
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2016 CFC 904.12 & 609.2*

### **Special Comments:**

  
\_\_\_\_\_  
Kurtis A. Brown  
Fire Marshal

**Susan Currier**

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**From:** Deel, David@DOT <david.deel@dot.ca.gov>  
**Sent:** Wednesday, May 10, 2017 3:51 PM  
**To:** Susan Currier; 'siteplan@lists.ci.visalia.ca.us'  
**Cc:** Jason Huckleberry; Navarro, Michael@DOT; Paul Bernal  
**Subject:** RE: Site Plan Review Agenda for April 19, 2017

Susan & All:

Caltrans has "NO COMMENT" on :  
SPR 17068 Church storage  
SPR 17069 5000 sf warehouse  
SPR 17070 lot line adj  
SPR 17071 ice cream shop  
SPR 17072 food vending  
SPR 17073 7200 warehouse  
**SPR 17074 duplex**  
SPR 17075 solar carports  
SPR 17076 parking lot paving  
SPR 17077 pharmacy

Thanks,

**DAVID DEEL | 559.488.7396 | CALTRANS D6**

**From:** Susan Currier [mailto:[Susan.Currier@visalia.city](mailto:Susan.Currier@visalia.city)]  
**Sent:** Friday, April 14, 2017 10:36 AM  
**To:** 'siteplan@lists.ci.visalia.ca.us' <[siteplan@lists.ci.visalia.ca.us](mailto:siteplan@lists.ci.visalia.ca.us)>  
**Subject:** Site Plan Review Agenda for April 19, 2017

*Please find the attached Site Plan Review Agenda for April 19, 2017.*

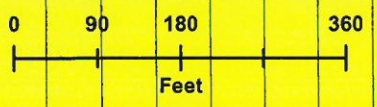
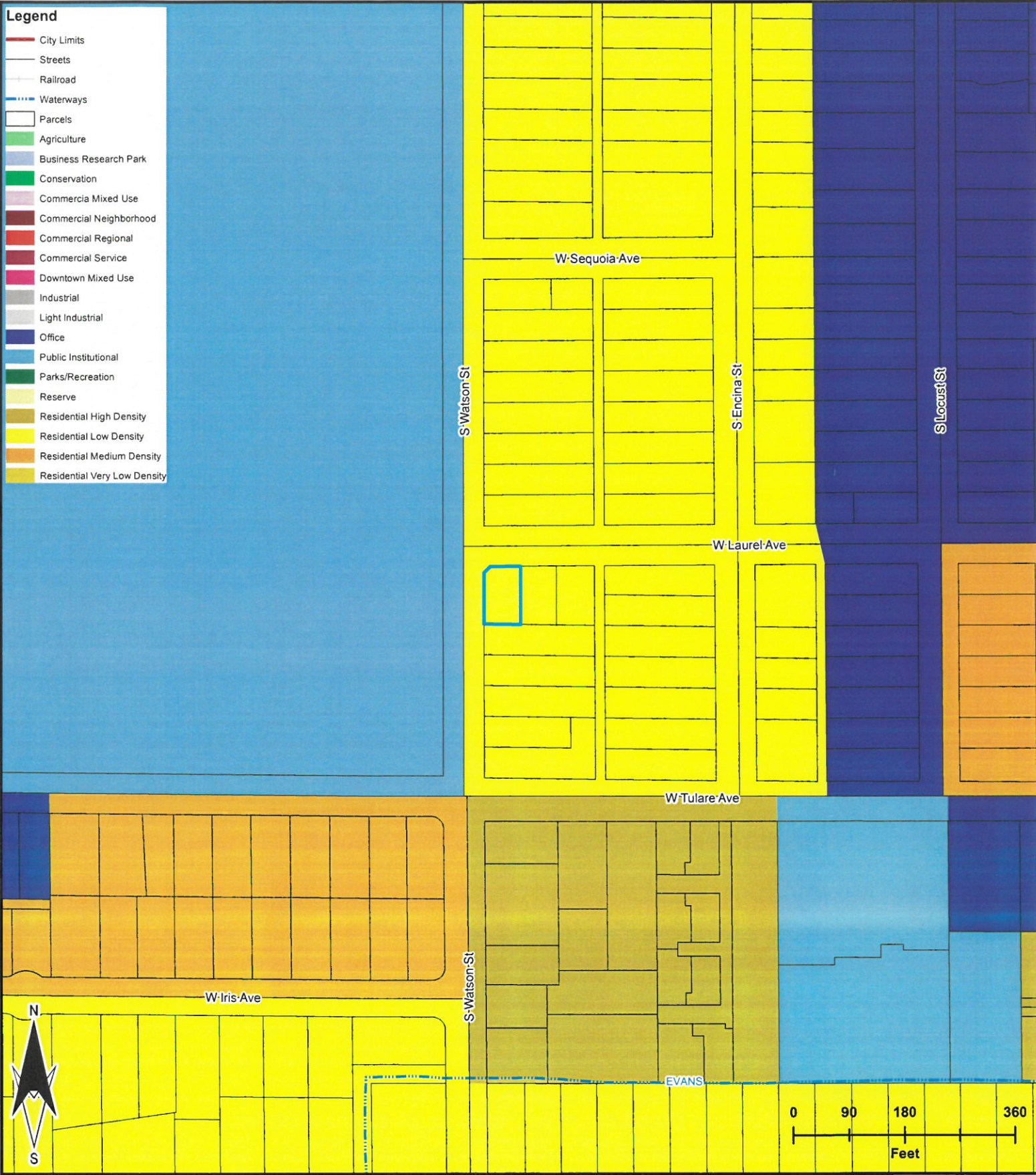
*Susan Currier  
Planning Assistant  
City of Visalia  
315 E. Acequia Ave.  
Visalia, CA 93291  
(559) 713-4436  
Fax (559) 713-4813  
Email [susan.currier@visalia.city](mailto:susan.currier@visalia.city)  
Website [www.visalia.city](http://www.visalia.city)*

The Site Plan Review Agenda is sent out weekly.

If you no longer wish to receive this agenda,  
please send a blank email to the following address to unsubscribe:

[siteplan-unsubscribe@lists.ci.visalia.ca.us](mailto:siteplan-unsubscribe@lists.ci.visalia.ca.us)

- 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

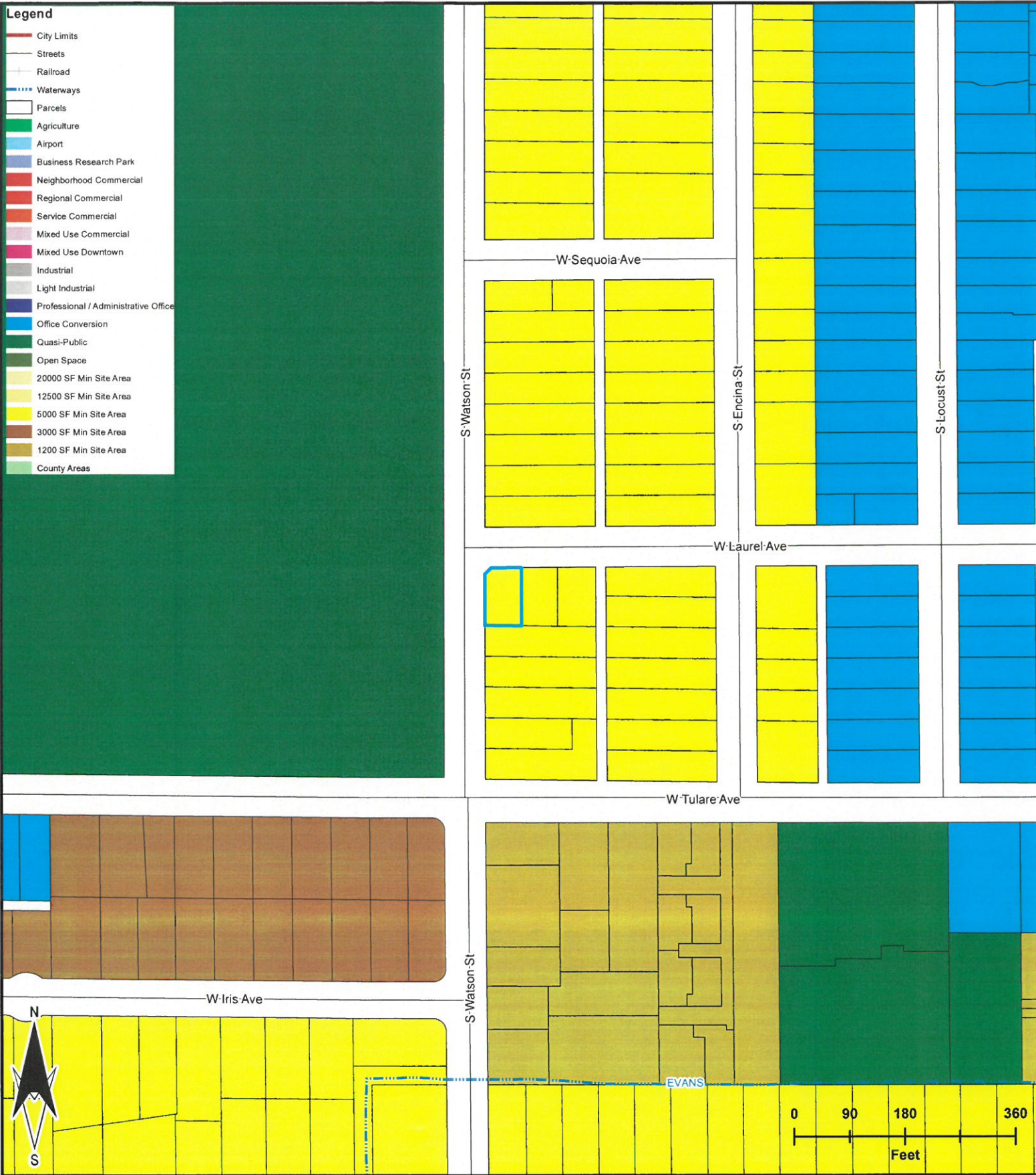


# CUP No. 2020-17

# VAR No. 2020-05

General Plan 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



**CUP No. 2020-17**  
**VAR No. 2020-05**






Zoning Map



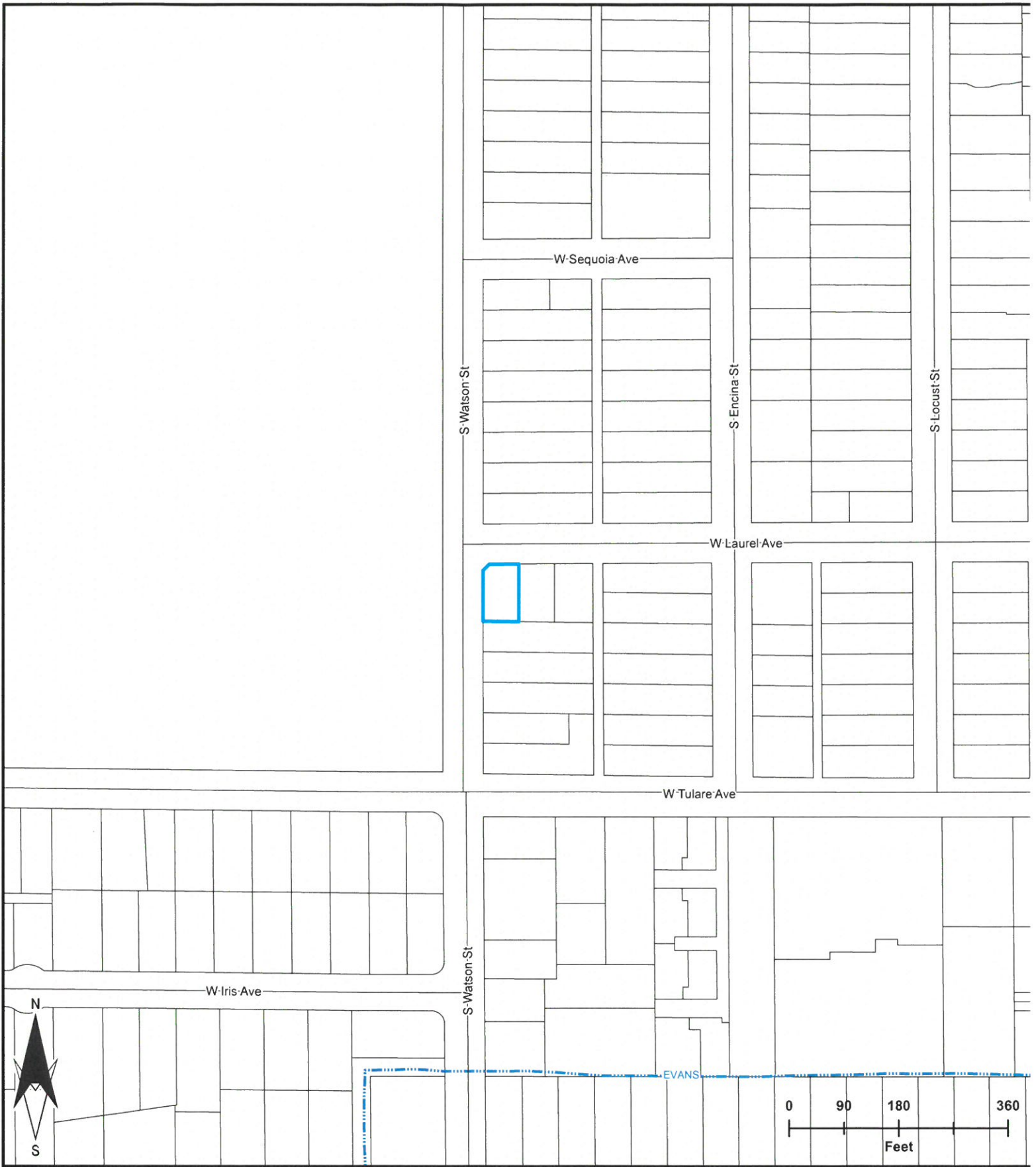
**CUP No. 2020-17**  
**VAR No. 2020-05**

Aerial Map

**Legend**

-  City Limits
-  Streets
-  Railroad
-  Waterways
-  Parcels










**CUP No. 2020-17**  
**VAR No. 2020-05**

Location Map

**Legend**

-  City Limits
-  Streets
-  Railroad
-  Waterways
-  Parcels