

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 Categorically 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 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: Josh Dan, Associate Planner
Phone No.: 713-4003
E-mail: josh.dan@visalia.city

SUBJECT: Variance No. 2020-06: A request by Frank Gomez, on behalf of Kenneth Loy, for a variance to allow for a larger accessory dwelling unit than allowed per the codified accessory dwelling unit standards. The site is zoned R-1-5 (Single Family Residential with a 5,000 sq. ft. minimum) and is located at 2412 West Campus Avenue (APN: 094-081-011).

STAFF RECOMMENDATION

Staff recommends denial of Variance 2020-06 based on the findings in Resolution No. 2020-39. Staff's recommendation is based on the conclusion that the request is not consistent with the Zoning Ordinance regarding Accessory Dwelling Units.

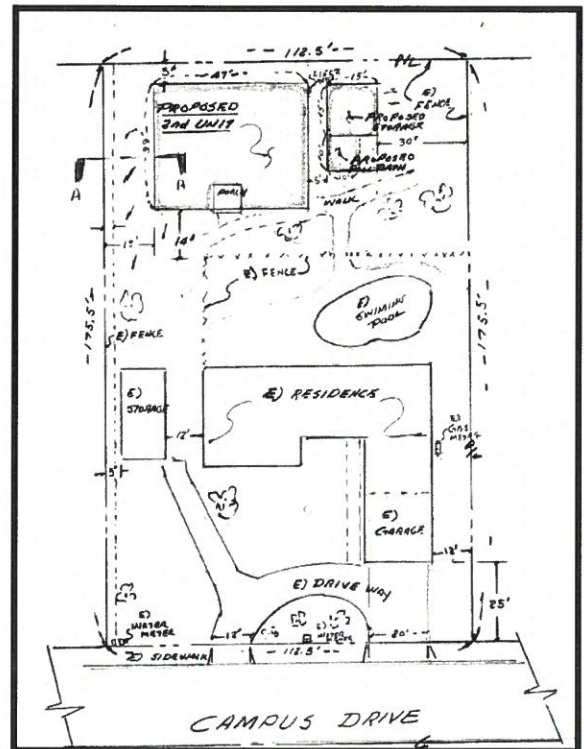
RECOMMENDED MOTION

I move to deny Variance 2020-06 based on the findings in Resolution No. 2020-39.

PROJECT DESCRIPTION

As depicted in Exhibit "A", Variance No. 2020-06 is a request to place an Accessory Dwelling Unit (ADU) in the rear yard of an R-1-5 (Single Family Residential with a 5,000 sq. ft. minimum) zoned lot. The property owner is seeking approval of a 1,769 square foot ADU to be constructed at the rear of the existing single-family home near the northwest corner of the parcel as depicted in Exhibit "A". The proposed 1,769 square foot ADU exceeds the maximum ADU floor area of a second unit as codified pursuant to Section 17.12.180 of the Visalia Municipal Code (VMC). Section 17.12.180 of the VMC states; *"the increased floor area of the second unit shall not exceed twelve hundred (1,200) square feet or fifty (50) percent of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home."*

Based on the ADU provisions, the property owner can construct a 1,200 square foot ADU, or a 1,013 square foot ADU which is 50% of the floor area of the primary dwelling. The property owner and his representative were informed of the size allowances under the ADU zoning provisions but elected to file the variance seeking approval of an ADU that exceeds the size



limitations as stated above.

The property is developed with a 2,026 square foot single family residence with accessory structures and is located on West Campus Avenue between South Verde Street and South Woodland Street. The project site is surrounded by single-family residential dwellings.

Please note, on January 1, 2020, several new ADU laws were enacted amending the California Government Code that governs ADU regulations. Staff has reviewed the new ADU laws for consistency and has found that none of these new changes impact local jurisdictions regulations when it comes to establishing maximum ADU size thresholds. The applicant's project and consistency with the state and local requirements is discussed in greater detail under the "Consistency" section of the staff report below.

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) South: R-1-5 (Single-Family Residential) East: R-1-5 (Single-Family Residential) West: R-1-5 (Single-Family Residential)
Environmental Review:	N/A
Special Districts:	N/A
Site Plan:	N/A

PROJECT EVALUATION

Land Use Compatibility & Development Standards

As previously mentioned, the Zoning Ordinance Section 17.12, Article 2, permits the construction of accessory dwelling units in the A or R-1 zones. The purpose and intent of the accessory dwelling unit section of the VMC is to address a variety of issues which include but are not limited to: cost of living, rental income opportunity, a diverse inventory of housing stock, and to develop housing in single-family neighborhoods that is appropriate for a variety of stages in the household life cycle.

ADU's are expected to meet development requirements as required per the VMC. These restrictions include placement of the structure behind the principal dwelling unit, height limitation of twelve (12) feet, and a size limitation of up to 1,200 sq. ft. or 50% of the primary dwelling, whichever is greater. In addition, the accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance.

Considering the proposal and it's compatibility to the VMC, the proposed ADU does not comply with the maximum floor area requirement. The applicant stated in their application that the primary residence measures 2,026 square feet and based on what the code would allow, the applicant would best benefit from the 1,200 square feet option as this exceeds the 50% allowance. However, the applicant has submitted plans for a unit that measure 1,769 square feet, which exceeds the allowed ADU size by 569 square feet.

Staff cannot support the proposed ADU as it exceeds size limitations and fails to meet the purpose and intent of the ADU zoning ordinance provisions.

Consistency

The State of California, as of January 1, 2020, amended Government Code Section 65852.2 to address Accessory Dwelling Units (ADUs). Significant changes to the Government Code include where ADUs are allowed to be permitted, height limitations, and total number of ADUs (ADU + JADU) permitted on a lot. As previously stated, none of the changes have resulted in a local jurisdiction's ability to establish maximum ADU square footage thresholds. The existing size limitations currently permitted by the VMC are in line with the California Government Code, which permits local agencies to establish maximum size requirements for ADUs so long as they permit units to be 50% of the primary structure and / or no larger than 1,200 square feet.

Table 1 (ADU Requirements), is included as an attachment to this staff report. The table provides an overview guide to understand how staff assessed the project with regard to Government Code Section 65852.2.D, and our local ordinance. It should be noted that California Government Code Section 65852.2(g) states that agencies are permitted to adopt less restrictive requirements for the creation of an accessory dwelling unit. However, staff cannot make the finding to allow a larger unit than permitted by the maximum limitations as required per our local ordinance. The proposed ADU is not consistent with the intent of the definition of an Accessory structure defined by the state code or the Zoning Ordinance.

Required Variance Findings

The Planning Commission is required to make five findings before a variance can be granted. The applicant has provided responses to the variance findings (included in Exhibit "C") and staff has included the analysis for each finding below. The applicant's responses to the variance findings are also included in Exhibit "B".

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's Finding:

There are no signs proposed on the site which will not be inconsistent with the R-1-5 zone for the second unit on the site. The site is 19,743.75 sq. ft. in size and inconsistent with the R-1-5 zoning in size. The parcel is large that can permit second normal size residence in this zoning.

Staff Analysis:

Staff does not agree with the applicant. The VMC and Government Code do not consider overall lot size as an option for increasing the size of an ADU. There is sufficient space in the remaining rear yard (beyond the pool and other structures) to construct a unit which meets the size limitations set forth by the VMC. Additionally, staff has presented how the City's restrictions to ADU sizes is consistent with the state requirements and exceeding the requirement by 569 square feet would no longer be consistent with the purpose and intent of the ADU ordinance nor would the structure be incidental or subordinate to the primary home.

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 to other properties classified in the same zone.

Applicant's Finding:

The subject site consists of 19,743.75 sq. ft. parcel and could be divided into three parcels and developed into two additional housing units. This variance request would only increase

the second unit by 569 square feet from the 1,200 sq. ft. allowed. The second unit includes 420 sq. ft. gym room which is included within that 569 sq. ft. and is used by his son along with the owner who is a senior citizen in order to maintain his health. There are improvements (swimming pool, landscaping, and structures) which limits the additions to the existing residence. As noted above the site has conditions and extraordinary circumstances that do not apply to other properties to the south side of the subject site. The parcel is two half times as larger than parcel to the south side.

Staff Analysis:

Staff does not agree with the applicant. The VMC and Government Code do not consider overall lot size as an option for increasing the size of an ADU. There is sufficient space in the remaining rear yard (beyond the pool and other structures) to construct a unit which meets the size limitations set forth by the VMC. Additionally, staff has presented how the City's restrictions to ADU sizes is consistent with the state requirements and exceeding the requirement by 569 square feet would no longer be consistent with the purpose and intent of the ADU ordinance nor would the structure be incidental or subordinate to the primary home.

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's Finding:

There are properties that are 8,000 sq. ft. to 8,500 sq. ft. in size across the street from the site. Therefore the owner would like to build the second unit for a family member and not divide the property to allow for a typical residence on the property and not go through a parcel map to develop the property.

Staff Analysis:

The strict or literal interpretation and enforcement of the ADU ordinance does not deprive the applicant of privileges enjoyed by the owners of other properties in the same zone. The VMC and Government Code do not consider overall lot size as an option for increasing the size of an ADU. There is sufficient space in the remaining rear yard (beyond the pool and other structures) to construct a unit which meets the size limitations set forth by the VMC. Additionally, staff has presented how the City's restrictions to ADU sizes is consistent with the state requirements and exceeding the requirement by 569 square feet would no longer be consistent with the purpose and intent of the ADU ordinance nor would the structure be incidental or subordinate to the primary home.

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's Finding:

The site is Zone R-1-5 which permits the lots of 5,000 square feet. The site could be divided into two parcels with each a 9,872 sq. ft. parcel. If the parcel where to be divided, the possibility of four house units could be developed on the site. The owner does not want to divide the parcel to establish the separate residence and would like to enjoy the same rights as the owners to the south of the site without dividing the property.

Staff Analysis:

The granting of the variance for the proposed ADU size would constitute a grant of special privilege inconsistent with the limitations on other properties of the same zone. The applicant refers to wanting the same benefit as the homes to the south, and with regard to ADUs, the homes to the south would be required to construct a unit with the same size limitations required of the applicant.

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's Finding:

The development of the second unit with the proposed square footage and height will not be detrimental to the health, safety or welfare or materially injurious to properties of improvements in the vicinity because the second unit is located 100 feet from the Campus Drive to the rear of the property and has vegetation screening form rear and front of the site.

Staff Analysis:

The granting of the variance will not create an obstructed visibility issue, or interfere with traffic safety in the public right-of-way or the adjacent properties. The project will, however, set a precedent to allow larger ADUs which are nearly equal in size to the primary dwelling unit and produce the unintended consequence of duplex zoning throughout the zone.

Site Configuration & Parking

This parcel is an interior lot which is rectangular in design. The size of the parcel is sufficient to accommodate an ADU subject to the ADU zoning requirements. There is an existing nine (9) foot easement that runs along the westerly edge of the subject property for water utility benefitting properties north of the project. No development can occur within the nine foot easement.

Public Comment Received

Staff has received a number of phone calls regarding the proposed project. Neighbors to the north expressed their concern with the size of the unit and concern with regard to access to the unit. Others have expressed their acceptance of ADUs in residential zones but stated their opposition to the proposed size as it would produce a second home, nearly equal in size on the same lot. One letter has been received in opposition to the project and has been added to the report as Exhibit "D".

Environmental Review

If the project is denied, no action is required on an environmental document. Alternately, if the Planning Commission determines, based on the evidence in the record, that Variance No. 2020-06 can be approved, a Categorical Exemption (Class 32) would be prepared in this circumstance.

RECOMMENDED FINDINGS

Variance No. 2019-07

The strict or literal interpretation and enforcement of the specified regulation does not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. The structure could very easily be reverted back to its permitted use with little to no hardship to the current owner;

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.

Strict or literal interpretation of the regulation would not result in a practical difficulty or unnecessary hardship as compliance with the requirements of the VMC would still allow for an ADU at the proposed setbacks and height. This size limitation is consistent with ADUs in similarly zoned properties.

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 to other properties classified in the same zone.

There are no exceptional or extraordinary circumstances or conditions that would prevent the applicant from reducing the size of the proposed ADU and producing an ADU meeting the size limitation of the VMC and State Government Code.

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.

All properties in the same zone or vicinity of the project would be subject to the same limitation. The applicant would not be deprived of privileges not enjoyed by others.

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.

The granting of the variance would constitute a grant of special privilege inconsistent with the limitations on the properties in the same zone and in the vicinity of the project.

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 the variance will not create an obstruction to public health, safety, or welfare, but would produce development which is inconsistent with the development standards of the zone and set a precedent in the zone.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.04.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe St., Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the City's website www.visalia.city or from the City Clerk.

Attachments:

- Resolution
- Exhibit "A" – Site Plan
- Exhibit "B" – ADU Elevation
- Exhibit "C" – Applicant's Findings
- Exhibit "D" – Letter in opposition
- Table 1 – ADU Requirements
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map
- Related Plans & Policies

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

Zoning Ordinance Chapter 17 - RESIDENTIAL ZONE

17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts.

17.12.020 Permitted uses.

In the R-1 single-family residential zones, the following uses shall be permitted by right:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.
- N. Transitional or supportive housing for six (6) or fewer resident/clients.
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

17.12.030 Accessory uses.

In the R-1 single-family residential zone, the following accessory uses shall be permitted, subject to specified provisions:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.12.100(B).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

17.12.040 Conditional uses.

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

- A. Planned development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- M. Adult day care in excess of twelve (12) persons;
- N. Duplexes on corner lots;
- O. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- P. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- Q. Other uses similar in nature and intensity as determined by the city planner.
- R. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

- A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

Zone	Interior Lot	Corner Lot
R-1-5	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

- B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

17.12.060 One dwelling unit per site.

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section 17.12.020(J).

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Sections 17.12.020 legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

- A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.
- B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for

replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.28.050.

- C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.
- D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.
- E. The number of multiple family units on the site shall not be increased.
- F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

17.12.80 Front yard.

- A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet

- B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.
- C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

17.12.090 Side yards.

- A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.
- B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.
- C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.
- D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.
- E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.
- F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five-foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

17.12.100 Rear yard.

In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

- A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area

of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.

- B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.
- C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits.

17.12.110 Height of structures.

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34.

17.12.130 Fences, walls and hedges.

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

Article 2. Accessory Dwelling Units

17.12.140 Purpose and intent.

It is the purpose of this article to provide for the following:

- A. To encourage a range of housing types, styles and costs to suit the varying needs and desires of the community;
- B. To allow homeowners a means of obtaining, through tenants and accessory dwelling units, an additional source of income, companionship, security, and services;
- C. To add inexpensive rental units to the housing stock of the city;
- D. To create homeownership opportunities for moderate income households who might otherwise be excluded from the housing market, through the additional income derived from accessory dwelling units;
- E. Develop housing in single-family neighborhoods that is appropriate for a variety of stages in the household life cycle, thereby lessening fluctuations in neighborhood demand for public services;
- F. Protect the stability, property values, and character of single family residential neighborhoods by insuring that accessory dwelling units are subject to the standards that follow.

17.12.150 Definitions.

As used in this article, the following terms are defined in this section:

“Principal dwelling unit” means a single-family dwelling unit situated on a residential lot in the A or R-1 zones to which an accessory dwelling unit as defined by this article has been or is proposed to be added.

“Accessory dwelling unit” means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the A or R-1 zones. Accessory dwelling units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

“Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or an accessory structure.

17.12.160 General provisions.

An accessory dwelling unit may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A detached accessory dwelling unit may be established by the conversion of an accessory structure or may be new construction. Second dwelling units may be mobile homes, provided that such units are subject to all applicable standards of Section 17.32.110, governing the placement of mobile homes on

single-family lots. All applications for accessory dwelling units, whether processed as a permitted use or an exception, must comply with the general provisions stated below:

- A. Accessory dwelling units shall only be allowed on lots located in the A and R-1 zones;
- B. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel;
- C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;
- D. Second dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area;
- E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed accessory dwelling unit shall be occupied by the owner of record;
- F. The accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance;
- G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;
- H. In no case shall any accessory dwelling unit be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Chapter 17.32.140 governing such conversions.
- I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and three hundred twenty (320) square feet in living area. An efficiency unit shall not be less than one hundred fifty (150) square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;
- J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;
- K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official.

17.12.170 Process.

The city planner shall approve or deny accessory dwelling unit requests based upon the specified requirements. The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner, in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

17.12.180 Development requirements.

The following development requirements shall apply to accessory dwelling units:

- A. The increased floor area of the second unit shall not exceed twelve hundred (1,200) square feet or) fifty (50) percent of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home.
- B. Adequate parking area must be available on the streets adjacent to the accessory dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. Tandem parking shall not be deemed as meeting the above parking requirement. The additional parking space shall be waived if in any of the following instances:
 - 1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
 - 2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - 3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - 5. When there is a car share vehicle located within one block of the accessory dwelling unit.
- C. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.

- D. Detached accessory dwelling units are subject to all applicable standards for accessory structures, as stated in the development requirements for the underlying zone, unless a variance has been granted pursuant to Chapter 17.42.

17.12.190 Appeals.

The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

17.12.200 Existing nonconforming accessory dwelling units.

An existing accessory dwelling unit situated on a lot or parcel in the A or R-1 zones shall constitute a violation of this title unless: (1) the unit meets the standards and criteria of Chapter 17.12, and an agreement is recorded; or (2) the accessory dwelling unit qualifies as a permitted nonconforming use and structure under the provisions of Chapter 17.40. No enlargement of habitable space shall be allowed unless the standards and criteria of Chapter 17.12 are met. This shall not apply to maintenance of the unit.

Article 2. Accessory Dwelling Units

17.12.140 Purpose and intent.

It is the purpose of this article to provide for the following:

- A. To encourage a range of housing types, styles and costs to suit the varying needs and desires of the community;
- B. To allow homeowners a means of obtaining, through tenants and accessory dwelling units, an additional source of income, companionship, security, and services;
- C. To add inexpensive rental units to the housing stock of the city;
- D. To create homeownership opportunities for moderate income households who might otherwise be excluded from the housing market, through the additional income derived from accessory dwelling units;
- E. Develop housing in single-family neighborhoods that is appropriate for a variety of stages in the household life cycle, thereby lessening fluctuations in neighborhood demand for public services;
- F. Protect the stability, property values, and character of single family residential neighborhoods by insuring that accessory dwelling units are subject to the standards that follow. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(A))

17.12.150 Definitions.

As used in this article, the following terms are defined in this section:

"Principal dwelling unit" means a single-family dwelling unit situated on a residential lot in the A or R-1 zones to which an accessory dwelling unit as defined by this article has been or is proposed to be added.

"Accessory dwelling unit" means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the A or R-1 zones. Accessory dwelling units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

"Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or an accessory structure. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(B))

17.12.160 General provisions.

An accessory dwelling unit may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A detached accessory dwelling unit may be established by the conversion of an accessory structure or may be new construction. Second dwelling units may be mobile homes, provided that such units are subject to all applicable standards of Section 17.32.110, governing the placement of mobile homes on single-family lots. All applications for accessory dwelling units, whether processed as a permitted use or an exception, must comply with the general provisions stated below:

- A. Accessory dwelling units shall only be allowed on lots located in the A and R-1 zones;
- B. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel;
- C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;
- D. Second dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area;

E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed accessory dwelling unit shall be occupied by the owner of record;

F. The accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance;

G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;

H. In no case shall any accessory dwelling unit be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Section 17.32.140 governing such conversions.

I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and three hundred twenty (320) square feet in living area. An efficiency unit shall not be less than one hundred fifty (150) square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;

J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;

K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(C))

17.12.170 Process.

The city planner shall approve or deny accessory dwelling unit requests based upon the specified requirements. The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner, in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(D))

17.12.180 Development requirements.

The following development requirements shall apply to accessory dwelling units:

A. The increased floor area of the second unit shall not exceed twelve hundred (1,200) square feet or) fifty (50) percent of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home.

B. Adequate parking area must be available on the streets adjacent to the accessory dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. Tandem parking shall not be deemed as meeting the above parking requirement. The additional parking space shall be waived if in any of the following instances:

1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one block of the accessory dwelling unit.

C. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.

D. Detached accessory dwelling units are subject to all applicable standards for accessory structures, as stated in the development requirements for the underlying zone, unless a variance has been granted pursuant to Chapter 17.42. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(E))

17.12.190 Appeals.

The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(F))

17.12.200 Existing nonconforming accessory dwelling units.

An existing accessory dwelling unit situated on a lot or parcel in the A or R-1 zones shall constitute a violation of this title unless: (1) the unit meets the standards and criteria of Chapter 17.12, and an agreement is recorded; or (2) the accessory dwelling unit qualifies as a permitted nonconforming use and structure under the provisions of Chapter 17.40. No enlargement of habitable space shall be allowed unless the standards and criteria of Chapter 17.12 are met. This shall not apply to maintenance of the unit. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(G))

RESOLUTION NO. 2020-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2020-04, A REQUEST BY FRANK GOMEZ, ON BEHALF OF KENNETH LOY, FOR A VARIANCE TO ALLOW FOR A LARGER ACCESSORY DWELLING UNIT THAN ALLOWED PER THE CODIFIED ACCESSORY DWELLING UNIT STANDARDS. THE SITE IS ZONED R-1-5 (SINGLE FAMILY RESIDENTIAL WITH A 5,000 SQ. FT. MINIMUM) AND IS LOCATED AT 2412 WEST CAMPUS AVENUE (APN: 094-081-011).

WHEREAS, Variance No. 2020-04, is a request by Frank Gomez, on behalf of Kenneth Loy, for a variance to allow for a larger accessory dwelling unit than allowed per the codified accessory dwelling unit standards. The site is zoned R-1-5 (Single Family Residential with a 5,000 sq. ft. minimum) and is located at 2412 West Campus Avenue (APN: 094-081-011); 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 does not find Variance No. 2020-04 to be in accordance with Chapter 17.42 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.

WHEREAS, if Variance No. 2020-04 is denied, no action needs to be taken on an environmental document subject to Section 15270 of the California Environmental Quality Act.

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 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

Strict or literal interpretation of the regulation would not result in a practical difficulty or unnecessary hardship as compliance with the requirements of the VMC would still allow for an ADU at the proposed setbacks and height. This size limitation is consistent with ADUs in similarly zoned properties.

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 to other properties classified in the same zone.

There are no exceptional or extraordinary circumstances or conditions that would prevent the applicant from reducing the size of the proposed ADU and producing an ADU meeting the size limitation of the VMC and State Government Code.

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.

All properties in the same zone or vicinity of the project would be subject to the same limitation. The applicant would not be deprived of privileges not enjoyed by others.

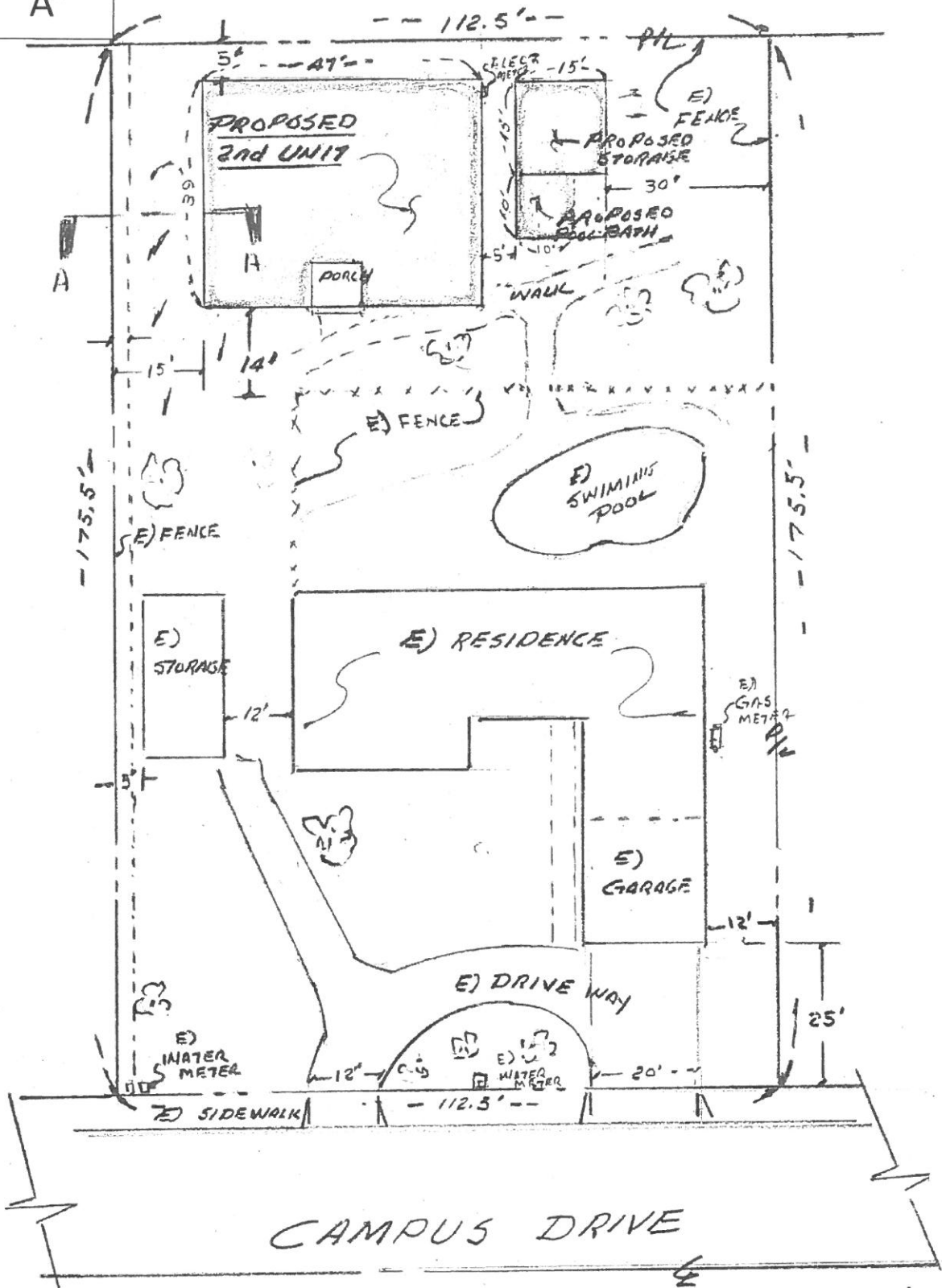
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

The granting of the variance would constitute a grant of special privilege inconsistent with the limitations on the properties in the same zone and in the vicinity of the project.

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 the variance will not create an obstruction to public health, safety, or welfare, but would produce development which is inconsistent with the development standards of the zone and set a precedent in the zone.

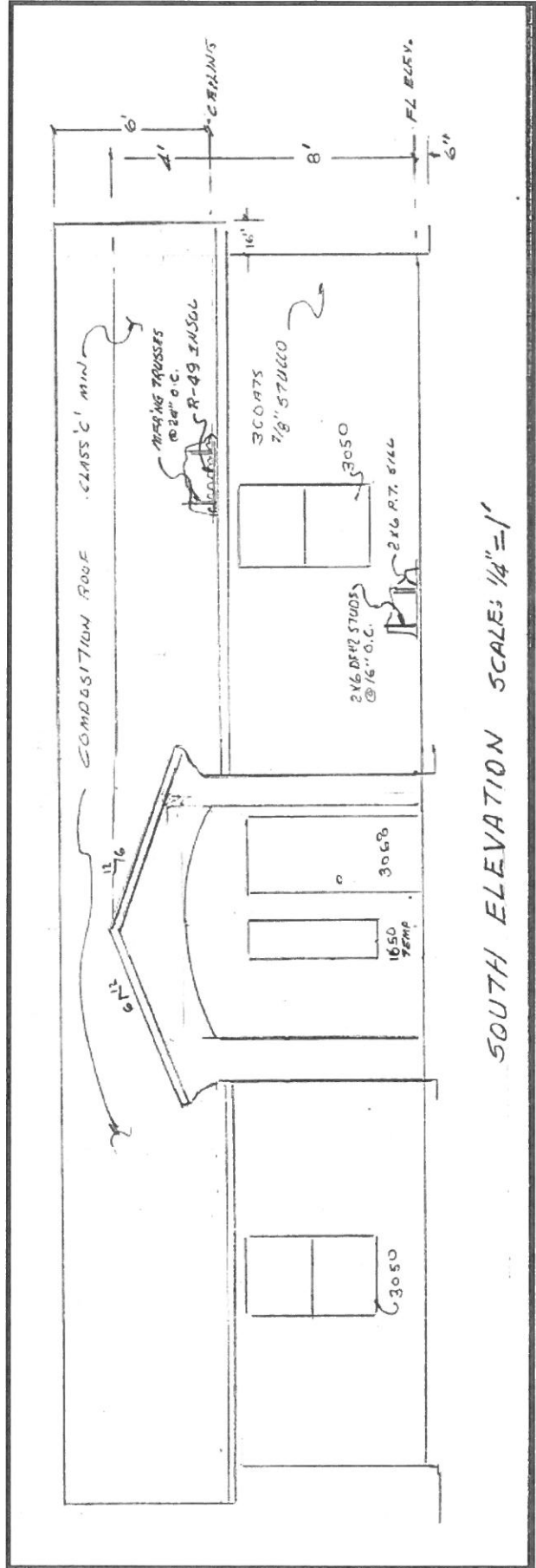
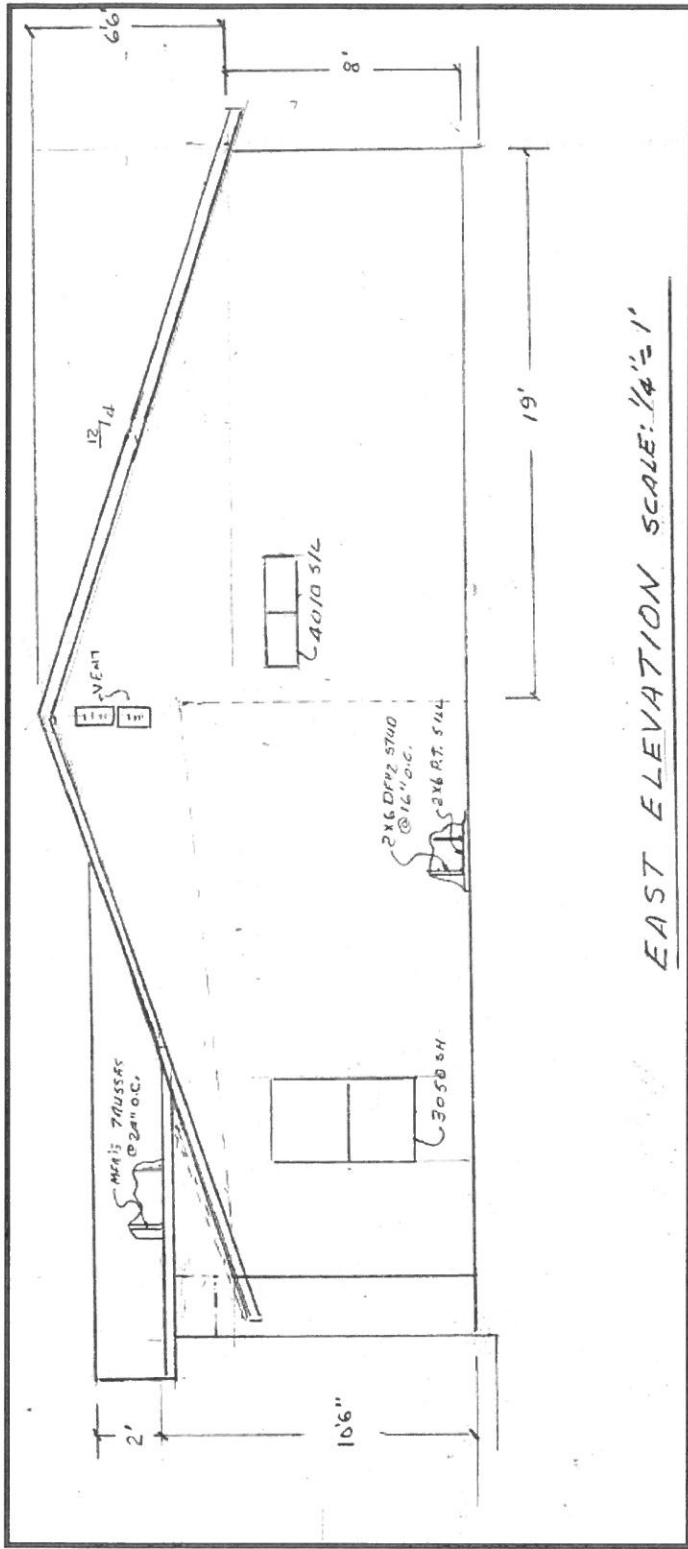
EXHIBIT "A"



SITE PLAN SCALE: 1"=20'

APN 095-081-11

EXHIBIT "B"



Kenneth Loy Findings

Section 17.12.180 Development requirements. "A. "

Variance Findings:

1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign and zoning; ***There are no signs purposed on the site which will not be inconsistent with the R-1-5 zone for the second unit on the site. The site is 19,743.75 sq. ft. in size and inconsistent with the R-1-5 zoning in size. The parcel is large that can permit second normal size residence in this zoning.***
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district; ***The subject site consist of 19,743.75 sq. ft. parcel and could be divided into three separated parcels and developed into two additional housing units. This varlance requested would only increase the second unit by 569 square feet from the 1,200 sq. ft. allowed. The second unit includes 420 sq. ft. gym room which is included within that 569 sq. ft. and is used by his son along with the owner who is a senior citizen in order to maintain his health. There are improvements (swimming pool, landscaping, and structures) which limits the addltions to the existing residence. As note above the site has conditions and extraordinary circumstances that do not apply to other properties to the south side of the subject site. The parcel is two half times as larger than parcel to the south of site.***
3. The 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 zoning district; ***There are properties that are 8,000 sq. ft. to 8,500 sq. ft. in size across the street from the site. Therefore the owner would like to build the second unit for a family member and not divide the property to allow for a typical residence on the property and not go through a parcel map to develop the property.***
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 zoning district; ***The site is Zone R-1-5 which permits the lots of 5,000 square feet. The site could be divided into two parcels with each a 9,872 sq. ft. parcel. If the parcel where to be divided, the possibility of four house units could be developed on the site. The owner does not want to divide the parcel to establish the separate residence and would like to enjoy the same rights as the owners to the south of the site without dividing the property.***
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties of improvements in the vicinity; ***The development of the second unit with the proposed square footage and height will not be detrimental to health, safety or welfare or materially injurious to properties of improvements in the vicinity because the second unit is located 100 feet from the Campus Drive to the rear of the property and has veteagation screening form rear and front of the site.***



August 19, 2020

Via Email to: Josh.Dan@visalia.city

TO: The Visalia Planning Commission

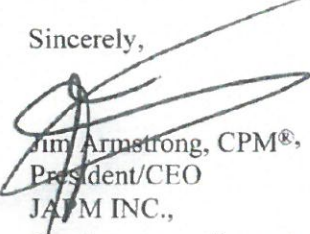
**RE: 2412 W. Campus Ave.
Variance #2020-06**

I own 2415 W. Campus which is across the street from the proposed new structure. I am in favor of backyard structures that include Casitas, Granny Flats, and other small structures designed to accommodate an additional one or two people.

The proposed structure is simply too big. 1,729S.F. behind another full-size home, creates issues in terms of intense density, traffic flow, open space for children and noise.

I am not in favor of this project as presented.

Sincerely,



Jim Armstrong, CPM®,
President/CEO
JAM INC.,
dba Armstrong Property Management

JA/as

PROPERTY MANAGEMENT DIVISION

P.O. Box 2820

Visalia, CA 93279

T 559.733.1321

F 559.862.4541

www.armstrong-property.com

TABLE 1 – ADU Requirements

California Government Code Section 65852.2.(a)(D)	VMC 17.12 Article 2 Accessory Dwelling Units	Proposed ADU Analysis
i. The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.	17.12.140 D. To create homeownership opportunities for moderate income households who might otherwise be excluded from the housing market, through the additional income derived from accessory dwelling units;	The applicant has made it known to staff that he will be using the ADU to age in place.
ii. The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.	17.12.160 A. Accessory dwelling units shall only be allowed on lots located in the A and R-1 zones	The subject property is zoned R-1-5 with an existing dwelling and would support and ADU.
iii. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.	17.12.160 An accessory dwelling unit may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A detached accessory dwelling unit may be established by the conversion of an accessory structure or may be new construction.	The proposed unit will be detached and placed in the rear yard, behind the primary dwelling.
iv. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.	17.12.180 A. The increased floor area of the second unit shall not exceed twelve hundred (1,200) square feet or) fifty (50) percent of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home.	The proposed unit exceeds what the state and VMC permit as maximum area based on percentage of primary dwelling.
v. The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.	17.12.180 A. The increased floor area of the second unit shall not exceed twelve hundred (1,200) square feet or) fifty (50) percent of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home.	The proposed unit exceeds what the state and VMC permit as maximum area based on total allowed area.
vi. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.	The VMC does not require this.	There is no passage way required or proposed.

**TABLE 1 – ADU Requirements
(Cont.)**

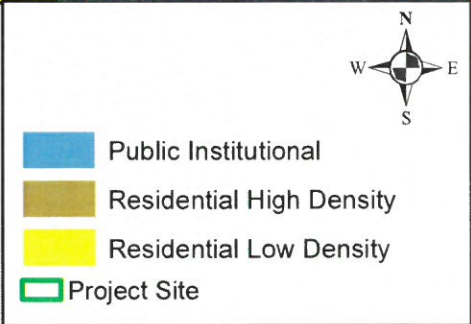
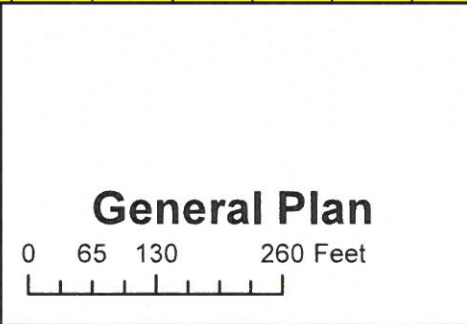
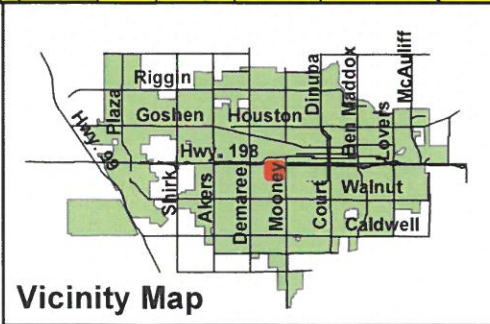
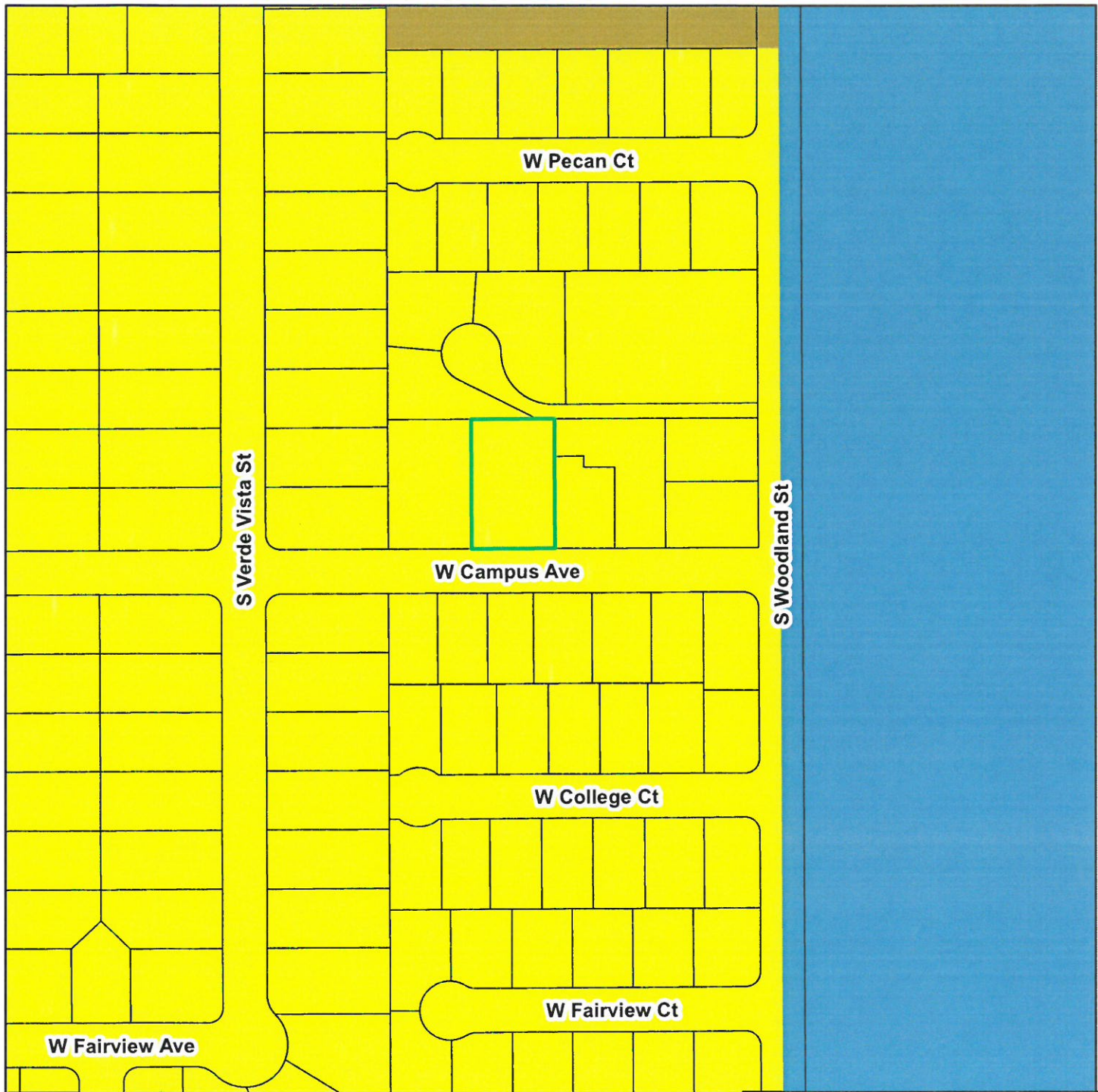
California Government Code Section 65852.2.(a)(D)	VMC 17.12 Article 2 Accessory Dwelling Units	Proposed ADU Analysis
<p>vii. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.</p>	<p>17.12.180 D. Detached accessory dwelling units are subject to all applicable standards for accessory structures, as stated in the development requirements for the underlying zone, unless a variance has been granted pursuant to Chapter 17.42. <i>17.12.100 Rear yard B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line</i></p>	<p>The proposed will be a new construction ADU and complies with the setbacks of the zone and those permitted by the state.</p>
<p>viii. Local building code requirements that apply to detached dwellings, as appropriate.</p>	<p>17.12.160 C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;</p>	<p>The applicant initially applied for building permits and was informed that his project did not meet size and height requirements. Due to changes in the State Government Code the applicant is now only noncompliant with size limitations.</p>
<p>ix. Approval by the local health officer where a private sewage disposal system is being used, if required.</p>	<p>17.12.160 K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official.</p>	<p>The Building Division will assess if additional review by local health officer is needed at time of building permit review.</p>

TABLE 1 – ADU Requirements (Cont.)

California Government Code Section 65852.2.(a)(D)	VMC 17.12 Article 2 Accessory Dwelling Units	Proposed ADU Analysis
<p>x.</p> <p>I. Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.</p> <p>II. Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.</p> <p>III. This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).</p>	<p>17.12.180 B.</p> <p>Adequate parking area must be available on the streets adjacent to the accessory dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. Tandem parking shall not be deemed as meeting the above parking requirement. The additional parking space shall be waived if in any of the following instances:</p> <ol style="list-style-type: none"> 1. The accessory dwelling unit is located within one-half (0.5) miles of public transit. 2. The accessory dwelling unit is located within an architecturally and historically significant historic district. 3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure. 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit. 5. When there is a car share vehicle located within one block of the accessory dwelling unit. 	<p>There is adequate parking available onsite to meet the requirement.</p>
<p>xi. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.</p>	<p>17.12.160</p> <p>An accessory dwelling unit may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit.</p>	<p>The proposed ADU is not the result of a garage conversion.</p>
<p>xii. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.</p>	<p>17.12.160 C.</p> <p>Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;</p>	<p>The proposed ADU will not be required to provide fire sprinklers since they were not required for the primary residence.</p>

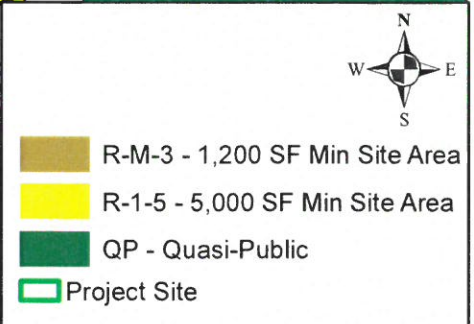
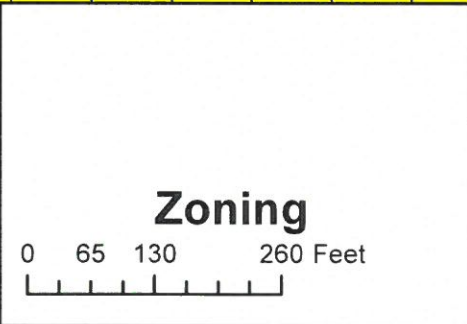
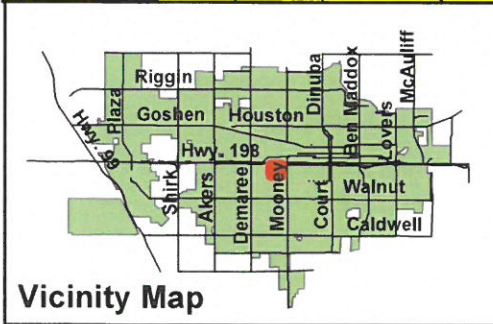
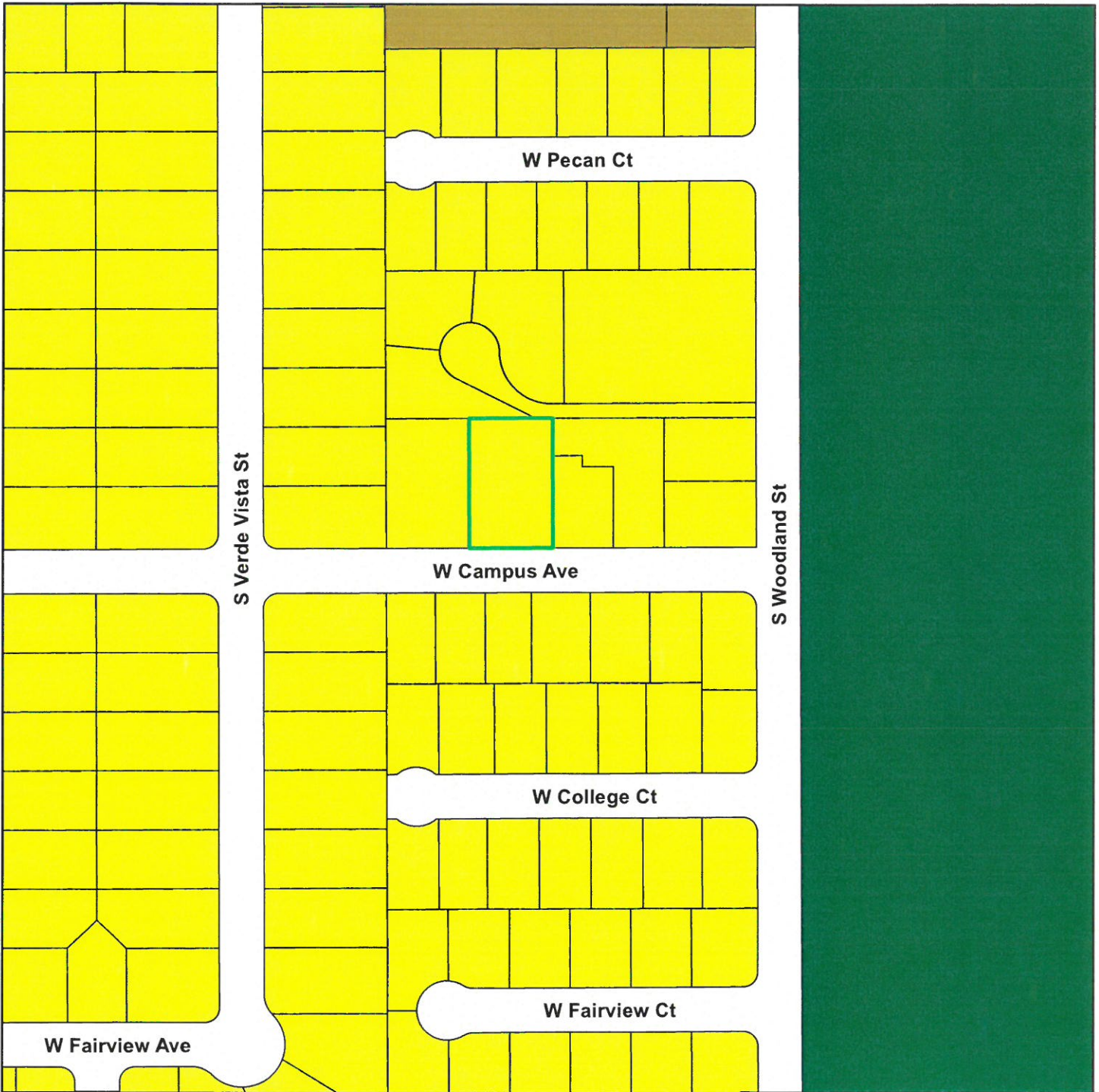
Variance No. 2020-06

The project site is located on W. Campus Ave.
Between S. Verde Vista St. and S. Woodland St.
(APN: 095-081-011)



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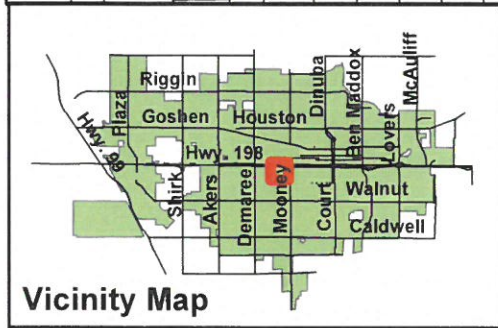


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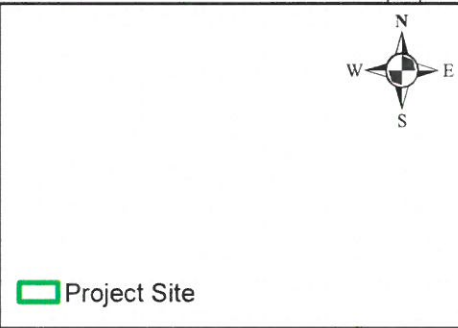
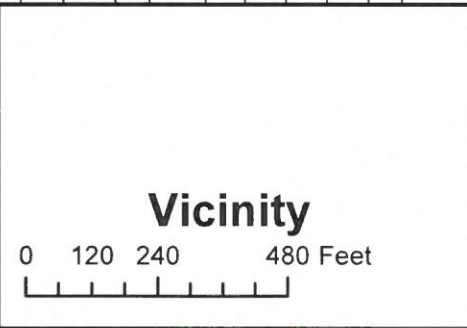
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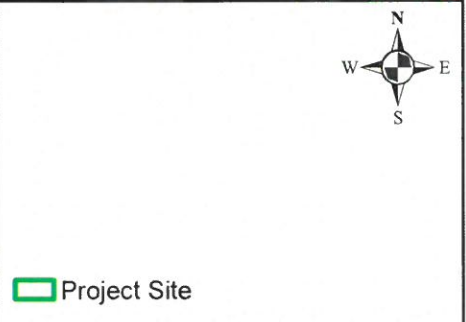
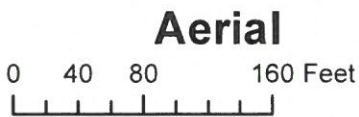
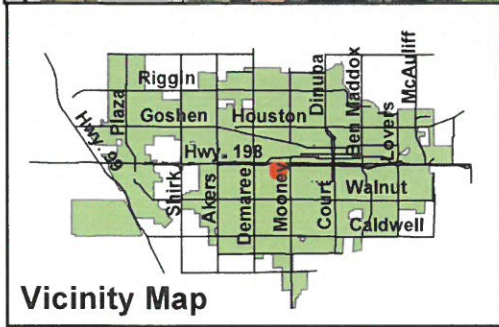
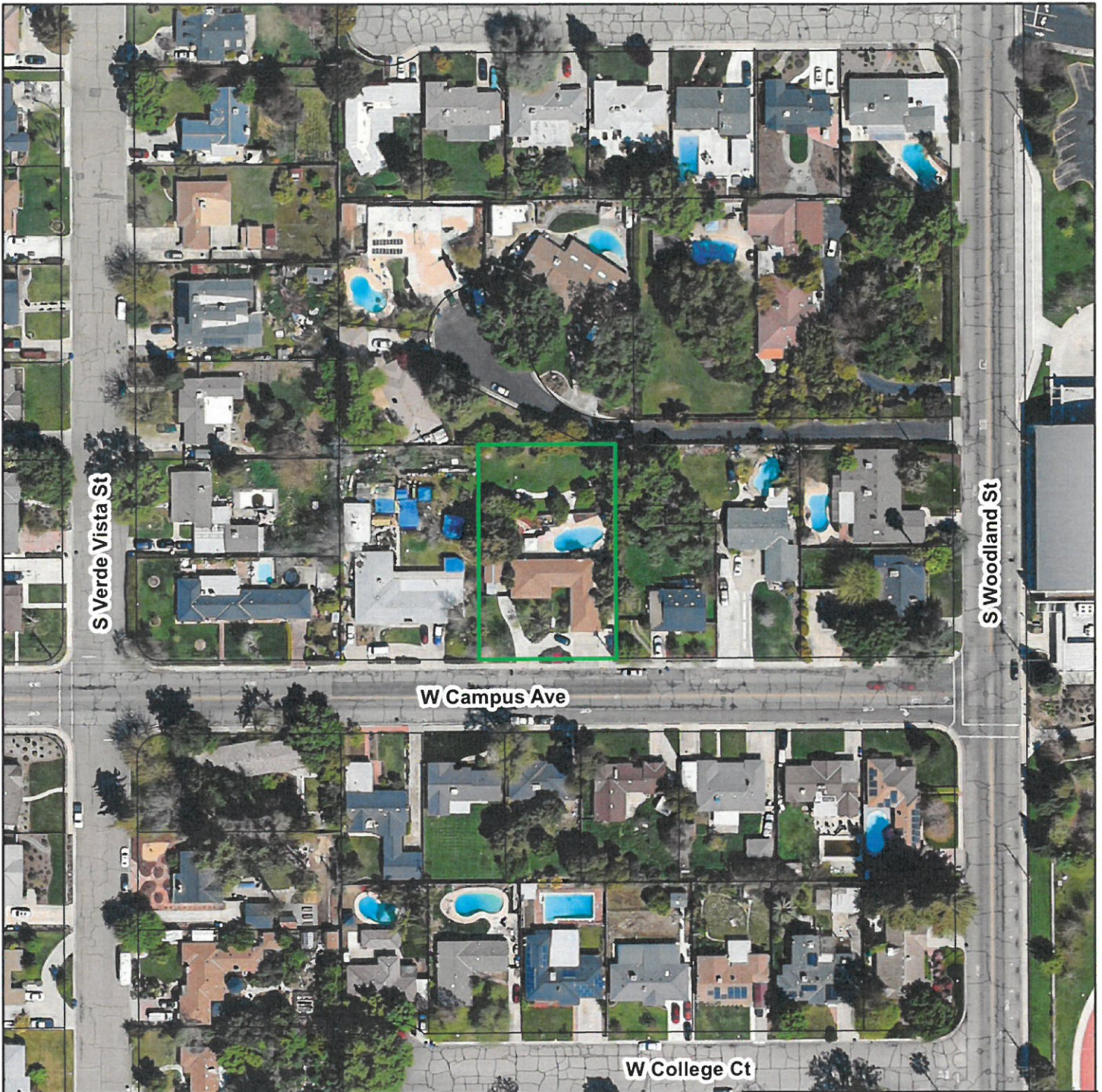


Vicinity Map



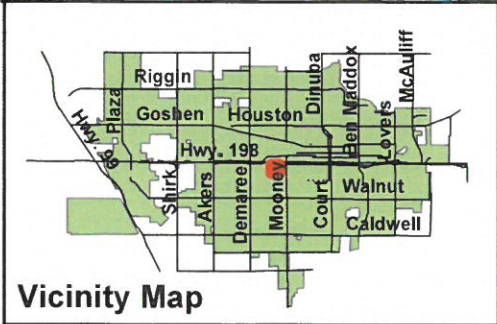
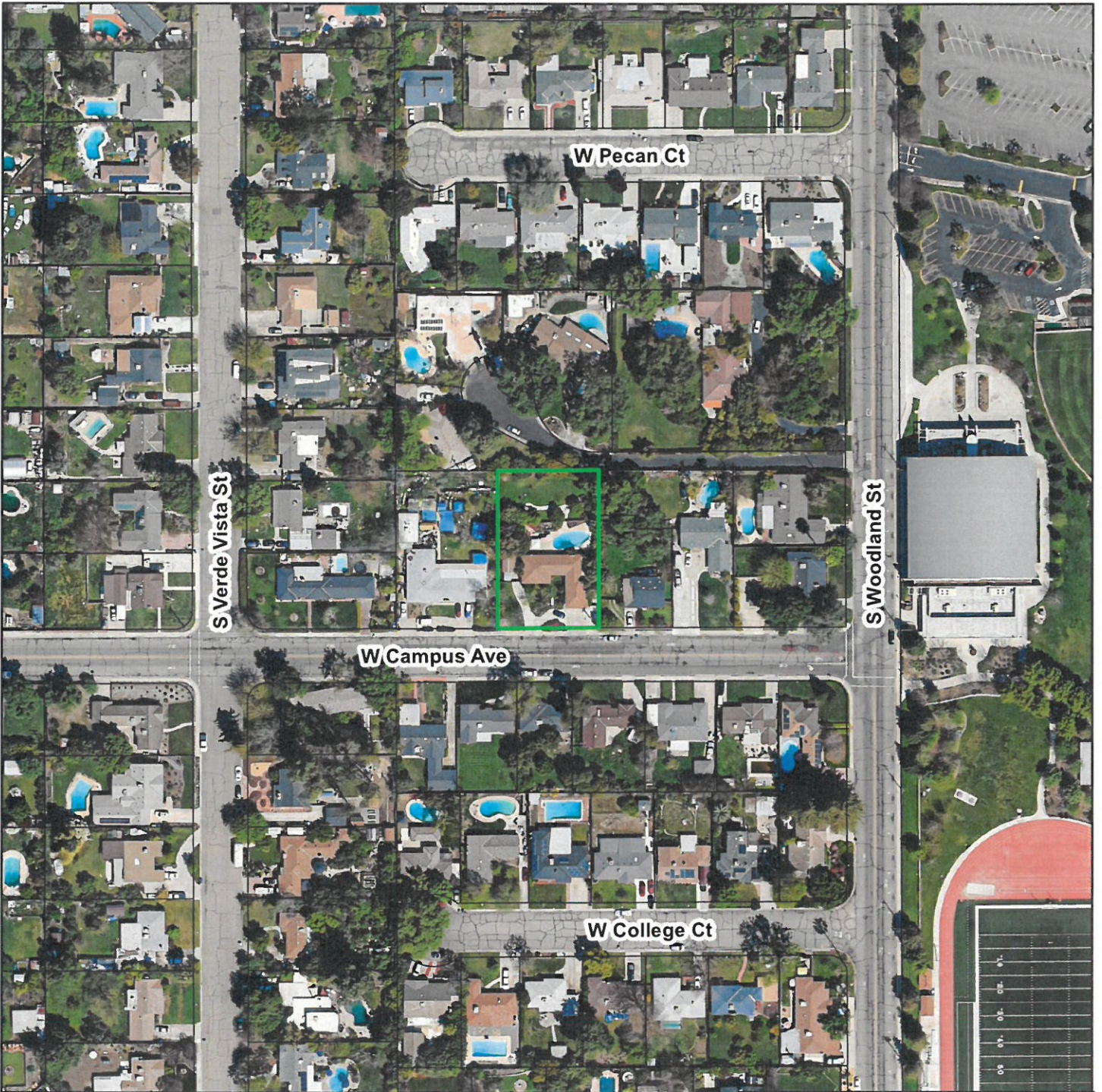
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Vicinity Map



Aerial



 Project Site