

# PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Chris Gomez



VICE CHAIRPERSON:  
Marvin Hansen

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

**MONDAY, DECEMBER 14, 2020**  
**VISALIA CONVENTION CENTER**  
**LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA**  
**MEETING TIME: 7:00 PM**

**Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.**

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.  
  
The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
3. CHANGES OR COMMENTS TO THE AGENDA –
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
  - a. Time Extension for Tentative Parcel Map No. 2003-10
  - b. Time Extension for Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42
5. PUBLIC HEARING – Brandon Smith, Senior Planner  
Conditional Use Permit No. 2020-31, a request by Plaza FPU LLC to allow an amendment to Conditional Use Permit No. 2007-39, which adopted a master-planned development on 29 acres in the Business Research Park (BRP) zone, to replace an office pad with a parking lot on a 1.65 acre site. The project site is located at the southeast corner of Hurley Avenue and Neeley Street (APN: 081-160-022).

6. PUBLIC HEARING – Josh Dan, Associate Planner  
Conditional Use Permit No. 2020-26: A request by Lake Bottom Distillery to operate a craft distillery as an ancillary use to the permitted restaurant use by adding a 60 gallon still in the D-MU (Downtown Mixed-Use) zone. The project is located at 105 E. Main Street (APN: 094-298-001). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Environmental Document No. 2020-68.
7. PUBLIC HEARING – Amy Weiser, Principal Planner  
Conditional Use Permit No. 2020-24: A request by Advanced Career Institute to construct an 11,100 square foot facility for a trade school in the 'I' (Industrial) zone. The project site is located at 1243 N. Clancy Street, on the west side of Clancy Street south of W. Goshen Avenue (APN: 081-180-004). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Environmental Document No. 2020-58.
8. PUBLIC HEARING – Josh Dan, Associate Planner  
Conditional Use Permit No. 2020-21: A request by Ginder Development to develop a 219-unit gated multi-family residential development on 15.1 acres in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area) zone. The project site is located on the northeast and southeast corners of North Akers Street and West Sedona Avenue (APNs: 077-060-031 & 000-012-4). An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2020-47 should be adopted.
9. PUBLIC HEARING – Paul Bernal, City Planner  
Variance No. 2020-11: A request by Lennar Homes of California to allow a variance to the minimum front and/or rear yard setbacks associated with six lots in the 239-lot River Island Ranch subdivision located in the R-1-5 (Single-Family Residential, 5,000 square foot minimum lot size) zone. The River Island Ranch subdivision is located on the east side of North Dinuba Boulevard, approximately 600 feet north of Shannon Parkway and south of the St. John's River. The Variance request pertains to Lots 11, 12, 45, 107, 134 and 135 of the subdivision. The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Environmental Document No. 2020-66.
10. PUBLIC HEARING – Paul Bernal, City Planner  
Zoning Ordinance Text Amendment No. 2020-01: A request by the City of Visalia to amend Zoning Ordinance Chapter 17.64 Mobile Food Vending Ordinance by expanding the Mobile Food Vending Overlay District Map, and establishing Mobile Food Vending Program Registration and Performance Standards to the downtown area which is defined as Center Avenue to the north, Mineral King Avenue to the south, Santa Fe Street to the east and Stevenson Street to the west. The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311, Environmental Document No. 2020-67.
11. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –
  - a. Next Planning Commission Meeting is Monday, January 11, 2021. No meeting on December 28, 2020.
  - b. The Agriculture Mitigation Program and Feasibility Study Work Session is tentatively set for the January 11, 2020, Planning Commission meeting with Work Session scheduled to begin at 6:00 p.m.

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 MONDAY, DECEMBER 28, 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 93291. 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, JANUARY 11, 2021**

# City of Visalia

## Memo



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: December 14, 2020  
Re: Time Extension for Tentative Parcel Map No. 2003-10

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension pursuant to Section §66452.6(e) of the Subdivision Map Act to Tentative Parcel Map No. 2003-10, which expired on November 10, 2020. The request for time extension was filed in a timely manner prior to the map's expiration date, and is coming before the Planning Commission at the first available meeting after the request was filed.

### **BACKGROUND:**

On November 10, 2003, the Planning Commission approved Tentative Parcel Map No. 2003-10, a request to subdivide two adjacent parcels totaling 72 acres into 12 parcels for the purpose of establishing the Visalia Auto Mall. An appeal of this map was considered by the City Council on December 15, 2003, wherein the Council approved to uphold the Planning Commission's decision. To date, two of the parcels have been developed with auto dealerships. The unmapped portion of the site is located on the west side of Neeley Avenue between Mill Creek Ditch and State Highway 198 (APN: 081-020-085).

The original expiration date of the map was November 10, 2005, two years from the date of approval by the Planning Commission.

### **HISTORY OF SITE'S TIME EXTENSIONS:**

To date, there have been two final map recordings associated with Tentative Parcel Map No. 2003-10. Final Parcel Map No. 4627 recorded on July 29, 2004 and established the two lots now containing auto dealerships as well as a lot between Camp Drive and Hillsdale Avenue containing a storm water retention basin. Final Parcel Map No. 4767, recorded on May 31, 2006, created a single parcel on the southwest corner of Neeley and Hillsdale that remains undeveloped. Each of the final parcel map recordings extended the tentative parcel map life by three years, thereby extending the expiration date to November 10, 2011.

The tentative parcel map further remained in effect by a series of automatic State legislative time extensions enacted between 2008 through 2015. The most recent State legislative bill enacting a 24-month time extension of tentative maps (Assembly Bill 1303) was approved in October 2015. Consequently, the expiration date for the tentative parcel map was further extended to November 10, 2019.

The Planning Commission granted a one-year time extension on October 28, 2019, which established the current expiration date of November 10, 2020.

## **REQUEST:**

The property owner has submitted a written request dated November 6, 2020, prior to the map's expiration, requesting an extension of time (see attached letter). The letter is seeking a time extension for one year, pursuant to Section §66452.6(e) of the Subdivision Map Act. This is the second applicant-requested time extension for this tentative map. Section §66452.6(e) of the Subdivision Map Act states the following:

*Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.*

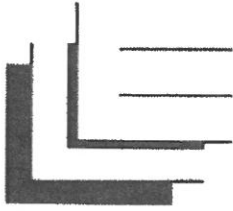
Time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. A one-year time extension would extend the map for the fourth year eligible under the Subdivision Map Act, including the initial two years.

Staff recommends that a one-year time extension be granted in accordance with the request. The extension request, if approved by the Planning Commission, will extend the expiration date of the Tentative Parcel Map to November 10, 2021.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date (November 28, 2021) to record an additional final parcel map. If the request is denied, the applicant would have to file a new tentative parcel map.

## **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution for Tentative Parcel Map
3. Tentative Parcel Map
4. Location Map illustrating tentative parcel map area & subdivided portions of map



LANE ENGINEERS, INC.  
Civil • Structural • Surveying

November 6, 2020

Paul Bernal  
City of Visalia Community Development Department  
Planning Division  
315 E. Acequia Avenue  
Visalia, CA 93291

Dear Mr. Bernal:

On behalf of our Client, M&B Bruno Family, LP, and pursuant to the City of Visalia Municipal Code § 16.16.130 and California Government Code § 66452.6, Lane Engineers respectfully requests a one-year extension for Parcel Map No. 2003-10 (Visalia Auto Plaza Vesting Tentative Parcel Map), which was originally approved on November 10, 2003 by resolution 2003-109. Pursuant to California Government Codes §66452.6(e), upon application/request for extension, we understand the life the map will be "automatically extended 60 days, or until the extension is approved, conditionally approved, or denied, whichever occurs first." Please forward this request to the planning commission for action as soon as possible.

Enclosed is a check payable to the City of Visalia in the amount of \$236.00 to process the extension request, per the City of Visalia fee schedule dated 6/25/2020. Furthermore, we have included an email correspondence of analysis of the life of this tentative map which has been extended automatically several times by Sate Legislation, and subsequently agreed to by City Staff. Please also note that planning commission granted a one-year extension of this map approximately 1 year ago.

Respectfully,

LANE ENGINEERS, INC.

Aaron P. Oliver, PE, QSD

Enclosures

cc: Tony Bruno  
Chad McCardell

## Aaron Oliver

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**From:** Devon Jones <Devon.Jones@visalia.city>  
**Sent:** Monday, October 10, 2016 8:06 AM  
**To:** Aaron Oliver  
**Cc:** Jason Huckleberry; Josh McDonnell; Chad McCardell; Tony Bruno; Larry Simonetti  
**Subject:** RE: Plaza Auto Mall

From planning: Looking thru the files, Planning has no concerns with allowing finals on the subsequent phases either under the State extensions, or by vested entitlement due to phase finals per SO 16.20.030A4a

Engineering has also agreed with your logic below.

Thank you,

Devon

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**From:** Aaron Oliver [mailto:aaron@laneengineers.com]  
**Sent:** Wednesday, October 05, 2016 6:42 AM  
**To:** Devon Jones  
**Cc:** Jason Huckleberry; Josh McDonnell; Chad McCardell; Tony Bruno; Larry Simonetti  
**Subject:** RE: Plaza Auto Mall

Hi Devon:

Just wanted to follow up on the email below. Please advise when you have a moment.

Thanks,

Aaron Oliver, PE,QSD  
**Lane Engineers, Inc.**  
Civil • Structural • Surveying  
979 North Blackstone Street  
Tulare, CA 93274  
Ph. 559-688-5263 / Fax 559-688-8893  
[www.laneengineers.com](http://www.laneengineers.com)

State of California Small Business Enterprise (Micro)  
Supplier No: 1589480



**From:** Aaron Oliver  
**Sent:** Monday, October 3, 2016 8:12 AM  
**To:** Devon Jones <Devon.Jones@visalia.city>  
**Cc:** 'Jason Huckleberry' <Jason.Huckleberry@visalia.city>; 'josh.mcdonnell@visalia.city' <josh.mcdonnell@visalia.city>; Chad McCardell <Chad.McCardell@colliers.com>; 'Tony Bruno' <tony@tdr-inc.com>; Larry Simonetti <larry@laneengineers.com>  
**Subject:** Plaza Auto Mall

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### ShareFile Attachments

Title	Size
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Resolutions and SPR Comments.pdf

18.8 MB

Visalia Auto Plaza -Original Tenantaive Parcel map.pdf

2.4 MB

[Download Attachments](#)

Aaron Oliver uses ShareFile to share documents securely. [Learn More.](#)

Devon:

Per our call on Friday,, I think the first order of business is to ascertain whether or not this tentative map is still alive. We believe that vesting tentative map in question is set to expire on 11/10/2019, based on the following chronological events. (Please also see attachments for original resolution, etc.)

- ? Initial Vesting Tentative Map Approval: 11/10/2003; initial two-year life sets expiration at 11/10/2005
- ? Parcel Map 4627, recorded 7/29/04, extends map life 3 years, new expiration is 11/10/2008
- ? Parcel Map 4767, recorded 5/31/06, extends map life 3 years, new expiration is 11/10/2011
- ? SB 1185 does not apply since map wouldn't have otherwise expired prior to 1/1/2011, expiration is still 11/10/2011
- ? AB 333 sets criteria for automatic 2-year extension, new expiration is 11/10/2013
  - o 1. Map was approved prior to 7/15/2009
  - o 2. Map had not expired on 7/15/2009
  - o 3. Map would otherwise have expired prior to 1/1/2012
- ? AB 208 sets criteria for automatic 2-year extension, new expiration is 11/10/2015
  - o 1. Map was approved prior to 7/15/2011
  - o 2. Map had not expired on 7/15/2011
  - o 3. Map would have expired on 1/1/2014
- ? AB 116 sets criteria for automatic 2-year extension, new expiration is 11/10/2017
  - o 1. Map was approved after 1/1/2000
  - o 2. Map did not expire before 7/11/2013
- ? AB 1303 sets criteria for automatic 2-year extension, new expiration is 11/10/2019
  - o Map was approved after 1/1/2002 and before 7/11/2013
  - o Tulare County meets the following criteria set forth in AB 1303

Secondly, this map is a vesting tentative map, therefore we intend to file a new final map to create an 8.5 acre parcel for this user (similar to as shown on the attachment), but only after an application has been made and approved for a zone change, general plan amendment, etc. Once those are approved, a final map would be filed, then building permits pulled within one year of the recording date of the new final map, which will preserve the vesting rights for the new parcel, and the remaining tentative map.

Please let us know if you concur with this approach. If so, I think the next step is to get to site plan review, then get applications in for zone change, etc.

Thanks,

Aaron Oliver, PE,QSD

**Lane Engineers, Inc.**

Civil • Structural • Surveying

979 North Blackstone Street

Tulare, CA 93274

Ph. 559-688-5263 / Fax 559-688-8893

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RESOLUTION NO. 2003-109

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF PARCEL MAP NO. 2003-10, A REQUEST TO SUBDIVIDE TWO ADJACENT PARCELS TOTALING OF 72 ACRES INTO 12 PARCELS. LSI, INC. AND AMERICAN PROPERTIES, APPLICANT; LANE ENGINEERING, AGENT.

**WHEREAS**, a tentative parcel map application was filed by LSI, Inc. and American Properties (Lane Engineering, Agent) to subdivide two adjacent parcels totaling of 72 acres into 12 parcels. The site is located west of Neeley Street and north of State Highway 198. (APN: 081-020-63, 64, 68); and

**WHEREAS**, the City of Visalia, as Lead Agency for the Visalia Auto Plaza, did certify the Final Environmental Impact Report (SCH #2003021076) on August 18, 2003 after a noticed public hearing and circulation of the Final EIR in accordance with the California Environmental Quality Act; and,

**WHEREAS**, the City of Visalia, adopted a mitigation and monitoring program and a Statement of Overriding Considerations for the Visalia Auto Plaza; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing to obtain public comment on the request for the tentative parcel map on November 10, 2003; and,

**WHEREAS**, the California Environmental Quality Act (CEQA) required that, in connection with the approval of a project for which an EIR has been prepared which identified one or more significant effects, the decision making body make certain findings regarding those effects; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Parcel Map to be in accordance with Section 16.28.070 of the Subdivision Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing on November 10, 2003; and

**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 tentative parcel map is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed tentative parcel map would be compatible with inclusive and adjacent land uses.
3. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.
5. That an Environmental Impact Report, SCH #2003021076, for the Visalia Auto Plaza has been prepared in accordance with the California Environmental Quality Act.
6. That a public hearing was held by the Planning Commission to obtain comments on the project and the Final Environmental Impact Report (SCH #2003021076), which is hereby incorporated by reference, in accordance with the California Environmental Quality Act (CEQA).

7. That the Planning Commission had previously determined that the Final Environmental Impact Report (SCH #2003021076) for actions pertaining to the development of the Visalia Auto Plaza was prepared in compliance with the California Environmental Quality Act (CEQA) and the state and local environmental guidelines and regulations, and that the Planning Commission had independently reviewed and analyzed the information contained therein.
8. That no new information has arisen since certification of the Final Environmental Impact Report that would alter its analysis of impacts or conclusions as to affects and required mitigation.
9. That the Planning Commission recommends that the certified Final Environmental Impact Report (EIR) associated with the Visalia Auto Plaza therefore be used for Parcel Map No. 2003-10.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the parcel map on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.28.070 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed substantially consistent with the comments and conditions of Site Plan Review No. 2003-164.
2. That the final parcel map be developed in substantial compliance with the tentative parcel map shown in Exhibit "A".
3. That Hurley Avenue between Neeley Street and Plaza Drive be constructed to City standards in conjunction with commencing development on any parcel created by the tentative parcel map, subject to right-of-way acquisition if required.
4. That all other city codes and ordinance be met.
5. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Parcel Map No. 2003-10, prior to the issuance of any building permits for this project.

Commissioner Thompson offered the motion to this resolution. Commissioner Salinas seconded the motion and it carried by the following vote:

AYES: Commissioners Thompson, Logan, Salinas, Pérez  
 NOES: None  
 ABSTAINED: None  
 ABSENT: Armstrong

Michael Olmos, Secretary  
 Visalia City Planning Commission

STATE OF CALIFORNIA)  
 COUNTY OF TULARE ) ss  
 CITY OF VISALIA )

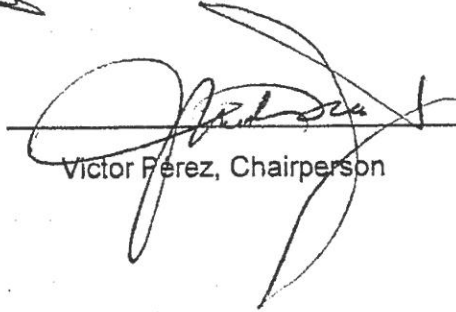
ATTEST: Michael Olmos, Secretary, Visalia Planning Commission

I, Michael Olmos, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2003-109, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on November 10, 2003.



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Michael Olmos, Secretary



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Victor Perez, Chairperson

**SITE DATA**  
 AREA: 71.8 AC  
 ZONE: CS - SERVICE COMMERCIAL  
 FLOOD ZONE: 1-2  
 EXISTING USE: FALLOW LAND  
 PROPOSED USE: AUTOMOBILE  
 SERVICE: CITY OF VISALIA  
 SOIL: VISALIA  
 WATER: CALIFORNIA WATER SERVICE CO.

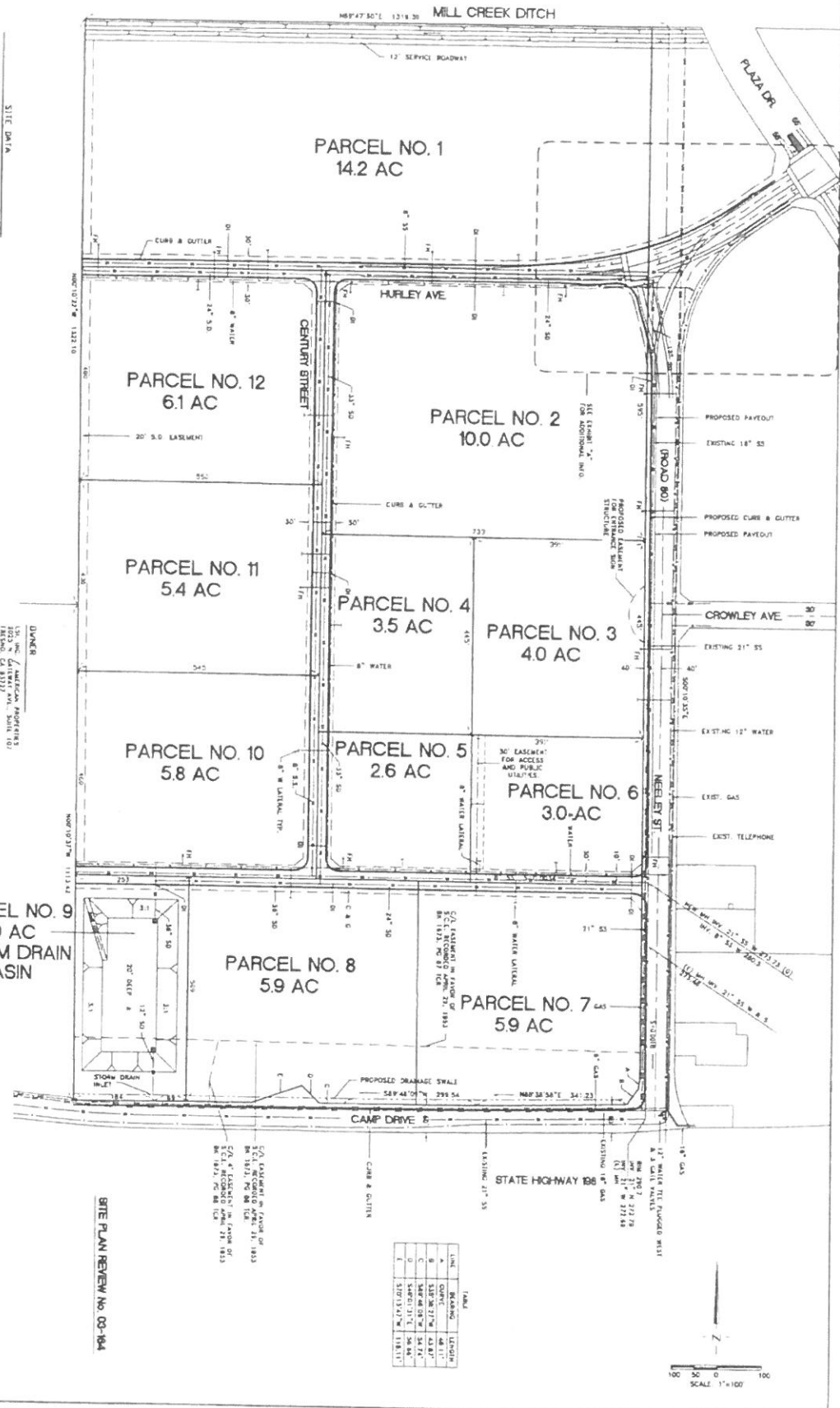
**VESTING TENTATIVE PARCEL MAP**

Being a Division of a portion of Parcel 1 and 2 of  
 MAP 111, 1981, as recorded in Book 46 of Parcel  
 Maps at Page 111, in the County of Fresno, State of California,  
 Section 36, T. 18 N., R. 21 E., S. 10 W., City of Visalia.

**DEVELOPER**  
 AUTO PLAZA ASSOCIATES, LLC  
 1001 N. BROADWAY ST.  
 VISALIA, CA 93277  
 PH: (559) 837-1300

**ENGINEER**  
 LANE ENGINEERS, INC.  
 979 N. BRACKSTONE STREET  
 VISALIA, CA 93274  
 PH: (559) 448-5263

**LEGAL DESCRIPTION**  
 SECTION 36, T. 18 N., R. 21 E., S. 10 W., City of Visalia, California.



SITE PLAN REVIEW NO. 03-184

LINE	BEARING	LENGTH
A	S 18° 27' 10" E	43.87'
B	S 76° 07' 10" W	54.87'
C	S 48° 07' 10" W	54.87'
D	S 48° 07' 10" W	54.87'
E	S 107° 34' 10" W	118.87'

DATE	BY	REVISION
02/11/11	CS	2 IN
02/11/11	CS	1 IN
02/11/11	CS	1 IN

**SITE PLAN**  
**VISALIA AUTO PLAZA**  
 VISALIA CALIFORNIA

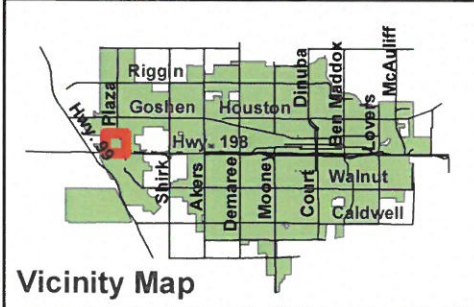
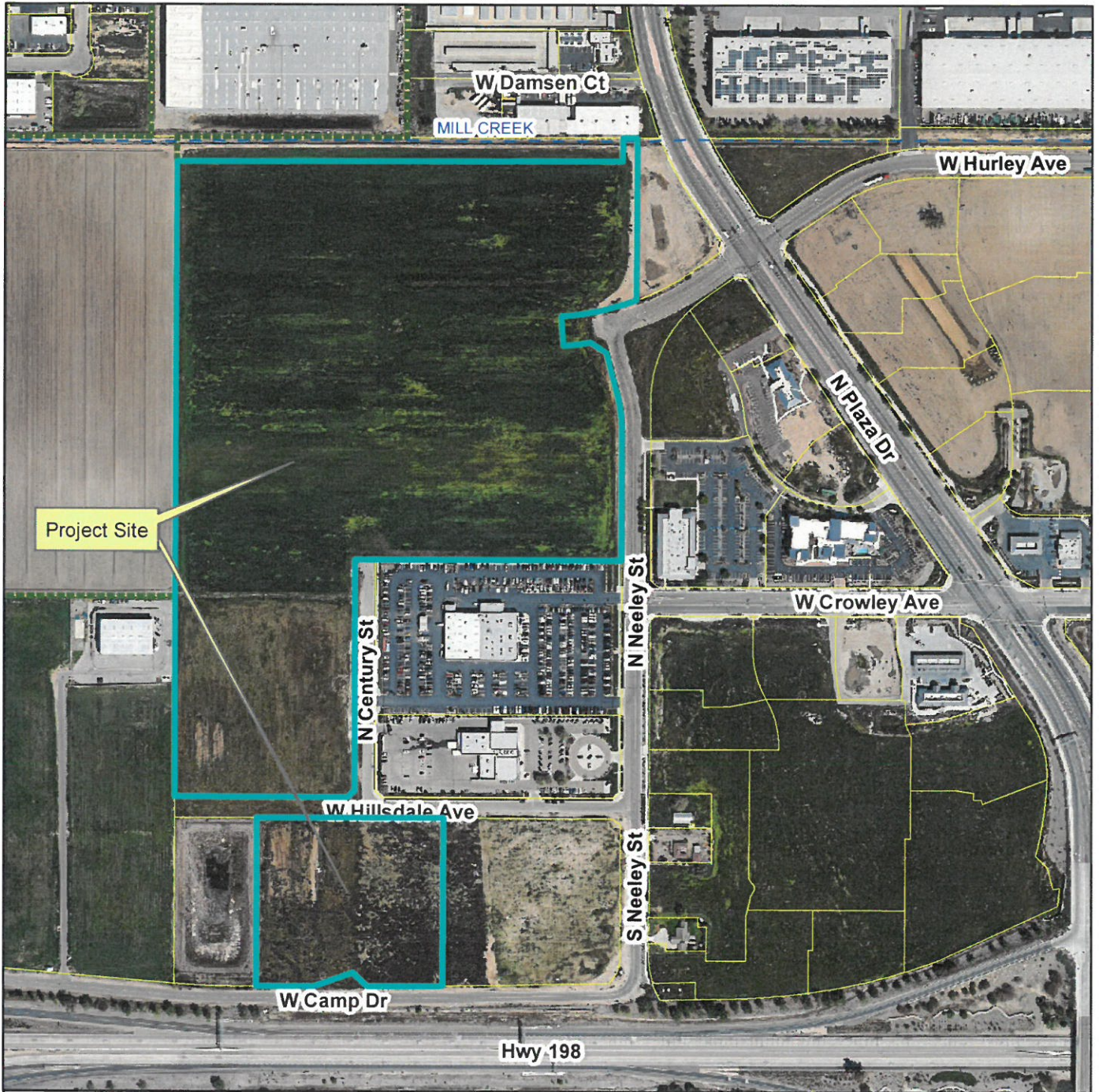
**LANE ENGINEERS INC.**  
 CIVIL • STRUCTURAL • SURVEYING  
 979 N. BRACKSTONE STREET  
 VISALIA, CALIFORNIA 93274  
 (559) 688-5263



NO.	DATE	REVISION

**Tentative Parcel Map No. 2003-10**  
**Time Extension Request: December 14, 2020**

The project is located on the west side of Neeley Avenue between Mill Creek Ditch and State Highway 198 (APN: 081-020-085)



**Aerial Photo**  
 Photo Taken March 2020

0 100 200 400 600 Feet

- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS

# City of Visalia

## **Memo**



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: December 14, 2020  
Re: Time Extension for Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42 that expired on November 28, 2020, pursuant to Section §66452.6(e) of the Subdivision Map Act. The request for time extension was filed in a timely manner prior to the map's expiration date, and is coming before the Planning Commission at the first available meeting after the request was filed.

### **BACKGROUND:**

On November 28, 2006, the Planning Commission approved the following:

- Visalia Palms Tentative Subdivision Map No. 5524, approved through adoption of Resolution No. 2006-126. Visalia Palms Tentative Subdivision Map was a request to subdivide 4.16 acres into a subdivision with 36 residential lots in the R-M-2 zone.
- Conditional Use Permit No. 2006-42, approved through adoption of Resolution No. 2006-127. Conditional Use Permit (CUP) No. 2006-42 was a request to allow a senior citizen residential subdivision with zero lot lines and modified yards, private streets, commonly maintained areas, and gated access. The CUP has been amended more than once, with the last amendment being approved in 2012 to allow a total of 66 dwelling units (consisting of duplexes and detached units) within the subdivision.

The site is located on the north side of W. Myrtle Avenue, approximately 165 feet west of S. Chinowth Street (APN: 087-060-007, 008, 009, 010).

The original expiration date of the map and CUP was November 28, 2008, two years from the date of approval by the Planning Commission.

### **STATE LEGISLATURE TIME EXTENSIONS:**

This tentative map, along with all tentative map entitlements approved throughout the state prior to July 2008, remained in effect by a series of automatic State legislative time extensions enacted between 2008 through 2015. The most recent State legislative bill enacting a 24-month time extension of tentative maps (Assembly Bill 1303) was approved in October 2015. Consequently, the expiration date for the Visalia Palms Tentative Subdivision Map No. 5524 was ultimately extended to November 28, 2017.

The Planning Commission granted one-year time extensions in 2017, 2018, and 2019, which extended the expiration date for the subdivision map and CUP to November 28, 2020.

The Housing Authority of the County of Tulare acquired the site in 2019 and is currently on the waiting list for tax credits with the State while compiling other funding sources for the project.

### **REQUEST:**

The property owner has submitted a written request dated November 13, 2020, prior to the map's expiration, requesting an extension of time (see attached letter). The letter is seeking a time extension for a non-specific amount of time, pursuant to Section §66452.6(e) of the Subdivision Map Act. This is the fourth applicant-requested time extension for this tentative subdivision map and CUP. Section §66452.6(e) of the Subdivision Map Act states the following:

*Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.*

Time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. A one-year time extension would extend the map for the sixth and last year eligible under the Subdivision Map Act, including the initial two years. The project is also eligible for an additional two years of extension under Assembly Bill No. 2973, which is not automatic and must be requested by the applicant in writing.

In keeping with the City's practice regarding time extensions for maps, staff recommends that only a one-year time extension be granted at this time. The extension request, if approved by the Planning Commission, will extend the expiration date of the Tentative Subdivision Map to November 28, 2021.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date (November 28, 2021) to record a final subdivision map or file another time extension. If the request is denied, the applicant would have to file a new tentative subdivision map and CUP.

### **ATTACHMENTS**

1) Letter of Request for the Time Extension; 2) Approved Resolutions for Tentative Subdivision Map & Conditional Use Permit; 3) Tentative Subdivision Map / CUP Site Plan; 4) Location Map

***Kaweah Management Company***

5140 WEST CYPRESS STREET  
MAILING ADDRESS: P.O. BOX 791, VISALIA, CA 93279  
TELEPHONE – VISALIA (559) 627-3700  
FAX – (559) 733-0169

November 13, 2020

Mr. Brandon Smith, AICP  
Senior Planner  
City of Visalia  
315 E. Acequia Ave  
Visalia, CA 93291

**RE: MYRTLE AVE SENIOR APARTMENTS**

Dear Mr. Smith:


Kaweah Management Company would like to request an extension for planning approvals for the Myrtle Ave. Senior Apartments. Enclosed please find a check in the amount of \$236.00 the fee required for this request.

If you need anything further please let me know. You can reach me at (559) 627-3700, extension 114 or via email at [ken@hatc.net](mailto:ken@hatc.net).

Yours truly,

*Cindy*

**KAWEAH MANAGEMENT COMPANY**

  
KEN KUGLER  
Managing Director

KK/cl

MW/MyrtleAveSenior/PermitExtensionRequest.docx



## Brandon Smith

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**From:** Tim Sciacqua <timschia@gmail.com>  
**Sent:** Tuesday, November 17, 2020 9:25 AM  
**To:** Brandon Smith  
**Cc:** Ken Kugler; Don Slattery; Cindy Lopez  
**Subject:** Re: Permit application submitted – PTE20-005 – City of Visalia Permit Center

Hi Brandon,

Yes, this is for all of the items you mentioned. We are requesting maximum extensions.

Tim

On Tue, Nov 17, 2020 at 9:00 AM Brandon Smith <[Brandon.Smith@visalia.city](mailto:Brandon.Smith@visalia.city)> wrote:

Hello Tim,

I have attached your receipt to the time extension. The letter was a bit vague on the exact entitlements being requested for extension. Can you confirm that this time extension request is for the Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42 and subsequent amendments originally filed by Joe DeLucia, located on the north side of Myrtle between Linwood and Chinowth?

### Brandon Smith, AICP

Senior Planner, City of Visalia

[brandon.smith@visalia.city](mailto:brandon.smith@visalia.city)

Phone: (559) 713-4636

Fax: (559) 713-4814



Save A Tree - Please do not print this email unless necessary.

**From:** Tim Sciacqua [mailto:[timschia@gmail.com](mailto:timschia@gmail.com)]  
**Sent:** Tuesday, November 17, 2020 8:03 AM  
**To:** Brandon Smith  
**Cc:** Ken Kugler; Don Slattery; Cindy Lopez  
**Subject:** Fwd: Permit application submitted – PTE20-005 – City of Visalia Permit Center

Hi Brandon,

RESOLUTION NO 2006-126

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VISALIA PALMS TENTATIVE SUBDIVISION MAP NO. 5524, A REQUEST TO DIVIDE 4.16 ACRES INTO 36 RESIDENTIAL LOTS AND COMMON LOTS. THE SUBJECT SITE IS LOCATED ON THE NORTH SIDE OF WEST MYRTLE AVENUE, APPROXIMATELY 165 FEET WEST OF SOUTH CHINOWTH STREET.

**WHEREAS**, Visalia Palms Tentative Subdivision Map No. 5524 is a request by Visalia Land Company, Inc. to divide 4.16 acres into 36 residential lots and common lots. The subject site is located on the north side of West Myrtle Avenue, approximately 165 feet west of South Chinowth Street (APNs: 087-060-007 to 010).; and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on November 28, 2006; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the subdivision in accordance with Section 16.16 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

**NOW, THEREFORE, BE IT RESOLVED** that Negative Declaration No. 2006-99 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**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 location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance and Subdivision Ordinance.
2. That the proposed location of the tentative subdivision map and the conditions under which it would be built 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 an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2006-99 is hereby adopted.
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the Planning Commission approves the subdivision on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia and subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of Site Plan Review No. 2006-097.
2. That the site be developed in substantial compliance with the site plan in Exhibit "A", attached herein.
3. That buildings, walls, and fences be constructed to be in substantial compliance with the elevation drawings in Exhibits "C" through "J", attached herein.
4. That this Tentative Subdivision Map shall not be effective unless Conditional Use Permit No. 2006-42, General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04 are approved.
5. That Lots 1 through 36 adhere to the following setbacks as measured from property lines:

Front Yard:	15 feet setback from P.L. to living space
	22 feet setback from P.L. to front-loading garage
Side Yard:	5 feet
Street Side Yard:	10 feet
Rear Yard:	3 feet
Duplex connect:	0 feet
6. That a Homeowners Association shall be formed for the maintenance of Lots B, C, D, E and K which include the private drive, common landscaping, and other common amenities, and for the maintenance of areas of common use located on Lots 1 through 36.
7. That a Landscaping and Lighting Act Assessment District be formed, prior to recordation of the final map, for the maintenance of the landscaping along the public street frontages of the subdivision. The Landscaping and Lighting Act Assessment District shall also include the operational and maintenance cost for the street lights both internal to the subdivision and along streets abutting the subdivision. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.
8. That all other city codes and ordinances be met.

Commissioner Segrue offered the motion to this resolution. Commissioner Logan seconded the motion and it carried by the following vote:

AYES: Commissioners Logan, Salinas, Perez, Segrue, Peck  
NOES:  
ABSTAINED:  
ABSENT:

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Fred Brusuelas, AICP  
Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2006-126, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on November 28, 2006.



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Fred Brusuelas, AICP  
Community Development Assistant Director



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Sam Logan, Chairperson

RESOLUTION NO 2006-127

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2006-42, A REQUEST TO ALLOW A 36-UNIT SENIOR RESIDENTIAL SUBDIVISION WITH ZERO LOT LINES AND MODIFIED YARDS, PRIVATE STREETS, GATED ACCESS, AND A COMMON AREA ON 4.16 ACRES IN THE R-M-2 ZONE. THE SUBJECT SITE IS LOCATED ON THE NORTH SIDE OF WEST MYRTLE AVENUE, APPROXIMATELY 165 FEET WEST OF SOUTH CHINOWTH STREET.

**WHEREAS**, Conditional Use Permit No. 2006-42 is a request by Visalia Land Company, Inc. (TPG Consulting, Inc., agent) to allow a 36-unit senior residential subdivision with zero lot lines and modified yards, private streets, gated access, and a common area on 4.16 acres in the R-M-2 Zone. The subject site is located on the north side of West Myrtle Avenue, approximately 165 feet west of South Chinowth Street (APNs: 087-060-007 to 010); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on November 28, 2006; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the conditional use permit to be in accordance with Section 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**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

**NOW, THEREFORE, BE IT RESOLVED**, that Negative Declaration No. 2006-99 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia approves the proposed conditional use permit based on the following specific findings and based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - 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 an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2006-99 is hereby adopted.
  4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

**BE IT FURTHER RESOLVED** that the Planning Commission approves the conditional use permit on the real property herein described in accordance with the terms of this resolution under the provisions of Section 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of Site Plan Review No. 2006-097.
2. That the site be developed in substantial compliance with the site plan in Exhibit "A", attached herein.
3. That buildings, walls, and fences be constructed to be in substantial compliance with the elevation drawings in Exhibits "C" through "J", attached herein.
4. That this Conditional Use Permit shall not be effective unless the Visalia Palms Tentative Subdivision Map No. 5524, General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04 are approved.
5. That the timeline for the lapse of this Conditional Use Permit shall be tied to the timeline for Visalia Palms Tentative Subdivision Map No. 5524.
6. That Lots 1 through 36 adhere to the following setbacks as measured from property lines:
 

Front Yard:	15 feet setback from P.L. to living space
	22 feet setback from P.L. to front-loading garage
Side Yard:	5 feet
Street Side Yard:	10 feet
Rear Yard:	3 feet
Duplex connect:	0 feet
7. That a Homeowners Association shall be formed for the maintenance of Lots B, C, D, E and K which include the private drive, common landscaping, and other common amenities and for the maintenance of areas of common use located on Lots 1 through 36.
8. That a Landscaping and Lighting Act Assessment District be formed, prior to recordation of the final map, for the maintenance of the landscaping along the public street frontages of the subdivision. The Landscaping and Lighting Act Assessment District shall also include the operational and maintenance cost for the street lights

both internal to the subdivision and along streets abutting the subdivision. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.

9. That any solid fencing over three feet tall or fencing that is at least 50% open over four feet tall be set back a minimum 15 feet from the private street property line. The maximum fence height shall be seven feet beyond the setback area.
10. That all other city codes and ordinances be met.
11. That the applicant submit to the City of Visalia, a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2006-42, prior to the issuance of any building permits for this project.

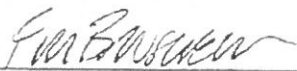
Commissioner Segrue offered the motion to this resolution. Commissioner Logan seconded the motion and it carried by the following vote:

AYES: Commissioners Logan, Salinas, Perez, Segrue, Peck  
NOES:  
ABSTAINED:  
ABSENT:

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Fred Brusuelas, AICP  
Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2006-127, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on November 28, 2006.



Fred Brusuelas, AICP  
Community Development Assistant Director



Sam Logan, Chairperson

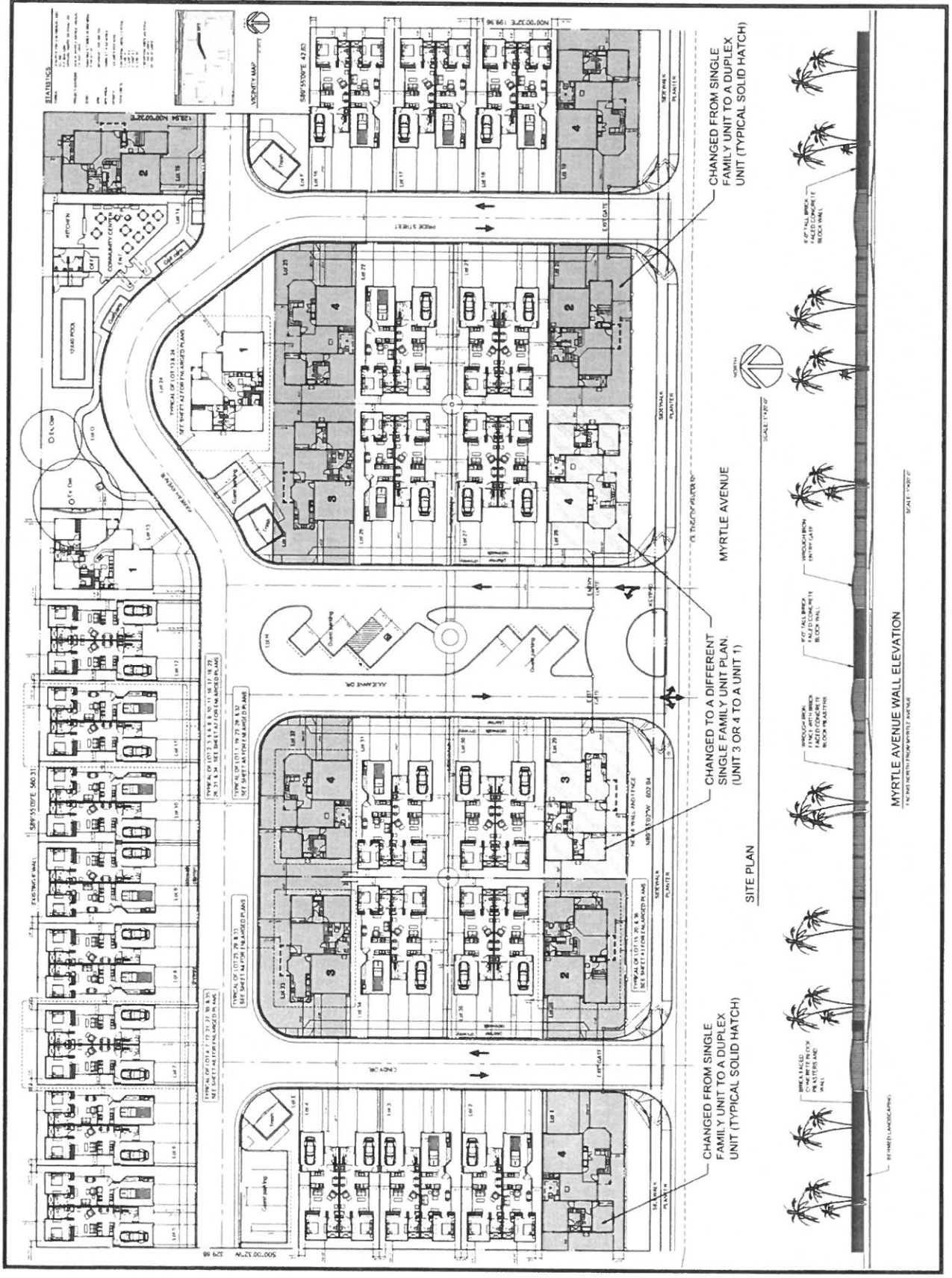


**CLIENT**  
**VISALIA LAND CO., INC.**  
 P.O. BOX 286  
 SAN LUIS OBISPO, CA 93408-0286

**PROJECT**  
**VISALIA PALMS**  
 MYRTLE AVENUE, VISALIA, CALIFORNIA

**SHEET**  
**OVERALL SITE PLAN**

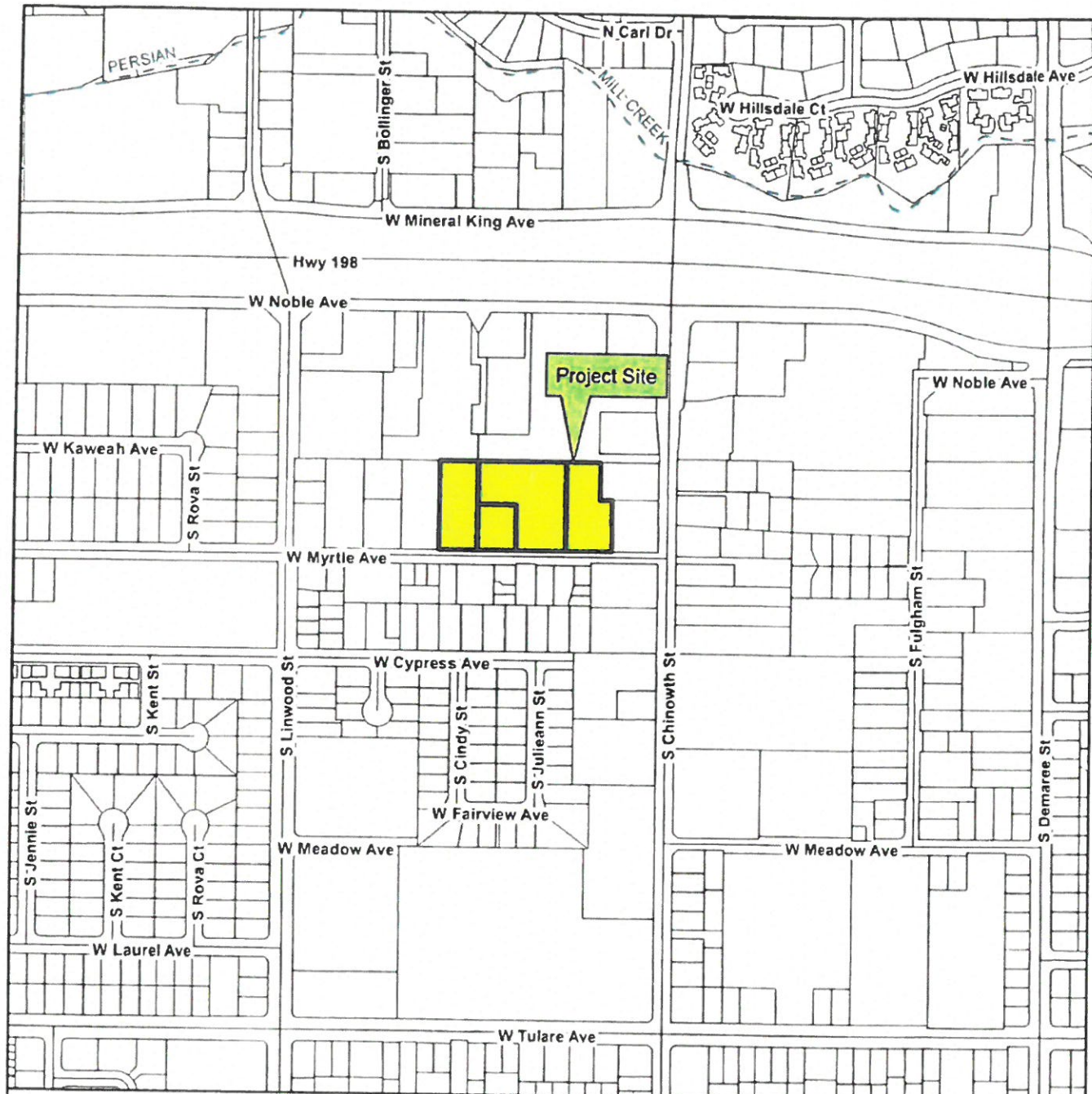
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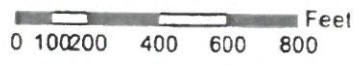


## Visalia Palms Tentative Subdivision Map No. 5524 & Conditional Use Permit No. 2006-42

The site is located on the north side of W. Myrtle Avenue,  
approximately 165 feet west of S. Chinoweth Street (APN: 087-060-007, 008, 009, 010)



### Location Map



- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS