

# PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Chris Gomez



VICE CHAIRPERSON:  
Marvin Hansen

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

**MONDAY, MARCH 22, 2021**

**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. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. 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.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. 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 Conditional Use Permit No. 2018-22 & Variance No. 2019-02
  - b. Time Extension for Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09
  - c. Time Extension for The Grove Tentative Subdivision Map No. 5562 and Conditional Use Permit No. 2017-15
6. PUBLIC HEARING – Paul Bernal, City Planner  
  
Conditional Use Permit No. 2021-07: A request by Dutch Bros Coffee to construct a 950 square foot building with a double drive-thru lane to accommodate 24 vehicles on a 0.70-acre parcel in the Village at Willow Creek Shopping Center. The project site is zoned C-MU (Commercial Mixed-Use) and is located on the east side of North Demaree Street between West Riggin and West Flagstaff Avenues (APN: 078-230-026). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2021-08

7. REGULAR ITEM – Paul Bernal, City Planner

Planning Division Fee Amendments: Consideration of amendments to the Planning Division fees for the 2021-2022 fiscal year as contained in City of Visalia Fee Resolution No. 2021-15.

8. CITY PLANNER / PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting is Monday, April 12, 2021.
- 2<sup>nd</sup> Planning Commission Meeting in April is set for Tuesday April 27, 2021.
- 2020 Housing Element Annual Progress Report.
- Termination of Irrevocable Offer of Dedication for future street purposes (CUP No. 2020-32).

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, APRIL 1, 2021 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, APRIL 12, 2021**

# City of Visalia

## **Memo**



To: Planning Commission

From: Brandon Smith, Senior Planner

Date: March 22, 2021

Re: Time Extension for Conditional Use Permit No. 2018-22 & Variance No. 2019-02

---

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of Conditional Use Permit No. 2018-22 and Variance No. 2019-02 that would have expired on February 11, 2021, pursuant to Zoning Ordinance Sections 17.38.030 and 17.42.120.

### **BACKGROUND:**

Conditional Use Permit (CUP) No. 2018-22 is a request to allow an amendment to approved Conditional Use Permit No. 97-21 to allow a 3,000 sq. ft. expansion of an existing religious meeting hall, and Variance No. 2019-02 is a request to allow a variance to the maximum fence height limit in the front yard setback to allow a six-foot tall open wrought-iron fence along property line. The project is in the R-1-5 (Single Family Residential) zone located at 1311 and 1317 S. Divisadero Street. (APN: 096-323-019).

On February 11, 2019, the Visalia Planning Commission conducted a public hearing and approved the project.

### **REQUEST**

The expiration date of the CUP and Variance was February 11, 2021, two years from the date of the Planning Commission's approval. The time extension request was received in a timely manner on February 10, 2021.

This would be the first applicant-requested time extension for this CUP and Variance and the only time extension eligible for the CUP and Variance under Zoning Ordinance Sections 17.38.030 and 17.42.120, which allow for up to a one-year time extension. If granted by the Planning Commission, the extension allows a total of three years for the applicant to act upon the CUP and Variance.

The applicant has requested a one-year time extension as described in the attached correspondence. To date, the applicant has submitted a building permit application along with multiple resubmittals. The request is needed to allow for additional time to receive building permit approval and issuance and begin construction.

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, February 11, 2022, to be issued a building permit from the City and commence and diligently pursue construction toward completion on the site. If the request is denied, the applicant would have to re-file a new CUP and variance application.

## **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2018-49 for Conditional Use Permit No. 2018-22
3. Approved Resolution No. 2019-03 for Variance No. 2019-02
4. Site Plan
5. Location Map

Vinai Jetviroj  
14900 Magnolia Blvd. #5442  
Sherman Oaks, Ca. 91403  
Jetviroj@Gmail.com  
(818) 207-6516

# Jetviroj

Consultant Services

February 8, 2021

**To:** **CITY OF VISALIA**  
315 E Acequia Ave  
Visalia, CA 93291

**PROJECT:** B200488  
1317 S DIVISADERO ST  
Visalia, CA 93291

**REQUEST:** To Whom it may concern

We would like to request a one-year Time Extension of the Conditional Use Permit approved for this site, which is set to expire February 11<sup>th</sup>. Please advise.

Please provide an invoice for the processing fees (\$236) so I may pay over the phone.

Thank You



Project Manager



City of Visalia  
315 E Acequia  
PO Box 4002  
Visalia CA 93278-4002

# RECEIPT

DATE OF PAYMENT  
2/10/2021 10:21:25AM

Receipt Number : 579254

Application: TID: 626

Address:

Parcel:

Subdivision:

Work Description:

<u>INVOICE_NBR</u>	<u>FEE_CODE</u>	<u>FEE_DESCRIPTION</u>	<u>FEE_QUANTITY</u>	<u>AMOUNT</u>	<u>PAYMENT_METHOD</u>
328929	1526	Time Extensive	1	236.00	Counter Credit Card
	Acct. Code:	1821-46526			CASHIER: MDSHAR
	Comments:	85916P			

PAYOR: ABUAL BEIG

TOTAL PAID: **236.00**

RESOLUTION NO. 2018-49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2018-22: A REQUEST BY MASJID VISALIA INC. TO ALLOW AN AMENDMENT TO EXISTING CONDITIONAL USE PERMIT NO. 97-21 TO ALLOW A 3,000 SQ. FT. EXPANSION OF AN EXISTING RELIGIOUS MEETING HALL IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL) ZONING DESIGNATION, WHEREIN THE EXPANSION WILL OCCUR ON A DEVELOPED RESIDENTIAL SITE LOCATED NORTH OF THE EXISTING MEETING HALL. THE PROJECT SITE IS LOCATED AT 1311 AND 1317 S. DIVISADERO STREET.  
(APN: 096-323-019)

**WHEREAS**, Conditional Use Permit No. 2018-22 is a request by Masjid Visalia Inc. to allow an amendment to existing Conditional Use Permit No. 97-21 to allow a 3,000 sq. ft. expansion of an existing religious meeting hall in the R-1-5 (Single-Family Residential) zoning designation, wherein the expansion will occur on a developed residential site located north of the existing meeting hall. The project site is located at 1311 and 1317 S. Divisadero Street. (APN: 096-323-019); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 11, 2019; and,

**WHEREAS**, the Planning Commission of the City of Visalia finds Conditional Use Permit No. 2018-22, as conditioned by staff, 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**, the Planning Commission of the City of Visalia finds the project Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2018-65).

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15332.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
  - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.

- b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2018-65).

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Conditional Use Permit No. 2018-22 on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2018-075.
2. That the site be developed in compliance with the site plan shown in Exhibit "A"; floor plans shown in Exhibit "B"; and elevation plans shown in Exhibit "C". Substantial changes to the site plan, floor plan, and/or elevation plan may require an amendment to the Conditional Use Permit.
3. That the project shall operate in compliance with the operation statement shown in Exhibit "D". Substantial changes to the operation statement may require an amendment to the Conditional Use Permit.
4. That the relocated wrought-iron fence shown along Divisadero Street not be allowed unless Variance No. 2019-02 is approved, per the conditions of said Variance.
5. That the congregation shall be limited to 40 members on site at any one time.
6. That any project signage shall be reviewed and issued under separate permits.
7. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.

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

AYES: Commissioners Hansen, Gomez, Peariso, Wynn, Taylor  
 NOES:  
 ABSTAINED:  
 ABSENT:

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

ATTEST: Paul Bernal, City Planner

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2018-49, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on February 11, 2019.





---

Paul Bernal, City Planner



---

Brett Taylor, Chairperson

RESOLUTION NO. 2019-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2019-02: A REQUEST BY MASJID VISALIA INC. TO ALLOW A VARIANCE TO THE MAXIMUM FENCE HEIGHT LIMIT IN THE FRONT YARD SETBACK IN ORDER TO ALLOW A SIX-FOOT TALL OPEN WROUGHT-IRON FENCE ALONG PROPERTY LINE IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL) ZONING DESIGNATION. THE PROJECT SITE IS LOCATED AT 1311 AND 1317 S. DIVISADERO STREET.  
(APN: 096-323-019)

**WHEREAS**, Variance No. 2019-02 is a request by Masjid Visalia Inc. to allow a variance to the maximum fence height limit in the front yard setback in order to allow a six-foot tall open wrought-iron fence along property line in the R-1-5 (Single-Family Residential) zoning designation. The project site is located at 1311 and 1317 S. Divisadero Street. (APN: 096-323-019); and

**WHEREAS**, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on February 11, 2019; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2019-02, as conditioned by staff, to be in accordance with Section 17.42.090 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2018-65).

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15305.

**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.

Enforcing the full 15-foot setback would cause an unnecessary hardship in creating a large portion of the site in front of the fence that would be attractive to loitering by homeless or other intruders that are present in the area and would interfere with established trees on the property.

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

Enforcing the fence to comply with the full setback would interfere with established trees on the property. In addition, the use of the property is a small-scale religious institution situated within a single-family residential neighborhood wherein the institution is not occupied overnight or throughout the day. Conversely, the aesthetics of a six-foot tall wrought iron fence along the front property line of the mosque is similar to the fencing type and materials seen in residential neighborhoods rather than the Divisadero Middle School's six-foot tall chain-link fence along the property line.

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.

The proposed fence would be similar in nature to the school's fence across the street, which is a 6-foot tall fence installed at property line behind the sidewalk. Although the school is not located in the same zoning designation, it is similarly considered a quasi-public land use. In addition, two Variances have been approved in the last year for fencing within the front yard setback of commercial/office zones and one Variance has been approved in the last year for fencing within the front yard setback of a residential zone.

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

The proposed fence would be similar in nature to the school's fence across the street, which is a 6-foot tall fence installed at property line behind the sidewalk. The Planning Commission has also previously granted a variance for a 7-foot tall wrought iron fence on the property line of a residence at 2811 W. Border Links Drive in the R-1-5 zone (Variance No. 2018-11).

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 variance for an open fence would not impair the line-of-site vision between the property and Divisadero Street.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2018-65).

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Variance No. 2019-02 on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the 6-foot tall fence be relocated out of the public right-of-way and moved to the property line on Divisadero Street consistent with the site plan in Exhibit "A", with the exception that on the north and south sides of the property the fence shall include a 45-degree diagonal transition to the required 15-foot front yard setback or a similar type of transition as deemed suitable by the City Planner.

2. That a building permit be obtained for the fence relocation.
3. That the expiration date associated with the Variance shall run together with the expiration date associated with Conditional Use Permit No. 2018-22.
4. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.

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

AYES: Commissioners Hansen, Gomez, Peariso, Wynn, Taylor  
NOES:  
ABSTAINED:  
ABSENT:

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

ATTEST: Paul Bernal, City Planner

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2019-03, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on February 11, 2019.

  
\_\_\_\_\_  
Paul Bernal, City Planner

  
\_\_\_\_\_  
Brett Taylor, Chairperson

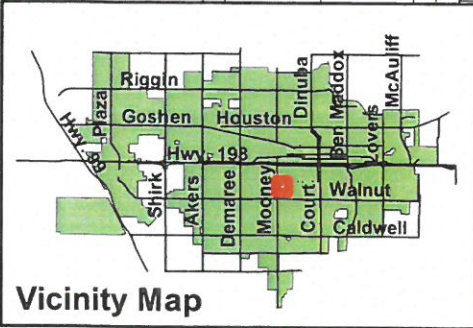


# Conditional Use Permit No. 2018-22 & Variance No. 2019-02

The site is located at 1311 and 1317 S. Divisadero Street. (APN: 096-323-019).

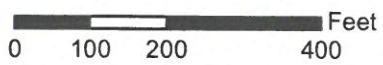


Subject Site



Vicinity Map

## Location Map



- - - WATERWAYS
- + + + RAILROADS
- ..... CITY LIMITS
- PARCELS

# City of Visalia

## **Memo**



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: March 22, 2021  
Re: Time Extension for Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09

---

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 (a.k.a. Brackenwood Tentative Subdivision Map) and Conditional Use Permit No. 2007-09, to expire on April 23, 2022, pursuant to Section §66452.6(e) of the Subdivision Map Act.

### **BACKGROUND:**

On April 23, 2007, the Visalia Planning Commission approved Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09 through adoption of Resolution Nos. 2007-22 and 23. Maddox at Caldwell VII Tentative Subdivision Map No. 5531 was a request to subdivide the southwest and southeast corners of Ben Maddox Way and K Avenue, which included the subdivision of 8.35 acres on the southeast corner into 43 lots for 50 units. Conditional Use Permit (CUP) No. 2007-09 was a request to create a planned residential development for the Maddox at Caldwell VII Subdivision Map with modified lot sizes, setbacks, and detached and attached units (i.e. duplex units) in the R-M-2 zone.

On July 10, 2017, the Visalia Planning Commission approved The Grove Tentative Subdivision Map No. 5562, which re-subdivided the southwest corner of Ben Maddox Way and K Avenue. The Planning Commission also approved Conditional Use Permit No. 2017-15, which amended CUP No. 2007-09 by removing the duplex units from the planned residential development on the southeast corner portion of the Maddox at Caldwell VII Subdivision Map. However, the expiration date for CUP No. 2017-15 continued to be tied to the expiration date for the Maddox at Caldwell VII Subdivision Map and CUP No. 2007-09 approved on April 23, 2007.

Please note, the exhibits submitted in association with The Grove subdivision and CUP No. 2017-15 referred to the subdivision on the southeast corner of Ben Maddox Way and K Avenue as "Brackenwood Tentative Subdivision Map" rather than Maddox at Caldwell VII.

## **STATE LEGISLATURE TIME EXTENSIONS:**

The original expiration date for the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and CUP No. 2007-09 was April 23, 2009, two years from the date of approval by the Planning Commission. This map along with all tentative map entitlements approved throughout the state remained in effect by a series of State legislative time extensions enacted between July 2008 and October 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 state legislature time extensions extended the expiration date for the subdivision and CUP to April 23, 2018. The Planning Commission then approved three one-year time extensions for the Tentative Subdivision Map and CUP on May 29, 2018, May 13, 2019, and April 27, 2020, furthering the expiration date to April 23, 2021.

## **REQUEST:**

The proponents of the Tentative Subdivision Map and CUP submitted a written request and fee payment on January 20, 2021 for a one-year time 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, including the initial two-year approval. This would be the fourth time extension applied for and the sixth year overall under this code for the Tentative Subdivision Map. 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.

Staff recommends that the one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission, will extend the expiration date of the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and CUP No. 2007-09 from April 23, 2021 to April 23, 2022.

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 to record a final subdivision map(s). If the request is denied, the applicant would have to file a new tentative subdivision map.

## **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2007-23 for Subdivision Map No. 5531
3. Approved Resolution No. 2007-22 for CUP No. 2007-09
4. Tentative Subdivision Map submitted with CUP No. 2017-15 ("Bracken Wood")
5. Location Map





January 20, 2021

Der Brandon Smith;

My name is Tiffany Valadao and I am contacting you on behalf of obtaining a extension for The Grove Tentative Subdivision Map No. 5562 which runs with conditional Use Permit No. 2017-15 and Maddox @ Caldwell VII Tentative Subdivision Map No. 5531 a.k.a. Brackenwood. Can I please pay the fees needed to complete a additional extension. Is an additional extension available to us? Your help is appreciated.

Thank You.

Three River Development, LLC

Tiffany Valadao

PO BOX 6756

Visalia, CA 93290-6756

559-909-2700



City of Visalia  
 315 E Acequia  
 PO Box 4002  
 Visalia CA 93278-4002

# RECEIPT

DATE OF PAYMENT  
 1/20/2021 2:38:46PM

Receipt Number : 577955

Application: **PTE21-002** TIME EXTENSION THE GROVE  
 Address: 1709 E K AVE, Visalia, CA 93292  
 Parcel: 126560060  
 Subdivision: PARCEL MAP 4251  
 Type: Time Extensions

Work Description: TIME EXTENSION; MADDOX @ CALDWELL VII TENTATIVE SUBDIVISION MAP NO 5531 A.K.A.A  
 BRACKENWOOD

<u>INVOICE NBR</u>	<u>FEE CODE</u>	<u>FEE DESCRIPTION</u>	<u>FEE QUANTITY</u>	<u>AMOUNT</u>	<u>PAYMENT METHOD</u>
325601	1526-1	Time Extension	1	236.00	Counter Credit Card
	Acct. Code:	1821-46526			7660
	Comments:	020293			

CASHIER: MDSHAR

PAYOR: KENT MCNIECE

TOTAL PAID: **236.00**

RESOLUTION NO 2007-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING PARK PLACE TENTATIVE SUBDIVISION MAP 5494, A REQUEST TO DIVIDE 4.1 ACRES INTO 16 LOTS. THE SITE IS LOCATED APPROXIMATELY 400 FEET WEST OF LOVERS LANE, BETWEEN CALDWELL AVENUE AND SUNNYSIDE AVENUE.

**WHEREAS**, Maddox at Caldwell Unit No. 7, Tentative Subdivision Map No. 5531 : A request by DLF Company (California Planning & Engineering, Agent) to divide 13.5 acres into 115 lots. The site is located at the southwest and southeast corners of Ben Maddox Way and K Avenue (APNs: 126-120-050, 065, 066; 126-590-008; 126-560-060; and 126-640-074); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on April 23, 2007; 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. 2007-20 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. 2007-20 is hereby adopted.

**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 site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2006-211.
2. That the final map be developed in substantial compliance with the approved tentative subdivision map shown in Exhibit "B," unless otherwise noted herein.
3. That vehicular connectivity from K West be provided to the west for future development.
4. That a bus turn-out shall be provided along Ben Maddox Way and the necessary right-of-way dedicated to accommodate the improvement. The exact location of the turn-out shall be coordinated with the City Engineer and VCC.
5. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.
6. That Tentative Subdivision Map No 5531 shall be null and void unless Conditional Use Permit No. 2007-09 is approved.
7. That all other city codes and ordinances be met.

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

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

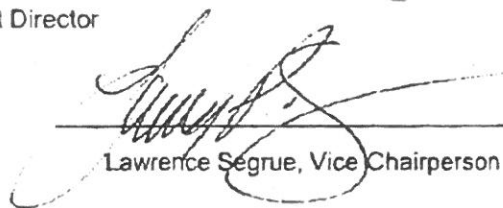
STATE OF CALIFORNIA)  
 COUNTY OF TULARE ) ss  
 CITY OF VISALIA )

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. 2007-23, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 23, 2007.



Fred Brusuelas, AICP  
Community Development Assistant Director



---

Lawrence Segrue, Vice Chairperson

RESOLUTION NO 2007-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2007-09, A REQUEST TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT IN THE R-M-2 ZONE. THE SITE IS LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF BEN MADDOX WAY AND K AVENUE

**WHEREAS**, Conditional Use Permit No. 2007-09: A request by DLF Company (California Planning & Engineering, Agent) to allow a Planned Residential Development in the R-M-2 Zone. The site is located at the southwest and southeast corners of Ben Maddox Way and K Avenue (APNs: 126-120-050, 065, 066; 126-590-008; 126-560-060; and 126-640-074); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 23, 2007; 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. 2007-20 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. 2007-20 is hereby adopted.

**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 site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2006-211.
2. That the site be developed substantially consistent with the site plan shown in Exhibit "A," unless otherwise noted herein.
3. That the development shall be subject to Model Good Neighbor Policies as set forth in Section 17.16.190 of the City of Visalia Zoning Ordinance.
4. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.
5. That the curbs of all cul-de-sacs shall be painted red to preclude on street parking.
6. That all applicable city codes and ordinances be met.
7. 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. 2007-09.

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

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

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. 2007-22, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 23, 2007.



Fred Brusuelas, AICP  
Community Development Assistant Director



Lawrence Segrue, Vice Chairperson





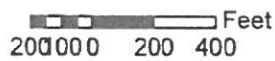
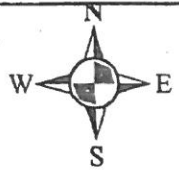


# Maddox at Caldwell Unit No. 7

APNs: 126-120-050, 065, 066; 126-590-008;  
126-560-060; 126-640-074

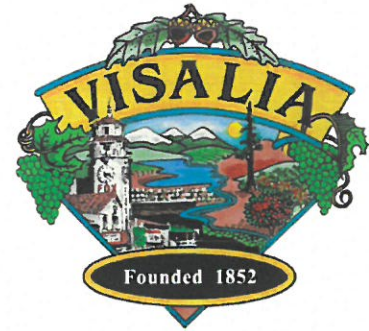


## Location Map



# City of Visalia

## **Memo**



To: Planning Commission

From: Brandon Smith, Senior Planner

Date: March 22, 2021

Re: Time Extension for The Grove Tentative Subdivision Map No. 5562 and Conditional Use Permit No. 2017-15

---

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of The Grove Tentative Subdivision Map No. 5562 and Conditional Use Permit No. 2017-15, to expire on April 23, 2022, pursuant to Section §66452.6(e) of the Subdivision Map Act.

### **BACKGROUND:**

On July 10, 2017, the Visalia Planning Commission approved The Grove Tentative Subdivision Map No. 5562 and Conditional Use Permit No. 2017-15.

The Grove Tentative Subdivision Map allowed a new subdivision map on the 11.2-acre SW corner of Ben Maddox Way & K Road, consisting of 53 single-family residential lots and 7 multi-family lots in the R-M-2 zone. This tentative subdivision map replaced the portion of the Maddox @ Caldwell VII Tentative Subdivision Map originally approved on the SW corner of Ben Maddox Way and K Road on April 23, 2007.

Conditional Use Permit No. 2017-15, amending Conditional Use Permit No. 2007-09 originally approved on April 23, 2007, allowed a planned residential development on the SW and SE corners of Ben Maddox Way & K Road. This planned residential development allowed for modified development standards in association with the 11.2-acre The Grove Tentative Subdivision Map on the SW corner. Conditional Use Permit No. 2017-15 also removed the duplex units from the approved 8.4-acre portion of Maddox at Caldwell VII Tentative Subdivision Map No. 5531 on the SE corner (the subdivision began being referred to as Brackenwood on the materials submitted with CUP No. 2017-15).

As a result of CUP No. 2017-15 (which amended CUP No. 2007-09), the concurrent expiration date of the Maddox at Caldwell VII subdivision and planned residential development on the SW and SE corners of Ben Maddox Way & K Road now extends to The Grove Tentative Subdivision Map.

### **REQUEST:**

The proponents of the Tentative Subdivision Map and CUP have submitted a written request and fee payment on January 20, 2021 for a one-year time 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, including the initial two-year approval. This would be the second time extension applied for and the fourth year overall under

this code for the Tentative Subdivision Map. 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.

Staff recommends that the one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission, will extend the expiration date of The Grove Tentative Subdivision Map No. 5562 and CUP No. 2017-15 from April 23, 2021 to April 23, 2022.

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 to record a final subdivision map(s). If the request is denied, the applicant would have to file a new tentative subdivision map.

### **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2017-30 for Tentative Subdivision Map No. 5562
3. Approved Resolution No. 2017-29 for CUP No. 2017-15
4. The Grove Tentative Subdivision
5. Planned Development associated with CUP No. 2017-15
6. Location Map



January 20, 2021

Der Brandon Smith;

My name is Tiffany Valadao and I am contacting you on behalf of obtaining a extension for The Grove Tentative Subdivision Map No. 5562 which runs with conditional Use Permit No. 2017-15 and Maddox @ Caldwell VII Tentative Subdivision Map No. 5531 a.k.a. Brackenwood. Can I please pay the fees needed to complete a additional extension. Is an additional extension available to us? Your help is appreciated.

Thank You.

Three River Development, LLC

Tiffany Valadao

PO BOX 6756

Visalia, CA 93290-6756

559-909-2700



City of Visalia  
 315 E Acequia  
 PO Box 4002  
 Visalia CA 93278-4002

# RECEIPT

DATE OF PAYMENT  
 1/20/2021 2:30:57PM

Receipt Number : 577951

Application: **PTE21-001** TIME EXTENSION THE GROVE  
 Address:  
 Parcel: 126120065  
 Subdivision:  
 Type: Time Extensions

Work Description: TIME EXTENSION; THE GROVE TENTATIVE SUBDIVISION MAP NO 5562

<u>INVOICE NBR</u>	<u>FEE CODE</u>	<u>FEE DESCRIPTION</u>	<u>FEE QUANTITY</u>	<u>AMOUNT</u>	<u>PAYMENT METHOD</u>
325600	1526-1	Time Extension	1	236.00	Counter Credit Card
	Acct. Code:	1821-46526			7660
	Comments:	020831			

PAYOR: KENT MCNIECE

TOTAL PAID: **236.00**

RESOLUTION NO 2017-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING THE GROVE TENTATIVE SUBDIVISION MAP NO. 5562 A REQUEST BY SWIFT HOMES TO SUBDIVIDE 11.2 ACRES INTO 60 LOTS CONSISTING OF 53 SINGLE-FAMILY RESIDENTIAL LOTS AND 7 MULTI-FAMILY LOTS FOR A PLANNED UNIFIED RESIDENTIAL DEVELOPMENT. THE PROJECT SITE IS ZONED R-M-2 (MULTI-FAMILY RESIDENTIAL 3,000 SQUARE FEET MINIMUM SITE AREA PER UNIT) AND IS LOCATED ON SOUTHWEST CORNER OF SOUTH BEN MADDOX WAY AND EAST K AVENUE (APNS: 126-120-065 & 126-120-066)

**WHEREAS**, The Grove Tentative Subdivision Map No. 5562 is a request by Swift Homes to subdivide 11.2 acres into 60 lots consisting of 53 single-family residential lots and 7 multi-family lots for a planned unified residential development. The project site is zoned R-M-2 (Multi-Family Residential 3,000 square feet minimum site area per unit) and is located on southwest corner of South Ben Maddox Way and East K Avenue (APNs: 126-120-065 & 126-120-066); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on July 10, 2017; and

**WHEREAS**, the Planning Commission finds that Initial Study No. 2017-45 has identified that the proposed project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. The Program Environmental Impact Report adequately analyzed and addressed this proposed project.

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

1. That the proposed location and layout of the Grove Tentative Subdivision Map No. 5562, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The 11.2-acre project site, which is the site of the proposed 60-lots consisting of 53 single-family residential lots and 7 multi-family residential lots for a planned unified residential development, is consistent with several land use policies including Land Use Policies LU-P-19, LU-P-45, LU-P-52, and LU-P-56 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy," while LU-P-52 and LU-P-56 ensure



that the city facilitate high quality projects by updating development standards by including smaller lot design.

2. That the proposed Grove Tentative Subdivision Map No. 5562 and associated Conditional Use Permit No. 2017-15, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. That the proposed tentative subdivision map would be compatible with adjacent land uses. The project has been designed with consideration given to the adjacent single-family residences to the south. All units proposed adjacent to the existing single-family neighborhood are to be developed with single-story structures. The two-story apartment buildings are proposed adjacent to K Avenue with the nearest two-story unit approximately 200-feet from the rear property line of the existing single-family development to the south. New single-family residential homes will provide a buffer between the two-story apartment units and the existing neighborhood to the south.
3. That the site is physically suitable for the proposed tentative subdivision map and associated conditional use permit. The Grove Tentative Subdivision Map No. 5562 is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The proposed subdivision is designed to comply with the City's Engineering Improvement Standards "P-15 – Super Block Connectivity". This policy is to provide full access via the local street connectivity within a superblock thereby reducing trips onto collectors and arterials. The superblock connectivity design allows for through movement within the subdivision. The completion of the local street connection proposed within the subdivision provides connection to existing major streets.
4. That the site is physically suitable for the proposed tentative subdivision map and the project's density, which is consistent with the underlying Medium Density Residential General Plan Land Use Designation. The proposed location and layout of the Grove Tentative Subdivision Map No. 5562 and the associated Conditional Use Permit No. 2017-15, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The 11.2-acre project site, which is the site of the proposed 60-lots consisting of 53 single-family residential lots and 7 multi-family residential lots for a planned unified residential development, is consistent with several land use policies including Land Use Policies LU-P-19, LU-P-52, and LU-P-56 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy," while LU-P-52 and LU-P-56 ensure that the city facilitate high quality projects by updating development standards by including smaller lot design.

5. That the proposed Grove Tentative Subdivision Map No. 5562 and associated Conditional Use Permit No. 2017-15, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The proposed subdivision is designed to comply with the City's Engineering Improvement Standards "P-15 – Super Block Connectivity". This policy is to provide full access via the local street connectivity within a superblock. The completion of the local street connections proposed within the subdivision provides connection to the major streets.
6. That an Initial Study was prepared for the proposed project consistent with CEQA, Initial Study No. 2017-45 disclosed the proposed project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. Therefore, the Program Environmental Impact Report adequately analyzed and addressed the proposed project.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the tentative subdivision map on the real property hereinabove 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, subject to the following conditions:

1. That the tentative subdivision map and entire project be developed consistent with the comments and conditions of the Site Plan Review No. 2016-046, incorporated herein by reference.
2. That the tentative subdivision map be prepared in substantial compliance with Exhibit "A".
3. That the Grove Tentative Subdivision Map No. 5562 shall be null and void unless Conditional Use Permit No. 2017-15 is approved, and shall be subject any additional conditions contained in the Conditions of Project Approval for Conditional Use Permit No. 2017-15.
4. That those lots abutting the south property line of the Grove Tentative Subdivision Map No. 5562, and adjacent to the existing Maddox at Caldwell Unit 5 residential subdivision to the south shall be developed with only single-story residential structures. Two-story residential structures and any future two-story housing addition shall be prohibited from being developed on the following lots as identified on the Grove Tentative Subdivision Map No. 5562, as follows: Lots 44 through 68, 71 through 93, and 96 through 100.
5. That the final map shall include a reference to the single-story condition, and language prohibiting two-story construction on these lots shall be included in the deed for each lot impacted by Condition No. 4.

6. That the following minimum building setbacks be maintained for the project:
- Front Yard Setback (habitable space): 15-ft.
  - Garages: 20-ft.
  - Side Yard: 5-ft.
  - Interior Rear Yard (typical): 5-ft.
  - Rear Yard (for those lots abutting existing R-1 development to the south and future R-1 development to the west property line of the Grove project boundary) 10-ft.
7. That the developer paint and install signage as noted on the attached Exhibit "K" (Trash Pick-Up Location Detail). The trash pick-up location areas shall be painted with white reflective paint on the pavement with the painted address on top. Signage shall be installed adjacent to the painted area. Signage shall state that "No Parking on Refuse Days Btw. 6:00 a.m. to 4:00 p.m." is allowed within the trash pick-up area. The maintenance of the paint and signage will be included as part of the Landscape and Lighting and Road Maintenance Agreement for this subdivision.
8. That the owner/operator(s) of all multiple family residential units shall be subject to the following conditions:
- A. Maintenance and Operations**
- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
  - b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
  - c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
  - d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
  - e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
  - f. Remove graffiti within 24 hours of it having been observed.
  - g. Recreation facilities shall be for tenant use only.

- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

**B. Landscape Care and Maintenance**

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

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

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

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

9. That an agreement addressing vehicular access, parking, and maintenance of the common drive aisles and shall be recorded with the final subdivision map. The agreement shall also address property owners' responsibility for repair and maintenance of the common drive aisles, repair and maintenance of shared public or private utilities, as well as prohibiting the placement of any structures in the driveway area that impede the ability of a vehicle to access the garage or prevents vehicles from parking in the driveway area adjacent to the garage. In addition, the CC&R's shall prohibit the placement of carports, canopies or covered structures associated with any lot that utilizes the shared driveway access area. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation of the subdivision map.
10. That a City standard masonry block wall be constructed only along the Ben Maddox Way and K Avenue street frontages as noted on Exhibit "A", subdivision map, and Exhibit "B" development plan, for the Grove project. A six-foot block wall shall be constructed along the south property line of Lot 95 that adjoins the proposed single-family lots (i.e., Lots 80, 81, 83, 84, 86, 88, 89, 91, and 93) and the duplex lot (Lot 94) as noted on Exhibit "B". A six-foot block wall along the south property lines of Lots 101 and 102 that adjoin single-family residential Lots 97, 98, 100 and the duplex Lot 103 shall be constructed and a six-foot block wall shall be constructed along the west property line of the lots abutting the K County Island (i.e., Lots 71 through 74, and Lots 76-77).
11. That the developer work with the City's Engineering Division and provide a design acceptable to the City Engineer that provides additional capacity to the permanent basin located on the southwest corner of South Burke Street and East Monte Verde Avenue. The additional capacity for the permanent basin shall be completed prior to recording the final map.
12. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance, shall be included in the construction document plans submitted for either grading or civil improvement plans.
13. Provide street trees per the City's Street Tree Ordinance.
14. That all other federal and state laws and city codes and ordinances be complied with.
15. 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 the Grove Tentative Subdivision Map No. 5562, prior to the recordation of the final map.

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

AYES: Commissioners Wynn, Hansen, Gomez, Peariso, Taylor  
NOES:  
ABSTAINED:  
ABSENT:

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

ATTEST: Jason Huckleberry, Assistant Community Development Director

I, Jason Huckleberry, Acting Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2017-30, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on July 10, 2017.



---

Jason Huckleberry  
Assistant Community Development Director



---

Brett Taylor, Chairperson

RESOLUTION NO. 2017-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2017-15, A REQUEST BY SWIFT HOMES FOR A PLANNED RESIDENTIAL DEVELOPMENT TO ALLOW MODIFIED DEVELOPMENT STANDARDS FOR A MIXED SINGLE-FAMILY AND MULTI-FAMILY UNIFIED RESIDENTIAL DEVELOPMENT ON 11.2 ACRES AND TO AMEND CONDITIONAL USE PERMIT NO. 2007-09 BY REMOVING DUPLEX UNITS FROM THE APPROVED MADDOX AT CALDWELL UNIT NO. 7 TENTATIVE SUBDIVISION MAP (TENTATIVE SUBDIVISION MAP NO. 5531). THE PROJECT SITE IS ZONED R-M-2 (MULTI-FAMILY RESIDENTIAL, 3,000 SQUARE FEET MINIMUM SITE AREA PER UNIT), AND IS LOCATED ON THE SOUTHWEST CORNER OF SOUTH BEN MADDOX WAY AND EAST K AVENUE

(APNS: 126-120-050,065, 066 & 126-590-008, 126-560-060, & 126-640-074)

**WHEREAS**, Conditional Use Permit No. 2017-15, is a request by Swift Homes for a Planned Residential Development to allow modified development standards for a mixed single-family and multi-family unified residential development on 11.2 acres and to amend Conditional Use Permit No. 2007-09 by removing duplex units from the approved Maddox at Caldwell Unit No. 7 tentative subdivision map (Tentative Subdivision Map No. 5531). The project site is zoned R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit), and is located on the southwest corner of South Ben Maddox Way and East K Avenue (APNs: 126-120-050,065, 066 & 126-590-008, 126-560-060, & 126-640-074); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on July 10, 2017; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission finds that Initial Study No. 2017-45 has identified that the proposed project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. The Program Environmental Impact Report adequately analyzed and addressed this proposed project.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - A. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
  - C. That the proposed project is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The project specifically supports General Plan Land Use policies related to efficient land use absorption (Policy LU-P-19, LU-P-45), and to encouraging a variety of housing products (LU-P-50).
  - D. Development Density (General Plan Land Use Element Table 2-3, Density and Intensity Standards by Land Use Classification). The project does not meet the development density range (10 to 15 dwelling units per acre) for the RMD (Residential Medium Density). However, the proposed development density of 8.66 units to the acre can be supported on several bases as follows: a) The site has failed to develop under approved projects at the Medium Density (10-15 units per acre); b) the proposed density facilitates a unique for sale residential product that is not otherwise available within the immediate surrounding area; and, c) the proposed project shares common local public streets and common boundaries on the south with an established single-family residential development. The new single-family residential product type, along with the similar density range as the existing neighborhood, will serve to enhance the continuing revitalization of the existing neighborhood.
3. That an Initial Study was prepared for the proposed project consistent with CEQA, Initial Study No. 2017-45 disclosed the proposed project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. Therefore, the Program Environmental Impact Report adequately analyzed and addressed the proposed project.

---

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Conditional Use Permit on the real property here in above described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2017-046, incorporated herein by reference.
2. That the site be developed in substantial compliance with the site plan shown in Exhibit "B".



3. That the Conditional Use Permit No. 2017-15 shall be null and void unless the Grove Tentative Subdivision Map No. 5562 is approved, and shall be subject any additional conditions contained in the Conditions of Project Approval for the Grove Tentative Subdivision Map No. 5562.
4. That those lots abutting the south property line of the Grove Tentative Subdivision Map No. 5562, and adjacent to the existing Maddox at Caldwell Unit 5 residential subdivision to the south shall be developed with only single-story residential structures. Two-story residential structures and any future two-story housing addition shall be prohibited from being developed on the following lots as identified on the Grove Tentative Subdivision Map No. 5562, as follows: Lots 44 through 68, 71 through 93, and 96 through 100.
5. That the final map shall include a reference to the single-story condition, and language prohibiting two-story construction on these lots shall be included in the deed for each lot impacted by Condition No. 4.
6. That the following minimum building setbacks be maintained for the project:
  - Front Yard Setback (habitable space): 15-ft.
  - Garages: 20-ft.
  - Side Yard: 5-ft.
  - Interior Rear Yard (typical): 5-ft.
  - Rear Yard (for those lots abutting existing R-1 development to the south and future R-1 development to the west property line of the Grove project boundary) 10-ft.
7. That the developer paint and install signage as noted on the attached Exhibit "K" (Trash Pick-Up Location Detail). The trash pick-up location areas shall be painted with white reflective paint on the pavement with the painted address on top. Signage shall be installed adjacent to the painted area. Signage shall state that: "No Parking on Refuse Days Btw. 6:00 a.m. to 4:00 p.m." is allowed within the trash pick-up area. The maintenance of the paint and signage will be included as part of the Landscape and Lighting and Road Maintenance Agreement for this subdivision.
8. That the owner/operator(s) of all multiple family residential units shall be subject to the following conditions:
  - A. **Maintenance and Operations**
    - a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
    - b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.

- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
  - d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
  - e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
  - f. Remove graffiti within 24 hours of it having been observed.
  - g. Recreation facilities shall be for tenant use only.
  - h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
  - i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
  - j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.
- B. Landscape Care and Maintenance**
- a. Automatic irrigation systems shall be maintained.
  - b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
  - c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
  - d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex.  
~~Landscaping shall not obscure common areas.~~
- 
- C. Parking** - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.
- D. Tenant Agreement** - The tenant agreement for the complex must contain the following:
- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
  - b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.

- c. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
  - d. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
  - e. Standards of behavior for tenants that could lead to eviction.
  - f. All tenants shall read and receive a copy of the Tenant Agreement.
9. That an agreement addressing vehicular access, parking, and maintenance of the common drive aisles and shall be recorded with the final subdivision map. The agreement shall also address property owners' responsibility for repair and maintenance of the common drive aisles, repair and maintenance of shared public or private utilities, as well as prohibiting the placement of any structures in the driveway area that impede the ability of a vehicle to access the garage or prevents vehicles from parking in the driveway area adjacent to the garage. In addition, the CC&R's shall prohibit the placement of carports, canopies or covered structures associated with any lot that utilizes the shared driveway access area. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation of the subdivision map.
  10. That a City standard masonry block wall be constructed only along the Ben Maddox Way and K Avenue street frontages as noted on Exhibit "A", subdivision map, and Exhibit "B" development plan, for the Grove project. A six-foot block wall shall be constructed along the south property line of Lot 95 that adjoins the proposed single-family lots (i.e., Lots 80, 81, 83, 84, 86, 88, 89, 91, and 93) and the duplex lot (Lot 94) as noted on Exhibit "B". A six-foot block wall along the south property lines of Lots 101 and 102 that adjoin single-family residential Lots 97, 98, 100 and the duplex Lot 103 shall be constructed and a six-foot block wall shall be constructed along the west property line of the lots abutting the K County Island (i.e., Lots 71 through 74, and Lots 76-77).
  11. That the developer work with the City's Engineering Division and provide a design acceptable to the City Engineer that provides additional capacity to the permanent basin located on the southwest corner of South Burke Street and East Monte Verde Avenue. The additional capacity for the permanent basin shall be completed prior to recording the final map.
  12. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance, shall be included in the construction document plans submitted for either grading or civil improvement plans.
  13. Provide street trees per the City's Street Tree Ordinance.
  14. That the Grove project located on the southwest corner of South Ben Maddox Way and East K Avenue shall not develop more than the 97 units as depicted on Exhibit "B" for the project site.
  15. That the building elevations be developed in substantial compliance with the elevations shown in Exhibits E", "F", "G", "H", "I" and "J".
  16. That all of the conditions and responsibilities of Conditional Use Permit No. 2017-15 shall run with the land and subsequent owner/developer shall also be subject to all of the conditions herein, unless amended or revoked.

17. That all other federal and state laws and city codes and ordinances be complied with.
18. 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. 2017-15, prior to the issuance of any permit for this project.

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

AYES: Commissioners Wynn, Hansen, Gomez, Peariso, Taylor  
NOES:  
ABSTAINED:  
ABSENT:

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

ATTEST: Jason Huckleberry, Assistant Community Development Director

I, Jason Huckleberry, Acting Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2017-29, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on July 10, 2017.

  
\_\_\_\_\_  
Jason Huckleberry  
Assistant Community Development Director

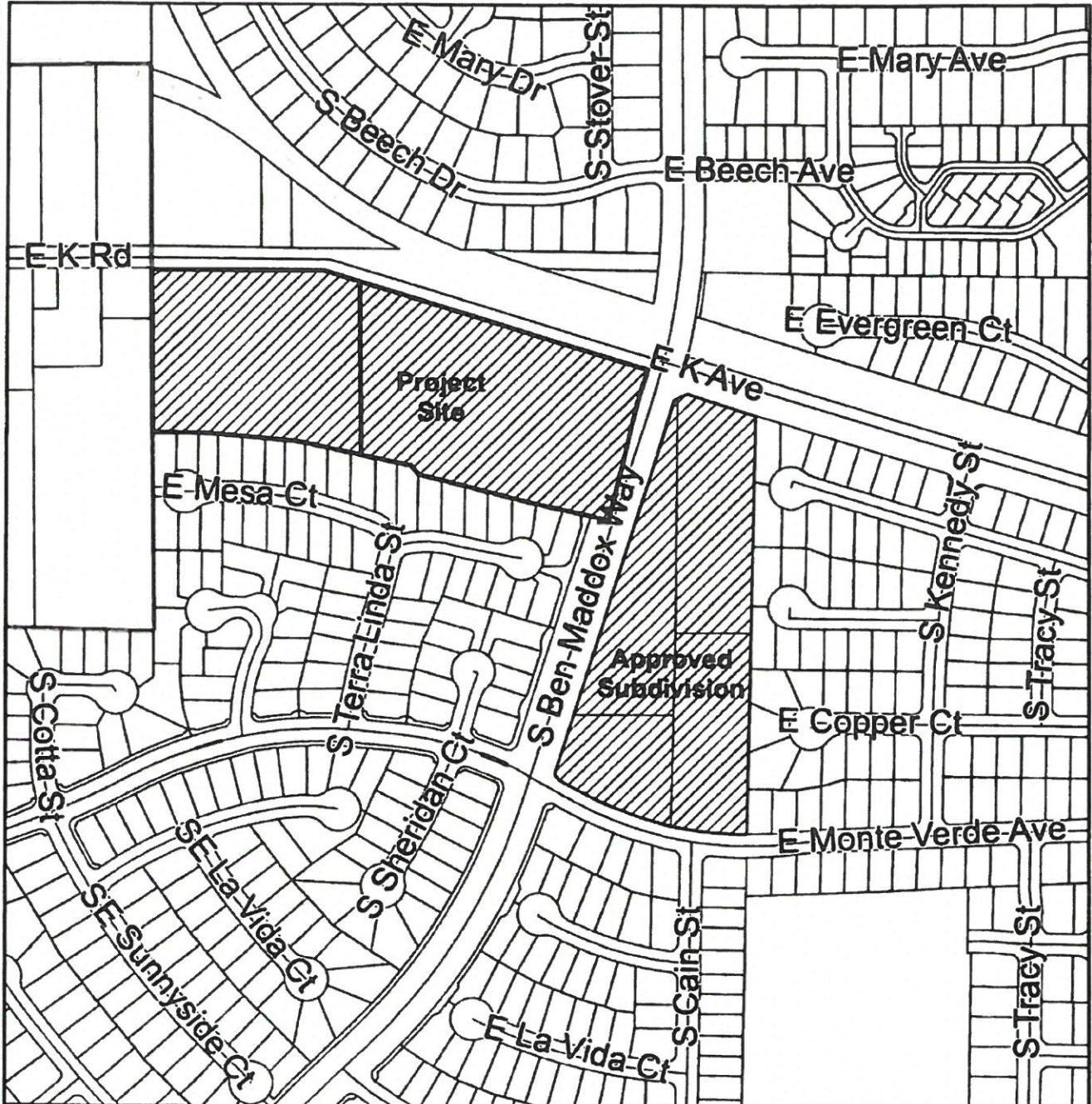
  
\_\_\_\_\_  
Brett Taylor, Chairperson





**The Grove Tentative Subdivision Map No. 5562 & CUP No. 2017-15**

**APN: 126-120-065 & 066**



**Vicinity Map**

