

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Marvin Hansen



VICE CHAIRPERSON:

Adam Peck

COMMISSIONERS: Mary Beatie, Chris Gomez, Chris Tavarez, Adam Peck, Marvin Hansen

MONDAY, AUGUST 23, 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. Adoption of Resolution No. 2021-32, approving Variance No. 2021-02, in accordance with action taken by the Planning Commission during the regular meeting held on August 09, 2021.
6. PUBLIC HEARING – Josh Dan, Associate Planner
Conditional Use Permit 2021-22: A request to construct a fast-food restaurant measuring 1,315 sq. ft. with drive-thru and no indoor dining, upon a parcel measuring 1.1-acres in the Neighborhood Commercial (C-N) Zone. The project site is located on the northwest corner of East Tulare Avenue and South Lovers Lane (APN: 100-120-051). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2021-38.

7. PUBLIC HEARING – Josh Dan, Associate Planner
 - a. Tentative Parcel Map No. 2021-05: A request by TorMon Global Inc. and Octavio Montejano, to subdivide a 19,619 sq. ft. site into two parcels in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per dwelling unit) Zone. The project site is located at 745 N. Leslie Street (APN: 093-011-004). The project is Categorically Exempt the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15315 and 15332, Categorical Exemption No. 2021-37.
 - b. Conditional Use Permit No. 2021-23: A request by TorMon Global Inc. and Octavio Montejano to subdivide a 19,619 square foot parcel into two parcels resulting in sites measuring less than two acres in size in the R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit) Zone. The project site is located at 745 N. Leslie Street (APN: 093-011-004). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15315 and 15332, Categorical Exemption No. 2021-37.
8. CITY PLANNER / PLANNING COMMISSION DISCUSSION –
 - a. Moving back to Council Chambers in September
 - b. Next Planning Commission Meeting is Monday, September 13, 2021

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 Ave. Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, SEPTEMBER 2, 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 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 13, 2021



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: August 23, 2021

PROJECT PLANNER: Josh Dan
Associate Planner, (559) 713-4003
E-mail: josh.dan@visalia.city

SUBJECT: Tentative Parcel Map No. 2021-05: A request by TorMon Global Inc. and Octavio Montejano, to subdivide a 19,619 sq. ft. site into two parcels in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per dwelling unit) Zone.

Conditional Use Permit No. 2021-23: A request by TorMon Global Inc. and Octavio Montejano to subdivide a 19,619 square foot parcel into two parcels resulting in sites measuring less than two acres in size in the R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit) Zone.

Location: The project site is located at 745 N. Leslie Street (APN: 093-011-004).

STAFF RECOMMENDATION

Staff recommends approval of Resolution Nos. 2021-38 and 2021-39 for Tentative Parcel Map No. 2021-05 and Conditional Use Permit No. 2021-23. Staff's recommendation is based on the conclusion that the request, as conditioned, is consistent with the policies of the City's Zoning Ordinance and Subdivision Ordinance.

RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2021-05 based on the findings and conditions in Resolution No. 2021-39.

I move to approve Conditional Use Permit No. 2021-23 based on the findings and conditions in Resolution No. 2021-38.

PROJECT DESCRIPTION

Tentative Parcel Map No. 2021-05 is a request to subdivide a partially developed residential site into two parcels. The requested parcel map (as shown in Exhibit "A") will establish an existing single-family residence on one parcel measuring 4,586 square feet and two proposed duplexes (currently in building permit review) on the second parcel measuring 15,033 square feet.

Conditional Use Permit No. 2021-23 is required for the creation of substandard lot sizes in the R-M-2 Multi-family Residential (3,000 square feet minimum site area per unit) Zone. Section 17.16.050(A) of the Zoning Ordinance states that the division of R-M multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit.

The existing single-family home on the lot, labeled as "Existing Residence (Apartment #1)" upon proposed Parcel 1 of the Tentative Parcel Map (Exhibit "A"), will have three parking spaces installed and accessed via the access drive site improvements on Parcel 2. The remainder of the site, proposed Parcel 2, will include two duplexes (i.e. 4 units, each building measuring 1,584 total square feet), seven parking spaces, and a trash enclosure for all five dwelling units.

BACKGROUND INFORMATION

General Plan Land Use Designation	Residential Medium Density
Zoning	R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area)
Surrounding Land Use and Zoning	North: R-M-2 / Single-family residences South: R-M-2 / Multi-family residences East: I-L / N. Leslie St. Milk Specialties Co. West: R-M-2 / Multi-family residences
Environmental Review:	Categorical Exempt No. 2021-37
Special Districts	None
Site Plan	Site Plan Review No. 2021-008

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies. The proposed project is consistent with applicable plans and policies.

RELATED PROJECTS

There are no related projects to this site.

PROJECT EVALUATION

Consistency with Zoning and Subdivision Ordinances

Zoning Ordinance Section 17.16.050(A) states that the division of R-M multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit. As such, the division of the site into two lots is consistent with the surrounding land uses and development pattern. Parcels within the project site's vicinity (there are 49 parcels between N. Mooney and N. Leslie, north of W. Goshen) within a 1,500-foot radius are zoned R-M-2. Much of the development across these 49 parcels consist of multi-family apartments on smaller parcels varying in size from 6,070 sq. ft. to just over 38,900 sq. ft.

A new one-family dwelling, meeting density identified in the General Plan Land Use Element designations, is listed as a conditional use in Zoning Ordinance Section 17.16.040(O). The existing residence on Parcel 1, labeled as "Existing Residence (Apartment #1)", does not apply to this requirement as it is existing and not a "new one-family dwelling", which is permitted according to Section 17.16.020(A). Additionally, the creation of the parcel only works as a unified project with access and parking agreements further described below in the "Site Improvements and Shared Agreement" section of this report.

Development Standards

As a unified site, the structures comply with the development standards detailed in Chapter 17.16 of the Visalia Municipal Code. The existing and proposed residences also comply with the 35-ft. height limitation of the zone. Additionally, the proposed duplexes contain two-bedroom units, and the unified site provides sufficient parking, meeting the ten spaces required for the five units.

Site Improvements and Shared Agreement

The site currently has one drive approach at the north end of the project site, which provides a single width uncovered parking space for the existing residence. The applicant proposes to eliminate the existing approach and install a new 26-foot width approach, to City standard, further south. An interior drive aisle will be paved along the southern boundary for access to the proposed duplexes and trash enclosure.

At Site Plan Review the applicant was informed that in order for the proposed tentative parcel map to work it would have to be considered a unified multi-family site and record a shared agreement so that all units are dependent upon the site improvements to be located on Parcel 2. The applicant will be required to establish a shared access and parking agreement for the unified site, granting parking and access to the site and a trash enclosure to all units within the unified site. Staff has added Condition No. 4 to the Tentative Parcel Map and Conditional Use Permit conditions reflecting this requirement.

Subdivision Map Act Findings

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven "negative" findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff's analysis are below. The findings in response to this Government Code section are included in the recommended findings for the denial of the tentative subdivision map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City's Zoning Ordinance. This is included as recommended Finding No. 1 of the Tentative Subdivision Map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City's Zoning Ordinance. This is included as recommended Finding No. 2 of the Tentative Parcel Map. There are no specific plans applicable to the proposed map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the residential development type described on the proposed map. This is included as recommended Finding No. 3 of the Tentative Parcel Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed residential use. This is included as recommended Finding No. 4 of the Tentative Parcel Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially	The proposed design and improvement of the map has not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat. This is included as

and avoidably injure fish or wildlife or their habitat.	recommended Finding No. 5.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has not been found to cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 3 of the Tentative Parcel Map.

Environmental Review

The project is considered to be categorically exempt under Section 15315 and 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for the subdivision of certain properties in urban areas into four or fewer parcels and is considered an in-fill development project (Categorical Exemption No. 2021-37).

RECOMMENDED FINDINGS

Tentative Parcel Map No. 2020-03

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance.
2. 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, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site is bordered by existing residential development and there are no specific plans applicable to the proposed map.
3. That the site is physically suitable for the proposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Residential Medium Density General Plan Land Use Designation. The proposed location and layout of the Tentative Parcel Map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance
5. That the proposed design and improvement of the proposed tentative parcel map has been not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
6. That the project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-37).

Conditional Use Permit No. 2020-21

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 Parcels Nos. 1 and 2 currently have single family residential homes on them and currently meet all the development standards typically required of the R-1-5 zone.
 - 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. The site is bordered by a similar mixture of single and multi-family residential uses that will not lead to a change of current uses along N. Leslie Street.
3. That the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-37)

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map No. 2021-05

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2021-008.
2. That Tentative Parcel Map No. 2021-05 be prepared in substantial compliance with Exhibit "A".
3. That the setbacks and development standards for the property shall be treated as if Parcels 1 and 2 were a unified site, and shall comply with the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area) Zone District standards for the front, side, and rear yard setbacks.
4. That a cross access and shared parking agreement for all units within the unified multi-family site be filed and recorded prior to or along with the recording of the final map.
5. That all other federal, state and city codes, ordinances and laws be met.

Conditional Use Permit No. 2021-23

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2021-008.
2. That the site be developed be prepared in substantial compliance with the development plan depicted in Exhibit "A".
3. That the setbacks and development standards for the property shall be treated as if Parcels 1 and 2 were a unified site, and shall comply with the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area) Zone District standards for the front, side, and rear yard setbacks.
4. That a cross access and shared parking agreements for all units within the unified multi-family site be filed prior to recording of the final map.

5. That all other federal, state and city codes, ordinances and laws be met.
6. 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.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Related Plans and Policies
- Exhibit "A" – Site Plan – Tentative Parcel Map / CUP
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Location Map

Zoning Ordinance Section for R-M Zone

Chapter 17.16

R-M Multi-Family Residential Zone

17.16.010 Purpose and intent.

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

17.16.015 Applicability.

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

17.16.020 Permitted uses.

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

- A. Existing one-family dwellings;
- B. Multi-family dwellings up to sixty (60) dwelling units per site in the R-M-2 zone and the R-M-3 zone;
- C. Fruit, vegetable and horticultural husbandry;
- D. Swimming pools used only by residents on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family, situated within an existing single-family dwelling;
- G. Twenty-four (24) hour care facilities or foster homes for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provision of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Adult day care for a maximum of twelve (12) individuals in addition to the residing family, situated within an existing single-family dwelling;
- K. Other uses similar in nature and intensity as determined by the city planner.
- L. Transitional or supportive housing for six (6) or fewer resident/clients.
- M. Single-room occupancy (SRO), as follows:
 1. Up to fifteen (15) units per gross acre in the R-M-2 zone district;
 2. Up to twenty-nine (29) units per gross acre in the R-M-3 zone district.

17.16.030 Accessory uses.

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

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

17.16.040 Conditional uses.

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

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- B. Public and private charitable institutions; general hospitals, sanitariums, nursing and convalescent homes; including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;

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

17.16.050 Site area and configuration.

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

17.16.060 Site area per dwelling unit and per structure.

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

17.16.070 Front yard.

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

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

- B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.
- C. All garage doors facing the front property line shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

17.16.080 Side yards.

- A. The minimum side yard for a permitted or conditional use shall be five feet per story subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.
- B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.
- C. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

17.16.090 Rear yard.

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

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

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

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

17.16.100 Height of structures.

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

17.16.110 Off-street parking.

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

17.16.120 Fences, walls and hedges.

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

17.16.130 Trash enclosures.

Enclosures for trash receptacles are permitted that comply with the specifications and requirements of Section 17.32.010 and that are approved by the site plan review committee. Enclosures within the front yard setback are permitted for multiple family dwelling units when deemed necessary by city staff because no other appropriate location for an enclosure exists on the property.

17.16.140 Site plan review.

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

17.16.150 Open space and recreational areas.

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

17.16.160 Screening.

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

17.16.170 Screening fence.

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

17.16.180 Landscaping.

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

17.16.190 Model Good Neighbor Policies.

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

17.16.200 Signs.

Signs shall be placed in conformance with Chapter 17.48.

**Chapter 17.38
Conditional Use Permits**

17.38.010 Purposes and powers.

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

17.38.020 Application procedures.

A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
5. The purposes of the conditional use permit and the general description of the use proposed;
6. Additional information as required by the historic preservation advisory committee.
7. Additional technical studies or reports, as required by the Site Plan Review Committee.
8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the project in order to maintain the required services levels identified in the General Plan Circulation Element.

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

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the

expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site that was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section.

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.

B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:

1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.

2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.

3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.

4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.

5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.

6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
7. Signing for temporary uses shall be subject to the approval of the city planner.
8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.
- E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.

C. The commission may deny an application for a conditional use permit.

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of section 17.02.145.

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or ten days following the granting of the conditional use permit by the planning commission if no appeal has been filed.

RESOLUTION NO. 2021-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2021-23, A REQUEST BY TORMON GLOBAL INC. AND OCTAVIO MONTEJANO TO SUBDIVIDE A 19,619 SQUARE FOOT PARCEL INTO TWO PARCELS ON SITES MEASURING LESS THAN TWO ACRES IN SIZE IN THE R-M-2 (MULTI-FAMILY RESIDENTIAL, 3,000 SQUARE FEET MINIMUM SITE AREA PER UNIT) ZONE. THE PROJECT SITE IS LOCATED AT 745 N. LESLIE STREET (APN: 093-011-004).

WHEREAS, Conditional Use Permit No. 2021-23, a request by TorMon Global Inc. and Octavio Montejano to subdivide a 19,619 square foot parcel into two parcels on sites measuring less than two acres in size in the R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit) Zone. The project site is located at 745 N. Leslie Street (APN: 093-011-004); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 23, 2021; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2021-23, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15315 and 15332.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - 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 Parcels Nos. 1 and 2 currently have single family residential homes on them and currently meet all the development standards typically required of the R-1-5 zone.
 - 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. The site is bordered by a similar mixture of single and multi-family

residential uses that will not lead to a change of current uses along N. Leslie Street.

3. That the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-37)

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2021-008.
2. That the site be developed be prepared in substantial compliance with the development plan depicted in Exhibit "A".
3. That the setbacks and development standards for the property shall be treated as if Parcels 1 and 2 were a unified site, and shall comply with the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area) Zone District standards for the front, side, and rear yard setbacks.
4. That a cross access and shared parking agreements for all units within the unified multi-family site be filed prior to recording of the final map.
5. That all other federal, state and city codes, ordinances and laws be met.
6. 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.

RESOLUTION NO. 2021-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2021-05, A REQUEST BY TORMON GLOBAL INC. AND OCTAVIO MONTEJANO, TO SUBDIVIDE A 19,619 SQ. FT. SITE INTO TWO PARCELS IN THE R-M-2 (MULTI-FAMILY RESIDENTIAL, 3,000 SQ. FT. MINIMUM SITE AREA PER DWELLING UNIT) ZONE. THE PROJECT SITE IS LOCATED AT 745 N. LESLIE STREET (APN 093-011-004)

WHEREAS, Tentative Parcel Map No. 2021-05, A request by TorMon Global Inc. and Octavio Montejano, to subdivide a 19,619 sq. ft. site into two parcels in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per dwelling unit) Zone. The project site is located at 745 N. Leslie Street (APN: 093-011-004).; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on August 23, 2021; and

WHEREAS, the Planning Commission of the City of Visalia finds Tentative Parcel Map No. 2021-05, as conditioned, in accordance with Section 16.28.070 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, the project is considered Categorically Exempt under Section 15315 and 5332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2021-37).

NOW, THEREFORE, BE IT RESOLVED, that Categorical Exemption No. 2020-42 was prepared finding the project exempt under CEQA Section 15315 and 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended.

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

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance.
2. 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, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site is bordered by existing residential development and there are no specific plans applicable to the proposed map.
3. That the site is physically suitable for the proposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Residential Medium Density General Plan Land Use Designation. The proposed location and layout of

the Tentative Parcel Map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance

5. That the proposed design and improvement of the proposed tentative parcel map has been not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
6. That the project is considered Categoricaly Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-37).

BE IT FURTHER RESOLVED that the Planning Commission hereby approved the parcel map on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.12.010 of the Ordinance Code of the City of Visalia, subject to the following conditions:

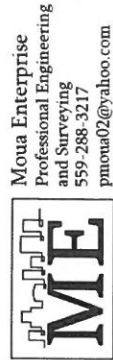
1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2021-008.
2. That Tentative Parcel Map No. 2021-05 be prepared in substantial compliance with Exhibit "A".
3. That the setbacks and development standards for the property shall be treated as if Parcels 1 and 2 were a unified site, and shall comply with the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area) Zone District standards for the front, side, and rear yard setbacks.
4. That a cross access and shared parking agreement for all units within the unified multi-family site be filed and recorded prior to or along with the recording of the final map.
5. That all other federal, state and city codes, ordinances and laws be met.

EXHIBIT "A"

TENTATIVE PARCEL MAP NO. 2021-XX

(A.P.N. 093-011-004)

OWNER:
 OCTAVIO MONTAÑO & RAFAEL
 TOTOLEDO
 2000 95th AVE. #112
 WALKER, CA 94591
 (933) 511-5411
 OFFICE@TORMONGLOBAL.COM



Moua Enterprise
 Professional Engineering
 and Surveying
 559-288-3217
 pmoua02@yahoo.com

LEGAL DESCRIPTION:

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF TULARE, CITY OF VISAJA, DESCRIBED AS FOLLOWS:

LOT 10 OF VISAJA GARDEN FARMS, AS PER MAP RECORDED JANUARY 22, 1921 IN BOOK 16 OF MAPS, PAGE 58, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION THEREOF AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 10, THENCE NORTH ALONG THE WEST LINE OF SAID LOT 10 TO THE POINT OF BEGINNING; THENCE NORTH ALONG THE WEST LINE TO THE WEST LINE THEREOF; THENCE SOUTH ALONG THE WEST LINE TO THE SOUTHWEST CORNER OF SAID LOT; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT TO THE POINT OF BEGINNING.

APN: 093-011-004-000 (0.45AC)

FLOOD ZONE X PER FEMA MAP 081070929E EFFECTIVE ON 06/16/2009

DATE OF MAP PREPARATION: 6/5/2021

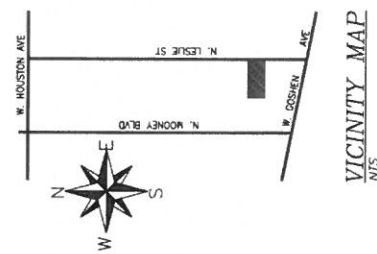
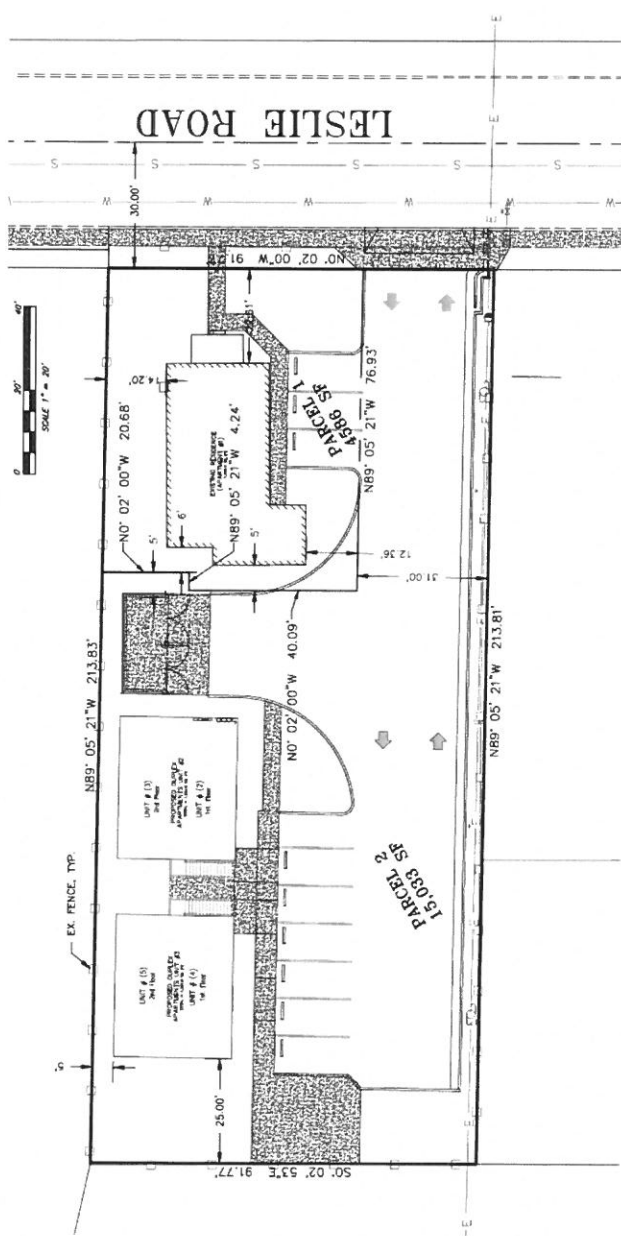
PROPOSED:

1. PARCEL 1 TO BE SINGLE FAMILY RESIDENTIAL HOME
2. PARCEL 2 TO BE MULTIFAMILY DUPLEXES
3. NO PROPOSED FENCE BETWEEN PARCEL 1 & 2
4. 10' WIDE UNPAVED DRIVE
5. PARKING LOT TO BE SHARED
6. TRASH ENCLOSURE TO BE SHARED
7. PLAYGROUND & OPEN SPACES
8. LANDSCAPE AREA = 6,431 SF (33%)
9. LANDSCAPE AREA = 7,782 SF
10. PAVED AREA = 7,782 SF
11. TOTAL PARKING STALLS = 10

OWNER STATEMENT: THE APPROVAL OF A DIVISION OF REAL PROPERTY ON THIS MAP AND CERTIFY THAT I AM THE REAL OWNER OF SAID PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Octavio Montañano 2021107706
 DATE

TORMONGLOBAL INC



VICINITY MAP
 NTS

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Tentative Parcel Map 2021-05 and Conditional Use Permit 2021-23

PROJECT TITLE

745 N. Leslie Street, Visalia CA, 93291 (APN 093-011-004)

PROJECT LOCATION - SPECIFIC

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

Tentative Parcel Map to divide 19,619 sq. ft. into two parcels – 15,033 sq. ft. and 4,586 sq. ft.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4003,
Email: josh.dan@visalia.city

NAME OF PUBLIC AGENCY/LEAD AGENCY APPROVING PROJECT

Octavio Mantejano, 747 W. El Monte Way, Dinuba, CA 93618 ; 833-511-5411

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Rodrigo Niz, Gilton Construction Co., 5211 W. Goshen Ave., Visalia, CA 93291 ; 844-844-0744

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - **Section 15315 & 15332**
- Statutory Exemptions- State code number:

The project is considered to be categorically exempt under Section 15315 and 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for the subdivision of certain properties in urban areas into four or fewer parcels and is considered an in-fill development project (Categorical Exemption No. 2021-37).

REASON FOR PROJECT EXEMPTION

Josh Dan, Associate Planner

(559) 713-4003

CONTACT PERSON

AREA CODE/PHONE

DATE

Brandon Smith, AICP
ENVIRONMENTAL COORDINATOR

MEETING DATE April 21, 2021
SITE PLAN NO. 2021-008
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

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

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

REVISE AND PROCEED (see below)

- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.
- Your plans must be reviewed by:
- | | |
|---|--|
| <input type="checkbox"/> CITY COUNCIL | <input type="checkbox"/> REDEVELOPMENT |
| <input checked="" type="checkbox"/> PLANNING COMMISSION | <input type="checkbox"/> PARK/RECREATION |
| <input checked="" type="checkbox"/> CUP and TPM | |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER – |

ADDITIONAL COMMENTS:

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440
Site Plan Review Committee

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division, (559) 713-4003

Date: April 21, 2021

SITE PLAN NO: 2021-008 - B
PROJECT TITLE: Leslie Village Apartments
DESCRIPTION: Parcel Map to Separate 1 Residential from 2 Multifamily Duplexes (R-M-2)
APPLICANT: Rafael Tortoledo
PROP. OWNER: Octaviano Montejano Jr.
LOCATION TITLE: 745 N. Leslie Street
APN TITLE: 093-011-004
GENERAL PLAN: Medium Density Residential
EXISTING ZONING: R-M-2 – Multi-Family Residential 3,000 sq. ft. min. site area per unit

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Rule 9510 – This project may be subject to the Rule 9510 requirements of the San Joaquin Valley Air Pollution Control District – see District web-site for information.

Project Requirements

- Tentative Parcel Map
- Conditional Use Permit
- Shared Parking/Access Agreement
- Common Utility Easement
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: April 21, 2021

1. A Tentative Parcel Map shall be required to divide the project site.
2. A Conditional Use Permit shall be required for the creation of a lot measuring less than two acres in the R-M-2 zone.
3. The filed shared parking and access agreement between Parcel 1 and Parcel 2 shall still apply.
4. The site plan shall indicate the location of all existing and proposed fencing, and display drive aisle curbing and improvements to the site.
5. Comply with previous comments.
6. Other information as needed.

PROJECT SPECIFIC INFORMATION: January 27, 2021

7. At the January 27, 2021 Site Plan Review meeting, the applicant indicated that the intent of the project was to divide the project site in order to fence off and sell Parcel 1 as an individual property. As proposed, Parcel 1 does not meet development standards for lots within the R-M-2 Zone. Furthermore, the overall multifamily development is designed so that all units share parking and open space areas. If the applicant proposes continuing with the project as proposed at the January 27, 2021 Site Plan Review meeting, staff will recommend denial on the basis of the above.
8. If the applicant wishes to continue to operate the overall development as a unified facility, the following shall be required:
9. A Tentative Parcel Map shall be required to divide the project site.
10. A Conditional Use Permit for a Planned Unit Development shall be required.
11. The applicant shall file a shared parking and access agreement between Parcel 1 and Parcel 2.

12. The site plan shall indicate the location of all existing and proposed fencing.
13. The applicant shall clarify the rear yard setback on Parcel 2. If it is 24.44 ft., an Administrative Adjustment shall be required to permit the reduced setback, and Building Permit submittals revised to accurately reflect the reduced rear yard. If the setback is 25 ft., the site plan submittal shall be revised to show the correct rear yard setback.
14. The western boundary of Parcel 1 shall be at minimum 5 ft. from the trash enclosure.

- Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan.

DEVELOPMENT STANDARDS - R-M-2 [17.16]

Maximum Building Height: 35 Feet

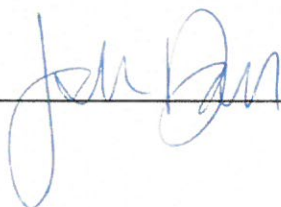
Minimum Setbacks:

	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Side	5 Feet	5 Feet*
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	25 Feet	25 Feet

Minimum Site Area: 3,000 square feet per unit

- Common open space 5% minimum
- Screen 2nd story windows when adjacent to an R-1 Site, Single-Family Residential
- Conditional Use Permit for 60 or more units
- Minimum site area 2 acres, unless CUP, zoning action, or Master Plan approved by SPR
- Screen all parking areas adjacent to public streets. Parking subject to Chapter 17.34.
- See Zoning Ordinance Section 17.16 for complete standards and requirements.

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

Signature  _____



STR 21000
LESLIE VILLAGE APTS,
745 N LESLIE ST.

City of Visalia
Building: Site Plan
Review Comments

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project
Please refer to the applicable California Code & local ordinance for additional requirements.

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.66 per square foot & Self-Storage \$.23 per sf. Residential \$4.16 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: _____

VAL GARCIA 04/21/21
Signature



Site Plan Comments
Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

Date April 20, 2021
Item # 3
Site Plan # 21008
APN: 093011004

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- This item is a **resubmittal**. Please see comments from previous submittals.

Corbin Reed
Fire Marshal

** Show turn template measurements and current Fire Hydrant Placement with Fire Flow.*

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 21, 2021

ITEM NO: 3 Resubmit
SITE PLAN NO: SPR21008
PROJECT TITLE: Leslie Village Apartments
DESCRIPTION: Parcel Map to Separate 1 Residential from 2 Multifamily Duplexes. (R-M-2)
APPLICANT: Rafael Tortoledo
OWNER: MONTEJANO OCTAVIANO JR
APN: 093011004
LOCATION: 745 N LESLIE ST

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required (CUP)
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- Additional traffic information required (Non Discretionary)
 - Trip Generation - Provide documentation as to concurrence with General Plan.
 - Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

Leslie Blair

Leslie Blair

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

21008

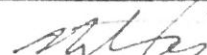
April 21, 2021

- No comments.
- See comments below
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ALL refuse enclosures must be R-3 OR R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- Enclosure location is set for STAB load services. Refuse enclosure must be City Standard R-3 or R-4 enclosures. Enclosure gates are required and must open 180 degrees and clear all curbing when opened. All gates must be equipped with Cain bolts to secure them closing. Customer to contact Solid Waste at 559-713-4532 to schedule a waste assessment to have bin services assigned.

Comment

Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532



**SUBDIVISION & PARCEL MAP
REQUIREMENTS
ENGINEERING DIVISION**

Adrian Rubalcaba 713-4271
 Diego Corvera 713-4209

ITEM NO: 3 DATE: APRIL 21, 2021

SITE PLAN NO.: 21-008 RESUBMITTAL
 PROJECT TITLE: LESLIE VILLAGE APARTMENTS
 DESCRIPTION: PARCEL MAP TO SEPARATE 1 RESIDENTIAL FROM 2 MULTI-FAMILY DUPLEXES (RM2)
 APPLICANT: RAFAEL TORTOLEDO
 PROP. OWNER: MONTEJANO OCTAVIO JR
 LOCATION: 745 N LESLIE ST
 APN: 093-011-004

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (Indicated by checked boxes)
- Submit improvements plans detailing all proposed work; Subdivision Agreement will detail fees & bonding requirements
- Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- A preconstruction conference is required prior to the start of any construction.
- Right-of-way dedication required. A title report is required for verification of ownership. by map by deed
- City Encroachment Permit Required which shall include an approved traffic control plan.
- CalTrans Encroachment Permit Required. CalTrans comments required prior to tentative parcel map approval. CalTrans contacts: David Deel (Planning) 488-4088
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Final Map & Improvements shall conform to the City's Waterways Policy. Access required on ditch bank, 12' minimum. Provide wide riparian dedication from top of bank.
- Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site

basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements. A permit is required to remove Valley Oak trees. Contact Public Works Admin at (559)713-4428 for a Valley Oak tree evaluation or permit to remove. Valley Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application. A pre-construction conference is required.
- Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Provide "R" value tests: each at
- Traffic indexes per city standards:
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- All lots shall have separate drive approaches constructed to City Standards.
- Install street striping as required by the City Engineer.
- Install sidewalk: ft. wide, with ft. wide parkway on
- Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Abandon existing wells per City of Visalia Code. A building permit is required.
- Remove existing irrigation lines & dispose off-site. Remove existing leach fields and septic tanks.
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.

Comply with prior comments Resubmit with additional information Redesign required

Additional Comments:

1. Proposed parcel map will need to adhere to the underlying development plan and project conditions provided with SPR 18-171 and associated building permit B193573.

2. Provide common easements for access, parking, and utilities to serve the separate parcels; to be delineated on the map or incorporated into CCR's. Further coordinate with City staff.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **21-008 RESUBMITTAL**

Date: **4/21/2021**

Summary of applicable Development Impact Fees to be collected at the time of final/parcel map recordation:

(Preliminary estimate only! Final fees will be based on approved subdivision map & improvements plans and the fee schedule in effect at the time of recordation.)

(Fee Schedule Date: **9/1/2020**)

(Project type for fee rates: **TPM**)

Existing uses may qualify for credits on Development Impact Fees. **FEES ASSESSED WITH PERMITS**

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Trunk Line Capacity Fee	
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drainage Acquisition Fee	
<input type="checkbox"/> Park Acquisition Fee	
<input type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths	
<input type="checkbox"/> Waterways Acquisition Fee	

Additional Development Impact Fees will be collected at the time of issuance of building permits.

City Reimbursement:

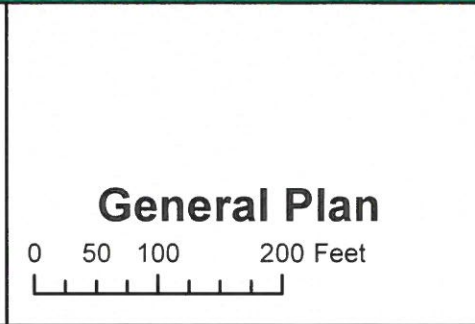
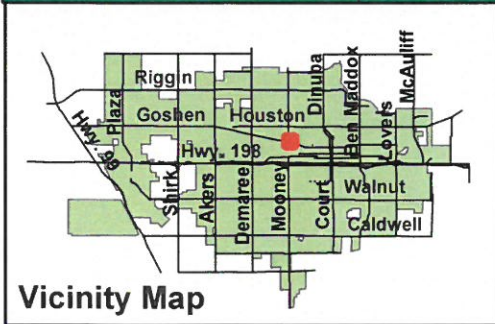
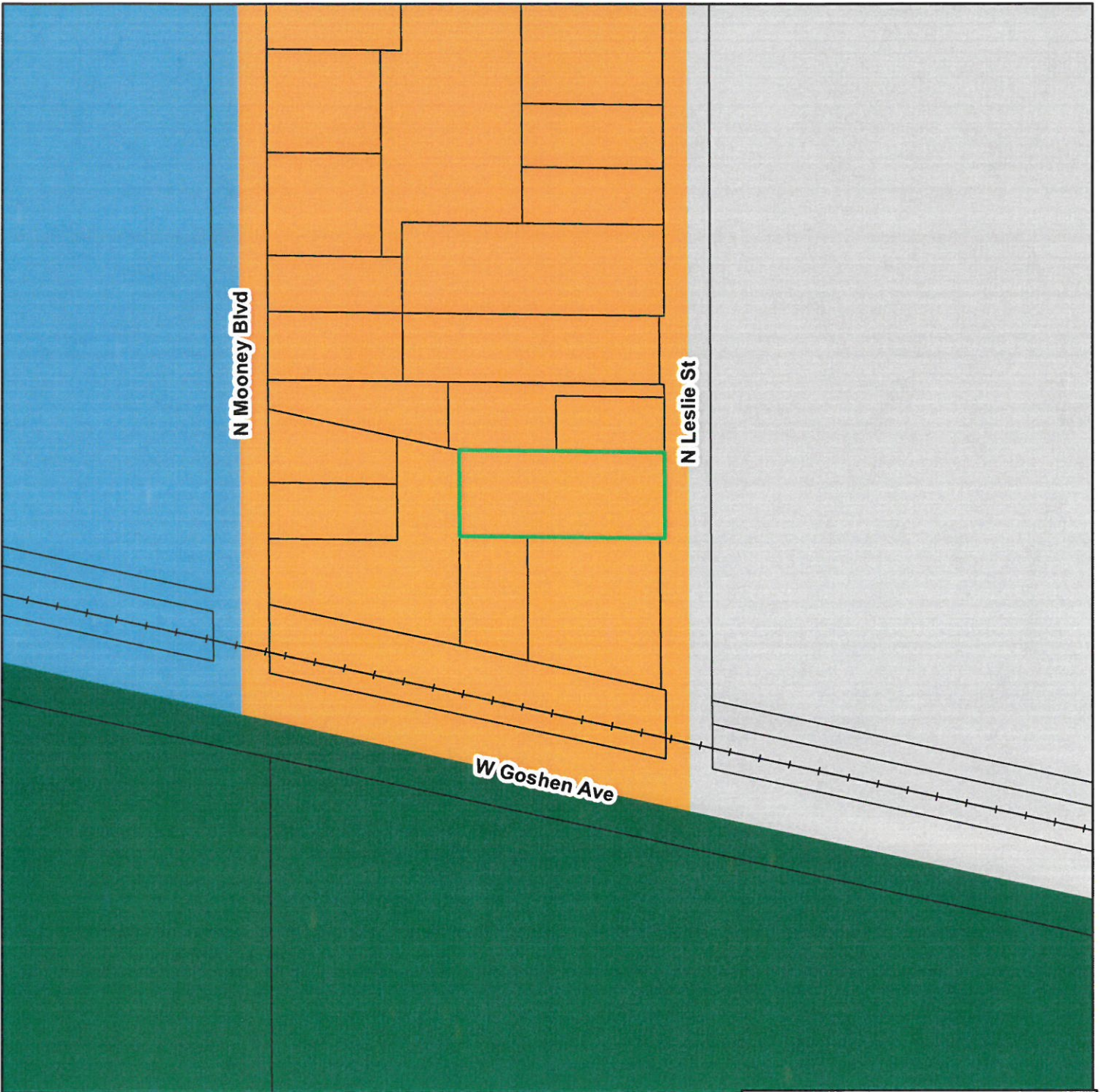
- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject planned facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown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



Adrian Rubalcaba

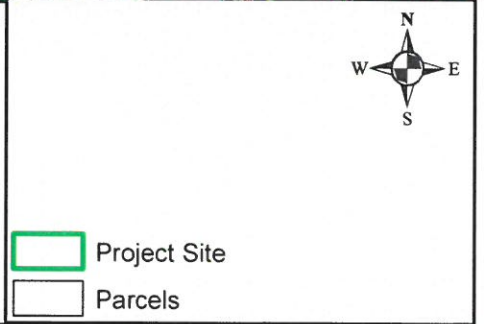
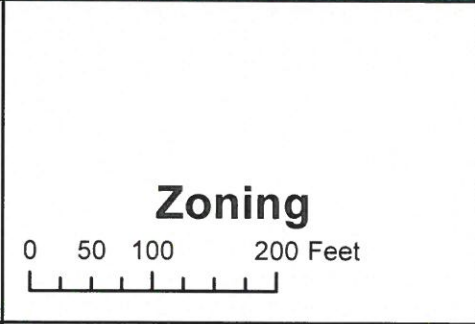
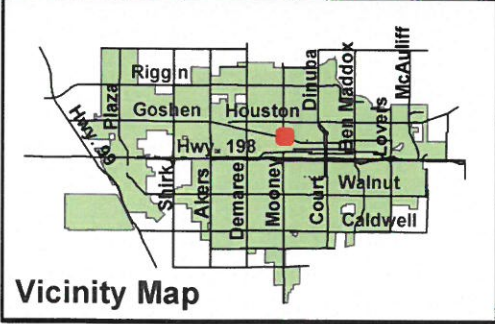
Tentative Parcel Map No. 2021-05
Conditional Use Permit No. 2021-23

The project site is located
at 745 N. Leslie St.
(APN: 093-011-004)



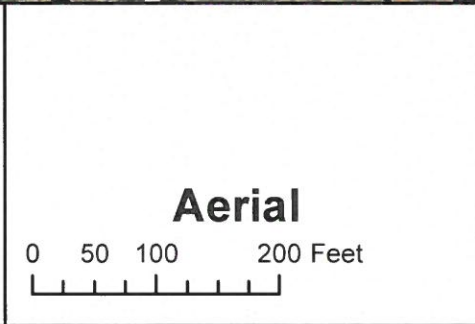
Tentative Parcel Map No. 2021-05
Conditional Use Permit No. 2021-23

The project site is located
at 745 N. Leslie St.
(APN: 093-011-004)



Tentative Parcel Map No. 2021-05
Conditional Use Permit No. 2021-23

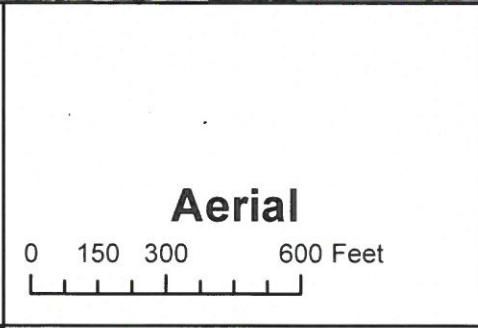
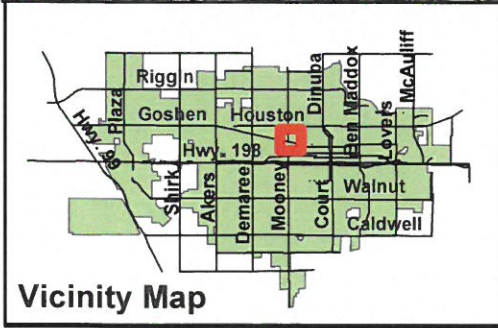
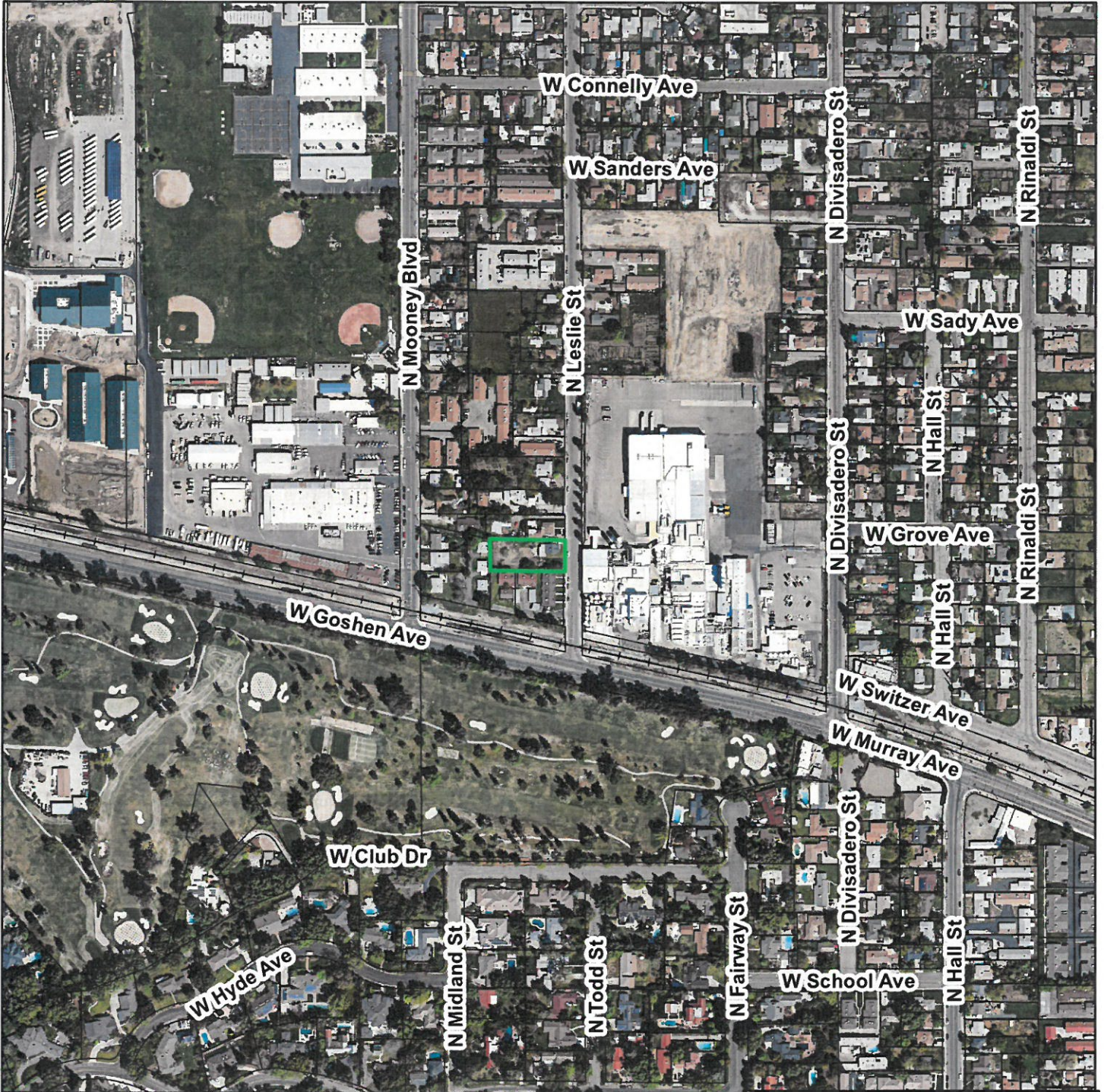
The project site is located
at 745 N. Leslie St.
(APN: 093-011-004)



Project Site
Parcels

Tentative Parcel Map No. 2021-05 Conditional Use Permit No. 2021-23

The project site is located
at 745 N. Leslie St.
(APN: 093-011-004)



**Tentative Parcel Map No. 2021-05
Conditional Use Permit No. 2021-23**

The project site is located
at 745 N. Leslie St.
(APN: 093-011-004)

