

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Marvin Hansen



VICE CHAIRPERSON:

Adam Peck

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

MONDAY, SEPTEMBER 13, 2021, 7:00 P.M.

VISALIA COUNCIL CHAMBERS

LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA

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. No Items on Consent Calendar
6. PUBLIC HEARING – Josh Dan, Associate Planner
Conditional Use Permit No. 2021-09: A request by Fontana Ranches Inc. to establish a duplex on a vacant corner lot within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) zone. The project is located at the southwest corner of South Lovers Lane and East Paradise Avenue (Address: not yet assigned) (APN: 100-200-003). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2021-17.

7. REGULAR ITEM – Paul Bernal, Director/City Planner
Review of Planning Commission Meeting Guidelines.
8. CITY PLANNER / PLANNING COMMISSION DISCUSSION –
 - a. Updates to Community Development
 - b. Next Planning Commission Meeting is Monday, September 27, 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 23, 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 27, 2021



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 13, 2021

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

SUBJECT: Conditional Use Permit No. 2021-09: A request by Fontana Ranches Inc. to establish a duplex on a vacant corner lot within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at the southwest corner of South Lovers Lane and East Paradise Avenue. (Address: not yet assigned) (APN: 100-200-003).

STAFF RECOMMENDATION

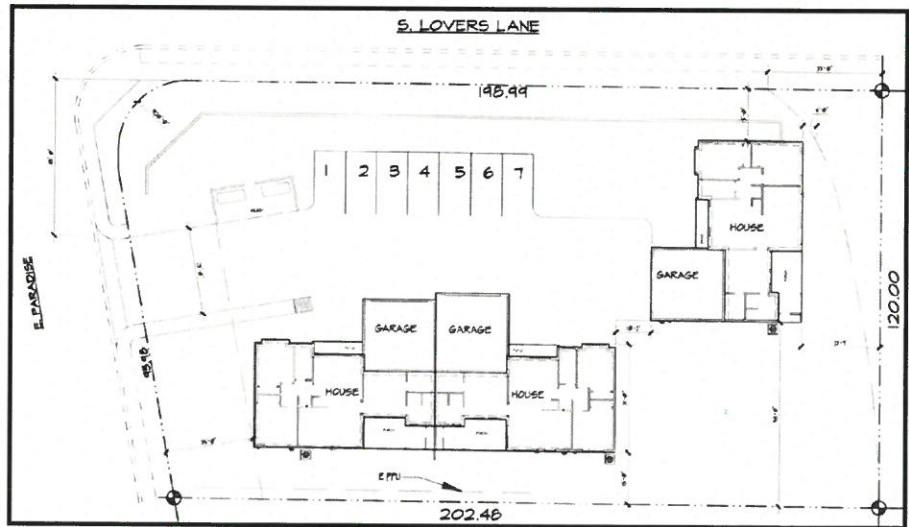
Staff recommends that the Planning Commission approve Conditional Use Permit No. 2021-09, based upon the findings and conditions in Resolution No. 2021-14. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2021-09 based on the findings and conditions in Resolution No. 2021-14.

PROJECT DESCRIPTION

Conditional Use Permit (CUP) No. 2021-09 is a request to construct a 3,792 square foot (habitable and non-habitable space) duplex on a 25,110 square foot corner lot within the Eastgate Manor subdivision (see Exhibit "D"). Duplexes in the R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) zone are conditionally permitted pursuant to Section 17.12.040 of the Zoning Ordinance. Both Units No. 1 and No. 2 will each have a total habitable square footage of 1,191 square feet which does not account for the garage, patio, and porch square footages. Each unit will contain three bedrooms, two bathrooms, dining room, kitchen, two-car garage, patio, and porch areas (see Exhibit "A" and the image to the right). Both units are oriented toward South Lovers Lane, while vehicular access is provided from East Paradise Avenue. Development of the site will include a long driveway, seven additional parking spaces, a block wall along South Lovers Lane, and a shared trash



enclosure.

Please note, the site plan depicts the development of an Accessory Dwelling Unit (ADU) for a total of three units on the property. Although the ADU is depicted, pursuant to new state statutes and the Visalia Zoning Ordinance, ADU's are a "permitted" use in any residential zone, regardless of whether the site is developed with a single-family residence or a duplex, and therefore is not a part of this CUP request. During the Site Plan Review process, the applicant declared their intent to develop an ADU at the rear of the site in addition to depicting the development of the lot with a duplex.

The property is currently vacant and improved with curbing and gutter on both street frontages. The subject property is located on the southwest corner of South Lovers Lane and East Paradise Avenue and located in the Eastgate Manor subdivision which consists of single-family residential dwellings.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Residential Low Density
Zoning:	R-1-5 (Single-Family Residential)
Surrounding Land Use and Zoning:	North: O-PA (Professional / Administrative Office Zone) / Mineral King Properties South: R-M-2 / Packwood Creek / Orchard East: O-PA (Professional / Administrative Office Zone) / Vacant property West: R-1-5 (Single-Family Residential) / Vacant lot
Special Districts	N/A
Environmental Review:	Categorical Exemption No. 2021-17
Site Plan:	SPR No. 2020-162

RELATED PROJECTS

Eastgate Manor Subdivision and Conditional Use Permit No. 466 approved by the Planning Commission on August 8, 1977, subdivided 40 acres to include 110 single family lots and 9 multi-family lots.

PROJECT EVALUATION

Land Use Compatibility

Zoning Ordinance Section 17.12.040.M allows for the construction of duplexes on corner lots within the R-1-5 zone subject to filing and obtaining approval of a Conditional Use Permit (CUP). It has been determined that the construction of duplexes on corner lots within the R-1-5 zone are considered compatible uses because the CUP process can help address potential impacts while providing constructive notice to surrounding property owners. The CUP process also provides the Planning Commission with discretionary authority to implement design techniques that may help reduce any impacts that might arise from introducing a duplex development within an existing traditional single-family residential neighborhood.

Per Exhibit "A", the duplex will be designed to orient each unit towards South Lovers Lane. Construction of duplexes on corner lots within the R-1-5 Zone is generally considered compatible as it helps address housing scarcity, in compliance with the goals of the Housing Element.

The placement of the duplex will comply with setbacks consistent with the development standards of the R-1-5 zone. Per Exhibit "A" the placement of the duplex exceeds both the front yard setback and the side yard setback, both of which are noted at 25-feet and 15-feet. The standard setback for front yards is 15-feet and interior side yard is 5-feet from property line.

Accessory Dwelling Unit

The applicant has proposed to also construct an Accessory Dwelling Unit (ADU) on the site along the south end of the property (see Exhibit "A"). ADU's are permitted "by right" in any residential zone by the Visalia Municipal Code (VMC) and State Government Code. Although the ADU is depicted on the site plan exhibit, the ADU is not a part of the CUP entitlement. During the Site Plan Review process, the developer of the site declared their intent to construct an ADU in an area of the property that allows for the ADU to be compatible with the overall design of the site.

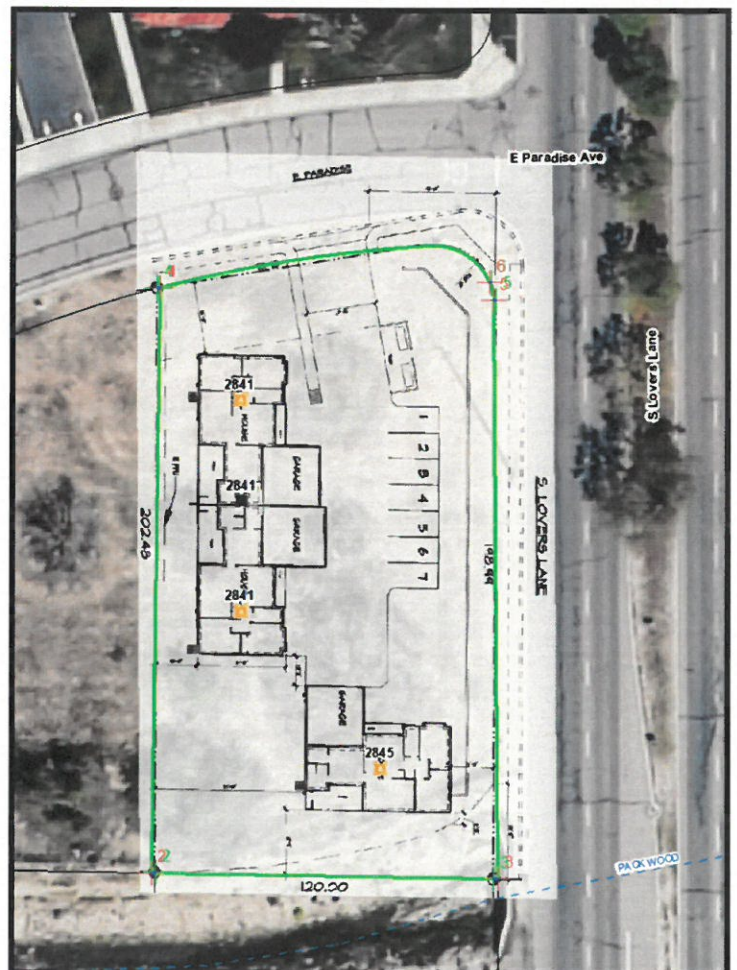
The proposed construction of the ADU is permitted in the zone and consistent with the Visalia Zoning Code and the updated State Government Code Section 65852.2. ADUs are permitted to be up to 1,200 square feet or up to 50 percent of the primary structure, whichever is greater. The square footage for the ADU is 1,191 square feet.

On-Site Improvements

During the Site Plan Review (SPR) meeting, the applicant was informed that the parcel would need to complete the street frontage improvements. Those improvements include sidewalk, landscaped park strip along both street frontages, and the seven-foot-high block wall along South Lovers Lane. Additionally, the solid waste division requested that the applicant construct a trash enclosure on-site, to City Standards, to avoid congestion of individual bins near the intersection of Paradise Avenue and Lovers Lane. Condition Nos. 4 and 5 have been added to require the construction of new sidewalk, park strip landscaping to City standards along both street frontages, as well the construction of the typical seven-foot-high block wall along Lovers Lane, and the construction of a City Standard trash enclosure.

Parking

Section 17.34.020(A)(2) of the Zoning Ordinance requires 1.5 parking spaces per dwelling unit for multi-family developments. Based on this requirement, a minimum of three (3) parking spaces are required for the proposed duplex. The proposed dwellings, including the accessory dwelling unit, each



provide a two-car garage which is consistent with the parking requirements for single-family

dwellings. Additionally, the applicant is proposing to provide seven additional parking spaces as depicted in Exhibit "A". The proposed parking for the site exceeds the parking requirement for the duplex.

Good Neighbor Policies and Management and Maintenance Standards

Staff is requesting the project be subject to the City's Good Neighbor Policies (GNPs) for multi-family residential development. The GNPs are a set of management and maintenance requirements that address the common maintenance of buildings and grounds. The GNPs prohibit the storage of boats, trailers, and recreational vehicles over one ton outside of carports, and require all buildings, mechanical equipment, and grounds to be maintained in good working order and in a neat and orderly fashion. Condition No. 6, which contains the GNPs, has been included in the Conditions for Project Approval for the Planning Commission's consideration.

Environmental Review

The project is Categorically Exempt under Section 15303 (New Construction of Small Structures) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2021-17).

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit, as conditioned, is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - 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 Categorically Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-17).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2020-162.
2. That the use be developed in substantial compliance with the site plan in Exhibit "A".
3. That substantial changes to the site plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
4. That the construction of new sidewalk and landscaping / park strip along both frontages, and a typical 7-foot-high block wall along S. Lovers Lane, be constructed to City Standards.
5. That the construction of a trash enclosure to City Standards be included and reviewed by the Visalia Solid Waste Division prior to final of any permits.

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.
7. That all applicable federal, state, regional, and city policies and ordinances be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia California. 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
- Resolution No. 2021-14
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Grading Plan
- Exhibit "D" – Eastgate Manor Subdivision
- Categorical Exemption No. 2021-17
- Site Plan Review No. 2020-162 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

EXCERPTS FROM CHAPTER 17.38: CONDITIONAL USE PERMITS

17.38.010 Purposes and powers.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

CALIFORNIA GOVERNMENT CODE

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

DIVISION 1. PLANNING AND ZONING [65000 - 66301]

CHAPTER 4. Zoning Regulations [65800 – 65912]

ARTICLE 2. Adoption of regulations [65850 – 65863.13]

65852.2.

a)

1. A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:
 - A. Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
 - B.
 - i. Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
 - ii. Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
 - C. Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
 - D. Require the accessory dwelling units to comply with all of the following:
 - i. The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
 - ii. The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
 - iii. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

- iv. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
 - v. The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
 - vi. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
 - vii. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
 - viii. Local building code requirements that apply to detached dwellings, as appropriate.
 - ix. Approval by the local health officer where a private sewage disposal system is being used, if required.
 - x.
 - I. Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
 - II. Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
 - III. This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
 - xi. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.
 - xii. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
2. The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
 3. A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or

a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

4. An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
 5. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
 6. This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.
 7. A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
 8. An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

c)

1. Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.
2. Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
 - A. A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.
 - B. A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
 - i. 850 square feet.
 - ii. 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
 - C. Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

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

e)

1. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:
 - A. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - i. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory

structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

- ii. The space has exterior access from the proposed or existing single-family dwelling.
 - iii. The side and rear setbacks are sufficient for fire and safety.
 - iv. The junior accessory dwelling unit complies with the requirements of Section 65852.22.
- B. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
- i. A total floor area limitation of not more than 800 square feet.
 - ii. A height limitation of 16 feet.
- C.
- i. Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - ii. A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
- D. Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
2. A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
 3. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
 4. A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
 5. A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
 6. Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not

limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

f)

1. Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
2. An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
3.
 - A. A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
 - B. For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
4. For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.
5. For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

h)

1. A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.
2.
 - A. If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency

with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

B. The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

- i. Amend the ordinance to comply with this section.
- ii. Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

3.

A. If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

B. Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

j) As used in this section, the following terms mean:

1. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

A. An efficiency unit.

B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

3. "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

4. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

5. "Local agency" means a city, county, or city and county, whether general law or chartered.

6. "Neighborhood" has the same meaning as set forth in Section 65589.5.

7. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
 8. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
 9. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 10. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 11. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
- l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
- m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
- n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
1. The accessory dwelling unit was built before January 1, 2020.
 2. The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
- o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 659, Sec. 1.5. (AB 881) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2.5 of Stats. 2019, Ch. 659.)

RESOLUTION NO. 2021-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2021-09, A REQUEST BY FONTANA RANCHES INC. TO ESTABLISH A DUPLEX ON A VACANT CORNER LOT WITHIN THE R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM SITE AREA) ZONE. THE PROJECT IS LOCATED AT THE SOUTHWEST CORNER OF SOUTH LOVERS LANE AND EAST PARADISE AVENUE. (ADDRESS: NOT YET ASSIGNED) (APN: 100-200-003).

WHEREAS, Conditional Use Permit No. 2021-09 is a request by Fontana Ranches Inc. to establish a duplex on a vacant corner lot within the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project is located at the southwest corner of South Lovers Lane and East Paradise Avenue. (Address: not yet assigned) (APN: 100-200-003); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on September 13, 2021; 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, 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 15303.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit, as conditioned, is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - 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 Categorically Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-17).

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

1. That the use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2020-162.
2. That the use be developed in substantial compliance with the site plan in Exhibit "A".
3. That substantial changes to the site plan may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
4. That the construction of new sidewalk and landscaping / park strip along both frontages, and a typical 7-foot-high block wall along S. Lovers Lane, be constructed to City Standards.
5. That the construction of a trash enclosure to City Standards be included and reviewed by the Visalia Solid Waste Division prior to final of any permits.
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.

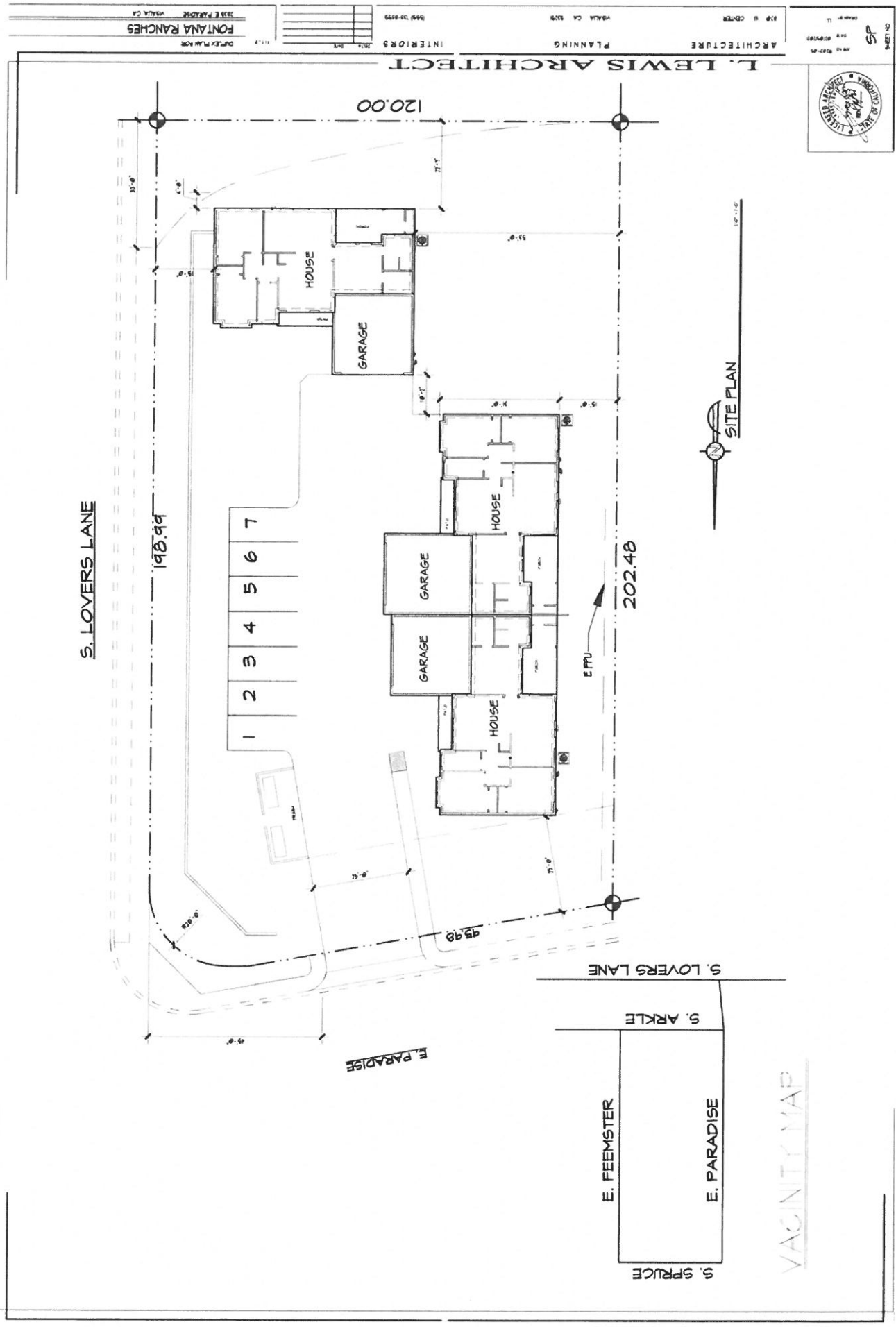
C. Parking - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.

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.

7. That all applicable federal, state, regional, and city policies and ordinances be met.

Exhibit "A"



SITE PLAN

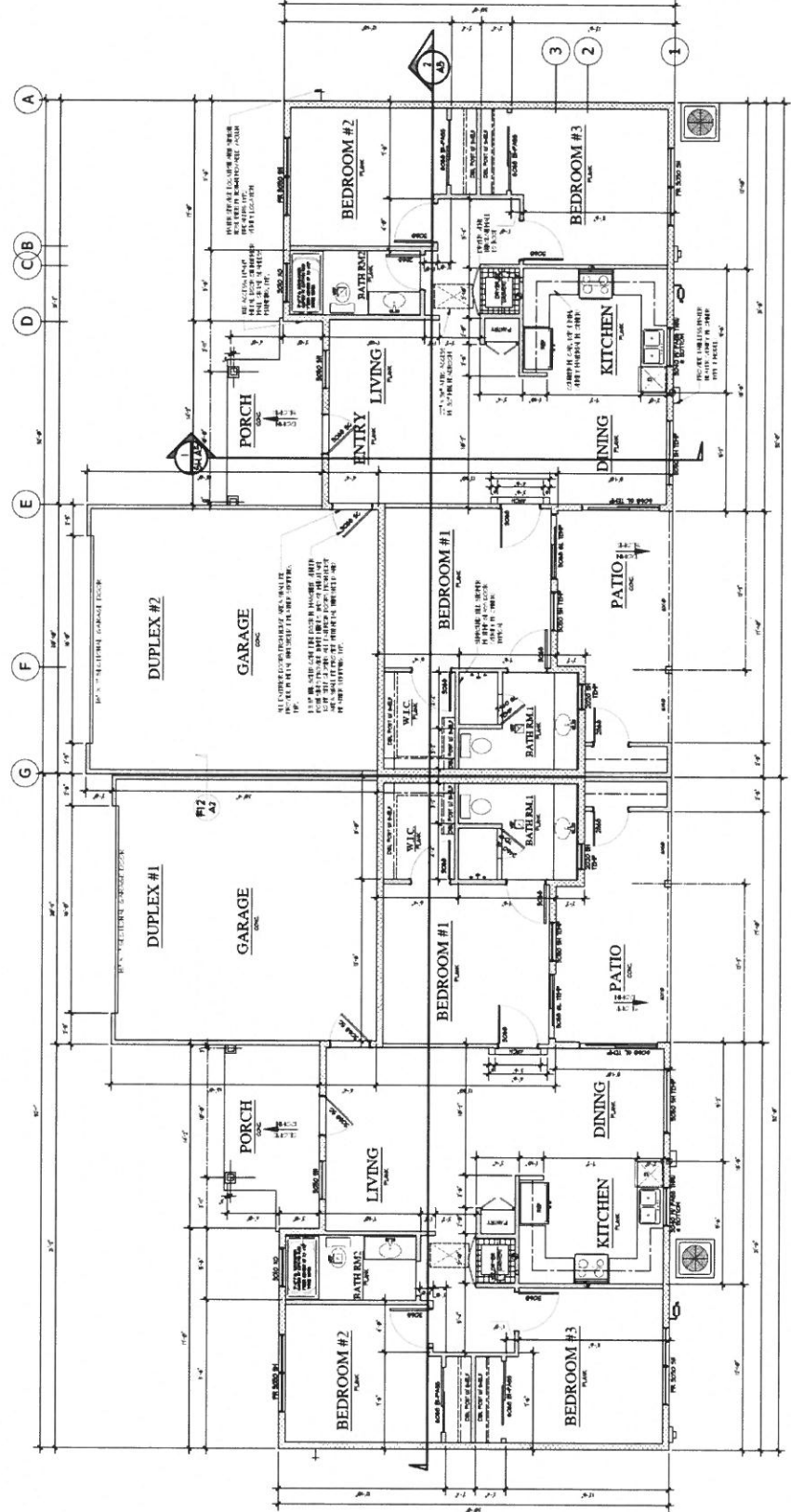
VACINITY MAP

Exhibit "B"

PALL TYPES

2x4'S INTERIOR STD	2x4'S INTERIOR STD IN G.C. W/
4" X 4" G.C.	SOFT HILL

TYPE OF OCCUPANCY: RES
TYPE OF CONSTRUCTION: CONCRETE
DUPLEX #1: DOWEL #2
W.C.: 1/2" DIA. @ 12" O.C.
PARADE: 1/2" DIA. @ 12" O.C.
W.C.: 1/2" DIA. @ 12" O.C.
PARADE: 1/2" DIA. @ 12" O.C.
TOTAL: 100%



FLOOR PLAN

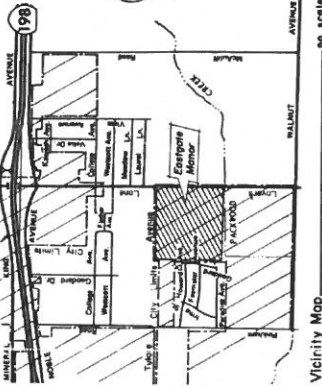
DATE: 02/20/2019
 DRAWN BY: [Name]
 PROJECT: [Name]



EASTGATE MANOR

Being a subdivision of the NE 1/4 of the SE 1/4 of Section 33, T. 18 S., R. 25 E., M. D. B. and M., in the City of Visalia, County of Tulare, State of California October 1977

SUBDIVIDER: CECIL R. VENTURELLA
SURVEYORS: QUAD ENGINEERING, INC. 315 W. Oak Visalia, Co.



Curve Data

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	JJ	JK	KL	JM	JN	JO	JP	JQ	JR	JS	JT	JV	JW	JX	JY	JZ	KA	KB	KC	KD	KE	KF	KG	KH	KI	KJ	KK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LM	LN	LO	LP	LQ	LR	LS	LT	LV	LW	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OV	OW	OX	OY	OZ	PA	PB	PC	PD	PE	PF	PG	PH	PI	PJ	PK	PL	PM	PN	PO	PP	PQ	PR	PS	PT	PV	PW	PX	PY	PZ	QA	QB	QC	QD	QE	QF	QG	QH	QI	QJ	QK	QL	QM	QN	QO	QP	QQ	QR	QS	QT	QV	QW	QX	QY	QZ	RA	RB	RC	RD	RE	RF	RG	RH	RI	RJ	RK	RL	RM	RN	RO	RP	RQ	RR	RS	RT	RV	RW	RX	RY	RZ	SA	SB	SC	SD	SE	SF	SG	SH	SI	SJ	SK	SL	SM	SN	SO	SP	SQ	SR	SS	ST	SV	SW	SX	SY	SZ	TA	TB	TC	TD	TE	TF	TG	TH	TI	TJ	TK	TL	TM	TN	TO	TP	TQ	TR	TS	TV	TW	TX	TY	TZ	UA	UB	UC	UD	UE	UF	UG	UH	UI	UJ	UK	UL	UM	UN	UO	UP	UQ	UR	US	UT	UV	UW	UX	UY	UZ	VA	VB	VC	VD	VE	VF	VG	VH	VI	VJ	VK	VL	VM	VN	VO	VP	VQ	VR	VS	VT	VV	VW	VX	VY	VZ	WA	WB	WC	WD	WE	WF	WG	WH	WI	WJ	WK	WL	WM	WN	WO	WP	WQ	WR	WS	WT	VV	WW	WX	WY	WZ	XA	XB	XC	XD	XE	XF	YG	YH	YI	YJ	YK	YL	YM	YN	YO	YP	YQ	YR	YS	YT	YV	YW	YX	YZ	ZA	ZB	ZC	ZD	ZE	ZF	ZG	ZH	ZI	ZJ	ZK	ZL	ZM	ZN	ZO	ZP	ZQ	ZR	ZS	ZT	ZV	ZW	ZX	ZY	ZZ
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STATE OF CALIFORNIA
COUNTY OF TULARE
I HEREBY CERTIFY that the above and correct record of a survey made by me or under my direction, and that the same is a true and correct copy of the original and that I am a duly licensed Professional Engineer, and that my license is in full force and effect, and that I am not under any disability which would prevent me from acting as such.
WITNESS my hand and seal this 23rd day of August, 1977.
Cecil R. Venturella, P.E.
Professional Engineer

APPROVED August 23, 1977
City of Visalia, Planning Commission
By: _____
City Engineer

STATE OF CALIFORNIA
COUNTY OF TULARE
I HEREBY CERTIFY that the above and correct record of a survey made by me or under my direction, and that the same is a true and correct copy of the original and that I am a duly licensed Professional Engineer, and that my license is in full force and effect, and that I am not under any disability which would prevent me from acting as such.
WITNESS my hand and seal this 23rd day of August, 1977.
William R. Calkins, P.E.
Professional Engineer

STATE OF CALIFORNIA
COUNTY OF TULARE
I HEREBY CERTIFY that the above and correct record of a survey made by me or under my direction, and that the same is a true and correct copy of the original and that I am a duly licensed Professional Engineer, and that my license is in full force and effect, and that I am not under any disability which would prevent me from acting as such.
WITNESS my hand and seal this 23rd day of August, 1977.
Jay C. Bayless, P.E.
Professional Engineer

STATE OF CALIFORNIA
COUNTY OF TULARE
I HEREBY CERTIFY that the above and correct record of a survey made by me or under my direction, and that the same is a true and correct copy of the original and that I am a duly licensed Professional Engineer, and that my license is in full force and effect, and that I am not under any disability which would prevent me from acting as such.
WITNESS my hand and seal this 23rd day of August, 1977.
Cecil R. Venturella, P.E.
Professional Engineer

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COUNTY OF TULARE
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Professional Engineer

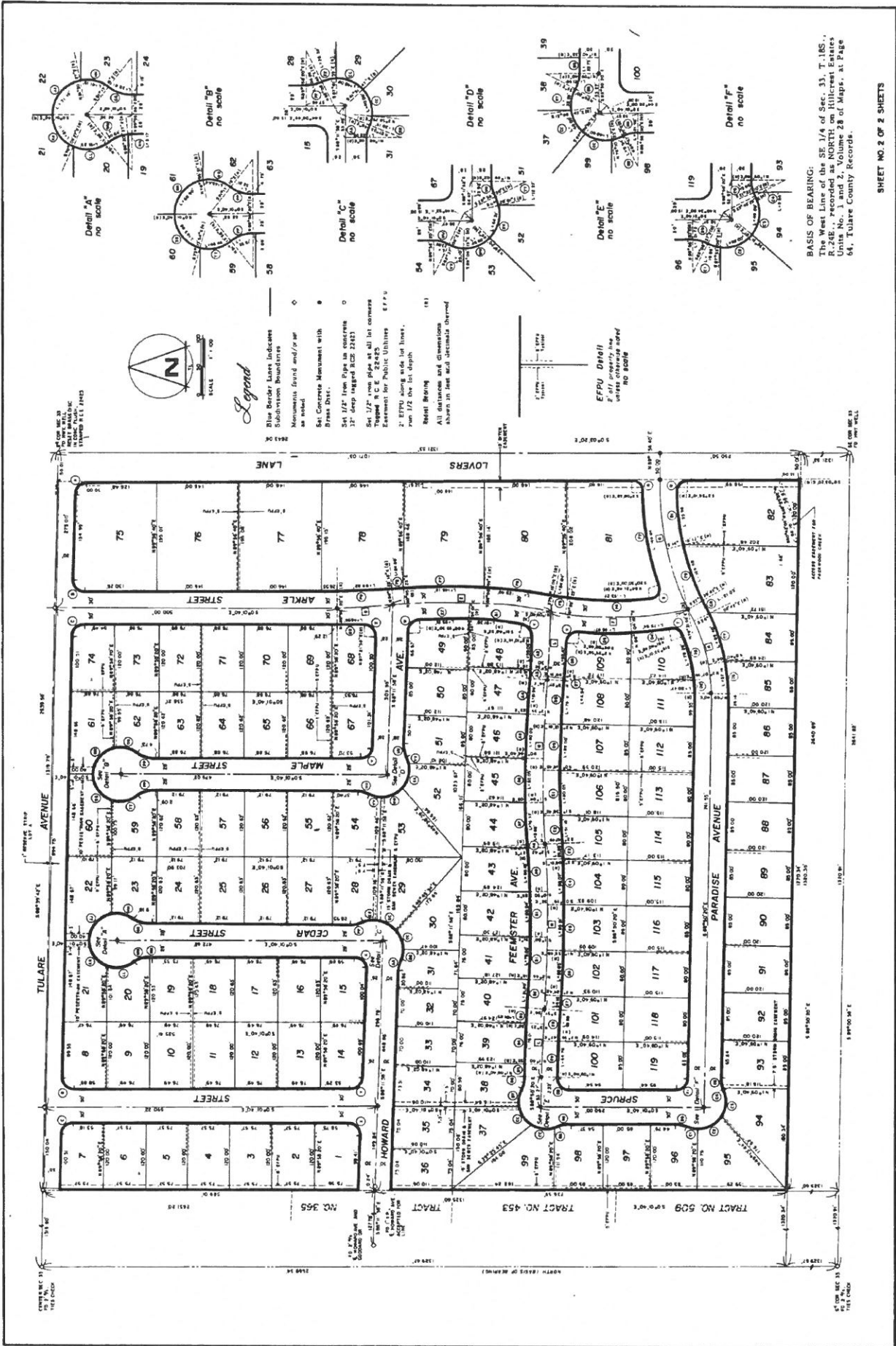
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WITNESS my hand and seal this 23rd day of August, 1977.
William R. Calkins, P.E.
Professional Engineer

STATE OF CALIFORNIA
COUNTY OF TULARE
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WITNESS my hand and seal this 23rd day of August, 1977.
Jay C. Bayless, P.E.
Professional Engineer

STATE OF CALIFORNIA
COUNTY OF TULARE
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WITNESS my hand and seal this 23rd day of August, 1977.
Cecil R. Venturella, P.E.
Professional Engineer



NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2021-09

PROJECT TITLE

The southwest corner of S. Lovers Lane and E. Paradise Ave. (APN: 100-200-003)

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

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

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Fontana Ranches Inc.. 806 W. Center Ave., Visalia, CA 93291, (559) 733-0551

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Larry Lewis Architect, 820 W. Center Ave., Visalia CA 93291, (559) 733-8399,
llewisarch@gmail.com

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
 Emergency Project - Section 15071
 Categorical Exemption - State type and Section number: **Section 15332, Infill Developments**
 Statutory Exemptions- State code number:

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

REASON FOR PROJECT EXEMPTION

Josh Dan, Associate Planner

(559) 713-4003

CONTACT PERSON

AREA CODE/PHONE

DATE

**Brandon Smith, Senior Planner
ENVIRONMENTAL COORDINATOR**



April 26, 2021

davidlathropdrafting@gmail.com

Site Plan Review No. 20-162:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

Please note that Engineering Comments are not included in this packet at this time. If you need a copy of their comments please contact Adrian Rubalcaba at (559) 713-4271 or via e-mail at Adrian.Rubalcaba@visalia.city.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination that your project may proceed with filing building permit applications to the Building Department.

This is your Site Plan Review Permit; your Site Plan Review became effective **February 03, 2021**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

Engineering Comments are not included in this packet. Please call Adrian Rubalcaba at 559-713-4271.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal", is written over a large, light blue oval shape.

Paul Bernal, City Planner
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments

MEETING DATE February 3, 2021
SITE PLAN NO. 2020-162-E
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

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

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

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

ADDITIONAL COMMENTS:

If you have any questions or comments, please call Adrian Bubalcaba at (559) 713-4271
Site Plan Review Committee

SITE PLAN REVIEW COMMENTS

Cristobal Carrillo, Planning Division, 559-713-4443

Date: February 3, 2021

SITE PLAN NO: 2020-162 - E
PROJECT TITLE: Fontana Ranches Inc.
DESCRIPTION: 4 Multi-family Units (R-1-5)
APPLICANT: David Lathrop
PROP. OWNER: MHKR LLC
LOCATION TITLE: 2835 E. Paradise Avenue
APN TITLE: 100-200-003
GENERAL PLAN: Low Density Residential
EXISTING ZONING: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Conditional Use Permit
- Compliance with Accessory Dwelling Unit regulations.
- Building Permits
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: February 3, 2021

1. A Conditional Use Permit will be required for a duplex on a corner lot within the R-1-5 Zone. The Conditional Use Permit application shall include building elevations, a landscape plan, and floor plans.
2. An Accessory Dwelling Unit (ADU) in a residential zone is permitted.
3. The ADU shall not exceed twelve hundred (1,200) square feet or fifty (50) percent of the main dwelling unit, whichever is greater.
4. The applicant shall comply with all regulations for Accessory Dwelling Units.
5. The site plan shall be revised to correct the square footages of all proposed structures onsite. Plans submitted for review still indicate that a 500 sq. ft. Jr. ADU will be placed onsite.
6. The applicant shall show all existing and proposed fencing, with heights and materials identified. This shall include fencing for the adjacent ditch and along Paradise Avenue.
7. The site plan shall indicate that the proposed block wall along Lovers Lane shall taper down to 3 ft. in height at the 15 ft. front yard setback boundary.
8. It is recommended that an open space amenity be placed at the southwest corner of the project site. Examples include playground equipment, BBQ grills, and seating.
9. The applicant shall obtain a Building Permit.
10. The applicant shall provide a landscape and irrigation plan with the Building Permit submittal.
11. See previous comments.

PROJECT SPECIFIC INFORMATION: January 13, 2021

1. A Conditional Use Permit will be required for a duplex on a corner lot within the R-1-5 Zone.
2. An Accessory Dwelling Unit (ADU) in a residential zone is permitted. (Of up to 1,200 sq. ft.)
3. The City has made a policy decision to allow only one JADU or ADU on the same lot.
4. The ADU shall not exceed twelve hundred (1,200) square feet or fifty (50) percent of the main dwelling unit, whichever is greater.
5. California Government Code Section 65852.22 regulates Junior Accessory Dwelling Units (JADUs) and requires the following:

- a. Shall not exceed maximum 500 sq. ft.
- b. Be a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.
- b. Either the main dwelling or the JADU shall be occupied by the owner.
- 6. A seven foot tall block wall shall be constructed along the eastern boundary of the project site, to within 15 ft. of the front yard property line along Paradise Avenue.
- 7. A 10 ft. landscape strip shall be provided along S. Lovers Lane.
- 8. The site plan shall show the access easement for Packwood Creek on the southeast corner of the project site.
- 9. Obtain a Building Permit.
- 10. Provide a landscape and irrigation plan with the Building Permit submittal.

PROJECT SPECIFIC INFORMATION: December 9, 2020

- 1. A Conditional Use Permit will be required for a duplex on a corner lot within the R-1-5 Zone.
- 2. An Accessory Dwelling Unit (ADU) in a residential zone is permitted. (Of up to 1,200 sq. ft.)
- 3. The City has not yet made a policy decision to allow JADUs and ADUs on the same lot.
- 4. California Government Code Section 65852.22 regulates Junior Accessory Dwelling Units (JADUs) and requires the following:
 - a. Shall not exceed maximum 500 sq. ft.
 - b. Be a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.
 - b. Either the main dwelling or the JADU shall be occupied by the owner.
- 5. A seven foot tall block wall shall be constructed along the eastern boundary of the project site, to within 15 ft. of the front yard property line along Paradise Avenue.
- 6. A 10 ft. landscape strip shall be provided along S. Lovers Lane.
- 7. The site plan shall show the access easement for Packwood Creek on the southeast corner of the project site.
- 8. Obtain a Building Permit.
- 9. Provide a landscape and irrigation plan with the Building Permit submittal.

PROJECT SPECIFIC INFORMATION: May 29, 2019

- 1. A Conditional Use Permit is required for placement of a duplex on a corner lot within the R-1-5 Zone.
- 2. Placement of two duplexes on a corner lot is not permitted in the R-1-5 Zone.
- 3. A third and fourth residential unit may potentially be placed onsite as Accessory Dwelling Units (ADU). Designation of two additional units as ADU's could potentially allow for the placement of an up to 1,200 sq. ft. detached ADU, and an up to 500 sq. ft. "Junior ADU" attached and incorporated into the floor plan of either the detached ADU or duplex. This would require redesign and resubmittal of the proposal, showing compliance with the ADU requirements of the State of California and Visalia Municipal Code Chapter 17.12, Article II.
- 4. A seven foot tall block wall shall be constructed along the eastern boundary of the project site, to within 15 ft. of the front yard property line along Paradise Avenue.
- 5. A 10 ft. landscape strip shall be provided along S. Lovers Lane.
- 6. The site plan shall show the access easement for Packwood Creek on the southeast corner of the project site.
- 7. Obtain a Building Permit.
- 8. Provide a landscape and irrigation plan with the Building Permit submittal.

- Staff's initial finding is that the proposed site plan IS NOT CONSISTENT with the City General Plan.

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

Maximum Building Height: 35 Feet

Minimum Setbacks:	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Front Garage (garage w/door to street)	22 Feet	22 Feet
➤ Side	5 Feet	5 Feet
➤ Street side on corner lot (long side of lot)	10 Feet	10 Feet
➤ Street side on corner to garage door	22 Feet	22 Feet
➤ Rear	25 Feet*	25 Feet

Minimum Site Area: 5,000 square feet

Accessory Structures:

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

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

Reverse Corner Lots: No structure in the 15 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

NOTE: SECTIONS OF THIS CHAPTER MAY NO LONGER BE APPLICABLE BASED ON RECENT CHANGES BY THE STATE OF CALIFORNIA TO ACCESSORY DWELLING UNIT REGULATIONS.

Article 2. Accessory Dwelling Units

17.12.140 Purpose and intent.

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

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

17.12.150 Definitions.

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

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

"Accessory dwelling unit" means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family

dwelling on a residential lot in the A or R-1 zones. Accessory dwelling units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

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

17.12.160 General provisions.

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

- A. Accessory dwelling units shall only be allowed on lots located in the A and R-1 zones;
- B. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel;
- C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;
- D. Second dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area;
- E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed accessory dwelling unit shall be occupied by the owner of record;
- F. The accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance;
- G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;
- H. In no case shall any accessory dwelling unit be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Section [17.32.140](#) governing such conversions.
- I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and three hundred twenty (320) square feet in living area. An efficiency unit shall not be less than one hundred fifty (150) square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;
- J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;
- K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(C))

17.12.170 Process.

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

[17.02.145](#). (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(D))

17.12.180 Development requirements.

The following development requirements shall apply to accessory dwelling units:

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

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

1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one block of the accessory dwelling unit.

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

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

17.12.190 Appeals.

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

17.12.200 Existing nonconforming accessory dwelling units.

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

Parking:

1. Provide parking spaces based Zoning Ordinance Section 17.34.020
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot.
3. Provide handicapped space(s).

4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking.
5. A planter is required every other row. (5-9 feet in width containing trees on twenty (20) foot centers.
6. No repair work or vehicle servicing allowed in a parking area.
7. It is highly recommended that bicycle rack(s) be provided on site plan.
8. No parking shall be permitted in a required front/rear/side yard.
9. Design/locate parking lot lighting to deflect any glare away from abutting residential areas.
10. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street or when across from residential property.
11. Front carport area to have a 3 to 6-foot tall screening wall.
12. Provide shopping cart storage areas on site plan.
13. Provide transit facilities on site plan.
14. Provide shared parking/access agreements
15. Provide off-street loading facility.
16. The project should provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant vehicle work trips. The preferential treatment could include covered parking spaces or close-in parking spaces, or designated free parking, or a guaranteed space for the vehicle.
17. Provide a "No Parking" (dead-head) stall at the end of the parking row (for rows over 6 stalls deep with no outlet) to allow vehicles to turn around rather than backing out if no stalls are available.

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide second-story screening for all windows that may intrude into adjacent residential properties. Details and cross-sections will be required to be reviewed and approved prior to issuance of building permits (Zoning Ordinance Section 17.30.130.F).
3. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
4. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
5. Outdoor retail sales prohibited.
6. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.
7. All outdoor storage areas are to be identified on the site plan and they are to be shown with screening (fencing). No materials may be stored above the storage area fence heights (Zoning Ordinance Section 17.30.130.F).
8. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
9. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

Landscaping:

1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately

licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELo standards is required indicating that the landscaping has been installed to MWELo standards.**

2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.015-2).
3. In the P(R-M) multi-family residential zone, 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. (Zoning Ordinance Section 17.16.180)
4. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
5. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
6. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
7. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
8. Provide a detailed landscape and irrigation plan for review prior to issuance of building permits. Please review Zoning Ordinance section 17.30.130-C for current landscaping and irrigation requirements.
9. Provide a conceptual landscape plan for resubmittal or planning commission review.
10. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
11. Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

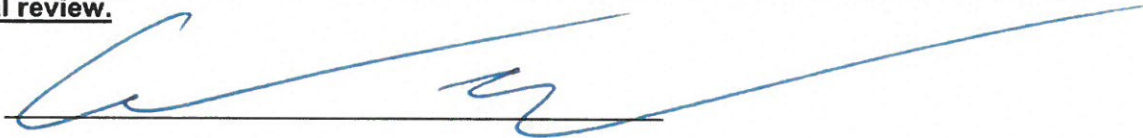
Lighting:

1. All lighting is to be designed and installed so as to prevent any significant direct or indirect light or glare from falling upon any adjacent residential property. This will need to be demonstrated in the building plans and prior to final on the site.
2. Parking lot and drive aisle lighting adjacent to residential units or designated property should consider the use of 15-foot high light poles, with the light element to be completely recessed into the can. A reduction in the height of the light pole will assist in the reduction/elimination of direct and indirect light and glare which may adversely impact adjacent residential areas.
3. Building and security lights need to be shielded so that the light element is not visible from the adjacent residential properties, if any new lights are added or existing lights relocated.
4. **NOTE:** Failure to meet these lighting standards in the field will result in no occupancy for the building until the standards are met.

In no case shall more than 0.5 lumens be exceeded at any property line, and in cases where the adjacent residential unit is very close to the property line, 0.5 lumens may not be acceptable.

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 _____





City of Visalia
Building: Site Plan
Review Comments

SFR 20162
MULTI-FAMILY UNITS
2835 E PARADISE
AVE.

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 EACH STRUCTURE** 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.~~ **BETWEEN UNITS AT DUPLEX UNIT
1 HR MIN. RATING**
- 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: LANDSCAPING SHALL MEET THE
MWELD REQUIREMENTS. ALL
UNITS SHALL BE PROTECTED BY
A 13 D FIRE SPRINKLER SYSTEM.

VAL GARCIA 2/3/21
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	February 2, 2021
Item #	1
Site Plan #	20162
APN:	1002000003

- 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



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

Date: 2-2-21
 Item: #1 Resub
 Site Plan: SPR20-162
 Name: Agent McEwen

SITE PLAN REVIEW COMMENTS

- No Comment at this time
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact Fee:
 Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
 Effective date – August 17, 2001

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.

- Not enough information provided. Please provide additional information pertaining to:

- Territorial Reinforcement: Define property lines (private/public space).

- Access Controlled / Restricted etc.:

- Lighting Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:

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

20162

February 2, 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.

Comment Solid Waste will roll bins out to E. Paradise for service.

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

Nathan Garza, Solid Waste, 559-713-4532

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

Adrian Rubalcaba 713-4271
 713-

ITEM NO: 1 DATE: FEBRUARY 3, 2021

SITE PLAN NO.: 20-162 4TH RESUBMITTAL
PROJECT TITLE: FONTANA RANCHES INC
DESCRIPTION: 4 MULTI-FAMILY UNITS (R15)
APPLICANT: DAVID LATHROP
PROP OWNER: MHKR LLC
LOCATION: 2835 E PARADISE AVE
APN: 100-200-003

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with **EXISTING** radius; **REFER TO CITY STDS**
- Install curb; gutter
- Drive approach size: Use radius return; **REFER TO CITY MULTI-FAM STDS**
- Sidewalk: 7' width; 5' parkway width at **LOVERS LANE. SEE ADDL COMMENTS**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership. **ADDITIONAL RIGHT-OF-WAY MAY BE REQUIRED FOR INSTALLATION OF PUBLIC IMPROVEMENTS PER CURRENT STDS - TO BE DETERMINED BY CITY ENGINEER**
- Deed required prior to issuing building permit; **SEE CITY GRANT DEED FORMAT AND PROCEDURES**
- City Encroachment Permit Required. **FOR ALL WORK WITHIN PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance. **PROJECT TO DRAIN TO THE STREET**
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 0.20%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company **PACKWOOD** Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show 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 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

- 1. Proposed new multi-family development will incur impact fees, refer to page 3 for applicable fees.***
- 2. Project shall install public street frontage improvements along Lovers Lane and Paradise. Paradise shall have a 5' sidewalk adjacent to curb with parkway landscaping. Lovers Lane shall comply with current City arterial stds and include a 7' sidewalk and 5' parkway. Revise site plan accordingly.***
- 3. Previous subdivision design did not require that the frontage along Lovers Lane be dedicated to a Landscape and Lighting District to be maintained, therefore this project will be required to install a block wall and maintain the Lovers Lane landscape and irrigation along frontage. Refer to further conditions by Planning Dept. See City block wall standards.***
- 4. Site plan layout needs to show the existing easements along south and east side boundaries of the parcel - no structures can be erected within these easements. Redesign accordingly.***
- 5. Site plan needs to show the existing ditch and access road bank and the existing drive approach. Project to install additional improvements to fence off / gate ditch access and provide pedestrian accessibility across existing approach.***
- 6. Ensure sewer lateral is designed and sized correctly to accommodate proposed number of units.***
- 7. Requirements from Tulare Irrigation District appear to have been incorporated into site plan layout. Maintain adequate distance from easement and ditch maintenance road accordingly. Refer to TID.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **20-162 4th RESUBMITTAL**

Date: **2/3/2021**

**Summary of applicable Development Impact Fees to be collected at the time of building permit:
(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)**

(Fee Schedule Date:9/1/2020)
(Project type for fee rates:MULTI-FAM)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,343/AC X 0.78
<input checked="" type="checkbox"/> Transportation Impact Fee	\$4,306/UNIT X 4
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$465/UNIT X 4 TREATMENT PLANT FEE: \$816/UNIT X 4
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$45/LF X 60
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$5,909/AC X 0.78
<input checked="" type="checkbox"/> Park Acq/Dev Fee	\$3,347/UNIT X 4
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$4,339/AC X 0.78
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$4,541/AC X 0.78
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$1,969/AC X 0.78
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$527/UNIT X 4
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

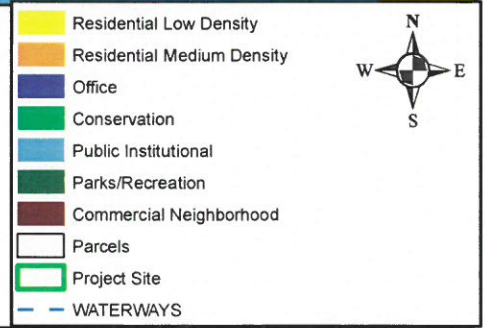
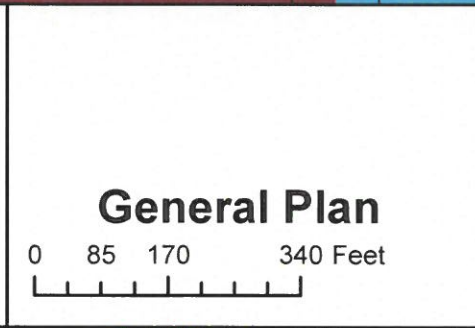
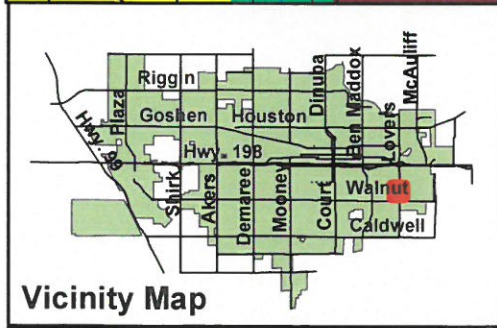
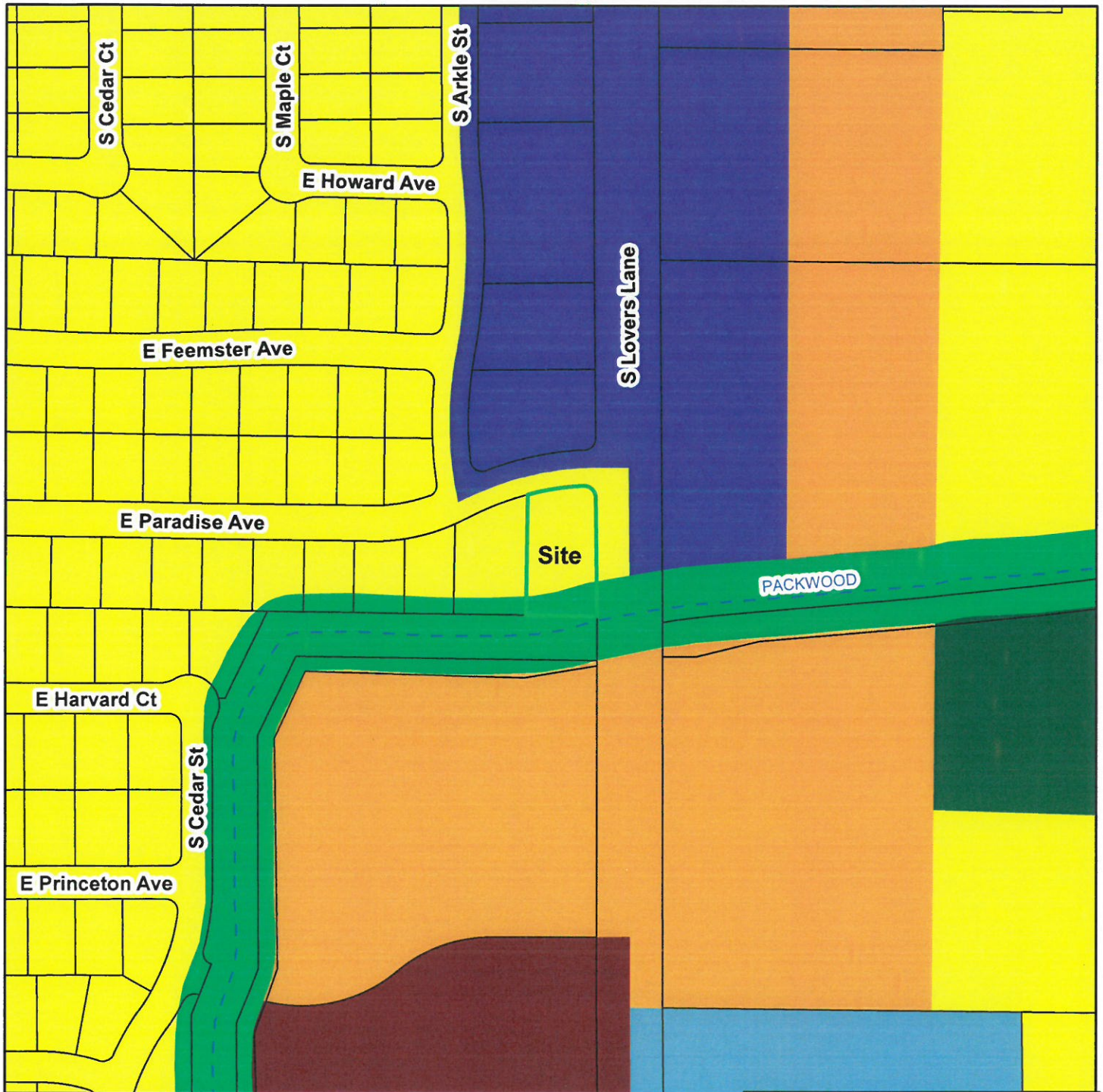
- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in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



Adrian Rubalcaba

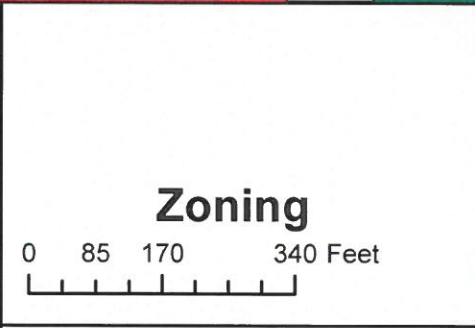
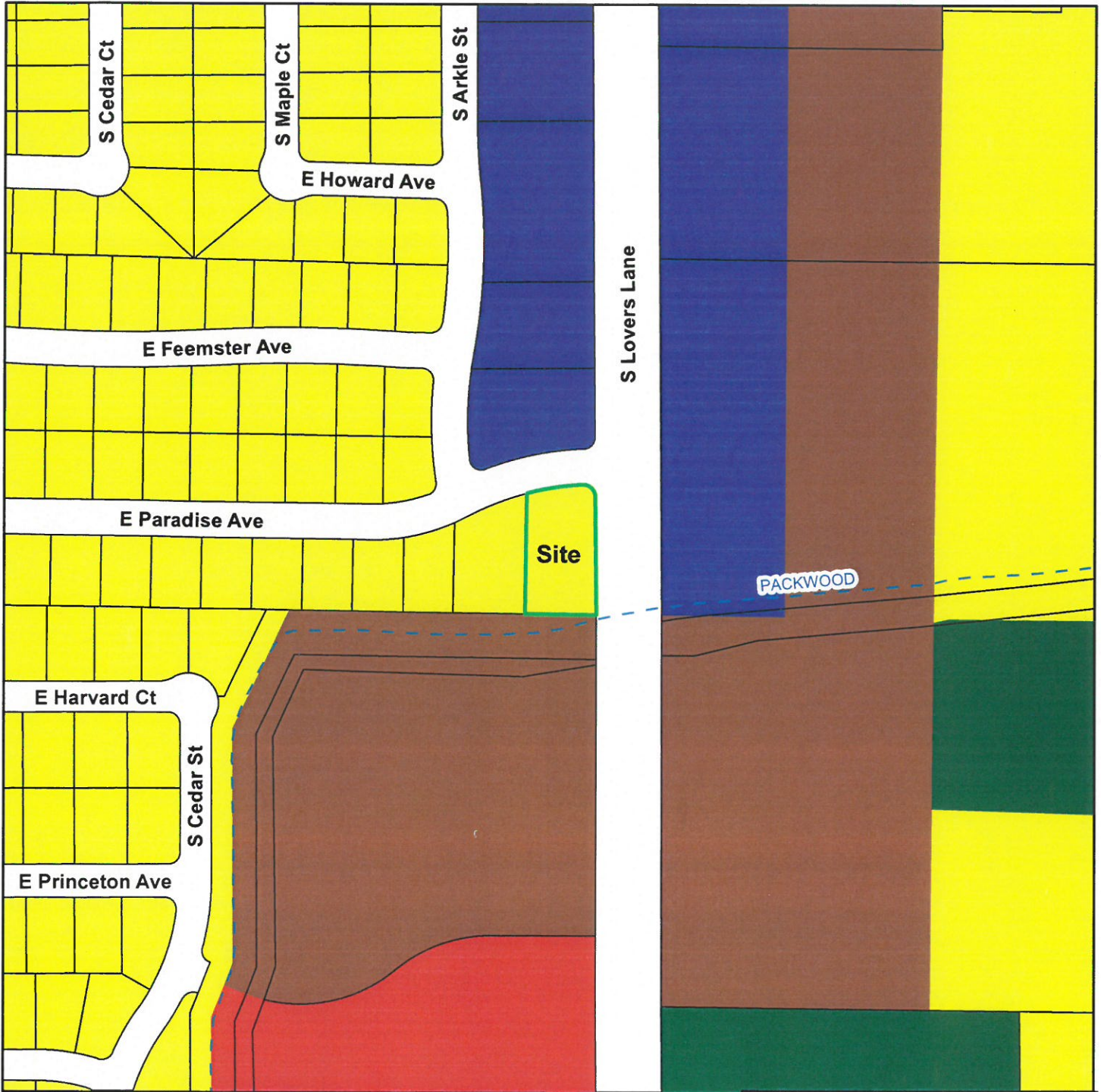
Conditional Use Permit No. 2021-09

The project site is located on the southwest corner of E. Paradise Ave. and S. Lovers Lane.
(APN: 100-200-003)



Conditional Use Permit No. 2021-09

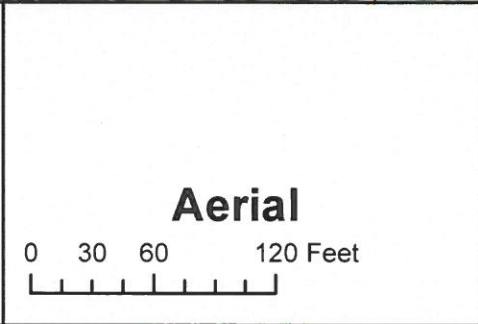
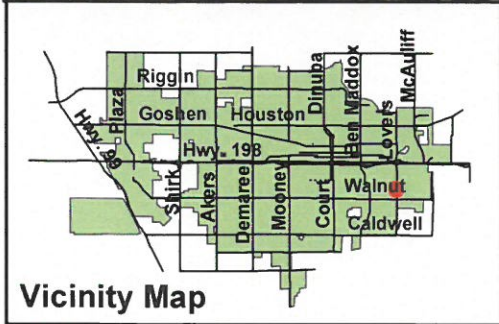
The project site is located on the southwest corner of E. Paradise Ave. and S. Lovers Lane.
(APN: 100-200-003)



	R-1-5 - 5,000 SF Min Site Area
	R-M-2 - 3,000 SF Min Site Area
	O-PA - Prof. / Admin. Office
	QP - Quasi-Public
	C-N - Neighborhood Commercial
	Parcels
	Project Site
	WATERWAYS

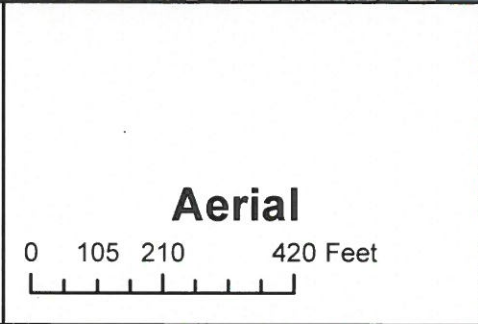
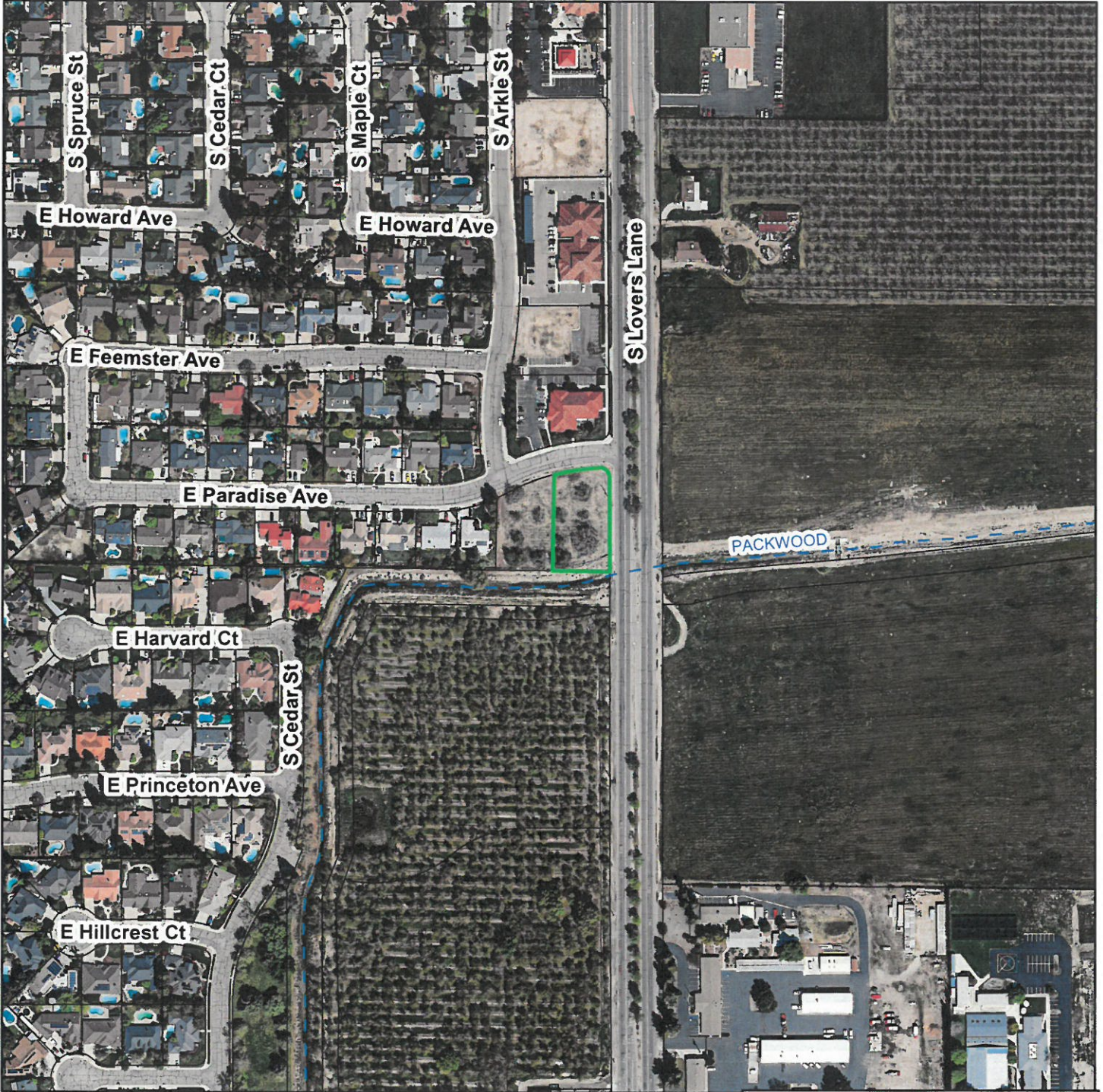
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The project site is located on the southwest corner of E. Paradise Ave. and S. Lovers Lane.
(APN: 100-200-003)



Conditional Use Permit No. 2021-09

The project site is located on the southwest corner of E. Paradise Ave. and S. Lovers Lane.
(APN: 100-200-003)



- Project Site
- Parcels
- WATERWAYS

Conditional Use Permit No. 2021-09

The project site is located on the southwest corner of E. Paradise Ave. and S. Lovers Lane.
(APN: 100-200-003)

