

# PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Marvin Hansen



VICE CHAIRPERSON:  
Adam Peck

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

**MONDAY, APRIL 11, 2022**  
**VISALIA COUNCIL CHAMBERS**  
**LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA**  
**MEETING TIME: 7:00 PM**

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. 2021 Administrative Adjustment Annual Report.
6. PUBLIC HEARING – Rafael Garcia, Senior Planner

Conditional Use Permit No. 2021-37: A request by Christian Church Homes to develop a 70-unit affordable senior housing multi-family development on a vacant 2.06-acre site in the C-MU (Mixed Use Commercial) zone. The project site is located on the east side of North Highland Street approximately 500 feet north of West Ferguson Avenue (APN: 090-060-058). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2022-01.

7. REGULAR ITEM – Cristobal Carrillo, Associate Planner  
Update on the Historic Preservation Ordinance Chapter 17.56 and Local Register of Historic Structures.
8. REGULAR ITEM – Paul Bernal, Community Development Director  
Planning Division Fee Amendments: Consideration of amendments to the Planning Division fees for the 2022-2023 fiscal year as contained in City of Visalia Fee Resolution No. 2022-11.
9. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –
  - a. The next Planning Commission meeting is April 25, 2022.
  - b. On April 4<sup>th</sup> Council adopted 2<sup>nd</sup> Reading of Ordinance No. 2022-04 for ZTA No. 2021-10.
  - c. On April 4<sup>th</sup> Council introduced Ordinance No. 2022-06 for ZTA No. 2021-09.
  - d. Update on the Joint City Council / Planning Commission meeting.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

### **APPEAL PROCEDURE**

#### **THE LAST DAY TO FILE AN APPEAL IS THURSDAY, APRIL 21, 2022, BEFORE 5 PM**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.visalia.city](http://www.visalia.city) or from the City Clerk.

#### **THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, APRIL 25, 2022**



# City of Visalia

## **Memo**



**To:** Planning Commission  
**From:** Cristobal Carrillo, Associate Planner  
(559) 713-4443, [cristobal.carrillo@visalia.city](mailto:cristobal.carrillo@visalia.city)  
**Date:** April 11, 2022  
**Re:** Historic Preservation Advisory Committee Project Update: Historic Preservation District Ordinance Update and Local Register of Historic Structures Update.

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### **RECOMMENDED ACTION**

Staff recommends that the Planning Commission receive a presentation and information on two projects being conducted by the Historic Preservation Advisory Committee:

1. A Zone Text Amendment to the Historic Preservation District Ordinance; and
2. An update of the Local Register of Historic Structures.

### **DISCUSSION**

#### Background

As one of the oldest cities in the Central Valley, Visalia hosts an impressive collection of historic sites and structures. In 1979 the Historic Preservation District Ordinance (Zoning Ordinance Chapter 17.56) was adopted to protect and preserve the City's distinct collection of structures. The Ordinance created the HPAC to oversee historic matters and created two areas of jurisdiction: the Historic District and the Local Register of Historic Structures (See Attachment No. 1). The Historic District consists of three areas containing large groupings of historically significant structures. The Local Register consists of individual properties located throughout the City Limits, both inside and outside of the Historic Districts, identified as containing historically and architecturally significant structures. The HPAC is tasked with reviewing exterior modifications to structures located within the Historic District and/or on the Local Register, and providing recommendations to the Planning Commission for zoning actions proposed on sites within the Historic District. Interior modifications in all but publicly owned and publicly accessible Local Register buildings are exempt from HPAC review.

#### City Council Directive

In early 2021, as the result of demolition of the Odell-Mor Building (209 N. Encina Street), the Visalia City Council directed the HPAC to provide recommendations for revision of the Historic Preservation District Ordinance. As a result, the HPAC began in earnest in 2021 to devise recommendations to address various aspects of the Ordinance.

#### Historic Preservation Ordinance Update

The HPAC has identified six areas within the Ordinance that require revision to address issues affecting historically designated sites in the City of Visalia. The proposed revisions are as follows:

1. Update the Ordinance so that “Background” Local Register structures located outside the Historic District are subject to HPAC review. Currently these structures are exempt from HPAC review unless proposed for demolition.
2. Grant HPAC the ability to deny demolition requests for any property within the Historic District or Local Register. Currently the HPAC is compelled to approve demolitions requests. The HPAC can only deny a demolition request when the structure is listed as “Exceptional” on the Local Register.
3. Add definitions for Local Register classifications to the Ordinance. As present Local Register classification definitions are only found within the Historic Preservation Element of the Visalia General Plan.
4. Add specific criteria for the evaluation of fencing proposals. At present language within the Ordinance is vague. Language will be added to be inclusive of a larger range of fencing types, while still preserving historic aesthetics.
5. Limit the percentage of paved surfaces allowed within front yard areas. The intent of this will be to preserve landscaping in front yard areas, again with an eye towards preserving historic aesthetics.
6. Change the frequency of Local Register reviews. This would change the requirement to conduct Local Register reviews from an annual basis to every five years.

#### Local Register of Historic Structures Update

In conjunction with the above, the HPAC also embarked on an update to the Local Register of Historic Structures, a task which has not been undertaken in any capacity since 2013.

Each structure on the Local Register has been previously assigned a “classification” based on physical attributes and historical significance. The Local Register update aims to review each structure on the Local Register, to determine whether the appropriate classification has been applied. The three classification types are listed below:

- Exceptional: Sites with preeminent historical significance, considered for nomination to the National Register of Historic Places.
- Focus: Sites having significant value, of good to excellent quality, considered for local recognition.
- Background: Properties that may not be historically significant or unique, but which contribute positively to the City’s “visual fabric”.

Classifications are employed to determine what whether HPAC review is required and what review criteria is applied. Site surveys of all Local Register sites were conducted in 2021, with evaluations by the HPAC completed in 2022.



### Public Outreach Meeting

At the request of the City Council, the HPAC conducted a public outreach meeting on March 30, 2022, to answer questions and solicit comment on the Historic Preservation District Ordinance update and Local Register of Historic Structures update. Notice of the meeting was sent to all property owners and occupants of sites within the Historic District and on the Local Register. Comments received consisted of a recommendation to not alter the frequency of Local Register reviews and clarifying questions regarding fencing and landscaping changes. All comments were collected by staff for possible incorporation in the two projects.

### Next Steps

Both projects require review by the HPAC, and a recommendation from the Planning Commission to the Visalia City Council. The City Council has ultimate authority to certify the Local Register Update and approve the Historic Preservation Ordinance Update. Reviews are expected to occur between April 2022 to August 2022. Staff is in the process of gathering information for the drafting of staff reports for the two projects that will be presented to the HPAC in April/May 2022.

### **ATTACHMENTS:**

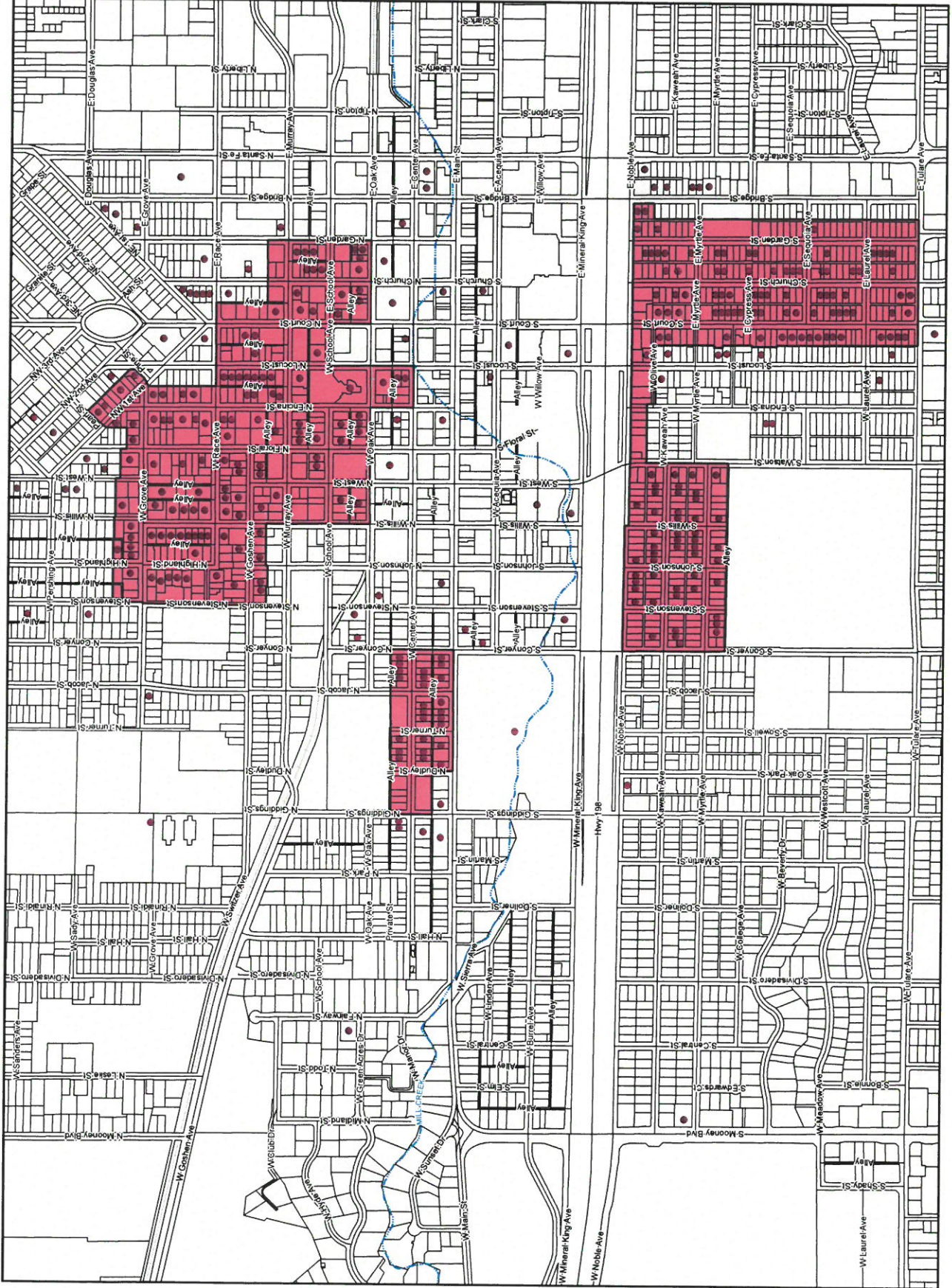
1. Historic District and Local Register of Historic Structures Map
2. February 2, 2022, Follow-Up City Council/HPAC Work Session Staff Report
3. October 4, 2021, City Council/HPAC Work Session Staff Report



# Historic & District Register Map



- City Limits
- Streets
- Railroad
- Waterways
- Parcels
- Local Registry
- Historical District







# City of Visalia

707 W. Acequia  
Visalia, CA

## Staff Report

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**File #:** 22-0043

**Agenda Date:** 2/22/2022

**Agenda #:** 2.

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**Agenda Item Wording:**

Follow-Up Discussion and direction on recommended changes to Zoning Ordinance Chapter 17.56, Historic Preservation District Ordinance.

Deadline for Action: 2/22/2022

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Walter Deissler, Chairperson, Historic Preservation Advisory Committee

Cristobal Carrillo, Associate Planner, [cristobal.carrillo@visalia.city](mailto:cristobal.carrillo@visalia.city)

[<mailto:cristobal.carrillo@visalia.city>](mailto:cristobal.carrillo@visalia.city), (559) 713-4443

Mike Olmos, Interim City Planner, [mike.olmos@visalia.city](mailto:mike.olmos@visalia.city) [<mailto:mike.olmos@visalia.city>](mailto:mike.olmos@visalia.city), (559) 713-4449

Paul Bernal, Community Development Director, [paul.bernal@visalia.city](mailto:paul.bernal@visalia.city)

[<mailto:paul.bernal@visalia.city>](mailto:paul.bernal@visalia.city), (559) 713-4025

**Department Recommendation:**

That the City Council receive the staff report and presentation on potential changes to Chapter 17.56 Historic Preservation District Ordinance as recommended by the Historic Preservation Advisory Committee and members of the Building Advisory Committee, and direct City staff to conduct public outreach to receive public comment, then begin processing a Zoning Text Amendment to implement the changes as identified in the staff report, incorporating comments and modifications from the City Council and members of the public.

**Historic Preservation Advisory Committee and Historic Preservation District Ordinance:**

Background and Duties

The Historic Preservation District Ordinance established the Historic Preservation Advisory Committee (HPAC). The HPAC was created to act as the City's steward for historic preservation causes and protector of historic structures. Its duties include periodically updating the Local Register of Historic Structures, nominating properties to Local, State, and Federal Historic Registers, and reviewing building/planning actions related to historically designated structures.

Jurisdiction

The Historic Preservation District Ordinance created two areas of jurisdiction for which the HPAC has review authority. These two jurisdictional areas cover 763 properties within the City of Visalia and are noted as follows:

1. Historic District:

The Historic District consists of three areas containing large groupings of historically significant structures, often with similar architectural styles and elements. A total of 678 properties are located

within the boundaries of the Historic District.

2. Local Register of Historic Structures:

The Local Register consists of individual properties which have been identified by the HPAC as containing historically significant and unique structures. These properties can be located anywhere within City Limits, in or outside the bounds of the Historic District. The Local Register currently contains 386 properties.

Structures on the Local Register are given one of three classifications, based on factors such as historical importance, uniqueness of architecture, and quality of construction. The classifications are defined as follows:

- Exceptional: Properties with preeminent historical significance, considered for nomination to the National Register of Historic Places. There are 31 Exceptional properties on the Local Register.
- Focus: Properties having significant value, of good to excellent quality, considered for local recognition and protection. There are 160 "Focus properties on the Local Register.
- Background: Properties that may not be historically significant or unique in their construction, but which contribute positively to the "visual fabric" of the City of Visalia. There are currently 195 Background structures on the Local Register.

The HPAC has review authority over projects conducted within the Historic District and/or on sites located outside the Historic District and listed as "Exceptional" or "Focus" on the Local Register. "Background" Local Register structures located outside the Historic District are not subject to HPAC review unless proposed for demolition.

Any decision of the HPAC can be appealed directly to the City Council. Additions to the Historic District or Local Register must be reviewed by the HPAC and Planning Commission, and ultimately approved by the City Council.

**Background and Summary of October 4, 201 City Council-HPAC Work Session:**

On February 16, 2021, staff presented the 2020 HPAC Annual Report to the Visalia City Council. At the conclusion of the Annual Report presentation, members of the City Council requested the Historic Preservation Advisory Committee (HPAC) provide recommendations for how to best revise the Visalia Municipal Code (VMC) Chapter 17.56 (Historic Preservation District Ordinance) to address the demolition of historic buildings. The request was reiterated at the March 1, 2021, City Council Committees/Commissions Work Session and Regular Meeting.

Following direction from the City Council, the HPAC developed several potential revisions to the Historic District Preservation Ordinance to address areas of deficiency. The HPAC's recommended revisions are summarized below:

1. *Local Register Structure and Demolition Review:*

- Removal of language exempting "Background" Local Register structures located outside the Historic District from HPAC review;



- Addition of language that would allow the HPAC to deny a request for demolition for any property within the Historic District and/or on the Local Register.
2. *Local Register Classifications:*
    - Addition of language to the Historic Preservation Ordinance defining the “Exceptional”, “Focus” and “Background” classifications of the Local Register.
  3. *Project Review:*
    - Alterations to how fencing proposals are evaluated;
    - Removal of language allowing certain projects to occur without HPAC review if “like materials” are used.
  4. *Landscaping:*
    - Changes that would limit the percentage of paved surfaces permitted within front yard areas.
  5. *Local Register Review:*
    - Changes related to the frequency of Local Register reviews.

The recommended revisions were presented to the City Council at an October 4, 2021, Work Session with the HPAC. At the Work Session, the City Council voiced outright support for Recommendation Nos. 2 and 5. However for Recommendation Nos. 1, 3, and 4, the City Council expressed reservations over changes to the HPACs review authority, under the reasoning that property owners and/or potential buyers were likely not aware that historic designations were applicable to their sites. Following completion of the Work Session, the City Council requested that the HPAC consult with the Building Advisory Committee (BAC) to solicit comments on Recommendation Nos 1, 3, and 4, and to report back to the City Council with findings.

For additional background information on the HPAC, the Historic Preservation District Ordinance, and the October 4, 2021 City Council-HPAC Work Session, please see Attachment No. 1.

#### **Summary of November 17, 2021 Joint Meeting of the HPAC and BAC:**

Per the direction of the City Council, the HPAC held a joint meeting with the BAC on November 17, 2021 to obtain comments on proposed revisions to the Historic Preservation District Ordinance. The meeting was attended by the full HPAC. However, only three members of the seven-member BAC attended the meeting. A full quorum for the joint meeting was therefore not reached. Because of a lack of quorum, no official recommendation could be provided by the BAC. However, as the members in attendance were those previously selected by the BAC to work with the HPAC, it was determined that comments collected by the three members in attendance would still be beneficial to the City Council.

Staff presented its report providing information on the duties and jurisdictional areas of the HPAC and detailing proposed revisions to the Historic Preservation District Ordinance. The Committees also discussed how the HPAC and BAC could work together on certain projects, in response to the direction provided from the City Council's Committees/Commissions Work Sessions. Details on this latter portion of the discussion will be provided during the HPAC Annual Review, likely to occur in March 2022.

For the Historic District Ordinance recommendations, the BAC provided the following comments:

Local Register Structure and Demolition Review

**Proposed Change:** *Removal of language exempting “Background” Local Register structures outside the Historic District from HPAC review (reference of Background structure provided above). If approved, this exemption provision will authorize the HPAC to review exterior building alterations for any property that is within the Historic District or on the Local Register, regardless of classification. The HPAC proposes the change to prevent the negative alteration and loss of historic structures due to lack of oversight and communication with applicants/property owners.*

**10/4/2021 City Council Comments:** The City Council directed staff and the HPAC to conduct outreach with the affected property owners to inform them of the potential changes that could result should this change be approved.

**11/17/2021 BAC Comments:** BAC members deemed this a reasonable change. It was noted by the BAC that HPAC project reviews are typically related to architectural design and cost, and not with interpretation of the Building Code. As such, the BAC has little overlap with the purview of the HPAC. The BAC members discussed whether fee reductions for Building Permits and other costs could be provided for sites undergoing HPAC review. Staff stated that it would be a City Council decision and that such a proposal had not yet been presented.

Note: There are only 36 “Background” Local Register structures that are located outside the Historic District. Given the small number of potential properties impacted, this change is not expected to have a significant impact on staff time.

**Proposed Change:** *Addition of language that would allow the HPAC to deny a request for demolition for any property within the Historic District and/or on the Local Register regardless of classification. This change would affect the 355 properties that are currently on the Local Register with a “Focus” and “Background” classification as well the 377 properties that are in the Historic District but not on the Local Register.*

**10/4/2021 City Council Comments:** The City Council directed staff and the HPAC to conduct outreach with the affected property owners to inform them of the potential changes that could result should this change be approved.

**11/17/2021 BAC Comments:** The BAC provided no comment on this item. It was explained by staff that this change would provide the HPAC with authority to deny a request for demolition of any structure within the Historic District or listed on the Local Register, similar to the protection currently provided by the Historic Preservation District Ordinance to “Exceptional” Local Register structures. In instances where an applicant proposes demolition of an “Exceptional” structure (ex. the Bank of Italy building or Downtown Post Office building), the Historic Preservation District Ordinance provides the HPAC with the authority to deny such a request, subject to appeal to the City Council. HPAC’s request to have this provision of the Historic Ordinance changed is in an effort to ensure all avenues of preservation and restoration are considered by a property owner rather than having no say on whether a demolition permit should not be issued. HPAC identified that the purpose and intent of their duties is to preserve and promote the city's cultural heritage, by ensuring its historic structures, sites, and features are not destroyed if reasonable improvements to these structures/sites can be made to prevent them from being demolished. The BAC understood the proposed change and still provided no comment regarding support to change the ordinance.



Staff also presented the alternatives to the BAC that were also presented to the City Council in -lieu of the consideration as noted above. These alternatives are as follows:

b.(1) Limit the denial consideration so that it would only be applicable to Local Register structures with a "Focus" and "Background" classification. This would result in 386 structures being subject to the proposed revision related to demolition requests (see Attachment 4) or,

b.(2) Consider a "grandfather" clause that would exempt existing "Focus" and "Background" Local Register properties from the recommended ordinance change, and only require that any new addition to the Local Register with a "Focus" and "Background" classification be subject to the new demolition provision.

The BAC after receiving these alternatives understood the consideration and provided no comment regarding this request support to change. Please note, although existing codified provisions allow HPAC to deny a demolition request for a Local Register structure with an "Exceptional" classification, the ordinance already permits the HPAC to review demolition requests for any site within the Historic District and/or Local Register, but the HPAC must approve these requests. Staff's research has found that review of demolition requests are rare, and that such requests are almost always approved.

#### Project Review:

**Proposed Change:** *Removal of language regarding specific fencing types, in favor of general language requiring consideration based on style and context:*

**10/4/2021 City Council Comments:** The City Council did not support the use of subjective criteria to evaluate fencing, instead requesting the creation of specific standards for fence reviews. The City Council also requested that chain link fencing materials be included as an acceptable fencing type for historically designated sites.

**11/17/2021 BAC Comments:** The BAC expressed a preference for specific standards for the evaluation of fencing, rather than consideration on a case-by-case basis based on the style of a residence and the surrounding neighborhood. Concern was raised by the HPAC regarding contractors placing fences without Building Permits. BAC members noted that if there were issues with contractors, they could be reported to the Contractors State Licensing Board.

Given the concurrence between the Council and BAC, the HPAC has elected to move forward with the recommendation of providing specific standards for the evaluation of fencing and will create specific standards to be incorporated into the Historic Preservation District Ordinance for acceptable fencing types.

**Proposed Change:** *Removal or modification to provisions allowing for reroofing/residing/masonry repairs and other assorted work of a similar capacity to occur without HPAC review:*

**10/4/2021 City Council Comments:** The City Council expressed a lack of support for the changes proposed, sharing concerns over the effect on Building Permit issuance.

**11/17/2021 BAC Comments:** The BAC similarly was concerned with the effect the change would have on Building Permit issuance, given that permits for this type of work would be typically issued over the counter. Staff noted that for these types of projects, permit applications were reviewed by staff to ensure that no significant exterior changes would occur. This would include requiring applicants to submit plans and other documents to verify that only minimal exterior work with like materials would be conducted.

Given the concurrence of opinions between the Council and BAC over the effect on “over the counter” permit issuance, the HPAC has elected to no longer pursue changes to the “Like Materials” section of the Historic Preservation Ordinance.

#### Landscaping:

**Proposed Change:** *Inclusion of language requiring historically designated sites to maintain a minimum 50% of front yard areas for landscaping purposes.*

**10/4/201 City Council Comments:** The City Council expressed concern over requiring a certain percentage of front yard space to be devoted to landscaping during a time when droughts are prevalent. Specifically, the City Council asked whether materials like rock or synthetic lawn would be acceptable under the proposed revision.

**11/17/2021 BAC Comments:** The BAC cited no issues with this proposal. The HPAC noted that it agreed with comments from the City Council that alternative landscaping materials such as synthetic lawn and rock should be considered acceptable under the proposed ordinance changes, as the intent was to prevent permanent paving of landscape areas.

#### **Recording Historic Designations on Title Documents:**

At the October 4, 2021, Work Session, the City Council expressed a desire to improve public knowledge of Historic designations. A request was made for the City Attorney to research whether historic designations could be recorded against property titles, so that existing and new property owners would be informed of their applicability to their sites upon purchase.

The City Attorney has informed staff that recording notice against individual properties is possible pursuant to California Public Resources Code section 5029 and Government Code section 27288.2. If this type of notification is pursued it would be recommended to only be utilized to notify property owners that their parcels have been listed on the local historic register. It is not recommended that this process be used to notify property owners of sites located within the boundaries of historical districts.

Public Resources Code section 5029 requires the applicable resolution recording notice to:

1. State the name of the current owner;
2. State the agency making the designation;
3. State the specific historical resource designation that results on restrictions on demolition or alteration of a structure; and
4. Provide a legal description of the property.

The resolution would require an individualized basis for the historical designation. In addition to the above, the City Attorney also recommends that any such resolution be adopted only after notice to the property owner and a hearing are conducted. If the City Council would want this type of individual notice requirement added, then it is recommended that modifications to the Historic Preservation District Ordinance be made to define a process for having such resolutions adopted and recorded.

There are 386 properties on the current Local Register of Historic Structures. Recording individual resolutions will be a significant undertaking for staff and will require some time to be completed. If pursued, the City Attorney recommends requiring individual notification to be timed to be conducted in conjunction with the ongoing review of the current Local Register to streamline the process. Note

that there are potential limitations that could be applied to the recorded notices. For instance, if demolition restrictions within the Historic Preservation District Ordinance only apply to buildings determined to be “Exceptional” or “Focus”, then the notification resolutions can only be recorded for those types of structures and not for structures listed as “Background” on the Local Register.

Per the City Attorney, the process is not recommended for notification of properties that are simply within a designated Historic District but not listed on the Local Register. The State statutes refer only to individual properties and not neighborhoods consisting of multiple properties. VMC Chapter 17.56 allows for the creation of a local historic register of structures and sites and creates historical districts that include multiple properties. These historical districts are a type of specific zoning overlay within the City. As such, persons are presumed by law to have constructive notice of duly adopted zoning ordinances, including historical districts, because the applicable rules and the location of areas are readily available to the public. Furthermore, recording a notice against all properties within a historical district will also potentially require updates if the ordinance were to change, which would likely occur more often than modifications to the local register.

### **Public Notification Efforts/Street Signage Update**

The City and HPAC have taken multiple actions to promote wider knowledge of historic preservation and its applicability to certain sites. This includes the annual mailing of an HPAC informational guide to all property owners and occupants of historically designated properties and coordination with local media for the dissemination of stories highlighting historic preservation topics.

More recently on November 15, 2021 the Visalia City Council allocated funds for the placement of historic preservation street blade signage in the Historic District, with intent to create increased awareness of the district and historic preservation in general. Installation of street blades began in January 2022 and will include placement on approximately 100 existing street name sign or utility poles throughout the Historic District, which encompasses the areas north of Downtown Visalia, north of Redwood High School, and within the geographical boundary of South Bridge Street, South Conyer Street, West Tulare Street, and State Highway 198. Project completion is expected to occur in February 2022.

Continuation of the public notification efforts identified in this section are recommended over the processes identified by the City Attorney as they considered equally effective, would require less staff time to process, and would not need to be updated with every change to the Local Register or Historic Preservation District Ordinance.

### **Next Steps:**

If directed by the City Council to proceed with revisions to the Historic Preservation Ordinance as outlined above, staff will begin scheduling public outreach meetings conducted by the HPAC to inform the public of proposed revisions to the Historic Preservation District Ordinance. This would then be followed by publicly noticed hearings before the HPAC, Planning Commission, and City Council.

As noted during the October 4, 2021 Work Session, staff is working towards completing the ordinance revisions by July 1, 2022. At Council’s direction, the project can also be returned at an earlier date, however, this will impact staff’s ability to quickly process other current construction/building permit applications and long-range planning projects.

### **Fiscal Impact:**

None.



**Prior Council Action:**

1. At the February 16, 2021, meeting of the City Council, during presentation of the 2020 HPAC Annual Report, members of the Council directed the HPAC to provide recommendations for the revision of the Historic Preservation District Ordinance.
2. At the March 1, 2021, City Council Committee/Commission Work Session, the HPAC was encouraged to undertake projects related to their mission. A request was made by members of the City Council for the HPAC to consider reviewing the Historic Preservation District Ordinance for potential changes.
3. At the October 4, 2021, City Council and Historic Preservation Advisory Committee Work Session, direction was provided by the Council regarding proposed revisions to the Historic Preservation District Ordinance. The Council directed the Committee to meet with the Building Advisory Committee, solicit comment, and return to the Council for a follow-up work session

**Alternatives:**

The City Council, in lieu of the recommendations provided, may direct staff to consider the following:

1. Direct staff to pursue different alternative language changes to the Historic Preservation District Ordinance as specified by Council.
2. Receive the staff report and take no further action at this time.

**Recommended Motion (and Alternative Motions if expected):**

I move to direct City staff to initiate a Zoning Text Amendment to implement the changes as recommended by the Historic Preservation Advisory Committee and as listed in the Work Session staff report, with a recommend timeline to have the ordinance changes completed by July 1, 2022..end

**Environmental Assessment Status:**

**CEQA Review:** None at this time.

**Attachments:**

1. October 4, 2021 City Council-Historic Preservation Advisory Committee Work Session Staff Report



# City of Visalia

City Council Chambers  
707 W. Acequia Ave.  
Visalia, CA

## Staff Report

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**File #:** 21-0512

**Agenda Date:** 10/4/2021

**Agenda #:** 4.

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**Agenda Item Wording:**

Discussion and direction on recommended changes to Zoning Ordinance Chapter 17.56, Historic Preservation District Ordinance.

Deadline for Action: 10/4/2021

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Walter Deissler, Chairperson, Historic Preservation Advisory Committee

Cristobal Carrillo, Associate Planner, [cristobal.carrillo@visalia.city](mailto:cristobal.carrillo@visalia.city)

[<mailto:cristobal.carrillo@visalia.city>](mailto:cristobal.carrillo@visalia.city), (559) 713-4443

Paul Bernal, Community Development Director, [paul.bernal@visalia.city](mailto:paul.bernal@visalia.city)

[<mailto:paul.bernal@visalia.city>](mailto:paul.bernal@visalia.city), (559) 713-4025

**Department Recommendation:**

That the City Council receive the staff report and presentation on potential changes to Chapter 17.56 Historic Preservation District Ordinance as recommended by the Historic Preservation Advisory Committee, and direct City staff to conduct public outreach to receive public comment, consult with the City of Visalia Building Advisory Committee, then begin processing a Zoning Text Amendment to implement the changes as identified in the staff report, incorporating comments and modifications from the City Council, Building Advisory Committee, and members of the public.

Alternatively, the City Council can direct the Historic Preservation Advisory Committee and staff to consult with the City of Visalia Building Advisory Committee prior to conducting public outreach or processing a Zoning Text Amendment. Any comments and recommendations provided would then be incorporated into a report to be presented to the Visalia City Council at a future Work Session, prior to public outreach.

**Historic Preservation Advisory Committee and Historic Preservation District Ordinance:**

Background and Duties

As one of the oldest cities in the Central Valley, Visalia hosts an impressive collection of historic sites and structures. Numerous buildings with distinctive architectural styles are present in Visalia, concentrated in the city's historic core. The Historic Preservation District Ordinance (Zoning Ordinance Chapter 17.56) was adopted by the City of Visalia in 1979, and updated in 2001, in effect to protect and preserve the City's distinct collection of structures.

A cornerstone of the Historic Preservation District Ordinance is the establishment of the Historic Preservation Advisory Committee (HPAC). The HPAC was created to act as the City's steward for



historic preservation causes and protector of historic structures. The Committee consists of seven members and meets on the second and fourth Wednesdays of the month. The Committee is primarily responsible for periodically updating the Local Register of Historic Structures, nominating properties to Local, State, and Federal Historic Registers, and reviewing building/planning actions related to historically designated structures. Review of building and planning actions is the most frequent task undertaken by the Committee, consisting of review of proposals for the exterior alteration of historically designated sites and structures, and review of zoning actions (ex. Change of Zones, Conditional Use Permits, Variances, and Planned Unit Developments). HPAC reviews are conducted with a focus on preserving the integrity of historic structures and maintaining the unified architectural character of historic neighborhoods. Reviews of exterior alterations to buildings must occur prior to issuance of a building permit. For zoning actions, the HPAC only reviews the impact of a proposed zoning action on a historic structure and provides a recommendation to the Visalia Planning Commission. The HPAC does not have authority to approve or deny zoning actions and cannot make determinations on what uses are allowed in which zones. That power rests solely with the Planning Commission. All reviews by the HPAC are conducted at no expense to the applicant. Any action of the HPAC is appealable to the City Council. Similarly, any appeals of HPAC actions are processed free of charge.

#### Jurisdiction

The Historic Preservation District Ordinance created two areas of jurisdiction for which the HPAC has review authority. These two jurisdictional areas cover 763 properties within the City of Visalia and are noted as follows:

1. Historic District:

The Historic District consists of three areas containing large groupings of historically significant structures, often with similar architectural styles and elements. A total of 678 properties are located within the boundaries of the Historic District, containing a wide variety of uses such as single and multi-family residences, commercial/office uses, and public buildings. The three areas that make up the Historic District are located north of Downtown Visalia, north of Redwood High School, and within the geographical boundary of South Bridge Street, South Conyer Street, West Tulare Street, and State Highway 198 (see Attachment "2").

2. Local Register of Historic Structures:

The Local Register consists of individual properties which have been identified by the HPAC as containing historically significant and unique structures. These properties can be located anywhere within City Limits, in or outside the bounds of the Historic District, though most Local Register structures are concentrated within the downtown and surrounding residential areas (see Attachment "2"). At present the Local Register contains 386 properties, consisting of residential, commercial, office, and public use buildings.

Structures on the Local Register are given one of three classifications, based on varying factors such

as historical importance, uniqueness of architecture, and quality of construction. The classifications for Local Register structures are defined in the Historic Preservation Element of the 2014 Visalia General Plan as follows:

- **Exceptional:** Properties with preeminent historical significance, considered for nomination to the National Register of Historic Places. Examples of this include the Bank of Italy building (128 East Main Street), the Hyde House (500 South Court Street), and the U.S. Post Office, Visalia Town Center Station (111 West Acequia Avenue). All three buildings are listed on the National Register of Historic Places. There are 31 properties currently classified as “Exceptional” on the Local Register.
- **Focus:** Properties having significant value, of good to excellent quality, considered for local recognition and protection. Examples of this include the R.H. Stevens House (617 North Encina Street), the Visalia Cemetery Chapel (1300 West Goshen Avenue), and the Lemuel L. Hyde House (401 West Grove Avenue). There are 160 properties currently classified as “Focus” on the Local Register.
- **Background:** Properties that may not be historically significant or unique in their construction, but which contribute positively to the “visual fabric” of the City of Visalia. Examples of this can be found in the 800 Block of South Court Street, which contains eight “Background” Local Register structures exhibiting Bungalow and Mission Revival style architecture. “There are currently 195 “Background” classified structures on the Local Register, the most of any classification.

The Historic Preservation District Ordinance only allows the HPAC to make recommendations on potential structures that should be considered for Local Register designation. The decision to place a structure on the Local Register is subject to the City Council’s approval. Based on staff’s research, the most recent additions to the Local Register were approved by the City Council in 2012 in conjunction with the addition of the Homebuilders Addition subdivision to the Historic District. The Homebuilders Addition is the neighborhood bounded by Noble Avenue to the north, Watson Street to the east, Myrtle Avenue to the south and Conyer Street to the west (see Attachment 2). A total of 35 properties were added to the Local Register at that time.

The Historic Preservation District Ordinance authorizes the HPAC to review building and planning actions for all properties within the Historic District and/or on the Local Register of Historic Structures. All other properties outside the Historic District or not on the Local Register are not subject to HPAC review or the Historic Preservation District Ordinance.

#### Caveats within the Historic Preservation District Ordinance

As noted previously, there are 763 properties within the City of Visalia that are historically designated in some form. There are currently 301 properties that are within the Historic District and on the Local Register of Historic Structures. There are an additional 377 properties subject only to the Historic District (not on the Local Register). And as shown in Attachment No. 2, there are 85 properties listed on the Local Register that are located outside the Historic District.



The 85 properties subject solely to Local Register historic designation are notable in that they are subject to one particular caveat of the Historic Preservation District Ordinance. Section 17.56.110 of the ordinance states; *In instances where a Local Register structure is located outside the bounds of the Historic District, exterior alterations are only subject to HPAC review if the building is designated "Exceptional" or "Focus", or if the structure is proposed for demolition.* Of the 85 Local Register properties located outside of the Historic District, 15 are designated as "Exceptional", 24 as "Focus", and 36 as "Background". Per Section 17.56.110 of the ordinance, the 36 Local Register "Background" properties, by virtue of being located outside the Historic District, are not subject to HPAC review unless a structure onsite is proposed for demolition.

Another caveat present in the Historic Preservation District Ordinance is a provision which limits the authority of the HPAC to deny a request for the demolition of a structure. Per Section 17.56.070 of the ordinance, the HPAC can only deny the issuance of a demolition permit when a structure is listed on the Local Register and is classified as "Exceptional". In all other instances, the HPAC is compelled to either approve the demolition request or apply an up to six-month moratorium to the issuance of a demolition permit. During the moratorium, the Historic Preservation District Ordinance tasks the applicant and Committee to find alternative uses for the structure and to seek alternative solutions to the demolition or moving of the structure. If no alternatives are found by the time the moratorium has expired, the Committee must approve the application.

These caveats came into play when modifications, and later demolition, were proposed to the Odell-Mor Building, a 1914 Bungalow style five-plex formerly located at 209 North Encina Street. The building was classified as a "Background" structure on the Local Register and was located outside the Historic District. Due to the above, HPAC review was only required when the building was proposed for demolition, and the demolition request could not be denied. The HPAC applied a six-month moratorium as permitted by the ordinance and worked with the property owner to find alternatives to demolition. This included finding buyers for the site, identifying alternative uses, and locating vacant sites for relocation of the building.. Efforts to find alternatives were unsuccessful and after completion of the moratorium the building was demolished in April 2021. As a result of that outcome, coupled with direction provided by the City Council, the HPAC began to discuss potential revisions to the ordinance for Council's consideration geared towards strengthening the ordinance in an effort to help preserve historic structures. The HPAC's ordinance considerations are discussed in greater detail under the "Proposed Historic Preservation District Ordinance Changes" section of the staff report below.

#### Disclosures to Potential Property Buyers

There is no official mechanism in place within the Ordinance that requires notification to a potential buyer, property owner, or occupant that a property is within the Historic District or on the Local Register of Historic Structures. In an effort to educate the public about historic preservation, the Historic District, and the Local Register, the HPAC created and mailed an informational guide on historic preservation to property owners and occupants of historically designated sites (see Attachment No. 3). The guide has been sent biannually (once in 2019 and again in 2021) and informs the recipient that a home they own is historically designated. The guide also provides a map of the

Historic District and Local Register, information on the types of projects that require HPAC review, when HPAC meetings occur, and staff contacts should there be any questions. The informational guide is sent with the goal of spreading the word on historic preservation and encouraging compliance with the Historic Preservation District Ordinance.

With regards to notification requirements for the sale of historically designated property, staff is aware that disclosures are provided to potential buyers informing them that a site and/or structure may be historically designated. It is left to the realtor or buyer themselves to contact the proper authorities to discover whether a structure is historically designated. Note, that these type of disclosures are outside the purview of City staff.

**Background and Summary of Work Session:**

On February 16, 2021, staff presented the 2020 HPAC Annual Report to the Visalia City Council. The report included a breakdown of HPAC activities for the 2020 calendar year, including challenges related to a request for the demolition of the historic Odell-Mor Building. At the conclusion of the Annual Report presentation, members of the City Council requested the HPAC provide recommendations for how to best revise the Historic Preservation District Ordinance to address the demolition of historic buildings. The request was reiterated at the March 1, 2021, City Council Committees/Commissions Work Session and Regular Meeting, during which members of the Council encouraged commissions and committees to be proactive and look at projects to undertake. For the HPAC, this included direction to review the Historic Preservation District Ordinance for potential revisions.

Following direction from the City Council, the HPAC has met bi-weekly to review the contents of the Historic Preservation District Ordinance and deliberate over potential revisions for Council consideration. A summary of the HPAC's recommended revisions consist of the following:

1. Local Register Structure and Demolition Review): Removal of language exempting "Background" Local Register structures located outside the Historic District from HPAC review, and addition of language that would allow the HPAC to deny a request for demolition for any property within the Historic District and/or on the Local Register.
2. Local Register Classifications: Add language to the Historic Preservation Ordinance defining the "Exceptional", "Focus" and "Background" classifications of the Local Register.
3. Project Review: Changes related to project reviews, including alterations to how fencing proposals are evaluated, and removal of language allowing certain projects to occur without HPAC review if "like materials" are used.
4. Landscaping: Changes that would limit the percentage of paving permitted in front yard areas.
5. Local Register Review: Changes related to the frequency of Local Register reviews.

**Proposed Historic Preservation District Ordinance Changes**

The following section is a comprehensive overview of the recommended ordinance changes proposed by the HPAC, along with information on why the HPAC is requesting the proposed changes. The items are organized in order of priority, with the Local Register Structure and Demolition Review



provisions listed first as they were the impetus for review of the ordinance and will have the most significant impact on historic project reviews moving forward. The proposed changes to the Historic Preservation District Ordinance, as recommended by the HPAC, are as follows:

1. Local Register Structure and Demolition Review)

***a. Removal of language exempting “Background” classified Local Register structures located outside the Historic District from HPAC review unless proposed for demolition (VMC Section 17.56.050.C.3, et.al.)***

Removal of this exemption provision will authorize the HPAC to review exterior building alterations and zoning actions (ex. Change of Zones, Conditional Use Permits, Variances, and Planned Unit Developments) for any property that is within the Historic District or on the Local Register, regardless of classification. The HPAC proposes the change to prevent the negative alteration and loss of historic structures due to lack of oversight and communication with applicants/property owners. The change, if approved, also strengthens the ability of the HPAC to pursue the purpose and intent of the Historic Preservation District Ordinance, described in Section 17.56.010.B, *as to preserve and promote the public health, safety, and welfare of the residents of the city, and to express the commitment of the city to assure that the city's cultural heritage, as reflected in its historic structures, sites, and features is not destroyed.*

This change would affect the 36 properties that are listed on the Local Register with a “Background” classification, and which are located outside the bounds of the Historic District. At present, these 36 properties have not been subject to HPAC oversight. If the change is approved, the 36 properties would be subject to HPAC review for any exterior alteration or zoning action proposed onsite, similar to all other properties within the Historic District and/or on the Local Register. The City Council may consider directing staff to conduct outreach with these 36 property owners to inform them of the potential changes that could result in HPAC review for exterior alterations. Conversely, the City Council may consider directing staff to look at establishing a “grandfather” clause that would exempt these 36 properties from the recommended ordinance change, and only require that any new addition to the Local Register with a “Background” classification, outside of the Historic District, be subject to the new ordinance revisions.

HPAC review of exterior alterations for all Local Register structures regardless of classification could help ensure that exterior work carried out on a historic structure is conducted in a manner that helps preserve the structure for future generations.

Given the small number of potential properties impacted, this change is not expected to have a significant impact on staff time.

***b. Removal of language that prohibits the HPAC from denying a request for demolition unless a structure is classified as “Exceptional” on the Local Register (VMC Sec 17.56.070).***

The Historic Preservation District Ordinance requires the HPAC to review all applications for demolition of structures listed on the Local Register or located within the Historic District. However,

the ordinance only allows the HPAC to deny a request for demolition of a historically designated structure if it contains a Local Register classification of "Exceptional". The HPAC recommends the ordinance be revised to provide the HPAC with the ability to deny a demolition request for any site within the Historic District and/or on the Local Register, regardless of classification. The change would provide the HPAC with another tool with which to enact the purpose and intent of the Historic Preservation District Ordinance, which is to preserve and promote the city's cultural heritage, by ensuring its historic structures, sites, and features are not destroyed.

This change would affect the 355 properties that are currently on the Local Register with a "Focus" and "Background" classification as well the 377 properties that are in the Historic District but not on the Local Register. The City Council may consider directing staff to conduct outreach with these property owners informing them of the potential change. Staff would then report back on the outcome of those discussions. Conversely, the City Council may consider the following regarding this request:

- b.(1) Limit the denial consideration so that it would only be applicable to Local Register structures with a "Focus" and "Background" classification. This would result in 386 structures being subject to the proposed revision related to demolition requests (see Attachment 4) or,
- b.(2) Consider a "grandfather" clause that would exempt existing "Focus" and "Background" Local Register properties from the recommended ordinance change, and only require that any new addition to the Local Register with a "Focus" and "Background" classification be subject to the new demolition provision.

Please note that existing provisions which allow the HPAC to deny a demolition request for a Local Register structure with an "Exceptional" classification would not change as a result of the HPAC recommendations. Furthermore, the ordinance already permits the HPAC to review demolition requests for any site within the Historic District and/or Local Register. Staff's research has found that review of demolition requests are rare, and that such requests are almost always approved. Between 2011 and 2021, the HPAC only reviewed 8 demolition requests. Six of the eight requests were for main structures, such as a residence or office. In all except one instance the HPAC approved the demolition request. The sole exception was for the Odell-Mor building, which resulted in the application of a six-month moratorium, after which a demolition permit was issued. Whether or not the recommended changes are implemented, any denial of a demolition request by the HPAC is subject to appeal to the City Council.

If directed to pursue the proposed change that would permit HPAC the ability to deny a demolition request, the change would trigger a requirement for staff to conduct a California Environmental Quality Act (CEQA) review for any demolition request submitted. The possibility that a demolition request could be denied would make the proposal a discretionary matter, subject to CEQA processes. This could potentially result in fees being charged and additional processing time added to the project for staff to conduct a CEQA review. City fees for a CEQA review could range between \$78.00 for a Categorical Exemption to \$800.00 for an Initial Study/Negative Declaration. A separate \$58.00 filing fee is required for filing any CEQA review determination with the County of Tulare Clerk's Office. The preparation of CEQA Categorical Exemption is not expected to have a significant impact on staff time

or the processing of a demolition request. However, if an Initial Study/Negative Declaration is required, the increased level of CEQA review could pose the potential to impact staff, processing time, and be costly for the applicant. The preparation of an Initial Study/Negative Declaration could also result in the requirement that technical studies be submitted to help address issues related to the demolition request. The cost to review technical studies would add an additional \$238.00 fee per study to a demolition request. Staff does not have a dollar cost on what a consultant would charge to prepare any required technical study as part of this process. This level of CEQA review could result in processing periods between one to several months depending on the type and location of a structure proposed for demolition.

## 2. Local Register Classifications

### ***a. Addition of language to the Historic Preservation Ordinance defining the “Exceptional”, “Focus” and “Background” classifications of the Local Register.***

Section 17.56.030 (Definitions) of the Historic Preservation District Ordinance does not provide definitions for the three Local Register structure classifications noted in the Historic Preservation Element of the 2014 Visalia General Plan. This change would revise Section 17.56.030 to include the following definitions:

- **Exceptional**: Properties with preeminent historical significance, considered for nomination to the National Register of Historic Places.
- **Focus**: Properties having significant value, of good to excellent quality, considered for local recognition and protection.
- **Background**: Properties that may not be historically significant or unique in their construction, but which contribute positively to the “visual fabric” of the City of Visalia.

## 3. Project Review

### ***a. Removal of language regarding specific fencing types, in favor of general language that requires consideration of fencing proposals based on compatibility with the architectural style and context of specific buildings on site, and with the surrounding areas (VMC Sec. 17.56.100.E).***

The Historic Preservation District Ordinance allows for the review of fencing proposals based on the theory of “Walls of Continuity”, meaning that reviews of new structures such as fencing should attempt to promote “continuous cohesive walls of enclosures along streets”. The Historic Preservation District Ordinance specifically calls out “brick walls”, “wrought iron fencing”, and “evergreen landscapes” as acceptable types of walls of continuity. The HPAC has taken this language and established a longstanding precedent that materials such as chain link fencing are not appropriate for historic areas and do not constitute an appropriate wall of continuity.

Recently, several proposals for chain link fencing have been submitted for HPAC review, with owners arguing that the material should be permitted due to chain link being prevalent in historic areas, and because chain link can be a historically appropriate fencing type in certain instances. Owners have



also noted the financial constraints of purchasing fencing types other than chain link. To address these concerns, the HPAC proposes eliminating text referring to walls of continuity and specific fencing types in favor of language that requires consideration of fencing proposals based solely on compatibility with the architectural style and context of specific buildings onsite, and with the immediate surrounding areas. The intent is to increase flexibility and equitability in the review of fencing, allowing for chain link fencing to be approved when considered appropriate for a property.

***b. Removal or modification to provisions allowing for reroofing/residing/masonry repairs/chimney repairs/HVAC repair with like materials to occur without HPAC review (VMC Sec 17.56.050.C.7).***

The Historic Preservation District Ordinance currently exempts certain projects from HPAC review if the work is conducted with “like materials”, meaning materials that are similar in appearance to what is currently on the structure. This section applies to HVAC repairs and change outs, reroofing of structures, residing of structures, repair of masonry, repair of chimneys, electrical work, plumbing work, and installation of swimming pools. Recently, the HPAC has observed that work of this nature has resulted in significant changes to historic structures. One recent example is of a reroof permit issued for a residence at 415 West Goshen Avenue, which resulted in the loss of a roof dormer vent, a unique and significant feature that would have been reviewed by the HPAC if proposed for removal. If directed to move forward with this change, proposals for HVAC repair, reroofs, residing, masonry work, and chimney repair will be referred to the HPAC for their review, regardless of material types used. The intent is to ensure that oversight is provided so that significant architectural features are not removed.

4. Landscaping

***a. Inclusion of language requiring historically designated sites to maintain a minimum 50% of front yard areas for landscaping purposes.***

The Historic Preservation District Ordinance does not currently include language regarding the inclusion of landscaping in historic areas. The intent of this change is to prevent the paving of entire front yard areas, to encourage placement of landscaping for the beautification of historic sites and neighborhoods. The 50% provision would only be applicable to front yards and would still allow sufficient space for the paving of driveways for garages and entryways.

5. Local Register Review

***a. Removal or modification of language requiring the annual review of the Local Register of Historic Structures.***

The Historic Preservation District Ordinance currently mandates that the Local Register be reviewed annually. Due to limitations in staff time and resources, this is not always feasible. The HPAC recommends requiring a review of the Local Register on a 5-year basis. This would be subject to any requirements by the State of California to conduct more frequent reviews of a local historical register.

Please note that the HPAC is in the process of reviewing the Local Register of Historic Structures. The HPAC along with community volunteers is conducting surveys of the entire Local Register and

areas within Historic District, with a focus on structures listed on the Local Register but outside the Historic District. The intent is to ensure that all Local Register sites are given the appropriate classification. Any potential changes to the classification of Local Register structures will require review by the HPAC, Planning Commission, and City Council at public hearings.

**Next Steps:**

If directed by the City Council to proceed with revisions to the Historic Preservation Ordinance as outlined above, staff will begin consultation with the Building Advisory Committee and scheduling public outreach meetings conducted by the HPAC to inform the public of proposed revisions to the Historic Preservation District Ordinance. This would then be followed by publicly noticed hearings before the HPAC, Planning Commission, and City Council.

However, if the City Council directs the HPAC and staff to consult with the Building Advisory Committee prior to taking any other actions, a joint meeting between the HPAC and Building Advisory Committee will be scheduled to discuss Historic Preservation District Ordinance changes recommended by the HPAC. Comments and recommendations would be collected and presented to the City Council at a follow-up Work Session.

In addition, senior staff notes that the proposed work program will take significant staff time to complete. Given the impact of current projects on staff time, it is recommended that the City Council also provide direction on the timeframe in which these revisions should occur. In order to have limited impact on the processing of current construction projects, staff recommends requesting the work to be completed by July 1, 2022. At Council's direction, the project can also be returned at an earlier date; however, this will impact staff's ability to quickly process other current construction applications and long-range planning projects.

**Fiscal Impact:**

None.

**Prior Council Action:**

1. At the February 16, 2021, meeting of the City Council, during presentation of the 2020 HPAC Annual Report, members of the Council directed the HPAC to provide recommendations for the revision of the Historic Preservation District Ordinance.
2. At the March 1, 2021, City Council Committee/Commission Work Session, the HPAC was encouraged to undertake projects related to their mission. A request was made by members of the City Council for the HPAC to consider reviewing the Historic Preservation District Ordinance for potential changes.

**Alternatives:**

The City Council, in lieu of the recommendations provided, may direct staff to consider the following:

1. Direct staff to pursue different alternative language changes to the Historic Preservation District Ordinance as specified by Council.
2. Receive the staff report and take no further action at this time.

**Recommended Motion (and Alternative Motions if expected):**

Recommended Motion: I move to direct City staff to initiate a Zoning Text Amendment to implement the changes as recommended by the Historic Preservation Advisory Committee and as listed in the Work Session staff report, with a recommend timeline to have the ordinance changes completed by July 1, 2022.

Alternative Motion: I move to direct the Historic Preservation Advisory Committee and City staff to consult with the City of Visalia Building Advisory Committee, incorporate any comments and recommendations provided, and report findings back to the Visalia City Council at a future Work Session.

**Environmental Assessment Status:**

**CEQA Review:** None at this time

**Attachments:**

1. Visalia Municipal Code Chapter 17.56 (Historic Preservation District)
2. Historic District and Local Register Map
3. Historic Preservation Advisory Committee Informational Mailer
4. Table of Local Register Structures by Classification
5. Historic Preservation Advisory Committee Members and Terms



## Chapter 17.56

### HISTORIC PRESERVATION DISTRICT

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#### Sections:

- 17.56.010 Purposes and intent.
- 17.56.020 Components of the chapter.
- 17.56.030 Definitions.
- 17.56.040 Regulation of structures.
- 17.56.050 Creation of historic preservation advisory committee.
- 17.56.060 Appeal.
- 17.56.070 Demolition or moving of historic structures.
- 17.56.080 Ordinary maintenance and repair.
- 17.56.090 Exceptions to Visalia Municipal Code requirements.
- 17.56.100 Building design compatibility criteria.
- 17.56.110 Local register structures.
- 17.56.120 Role of building official.
- 17.56.130 Separability.

#### **17.56.010 Purposes and intent.**

A. There is created a historic district, the boundaries of which are shown on the two maps entitled, "Historic District Overlay," which accompany the ordinance codified in this chapter and which are on file in the office of the city clerk, on the 19th day of November, 1979 and dated 19th day of November, 1979. Said maps are adopted and made a part of this chapter.

B. This chapter is enacted to preserve and promote the public health, safety and welfare of the residents of the city, and to express the commitment of the city to assure that the city's cultural heritage, as reflected in its historic structures, sites, and features is not destroyed, through:

1. The protection and preservation of historic structures;
2. The preservation and maintenance of historic residential areas as cohesive neighborhood units;
3. The enhancement of property values in the older areas of the city;
4. The assurance that the community's cultural heritage, as reflected in the environment, is not lost;
5. The encouragement of the development of vacant and incompatibly developed properties in accordance with the character of the historic district;
6. The involvement of residents of the older areas in planning their own neighborhoods. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7700)

#### **17.56.020 Components of the chapter.**

This chapter shall include:

1. The ordinance, which specifies the historic district overlay designation, design evaluation criteria, and the formation, powers and duties of a historic preservation advisory committee;
2. Creation of a local register of historic structures, sites and features that may be modified from time to time by resolution of the city council.
3. Two maps that designate the historic district overlay. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7701)

#### **17.56.030 Definitions.**

- A. All definitions, general and specific, set forth in Section 17.04.030 shall be applicable to this chapter.
- B. Definitions.

"Construction" means any building activity requiring the issuance of a building permit, except for any activity that does not affect the exterior appearance of the structure.



"Enlargement" means construction that results in the expansion of the gross floor area of a structure.

"Historic structure" means a structure listed on the Local Register.

"Local register" means the listing of local historic structures, sites and features adopted by the city council and maintained by the historic preservation advisory committee, and incorporated herein by reference. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7702)

#### **17.56.040 Regulation of structures.**

No structure shall be constructed, altered or enlarged that is located in the historic district or that is listed as an "exceptional" or "focus" structure on the local register and is located outside the historic district, unless such a permit is issued pursuant to the terms of this chapter. No structure listed on the local register shall be moved or demolished unless a permit is issued pursuant to the terms of this chapter. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7703)

#### **17.56.050 Creation of historic preservation advisory committee.**

In order to execute the purposes declared in this chapter, there is created a historic preservation advisory committee.

##### **A. Committee Membership.**

1. The historic preservation advisory committee shall consist of seven members appointed by the city council to serve without compensation. All committee members shall be residents of the city at the time of their appointment and will lose their position if they move outside the city limits during their term of office. Members shall be appointed on the basis of:

- a. Relevant professional or business qualifications;
- b. Ownership of property within the historic district;
- c. Practical experience in restoration or preservation;
- d. Exceptional civic interest.
- e. Terms of office shall be for two years.

2. Vacancies that may occur on the committee shall be filled by appointment of a new member of the city council for the duration of the unexpired term of office. The Council has the option of appointing up to two Historic Preservation Advisory Committee alternates. Should a mid-term vacancy occur, an alternate may automatically fill the unexpired term. The council shall also have the power to remove any member from the committee by an affirmative vote of three council members.

3. Four members of the committee shall constitute a quorum for the transaction of business.

B. Procedures for the Review of Applications. The operating procedures of the historic preservation advisory committee shall be prescribed from time to time by resolution of the city council, for the purpose of carrying into effect the standards and specifications of this chapter. The committee may adopt, amend, and repeal rules and regulations governing the conduct of its meetings, as long as said rules do not violate the procedures established by the city council or the terms of this chapter.

C. Duties and Responsibilities. The historic preservation advisory committee shall review applications only as specified in this chapter, consistent with the rules and regulations adopted from time to time by resolution of the city council (as referred to in Section 17.56.050(B)). Applications shall be approved or disapproved based solely on the considerations set forth in this chapter. It is the intent of this chapter that the historic preservation advisory committee shall encourage applicants to make alterations and repairs to structures in the spirit of the architectural style of the structure. The duties and responsibilities of the historic preservation advisory committee shall include the following:

1. It shall be the duty of the historic preservation advisory committee to review all proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the historic district. The committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the historic or architectural significance of the affected structure(s), neighborhood, or the entire historic district. The committee's recommendation shall be forwarded to the planning commission for its consideration.

2. It shall be the duty of the historic preservation advisory committee to review all applications for site plan review permits within the historic district for compliance with the provisions of this chapter. Items that shall be subject to review by the committee include but are not limited to vehicular access, location and screening of parking, setbacks, location of service use areas, walls and landscaping. The committee may recommend approval, conditional approval, disapproval or resubmittal of the site plan review permit application. The committee's recommendation shall be forwarded to the site plan review committee for its consideration.

3. It shall be the duty of the historic preservation advisory committee to review all applications for the construction or exterior alteration or enlargement of structures within the historic district or for structures located outside the historic district and listed as "exceptional" or "focus" structures on the local register. The committee shall have the power to approve, modify or disapprove such applications before a building permit can be issued, subject to the provisions of Sections 17.56.100 and 17.56.110.



4. It shall be the duty of the historic preservation advisory committee to review all applications for sign permits within the historic district or for properties located outside the historic district and listed as "exceptional" or "focus" on the local register. The committee may recommend approval, conditional approval or denial of the sign permit application based upon the proposed design and/or materials, but not upon the proposed size or location. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48. Sign permits shall be issued only in compliance with the recommendation of the committee. Approval by the committee in no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.

5. It shall be the duty of the historic preservation advisory committee to review all applications for the moving or demolition of structures listed on the local register. The committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.56.130.

6. It shall be the duty of the historic preservation advisory committee to compile and update the historic survey and inventory, and to nominate properties to the local register and the National Register of Historic Places. In selecting properties for nomination to the local register, the board shall consider:

- a. Architectural significance and style;
- b. Historic significance, including age of structure, original owners, and events related to the structure, site or original owners.

The committee shall review the local register annually, make recommendations for the addition or deletion of structures or sites, and submit said recommendations to the planning commission and city council for certification.

7. Permits may be issued for air conditioners, electrical work and plumbing work that is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the historic preservation advisory committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered. This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Swimming pools;
4. Masonry repairs with like materials;
5. Chimney repair with like materials. (Ord. 2017-01 (part), 2017: Ord. 2008-11 § 1, 2008: Ord. 2001-13 § 4 (part), 2001: prior code § 7704)

#### **17.56.060 Appeal.**

Any person or persons jointly or severally aggrieved by a decision of the historic preservation advisory committee may make an appeal in writing therefrom to the city council within ten days of said action. The city council, after proceeding in the manner as provided therein and with the same power and authority there invested in passing upon appeals before it under the provisions of law and this chapter and in the exercise thereof, may reverse, affirm or modify or affirm as modified the action of the historic preservation advisory committee. Appeals of a decision of the site plan review committee shall be filed with the planning commission in the manner prescribed in Section 17.28.050. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7705)

#### **17.56.070 Demolition or moving of historic structures.**

A. The demolition of structures listed on the local register, and the moving of local register structures from their sites, shall be discouraged. The historic preservation advisory committee shall review all applications for demolition or moving permits for structures on the local register and for any structures within the historic district boundaries.

B. After due consideration, the committee shall exercise one of the options listed below:

1. The committee may approve the demolition permit if it finds that the structure is a hazard to public health or safety, as determined by the building official or his designee, in consultation with the historic preservation advisory committee.
2. The committee may decide that up to a six-month moratorium be placed upon the processing of the demolition or moving permit, in order to allow time for the applicant and the committee to find alternative uses for the structure and to seek alternative solutions to the demolition or moving of the structure. If no alternatives are found, after the six-month moratorium has expired, the committee must approve the application.
3. In the case of local register structures that have been classified as "exceptional," the committee may deny an application for demolition, after the six-month moratorium has expired. Denial of a demolition permit by the committee is subject to appeal to the city council pursuant to Section 17.56.060.

4. The committee may approve the application.

C. When an application is acted upon, the committee shall notify the building official of the approval, conditional approval or denial. Upon receipt of said notification, the building official shall process the application accordingly. If, after six months



from the date of filing of the application, the building official has not received such notification, a permit may be issued. Approval of a permit application by the committee in no way implies approval by the building official, whose approval must also be secured. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7706)

#### **17.56.080 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within the historic district; provided such work involves no change that requires issuance of a building permit. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature that, in the view of the proper authority acting lawfully, is required for the public safety because of an unsafe or dangerous condition. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7708)

#### **17.56.090 Exceptions to Visalia Municipal Code requirements.**

Due to the peculiar conditions of design and construction in historic neighborhoods where structures were sometimes built close to lot lines, and where ownership patterns have changed over the years, it is sometimes in the public interest to retain the historic appearance of a neighborhood by making an exception to normal setback, parking, landscaping, fencing and screening requirements of the Visalia Municipal Code, where such an exception does not interfere with the public health or safety. Within the historic district, where it is deemed that such an exception is warranted and will not adversely affect neighboring properties, the historic preservation advisory committee may initiate and/or recommend to the planning commission that such exception to Visalia Municipal Code requirements be made. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7709)

#### **17.56.100 Building design compatibility criteria.**

This section contains criteria for reviewing all applications for new construction and sign permits within the historic district, and for any rehabilitation, renovation, alteration, reconstruction, or enlargement affecting the exterior appearance of any structure within the historic district that is not listed on the local register, which requires the issuance of a building permit. Each application shall be considered in terms of its compatibility or complementarity with a majority of structures in the immediately surrounding area. In reviewing an application, the historic preservation advisory committee shall consider the following general design standards and principles:

- A. Height and Scale. New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.
- B. Spacing of Buildings on Street. A rhythm of recurrent building masses to separations should be retained.
- C. Relationship of Materials and Textures. Choice of building materials and texture (smooth and rough) should enhance the desired neighborhood qualities such as compatibility, similarity and continuity.
- D. Relationship of Architectural Details and Roof Shapes. Choice of architectural details and roof shape should insure compatible appearance with surrounding structures.
- E. Walls of Continuity. Physical ingredients such as brick walls, wrought iron fences, and evergreen landscape masses should be used to form continuous cohesive walls of enclosure along the street.
- F. Landscaping. Landscaping should reflect the predominant quality and quantity of landscaping within the surrounding area. The concern here is more with mass and continuity.
- G. Directional Expression of Front Elevations. Structural shape, placement of openings, and architectural details should be used to give a compatible appearance with adjacent structures that may be horizontal, vertical or nondirectional in nature. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7710)

#### **17.56.110 Local register structures.**

This section contains criteria for reviewing all applications for building permits for exterior rehabilitation, renovation, alteration, reconstruction, or enlargement of any local register structure within the historic district, or any "exceptional" or "focus" local register structure outside the historic district, and for any interior modification that requires the issuance of a building permit for a publicly owned and publicly accessible local register structure. In reviewing an application, the historic preservation advisory committee shall consider the following general standards and principles:

- A. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and that seek to create an earlier appearance shall be discouraged.
- D. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.



E. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity.

F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken, without prior approval of the historic preservation advisory committee.

H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (Ord. 2710 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7711)

#### **17.56.120 Role of building official.**

A. The building official shall refuse to issue all building or sign permits based upon an application disapproved by the historic preservation advisory committee, unless such application is later approved by the city council. The building official may approve any application approved or conditionally approved by the committee at such time as any conditions specified in such conditional approval are clearly indicated by the applicant on the plans presented to the building official for approval. If an appeal to the city council is filed within ten days from the date of committee approval of an application, no permit shall be issued until the outcome of said appeal is finally determined by the city council.

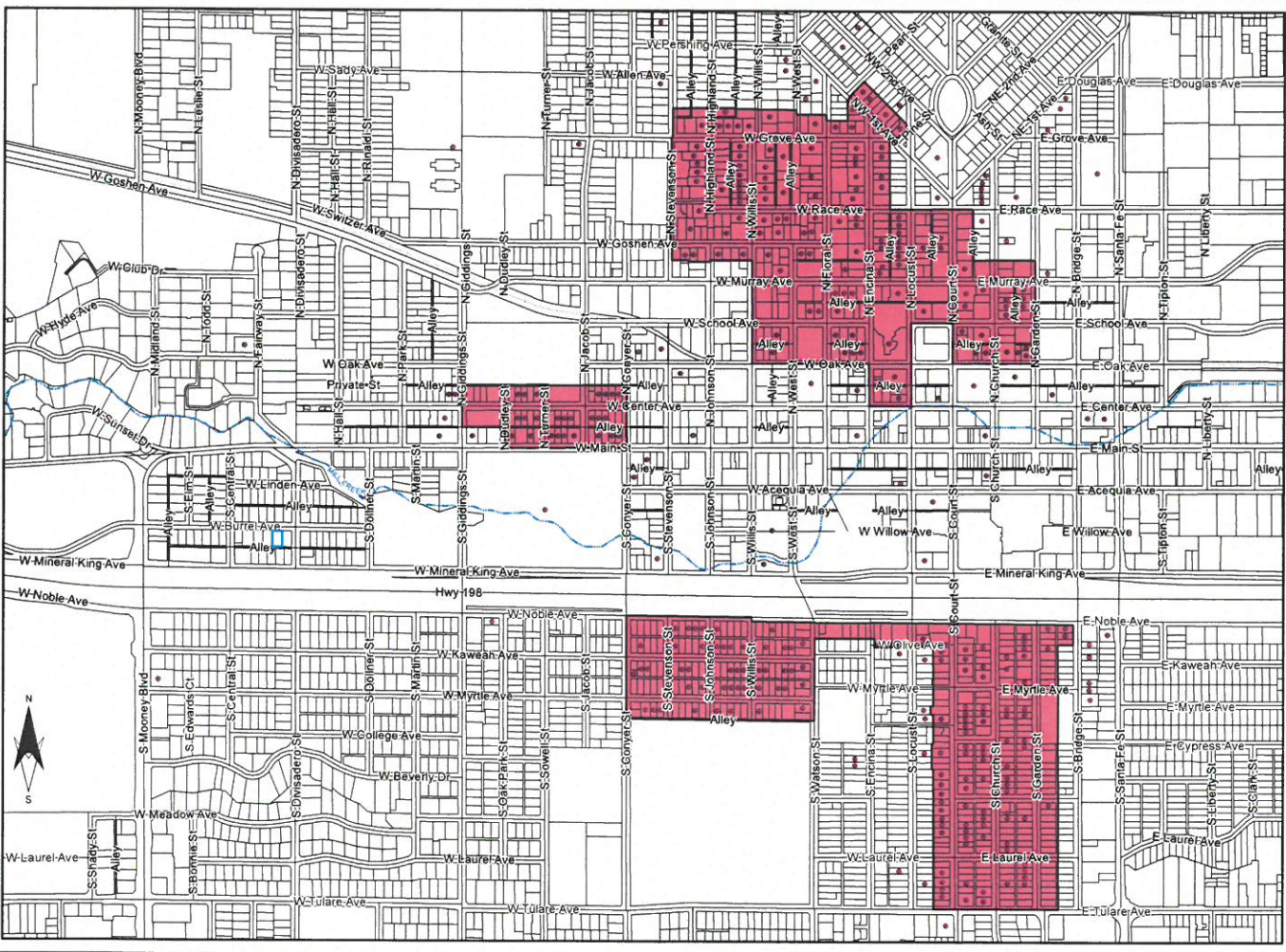
B. After a building permit has been issued, the building official or his/her designee shall from time to time inspect the construction, alteration or enlargement approved by the committee and shall take such action as is necessary to assure compliance with the approved plans. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7712)

#### **17.56.130 Separability.**

The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7707)



# Historic District & Local Register Map



**Legend**

- City Limits
- Streets
- Railroad
- Waterways
- Parcels
- Local Registry
- Historical District

0 295 590 1180  
Feet 45





## City of Visalia Historic Preservation Advisory Committee

### HISTORIC SITES AND YOU: A Guide (For Informational Purposes Only)

You are receiving this informational mailer because you own property that is located in Visalia's Historic District or own a structure listed on Visalia's Local Register of Historic Structures. Currently there are 752 properties within the City of Visalia that are either in the Historic District or contain a structure on the Local Register.

The Historic District and Local Register were established to express the City's commitment to our cultural heritage as reflected in our historic structures, sites, and features. This is accomplished through:

1. The protection and preservation of historic structures;
2. The preservation and maintenance of historic residential areas as cohesive neighborhoods;
3. The enhancement of property values in the older areas of the City of Visalia; and
4. The encouragement of the development of vacant and incompatibly developed properties in accordance with the character of the historic district.

The City of Visalia recognizes the importance of historical neighborhoods and structures. In order to preserve and protect these historic structures, the Historic Preservation Advisory Committee (HPAC) was created. The HPAC consists of seven volunteer members who are appointed by the Visalia City Council. The HPAC is tasked with recognizing and safeguarding historic neighborhoods or historic buildings which contribute to Visalia's historic heritage. The HPAC accomplishes this through review of all proposals that seek exterior alterations to historically designated structures or sites.

This informational mailer serves to inform you that certain exterior modifications to a historic structure or site require review and approval by the HPAC.

#### Exterior alterations that require HPAC review:

- ❖ Changes to doors;
- ❖ Changes to windows;
- ❖ Changes in roofing materials;
- ❖ Changes in exterior siding materials;
- ❖ Changes to architectural details and trim;
- ❖ Signage, including alterations;
- ❖ Demolitions;
- ❖ Building additions;
- ❖ Building conversions;
- ❖ Accessory structures;
- ❖ New fences, including replacement fences type/style.

#### Modifications that do not require HPAC review:

- ❖ Swimming pools;
- ❖ Interior alterations;
- ❖ Addition or replacement of air conditioners, HVAC, or similar units;
- ❖ Interior or exterior painting;
- ❖ General maintenance (i.e. reroofs, residing, masonry repair) with like materials, resulting in no changes in exterior materials, details, and appearance.

For more information on historic preservation and how it may apply to your site and/or structure, please visit the City of Visalia Planning Division at 315 E. Acequia Avenue, Visalia CA 93291, or call Cristobal Carrillo, historic preservation staff liaison, at (559) 713-4443 or e-mail at [cristobal.carrillo@visalia.city](mailto:cristobal.carrillo@visalia.city).

For more information on Historic Districts and the Local Register, please visit the City of Visalia website at [www.visalia.city](http://www.visalia.city).

**Thank you for your time and consideration!**

LOCAL REGISTER STRUCTURES BY CLASSIFICATION				
Classification	Exceptional	Focus	Background	Total
Within the Historic District	16	126	159	301
Outside the Historic District	15	34	36	85
<b>Total Per Classification</b>	31	160	195	386

### HISTORIC PRESERVATION COMMITTEE

*Administers and carries out the standards and specifications of the Historic Preservation Ordinance. Promotes historic preservation including encouraging building owners to initiate preservation efforts. The Committee facilitates building identification and seeks to preserve Visalia's historic structures.*

Meetings held the 2<sup>nd</sup> & 4<sup>th</sup> Wednesdays at 5:30 p.m. at City Hall East Main Conf. Rm, 315 E. Acequia  
Staff Rep: Cristobal Carrillo; Members: 7 Members - 2 year term length/3 max terms.

1. Michael Kreps
  - a. 1st term: 3/2019 – 6/2020
  - b. 2<sup>nd</sup> term: 7/2020 – 6/2022
2. Patty Kane
  - a. 1st term: 4/2018 – 6/2020
  - b. 2nd term: 7/2020 – 6/2022
3. Tyler Davis (Vice-Chair)
  - a. 1<sup>st</sup> term: 6/2021 – 6/2022
4. Marilyn Mitchell
  - a. 1<sup>st</sup> term: 7/2019 – 6/2021
  - b. 2<sup>nd</sup> term: 8/2021 – 6/2023
5. Jay Hohlbauch
  - a. 1st term: 7/2020 – 6/2022
6. Peggy Lambert
  - a. 1<sup>st</sup> term: 5/5/2021 – 6/2022
7. Walter Deissler (Chair)
  - a. 1<sup>st</sup> term: 8/2020 – 6/2022

Late updated 8/5/2021.