



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 25, 2022

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

SUBJECT: General Plan Amendment No. 2021-10: A request by Ming Lu Jin to change the land use designation of a 15,261 square foot parcel from Low Density Residential (RLD) to Commercial Mixed Use (CMU).

Change of Zone No. 2021-12: A request by Ming Lu Jin to change the zoning designation of a 15,261 square foot parcel from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to C-MU (Mixed Use Commercial).

Variance No. 2021-05: A request by Ming Lu Jin for encroachment of the southwest corner of the building into the 10-foot street side yard setback along Meadow Avenue and the trash enclosure to be placed within the 15-foot rear yard setback.

Location: The project is located on the northeast corner of South Mooney Boulevard and West Meadow Avenue. Address: 914 South Mooney Boulevard. (APNs: 096-023-023 & 096-023-031).

STAFF RECOMMENDATION

General Plan Amendment No. 2021-10: Staff recommends that the Planning Commission recommend that the City Council approve General Plan Amendment No. 2021-10, based on the findings in Resolution No. 2021-52. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Change of Zone No. 2021-12: Staff recommends that the Planning Commission recommend that the City Council approve Change of Zone No. 2021-12, based on the findings in Resolution No. 2022-11. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Variance No. 2021-05: Staff recommends approval of Variance No. 2021-05, as conditioned, based on the findings and conditions in Resolution No. 2021-57. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to recommend approval of General Plan Amendment No. 2021-10, based on the findings in Resolution No. 2021-52.

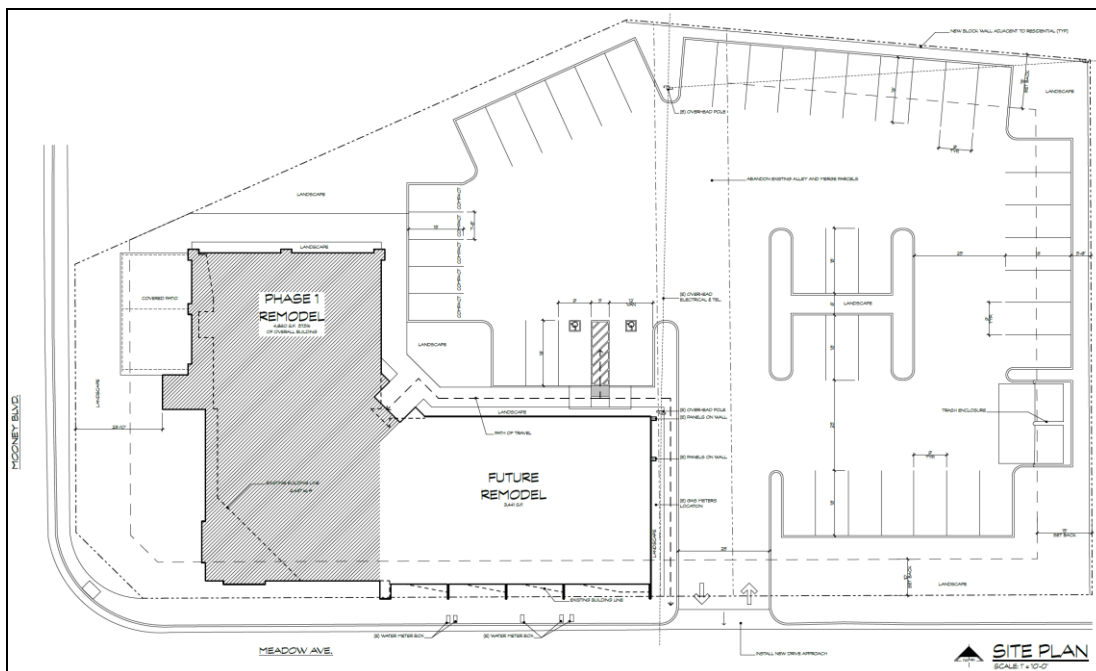
I move to recommend approval of Change of Zone No. 2021-12, based on the findings in Resolution No. 2022-11.

I move to approve Variance No. 2021-05, based on the findings and conditions in Resolution No. 2021-57.

PROJECT DESCRIPTION

The applicant has submitted a development plan to remodel the existing structure at 914 South Mooney Boulevard, which was occupied by a bookstore and other various commercial businesses, to a permitted by-right tea house and other future commercial tenant spaces. Please note, only one tenant, "The Tiger Tea House" has been identified. This business will occupy 1,886 square feet of the overall 8,128 square foot building. The applicant/property owner has not identified any other potential tenants for the remaining 6,242 square feet. The developed site, in its current configuration, cannot accommodate most uses allowed in the underlying C-MU zone as the existing paved on-site parking cannot support the parking requirements for most commercial uses based on the building square footage and number of parking stalls on-site. The applicant, through the Site Plan Review process, expressed interest in facilitating a cohesive redevelopment of this site by incorporating a vacant undeveloped site located to the east of the building to provide additional parking consistent with both Caltrans and City standards. The development plan, as proposed and shown in the site plan (Exhibit "A") and in the image below, would provide for the following:

1. A remodel of the building (expanding the footprint westward toward Mooney Blvd.) and increasing the building square footage from 7,412 to 8,128.
2. Encroachment of the expanded building approximately 5-feet into the 10-foot side yard setback along Meadow Avenue (Variance required).
3. Vacation of the existing alleyway (as required per Condition No. 6 of Variance No. 2021-05).
4. Improvements to the vacant easterly parcel to bring the historical use of the site as a noncompliant parking lot into compliance with city standards [requires a general plan amendment and change of zone changing the vacant parcel from R-1-5 zone designation to a C-MU (Mixed Use Commercial) zone designation.
5. Placement of the solid waste refuse enclosure at five (5) feet from a property line abutting residential to the west (Variance required).
6. Landscaping improvements along both frontages and within the interior.



The existing building on the westerly parcel has been vacant and currently has parking along its Mooney Boulevard frontage, and at the rear of the building, which is accessed through an alleyway from Meadow Avenue. The alleyway bisects the two parcels, and the applicant is currently undergoing a separate process to have the alleyway vacated. The vacation of the alleyway is being processed with the Community Development Engineering Division. Vacation of the alleyway is expected to revert equal amounts of site area to each adjoining parcel. Should the General Plan Amendment and Change of Zone be approved by the City Council, a Lot Line Adjustment is required and shall be perfected to facilitate the unified development as one parcel site. The Lot Line Adjustment is required per Condition No. 7 for Variance No. 2021-05. Once unified, the site will provide a total of 45 parking spaces, 13 of which will be needed for the Tiger Tea House business which is expected to occupy 1,886 square feet of the overall 8,128 square foot remodeled building's floor area. The identified use is consistent with a café and is identified in the zoning use matrix as permitted "by-right". Any future proposed uses to the site will require further review by the Site Plan Review Committee for compliance with the municipal code's zone use matrix for compatibility and parking.

BACKGROUND INFORMATION

General Plan Land Use

Existing Designation:	Commercial Mixed Use, Low Density Residential
Proposed Designation:	Commercial Mixed Use

Zoning

Existing Designation:	C-MU (Mixed Use Commercial), R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot size)
Proposed Designation:	C-MU (Mixed Use Commercial)

Surrounding Land Use and Zoning:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">North:</td> <td>C-MU, R-1-5 (Mixed Use Commercial, Single-Family Residential). / Black Bear Diner, single-family residence.</td> </tr> <tr> <td>South:</td> <td>C-MU, Q-P (Mixed Use Commercial, Quasi-Public) / W. Meadow Ave., former Payless Shoes, Visalia Charter Independent Study educational facility.</td> </tr> <tr> <td>East:</td> <td>R-1-5 (Single Family Residential) / Single-family residence</td> </tr> <tr> <td>West:</td> <td>Q-P (Quasi-Public) / College of the Sequoias.</td> </tr> </table>	North:	C-MU, R-1-5 (Mixed Use Commercial, Single-Family Residential). / Black Bear Diner, single-family residence.	South:	C-MU, Q-P (Mixed Use Commercial, Quasi-Public) / W. Meadow Ave., former Payless Shoes, Visalia Charter Independent Study educational facility.	East:	R-1-5 (Single Family Residential) / Single-family residence	West:	Q-P (Quasi-Public) / College of the Sequoias.
North:	C-MU, R-1-5 (Mixed Use Commercial, Single-Family Residential). / Black Bear Diner, single-family residence.								
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East:	R-1-5 (Single Family Residential) / Single-family residence								
West:	Q-P (Quasi-Public) / College of the Sequoias.								

Environmental Review:	Categorical Exemption No. 2021-50
Special Districts:	N/A
Site Plan Review No:	SPR No. 2021-136

RELATED PROJECTS

There are no related projects.

PROJECT EVALUATION

Staff recommends approval of the General Plan Amendment, Change of Zone, and Variance, as conditioned. Staff concludes that the project's revitalization of both an existing developed commercial site and a vacant lot is consistent with the Land Use Element of the General Plan and the Zoning Ordinance. Specifically, the entitlements will allow for an alternative land use plan on the undeveloped parcel that allows for a low-intensity transitional use between existing commercial and residential buildings, based on the site plan submitted to the City.

General Plan Consistency

Staff concludes that the proposed project is consistent with the City's General Plan as it relates to providing neighborhood specific commercial services. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services. Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors, such as Mooney Boulevard. In this case, the application of the Commercial Mixed Use designation to an adjacent vacant property facilitates the remodel and revitalization of the entire site. The added amenities will benefit the surrounding neighborhood in compliance with the above objectives by retaining the pedestrian-oriented street-fronting configuration of the building in a location that is bound by commercial uses on three sides, including a primary school and junior college.

Land Use Element Policy LU-P-72 indicates that noise, traffic, and other potential conflicts that may arise in a mix of commercial and residential uses can be mitigated through good site planning and inclusion of appropriate operational measures. Staff has determined, based on the site plan accepted by the Site Plan Review Committee and the conditions of project approval, that the proposal meets the intent of this policy. Conditions included for the Planning Commission's consideration, together with City standards contained in the Zoning Ordinance for the Commercial Mixed Use zone and for commercial development in general, ensure that the project mitigates potential impacts between the retail building expansion and the existing residential neighborhood. This is discussed in greater detail in the sections below.

Land Use Compatibility

Per Figures 1 and 2 below, the project area is composed of two parcels. The westerly site contains the existing vacant building, formerly occupied with a bookstore and other commercial businesses. The parcel to the east is vacant and contains decomposed gravel and has been used for over 25 years, evidenced by past aerial photos, as a parking lot despite not being developed to City standards. The Beverly Glen Subdivision is located north and east of the vacant lot, while Black Bear Diner and its associated parking lot are located north of the existing retail building. The project area is further surrounded by commercial uses to the west and south.



To reduce impacts to the surrounding residential uses, the project will include placement of a typical seven-foot-tall block wall along the portions of the project site abutting residential zones and uses, in accordance with City standards. To address lighting from the proposed parking lot, staff has included City lighting standards in the Site Plan Review comments and has added various conditions addressing lighting on the site, further explained in the lighting section of the report below.

The request to change the land use and zoning designation of the easternly parcel in the images above to Mixed Use Commercial will be compatible with the site and surrounding area. The two parcels on the northeast corner of Mooney Boulevard and Meadow Avenue have been under ownership of the Visalia Unified School District with a history of commercial / office uses on the site and the easternly undeveloped lot has served as a de facto parking lot, as shown in Figure 2, (2016 aerial imagery). Staff concludes the proposed project, as conditioned, is compatible with the surrounding residential land uses.

Access / Circulation / Infrastructure

Currently, the existing building contains seven nonconforming parking stalls along the Mooney Boulevard frontage and approximately 18 paved stalls behind the building accessed from an improved alley from Meadow Avenue. In response to comments received by Caltrans and staff during the Site Plan Review process, the applicant was informed that redevelopment of the site requires removal of the nonconforming and unsafe parking stalls along the Mooney Boulevard frontage. The removal of these nonconforming parking spaces, which permits vehicles to back at onto Mooney Boulevard (State Route 63) provides the basis for staff's support of the General Plan Amendment and associated Change of Zone for the proposed parking lot on the vacant parcel. To facilitate a unified development between the building and proposed parking lot, the applicant is required to summary vacate the alleyway and consolidate the two existing approaches along Meadow Avenue into one single access point complying with current standards (shown in Exhibit "A"). The single driveway will serve as the only vehicular ingress/egress for customers, employees, and solid waste vehicles.

Furthermore, the improvements as depicted in Exhibit "A" for both sites bring the entire development into one unified site. The developer will add additional landscaping across the Meadow frontage, landscaping improvements along the north side of the building, and provide a seven-foot block wall to better separate the parking area from the neighboring residential uses to the north and east. Removal of the drive approach and parking stalls along the Mooney Boulevard frontage will reduce conflicting traffic patterns of departing vehicles from backing onto a heavily traveled state route.

The applicant is currently working with the Community Development Engineering Division to vacate the alleyway located between both parcels. A lot line adjustment of the two parcels, following the alleyway vacation, is required per Variance Condition of Approval No. 7 should the General Plan Amendment and Change of Zone be approved by the City Council.

Parking

The Site Plan (see Exhibit "A") depicts a total of 45 parking spaces. The only identified use by the applicant is a tea house with a floor area of 1,886 square feet. Zoning Ordinance Section 17.34.020(E)(10) prescribes parking for restaurants, cafes, soda fountains and similar establishments as one parking space for each one hundred fifty (150) square feet of building area. As such, the identified use requires a total of thirteen (13) parking spaces. The remainder of the 32 parking stalls on-site are considered sufficient for the remaining 6,242 square feet of the building area, should it be assessed at the general retail store rate of one parking space for each three hundred (300) square feet of building area. Future uses to the site shall require review by the Site Plan Review Committee for consistency with City standards, including zoning

and parking requirements. All parking stalls will be required to comply with City standards for design, as stated per Condition of Approval Nos. 1 and 2.

Lighting

The exhibits provided by the applicant do not illustrate or detail any onsite lighting. Variance Condition of Approval No. 3 requires that no illuminated wall signage directed toward residential uses be permitted. In addition, Variance Conditions of Approval Nos. 4 and 5 require that any onsite lighting shall not produce or exceed 0.5 lumens along property lines, and that the applicant add lighting in the construction plans should they request use of lighting the parking lot area. Furthermore, Condition No. 5 includes language that if parking lot lights are added to the site, prior to occupancy of any tenant space in the commercial building, the applicant/developer shall conduct, with City staff verification, that the on-site lighting installed for this development complies with and shall not exceed 0.5 lumens at the property lines.

Variance Findings

The Planning Commission is required to make five findings before a variance can be granted. The applicant has provided response to the variance findings and staff has included the analysis for each finding below. The applicant's responses to the variance findings are also included in Exhibit "D".

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;

Applicant's Findings:

- The existing building was built in the late 1950's or early 1960's and encroaches into the 10-foot building setback along Meadow Lane up to the property line. When this building was built there were no setbacks required and to adhere to the current setbacks would be an unnecessary hardship inconsistent with the objectives of the zoning ordinance.

Staff Analysis:

The portion of the building remodel that is expected to encroach into the streetside side yard setback along West Meadow Avenue will not encroach any further than the existing building envelope along the southern frontage. This will result in 136 square feet encroaching into this setback area. Additionally, the City Traffic Engineer has determined that the addition will not affect the sight visibility triangle on the northeast corner of Mooney Boulevard and Meadow Avenue. In addition, the refuse trash enclosure's placement at five feet from the east property line is in a location where it can be directly accessed by the solid waste truck and provides a location on-site that will not interfere with overhead powerlines along the alleyway. There is no other location within the parking lot except within a setback area where solid waste service trucks can directly pick up the trash bins and not need to back out of the site.

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

Applicant's Findings:

- As the existing building was built in the late 1950's or early 1960's and encroaches into the setback along Meadow Lane up to the property line, is an exceptional condition that other parcels in this zone generally do not have. We are proposing to continue the

existing building line on the Southwest corner of the project which is $\pm 5'$ into the setback to the building corner. When this building was built there were no setbacks required.

Staff Analysis:

Staff concurs with the applicant that the existing building likely complied with the requirements of the time when it was constructed, and minimal encroachment is consistent with many other parcels along Mooney Boulevard that do not meet building / landscape setbacks. Additionally, removal of parking along the Mooney Boulevard frontage will provide at least a 23-foot open area from the Mooney Boulevard frontage to be landscaped and used by the tea house's covered patio. Regarding the trash enclosure, the overhead powerlines represent an extraordinary condition that limits the location of the trash enclosure for safe servicing on-site.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

Applicant's Findings:

- Due to the existing building's location within the current building setback, the strict interpretation and enforcement of the building setback would deprive the applicant of privileges enjoyed by other property owners. The existing building is $\pm 38'$ back from the property line along Mooney Boulevard over 23' further back than others allowed in this zone. Other sites have superior visibility and the small encroachment into the side yard setback helps offset this locations front yard disadvantage.

Staff Analysis:

Staff concurs with the applicant. The current building on site currently encroaches into the 10-foot street side yard setback. The requested encroachment is minimal in relation, and the proposed remodel to the building will not extend beyond the exiting building envelope along the West Meadow Avenue frontage. Additionally, modifications to the site to comply with parking lot standards have incurred limitations due to the overhead powerlines leaving only areas abutting residential as the likely placement of an enclosure. The depicted location provides access for solid waste vehicles to directly load the refuse receptacles and maneuver onsite without conflict from traffic and overhead powerlines.

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

Applicant's Findings:

- Our existing building line, which we propose to match, extends 5' into the current setback. This is the same distance as the building on the South side of Meadow Lane. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

Staff Analysis:

Staff concurs with the applicant. There are a large number of properties located along the Mooney Boulevard corridor which contain reduced or nonexistent landscape setbacks along their front yard and side yard setbacks and along their street frontages. The project proposal will still result in landscape setbacks that are greater than other properties in the same zone along the Mooney Boulevard corridor.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Applicant's Findings:

- As this is only a reduction in the building setback along Meadow Lane and does not encroach into the site visibility of the corner, there will be no detriment to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff Analysis:

Staff concurs with the applicant. The variance will not be detrimental to the public as the variance will still provide adequate setback of the building along the Mooney Boulevard and Meadow Avenue frontages not affecting the sight visibility triangle on the northeast corner. Even with the proposed variance, the proposed setbacks will be greater than what exists on many sites along the Mooney Boulevard corridor at present. Additionally, the trash enclosure will be placed at five feet from property line and secured behind a seven-foot tall block wall enclosure in addition to the seven-foot tall block wall that will be constructed along the east property line.

Environmental Review

The requested action is considered Categorical Exempt under Section 15332 (Infill Projects) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2021-50). The exemption is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 35,423 sq. ft. in size with no significant habitat of note and maintains sufficient access to required utilities and public services.

RECOMMENDED FINDINGS

General Plan Amendment No. 2021-10

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from Low Density Residential to Commercial Mixed Use is consistent with the original commercial use of the site and would be appropriate for the proposed expansion of the existing commercial building. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services while Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors. Furthermore, the Mooney Boulevard corridor is largely designated Mixed Use Commercial and already serves as a commercial hub for the surrounding area. Application of C-MU zoning to the easternly site supports expansion of onsite improvements upon a parcel historically used as a parking lot.
3. That Categorical Exemption No. 2021-50 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 35,423 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

Change of Zone No. 2021-12

1. That Change of Zone No. 2021-12 is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the site, as conditioned, is consistent with the C-MU (Commercial Mixed Use) zoning designation's development standards. The request to change the zoning designation of the easternly site to Mixed Use Commercial will be compatible with the historic use of the site and improve the surrounding area.
3. That Categorical Exemption No. 2021-50 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 35,423 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

Variance No. 2021-05

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

The portion of the building remodel that is expected to encroach into the streetside side yard setback along West Meadow Avenue will not encroach any further than the existing building envelope along the southern frontage. This will result in 136 square feet encroaching into the setback area. Additionally, the City Traffic Engineer has determined that the addition will not affect the sight visibility triangle on the northeast corner of Mooney Boulevard and Meadow Avenue. In addition, the refuse trash enclosure's placement at five feet from the east property line is in a location where it can be directly accessed by the solid waste truck and

provides a location on-site that will not interfere with overhead powerlines along the alleyway. There is no other location within the parking lot except within a setback area where solid waste service trucks can directly pick up the trash bins and not need to back out of the site.

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

Staff concurs with the applicant that the existing building likely complied with the requirements of the time when it was constructed, and minimal encroachment is consistent with many other parcels along Mooney Boulevard that do not meet building / landscape setbacks. Additionally, removal of parking along the Mooney Boulevard frontage will provide at least a 23-foot open area from the Mooney Boulevard frontage to be landscaped and used by the tea house's covered patio. Regarding the trash enclosure, the overhead powerlines represent an extraordinary condition that limits the location of the enclosure for safe servicing on-site.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The current building on site currently encroaches into the 10-foot street side yard setback. The requested encroachment is minimal in relation, and the proposed remodel to the building will not extend beyond the existing building envelope along the West Meadow Avenue frontage. Additionally, modifications to the site to comply with parking lot standards have incurred limitations due to the overhead powerlines leaving only areas abutting residential as the likely placement of an enclosure. The depicted location provides access for solid waste vehicles to directly load the refuse receptacles and maneuver onsite without conflict from traffic and overhead powerlines.

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

There are a large number of properties located along the Mooney Boulevard corridor which contain reduced or nonexistent landscape setbacks along their front yard and side yard setbacks and along their street frontages. The project proposal will still result in landscape setbacks that are greater than other properties in the same zone along the Mooney Boulevard corridor.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The variance will not be detrimental to the public as the variance will still provide adequate setback of the building along the Mooney Boulevard and Meadow Avenue frontages not affecting the sight visibility triangle on the northeast corner. Even with the proposed variance, the proposed setbacks will be greater than what exists on many sites along the Mooney Boulevard corridor at present. Additionally, the trash enclosure will be placed at five feet from property line and secured behind a seven-foot tall block wall enclosure in addition to the seven-foot tall block wall that will be constructed along the east property line.

6. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for Implementation of California Environmental Quality Act (CEQA). (Categorical Exemption No.2021-50).

RECOMMENDED CONDITIONS OF APPROVAL

General Plan Amendment No. 2021-10 and Change of Zone No. 2021-12

There are no recommended conditions for the General Plan Amendment or the Change of Zone.

Variance No. 2021-05

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2021-136.
2. That the project be developed in substantial compliance with the Site Plan in Exhibit "A", Floor Plan in Exhibit "B", and Elevations in Exhibit "C".
3. That illuminated wall signage directed toward residential uses shall be prohibited.
4. That any onsite lighting shall incorporate lighting shields to deflect light away from abutting residential sites so as to not cause glare.
5. Prior to occupancy of the development, the applicant/developer shall demonstrate to the satisfaction of City staff that all on-site lighting installed shall not exceed the lumen intensity limit of 0.5 lumens at the property lines. Prior to occupancy and/or operation of any tenant space within the commercial building, the applicant/developer shall conduct, with Community Development staff verification, that the on-site lighting installed for this development complies with and shall not exceed 0.5 lumens at the property lines.
6. That the applicant shall file the necessary applications and payment to initiate the request to vacate the alleyway. The vacation of the alleyway shall be recorded and perfected prior to building permit final.
7. That after completion of the alleyway summary vacation a Lot Line Adjustment shall be approved and recorded to merge the two project sites into one parcel prior to occupancy of the remodeled and expanded building.
8. That the applicant submit landscaping plans demonstrating compliance with the Model Water Efficient Landscape Ordinance (MWELO) standards through the building permit process.
9. That Variance No. 2021-05 shall be null and void unless General Plan Amendment No. 2021-10 and Change of Zone No. 2021-12 are both approved by the Visalia City Council.
10. That the applicant shall coordinate with Caltrans to acquire any necessary encroachment permits for any work done along the State Right-of-Way.
11. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

APPEAL INFORMATION

General Plan and Change of Zone

The Planning Commission's decisions on these matters are advisory only. The final decisions will be by the Visalia City Council after one or more public hearings. Therefore, the Planning Commission's decisions in these matters are not appealable.

Variance

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

Attachments:

- Related Plans and Policies
- Resolution No. 2021-52 – General Plan Amendment No. 2021-10
- Resolution No. 2022-11 – Change of Zone No. 2021-12
- Resolution No. 2021-57 – Variance No. 2021-05
- Exhibit “A” – Site Plan
- Exhibit “B” – Floor Plan
- Exhibit “C” - Elevations
- Exhibit “D” – Variance Findings
- Exhibit “E” – Conceptual Landscaping Plan
- Environmental Document No. 2021-50
- Site Plan Review Comments No. 2021-136
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

General Plan and Zoning: The following General Plan and Zoning Ordinance objectives and policies apply to the proposed project:

General Plan

LU-O-22 Provide for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services.

LU-O-28 Promote pedestrian-oriented retail and mixed use development along transit corridors, in neighborhood nodes, and in Downtown and East Downtown.

LU-P-67 Update the Zoning Ordinance to reflect the Neighborhood Commercial designation on the Land Use Diagram, intended for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported. Provide standards to ensure that neighborhood commercial uses are economically-viable and also integrated into neighborhoods, with multimodal access and context-sensitive design.

Neighborhood Commercial development shall be subject to design review and public input. If residential uses are included, density should be 10 to 15 dwelling units per gross acre. Shopping centers in Neighborhood Commercial areas shall have the following characteristics:

- *Anchored by a grocery store or similar business offering fresh produce, poultry, fish and meat;*
- *Include smaller in-line stores of less than 10,000 square feet;*
- *Total size of 5 to 12 acres or as shown on the Land Use Diagram; and*
- *Integrated with surrounding neighborhood uses in terms of design, with negative impacts minimized.*
- *Located no closer than one mile from other General Plan-designated Neighborhood Commercial or Community Commercial locations, or from existing grocery stores.*
- *No individual tenant shall be larger than 40,000 square feet in size.*

Standards for Neighborhood Commercial development also shall require design measures that create a walkable environment and require local street and pedestrian connections. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

LU-P-72 Ensure that noise, traffic, and other potential conflicts that may arise in a mix of commercial and residential uses are mitigated through good site planning, building design, and/or appropriate operational measures.

COMMERCIAL ZONES

Chapter 17.18

17.18.010 Purpose and intent.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;
 2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
 3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
 4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
 5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
 6. Ensure compatibility with adjacent land uses.
- B. The purposes of the individual commercial zones are as follows:
1. **Neighborhood Commercial Zone (C-N).** The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.
 2. **Regional Commercial Zone (C-R).** The purpose and intent of the regional commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.
 1. **Service Commercial Zone (C-S).** The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7310

17.18.015 Applicability.

The requirements in this chapter shall apply to all property within the C-N, C-R, and C-S zone districts. (Ord. 2017-01 (part), 2017)

17.18.020 Permitted uses.

Permitted uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.030 Conditional and temporary uses.

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2,

2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.040 Required conditions.

A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in [Chapter 17.28](#).

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;

C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee. (Ord. 2017-01 (part), 2017: prior code § 7319)

17.18.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: prior code § 7325)

17.18.060 Development standards in the C-N zone.

The following development standards shall apply to property located in the C-N zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: fifteen (15) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: fifteen (15) feet;
 2. Rear: five (5) feet (except where a building is located on side property line);
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet. (Ord. 2017-01 (part), 2017)

SINGLE-FAMILY RESIDENTIAL ZONE (Chapter 17.12)

Article 1. General

17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic

congestion and to avoid an overload of utilities designed to service only low density residential use. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7270)

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts. (Ord. 2017-01 (part), 2017)

17.12.020 Permitted uses.

In the R-1 single-family residential zones, the following uses shall be permitted by right:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of [Chapter 17.48](#);
- I. The keeping of household pets, subject to the definition of household pets set forth in Section [17.04.030](#);
- J. Accessory dwelling units as specified in Sections [17.12.140](#) through [17.12.200](#);
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section [17.12.070](#);
- N. Transitional or supportive housing as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c);
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling.
(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2012-02, 2012: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7271)

17.12.030 Accessory uses.

In the R-1 single-family residential zone, the following accessory uses shall be permitted, subject to specified provisions:

- A. Home occupations subject to the provisions of Section [17.32.030](#);
- B. Accessory buildings subject to the provisions of Section [17.12.100\(B\)](#).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section [17.32.035](#). (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7272)

17.12.040 Conditional uses.

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of [Chapter 17.38](#):

- A. Planned development subject to the provisions of [Chapter 17.26](#);
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of [Chapter 17.26](#);
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section [17.32.040](#);
- L. [Reserved.]
- M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.
(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2012-02, 2012: Ord. 2001-13 § 4 (part), 2001: Ord. 2000-02 § 1 (part), 2000; amended during 10/97 supplement: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7273)

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

Zone	Interior Lot	Corner Lot
R-1-5	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7274)

17.12.060 One dwelling unit per site.

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section [17.12.020](#)(J). (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7275)

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Section [17.12.020](#) legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

- A. A site plan review permit as provided in [Chapter 17.28](#) is required for all expansions or replacements.
- B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Section [17.28.050](#).
- C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.
- D. Parking requirements set forth in Section [17.34.020](#) and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.
- E. The number of multiple family units on the site shall not be increased.
- F. All rights established under Sections [17.12.020](#) and [17.12.070](#) shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7276)

17.12.080 Front yard.

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

Zone	Minimum Front Yard
R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet
- B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.
- C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages. (Ord. 2017-01 (part), 2017: Ord. 2004-20 (part), 2004: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7277)

17.12.090 Side yards.

- A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.
- B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.
- C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.
- D. On corner lots, all front-loading garage doors or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere, shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk. A porte cochere with less than twenty- two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
- E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five-foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7278)

17.12.100 Rear yard.

In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

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

B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7279)

17.12.110 Height of structures.

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section [17.12.100\(B\)](#). (Ord. 2017-01 (part), 2017: Ord. 2006-07 § 2 (part), 2006: Ord. 9717 § 2 (part), 1997: prior code § 7280)

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7281)

17.12.130 Fences, walls and hedges.

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section [17.36.030](#). (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7282)

17.12.135 Lot area less than 5,000 square feet.

A. Notwithstanding Section [17.12.050](#), lots in the R-1-5 zone may have a lot area of between 3,600 and 4,999 square feet if all of the following standards are met:

1. The Planning Commission finds that the development's overall density is consistent with the General Plan.
2. The maximum number of lots less than 5,000 square feet that may be approved by a tentative subdivision map shall be fifty (50) percent or less of the total lots.
3. Streets shall be constructed to public street standards.
4. Each subdivision with at least 15 lots that are less than 5,000 square feet in size shall make available to buyers at least three (3) different small lot floor plans with at least four (4) available elevation designs for each floor plan to construct on those lots.
5. The primary frontage of the dwelling unit shall face a public street, primary entryway, circulation walkway, or open space with sidewalks that provide delineated paths of travel.

6. The primary frontage of the dwelling unit shall include the primary entrance and at least one window.
7. Required covered parking spaces shall be in garages. Carports are prohibited.
8. The width of the garage shall not be greater than fifty (50) percent of the width of the dwelling unit.
9. The garage shall not extend beyond the front building facade (living area.)
10. All dwelling units shall include a covered front porch at least four (4) feet deep and six (6) feet wide or an uncovered front courtyard at least five (5) feet wide and five (5) feet deep that is surrounded on four sides by the dwelling unit or a wall or fence between three (3) and four (4) feet high with a pedestrian gate or entryway.
11. The building official shall not approve a building permit for a new dwelling unit on a lot with a lot area less than 5,000 square feet until the city planner, or designee, has determined that the standards identified in this section are met.
12. The subdivision shall provide a common, usable open space area of a minimum 3,000 square feet or two hundred fifty (250) square feet per lot under 5,000 square feet, whichever is greater. The area shall be landscaped and maintained with funding from either a homeowner's association or a landscape and lighting act district.
 - B. Notwithstanding this Chapter, lots with less than five thousand (5,000) square feet shall have the following minimum dimensions and building setback areas, unless they were approved with a planned development permit:
 1. The minimum lot depth shall be seventy (70) feet.
 2. The minimum lot width shall be forty-six (46) feet for interior lots and fifty-one (51) feet for corner lots.
 3. The minimum front building setback area shall be twelve (12) feet for livable space and twenty (20) feet for garages.
 4. The minimum rear yard building setback area shall be fifteen (15) feet.
 5. The minimum interior side yard building setback area shall be five (5) feet.
 6. The minimum corner side yard building setback area shall be ten (10) feet.
 7. The maximum building height shall be thirty-five (35) feet.
 8. Lots shall provide for a usable open space area of a minimum three hundred (300) square feet. The open space shall be a minimum fifteen (15) feet wide.
 - C. Lots less having a lot area of 3,600 square feet, or lots that do not meet the standards in this section may be approved through the planned development permit process per [Chapter 17.26](#). (Ord. 2017-01 (part), 2017)

17.12.137 Signs.

Signs shall be placed in conformance with [Chapter 17.48](#). (Ord. 2017-01 (part), 2017)
 Article 2. Accessory Dwelling Units

17.12.140 Purpose and intent.

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

17.12.150 Definitions.

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

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

"Accessory dwelling unit" means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the A or R-1 zones. Accessory dwelling units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

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

17.12.160 General provisions.

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

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

17.12.170 Process.

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

17.12.180 Development requirements.

The following development requirements shall apply to accessory dwelling units:

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

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

1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one block of the accessory dwelling unit.

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

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

17.12.190 Appeals.

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

17.12.200 Existing nonconforming accessory dwelling units.

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

GENERAL PLAN AMENDMENTS
Chapter 17.54

17.54.010 Purpose.

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Ord. 2017-01 (part), 2017: prior code § 7650)

17.54.020 Initiation.

A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.

B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention. (Ord. 2017-01 (part), 2017: prior code § 7651)

17.54.030 Application procedures.

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission. Said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
3. Address and legal description of the subject property, if applicable;
4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.

B. The application shall be accompanied by a fee set by resolution of the city council to cover the cost of processing the application. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7652)

17.54.040 Public hearing—Notice.

Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area under consideration if an amendment to the land use element is under consideration. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7653)

17.54.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission. (Ord. 2017-01 (part), 2017: prior code § 7654)

17.54.060 Hearing.

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment. (Ord. 2017-01 (part), 2017: prior code § 7655)

17.54.070 Action of city planning commission.

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff. (Ord. 2017-01 (part), 2017: prior code § 7656)

17.54.080 Action of the city council.

A. Upon receipt of the resolution and report of the city planning commission, the city council shall hold at least one public hearing with public notice as prescribed in Section 17.54.040. Following the noticed public hearing, the city council shall approve, deny or modify the city planning commission recommendation.

B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

C. The adoption of a general plan element, or amendment, shall be by resolution of the city council.

(Ord. 2017-01 (part), 2017: prior code § 7657)

CHAPTER 17.42: VARIANCES

17.42.010 Variance purposes.

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title.

17.42.020 [Reserved]

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards pursuant to Sections 17.12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

17.42.040 [Reserved]

17.42.050 Application procedures.

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;

4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty that would result from the strict interpretation and enforcement of this title;
 5. The application shall be accompanied by such sketches or drawings that may be necessary to clearly show applicant's proposal;
 6. Additional information as required by the historic preservation advisory board;
 7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.42.060 Hearing and notice.

- A. The city planning commission shall hold a public hearing on an application for a variance.
- B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.42.070 Investigation and report.

The city planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the city planning commission.

17.42.080 Public hearing procedure.

At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090.

17.42.090 Variance action of the city planning commission.

A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

D. The city planning commission may deny a variance application.

17.42.100 [Reserved]

17.42.110 Appeal to city council.

The decision of the city planning commission on a variance or exception application shall be subject to the appeal provisions of Section 17.02.145.

17.42.120 Lapse of variance.

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site that was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure that was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance.

17.42.130 Revocation.

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

17.42.140 New application.

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance.

RESOLUTION NO. 2021-52

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2021-10, A REQUEST BY MING LU JIN TO CHANGE THE LAND USE DESIGNATION OF A 15,261 SQUARE FOOT PARCEL FROM LOW DENSITY RESIDENTIAL (RLD) TO COMMERCIAL MIXED USE (CMU), LOCATED ON THE NORTH SIDE OF WEST MEADOW AVENUE BETWEEN SOUTH MOONEY BOULEVARD AND SOUTH BONNIE STREET. ADDRESS: N/A (APN: 096-023-023)

WHEREAS, General Plan Amendment No. 2021-10 is a request by Ming Lu Jin to change the land use designation of a 15,261 square foot parcel from Low Density Residential (RLD) to Commercial Mixed Use (CMU), located on the north side of West Meadow Avenue between South Mooney Boulevard and South Bonnie Street, Address: N/A (APN: 096-023-023); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on April 25, 2022; and

WHEREAS, the Planning Commission of the City of Visalia finds that General Plan Amendment No. 2021-10, to be in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2021-50.

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

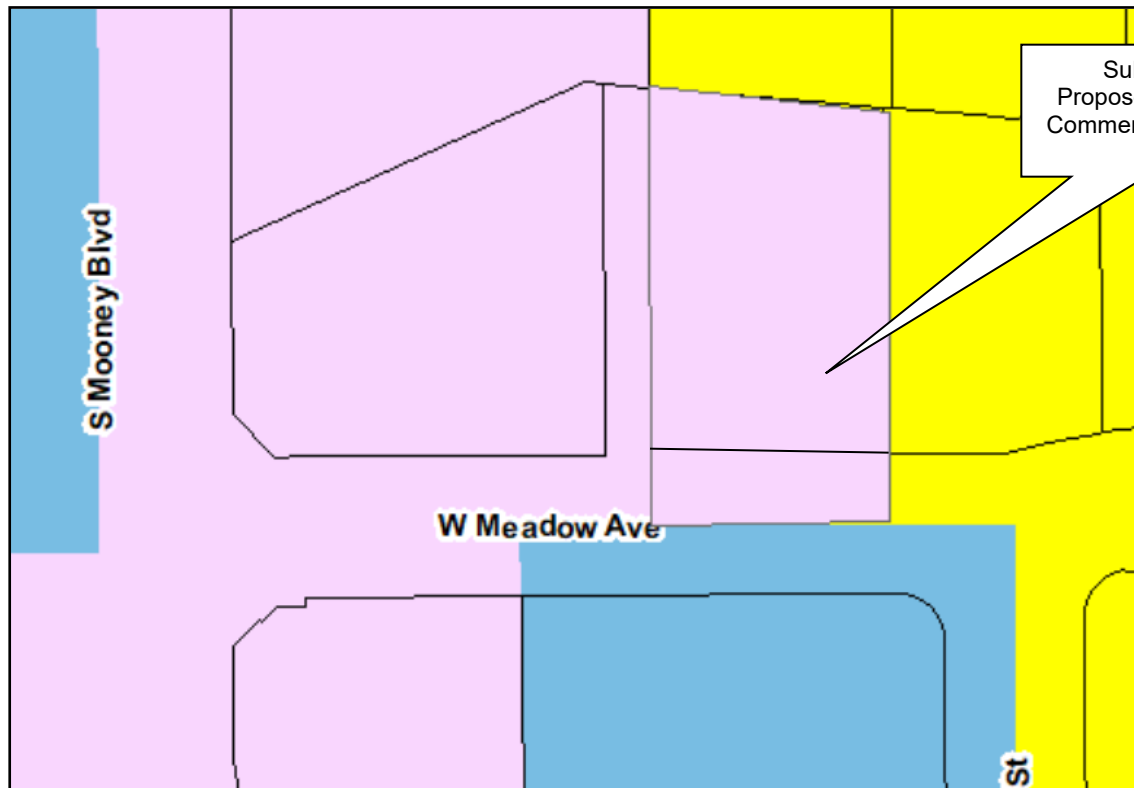
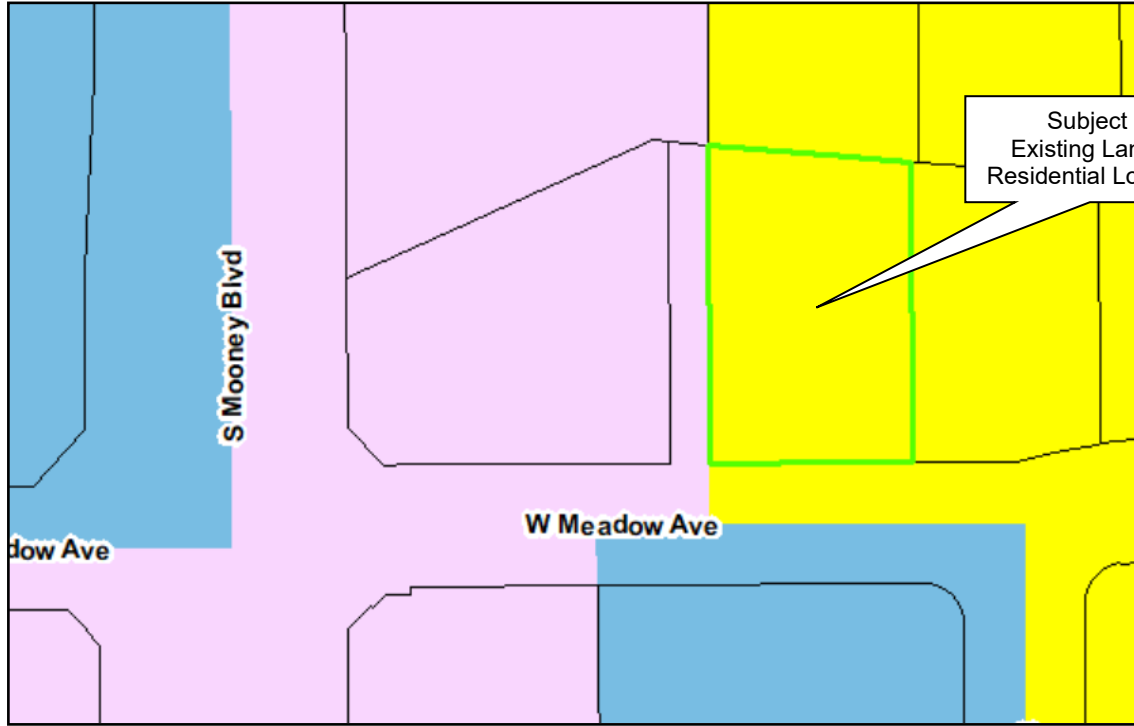
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2019-05 based on the following specific findings and evidence presented:

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from Low Density Residential to Commercial Mixed Use is consistent with the original commercial use of the site and would be appropriate for the proposed expansion of the existing commercial building. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services while Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors. Furthermore, the Mooney Boulevard corridor is largely designated Mixed Use Commercial and already serves as a commercial hub for the surrounding area. Application of C-MU zoning to the eastern site supports expansion of onsite improvements upon a parcel historically used as a parking lot.

3. That Categorical Exemption No. 2021-50 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 35,423 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2021-10, as depicted per Attachment "A", on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia.

GENERAL PLAN AMENDMENT NO. 2021-10
Planning Commission
Resolution No. 2021-52



RESOLUTION NO. 2022-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2021-12, A REQUEST BY MING LU JIN TO CHANGE THE ZONING DESIGNATION OF A 15,261 SQUARE FOOT PARCEL FROM R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQUARE FEET MINIMUM SITE AREA) TO C-MU (MIXED USE COMMERCIAL). THE PROJECT IS LOCATED ON THE NORTH SIDE OF WEST MEADOW AVENUE BETWEEN SOUTH MOONEY BOULEVARD AND SOUTH BONNIE STREET. ADDRESS: N/A (APN: 096-023-023)

WHEREAS, Change of Zone No. 2021-12 is a request by Ming Lu Jin to change the zoning designation of a 15,261 square foot parcel from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to C-MU (Mixed Use Commercial). The project is located on the north side of West Meadow Avenue between South Mooney Boulevard and South Bonnie Street, Address: N/A (APN: 096-023-023); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on April 25, 2022; and

WHEREAS, the Planning Commission of the City of Visalia considered the change of zone in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2021-50.

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

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Change of Zone based on the following specific findings and evidence presented:

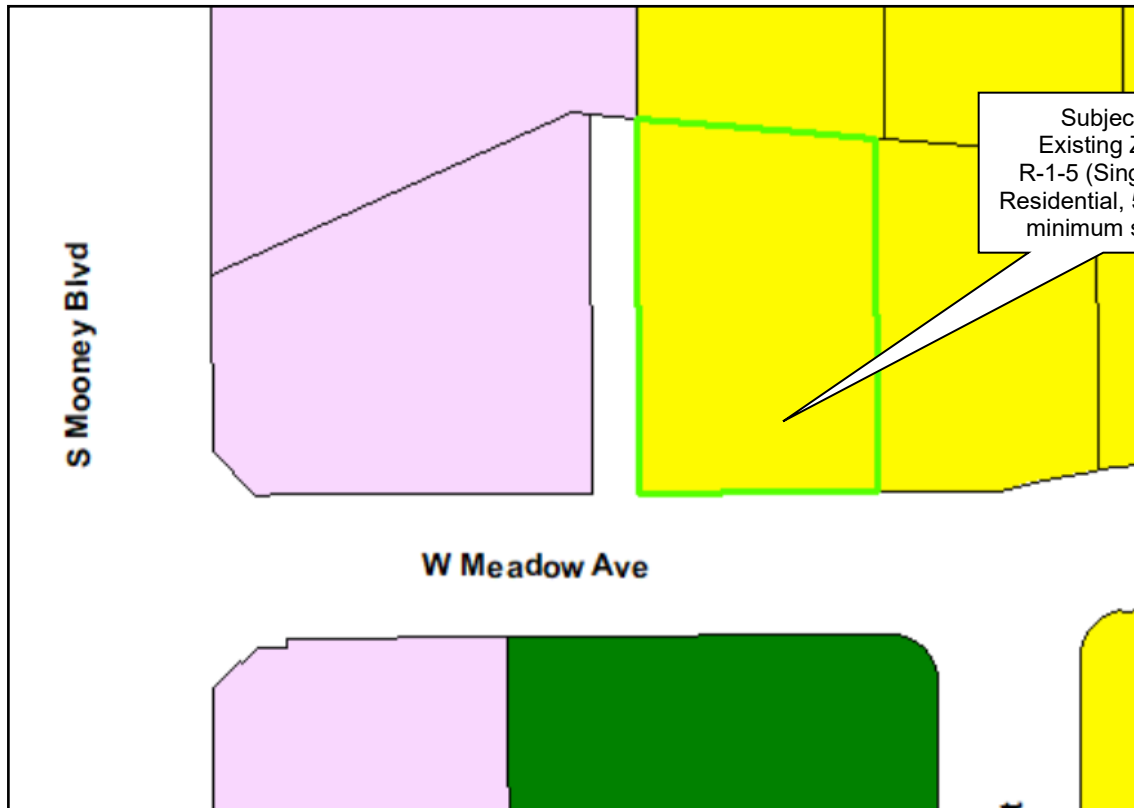
1. That Change of Zone No. 2021-12 is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the site, as conditioned, is consistent with the C-MU (Commercial Mixed Use) zoning designation's development standards. The request to change the zoning designation of the easternly site to Mixed Use Commercial will be compatible with the historic use of the site and improve the surrounding area.

3. That Categorical Exemption No. 2021-50 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 35,423 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

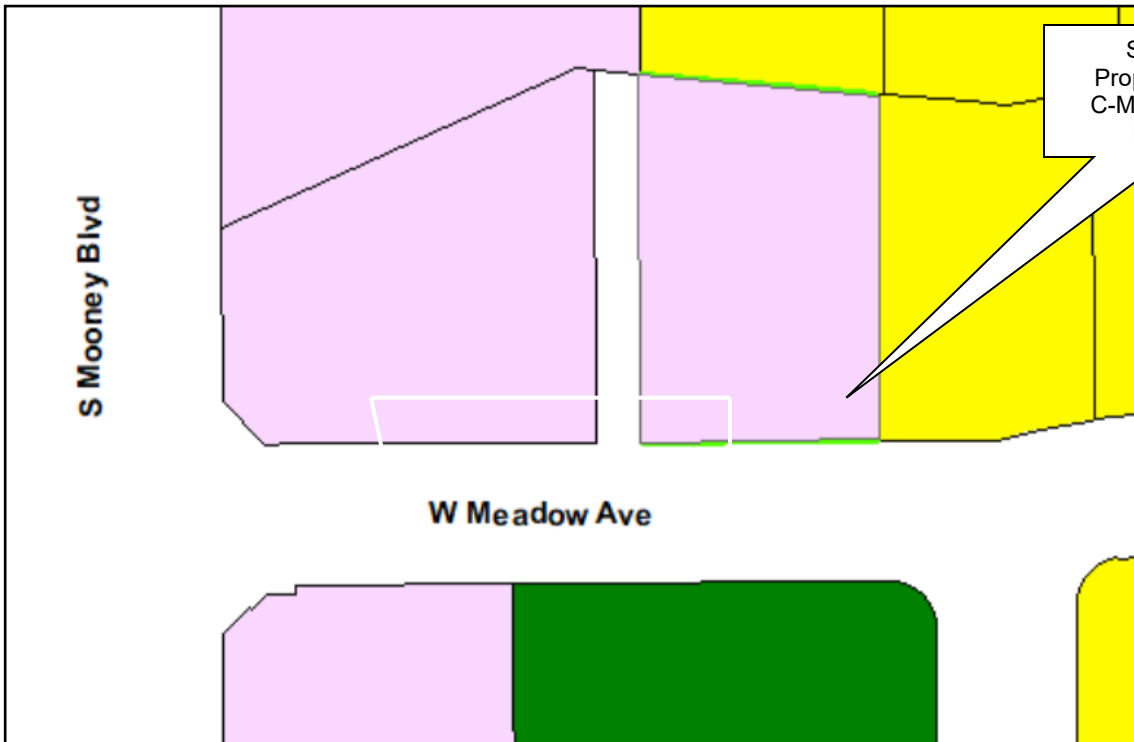
BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Change of Zone No. 2021-12, as depicted per Attachment "A", on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

CHANGE OF ZONE NO. 2021-12

Planning Commission
Resolution No. 2022-11



Subject Site:
Existing Zoning -
R-1-5 (Single Family
Residential, 5,000 sq. ft.
minimum site area)



Subject Site:
Proposed Zoning -
C-MU (Commercial
Mixed Use)

Attachment "A"

RESOLUTION NO. 2021-57

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2021-05, A REQUEST BY MING LU JIN FOR ENCROACHMENT OF THE SOUTHWEST CORNER OF THE BUILDING INTO THE 10-FOOT STREET SIDE YARD SETBACK ALONG MEADOW AVENUE AND THE TRASH ENCLOSURE TO BE PLACED WITHIN THE 15-FOOT REAR YARD SETBACK. THE PROJECT SITE IS LOCATED AT ON THE NORTHEAST CORNER OF SOUTH MOONEY BOULEVARD AND WEST MEADOW AVENUE. ADDRESS: 914 SOUTH MOONEY BOULEVARD. (APNS: 096-023-023 & 096-023-031).

WHEREAS, Variance No. 2021-05 is a request by Ming Lu Jin for encroachment of the southwest corner of the building into the 10-foot street side yard setback along Meadow Avenue and the trash enclosure to be placed within the 15-foot rear yard setback. The project is located on the northeast corner of South Mooney Boulevard and West Meadow Avenue, Address: 914 South Mooney Boulevard (APNs: 096-023-023 & 096-023-031); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 25, 2022; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2021-05, as conditioned by staff, to be in accordance with Chapter 17.42.080 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2021-50.

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

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

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

The portion of the building remodel that is expected to encroach into the streetside side yard setback along West Meadow Avenue will not encroach any further than the existing building envelope along the southern frontage. This will result in 136 square feet encroaching into the setback area. Additionally, the City Traffic Engineer has determined that the addition will not affect the sight visibility triangle on the northeast corner of Mooney Boulevard and Meadow Avenue. In addition, the refuse trash enclosure's placement at five feet from the east property line is in a location where it can be directly accessed by the solid waste truck and provides a location on-site that

will not interfere with overhead powerlines along the alleyway. There is no other location within the parking lot except within a setback area where solid waste service trucks can directly pick up the trash bins and not need to back out of the site.

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

Staff concurs with the applicant that the existing building likely complied with the requirements of the time when it was constructed, and minimal encroachment is consistent with many other parcels along Mooney Boulevard that do not meet building / landscape setbacks. Additionally, removal of parking along the Mooney Boulevard frontage will provide at least a 23-foot open area from the Mooney Boulevard frontage to be landscaped and used by the tea house's covered patio. Regarding the trash enclosure, the overhead powerlines represent an extraordinary condition that limits the location of the enclosure for safe servicing on-site.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The current building on site currently encroaches into the 10-foot street side yard setback. The requested encroachment is minimal in relation, and the proposed remodel to the building will not extend beyond the existing building envelope along the West Meadow Avenue frontage. Additionally, modifications to the site to comply with parking lot standards have incurred limitations due to the overhead powerlines leaving only areas abutting residential as the likely placement of an enclosure. The depicted location provides access for solid waste vehicles to directly load the refuse receptacles and maneuver onsite without conflict from traffic and overhead powerlines.

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

There are a large number of properties located along the Mooney Boulevard corridor which contain reduced or nonexistent landscape setbacks along their front yard and side yard setbacks and along their street frontages. The project proposal will still result in landscape setbacks that are greater than other properties in the same zone along the Mooney Boulevard corridor.

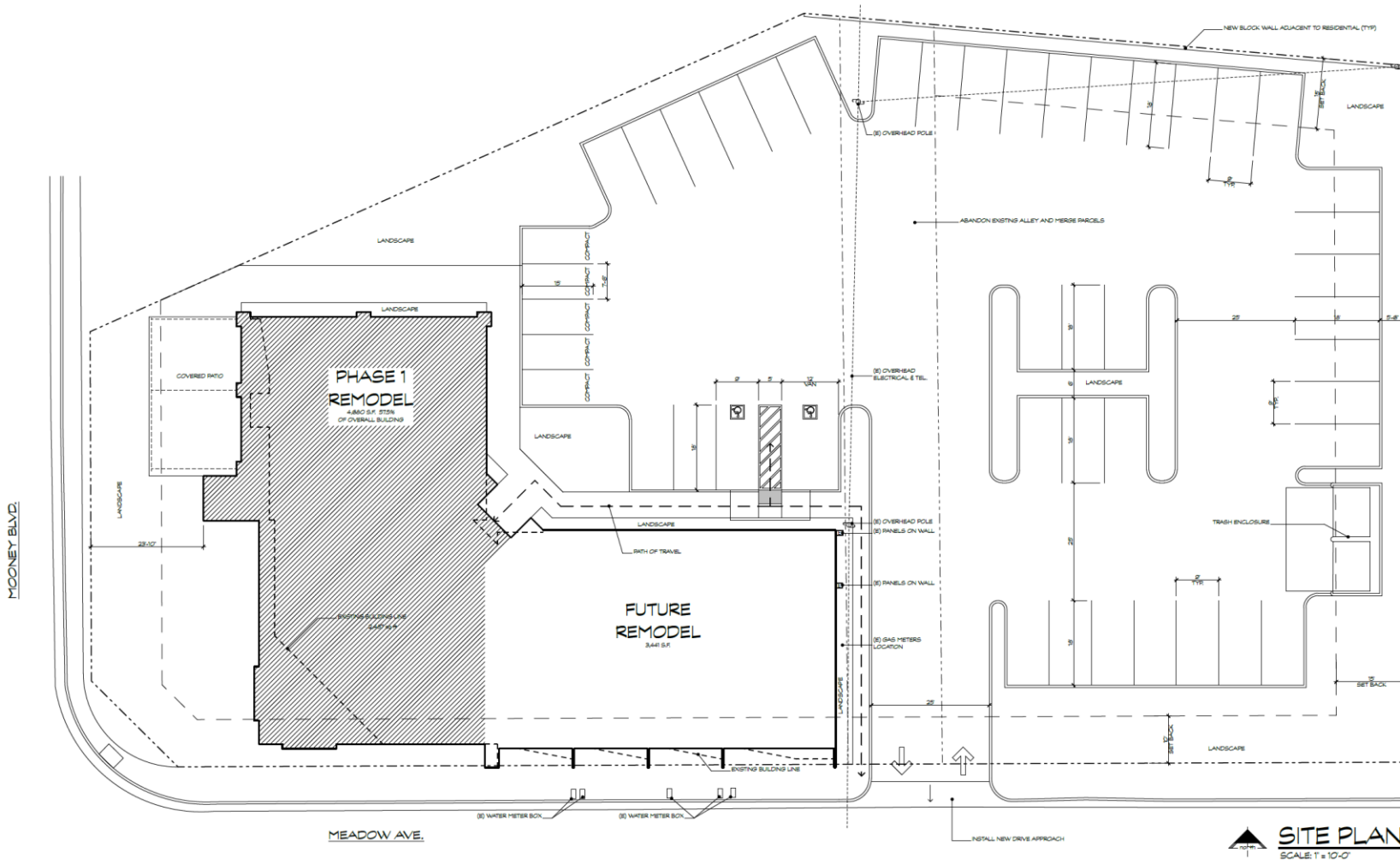
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The variance will not be detrimental to the public as the variance will still provide adequate setback of the building along the Mooney Boulevard and Meadow Avenue frontages not affecting the sight visibility triangle on the northeast corner. Even with the proposed variance, the proposed setbacks will be greater than what exists on many sites along the Mooney Boulevard corridor at present. Additionally, the trash enclosure will be placed at five feet from property line and secured behind a seven-foot tall block wall enclosure in addition to the seven-foot tall block wall that will be constructed along the east property line.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Variance on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2021-136.
2. That the project be developed in substantial compliance with the Site Plan in Exhibit "A", Floor Plan in Exhibit "B", and Elevations in Exhibit "C".
3. That illuminated wall signage directed toward residential uses shall be prohibited.
4. That any onsite lighting shall incorporate lighting shields to deflect light away from abutting residential sites so as to not cause glare.
5. Prior to occupancy of the development, the applicant/developer shall demonstrate to the satisfaction of City staff that all on-site lighting installed shall not exceed the lumen intensity limit of 0.5 lumens at the property lines. Prior to occupancy and/or operation of any tenant space within the commercial building, the applicant/developer shall conduct, with Community Development staff verification, that the on-site lighting installed for this development complies with and shall not exceed 0.5 lumens at the property lines.
6. That the applicant shall file the necessary applications and payment to initiate the request to vacate the alleyway. The vacation of the alleyway shall be recorded and perfected prior to building permit final.
7. That after completion of the alleyway summary vacation a Lot Line Adjustment shall be approved and recorded to merge the two project sites into one parcel prior to occupancy of the remodeled and expanded building.
8. That the applicant submit landscaping plans demonstrating compliance with the Model Water Efficient Landscape Ordinance (MWELO) standards through the building permit process.
9. That Variance No. 2021-05 shall be null and void unless General Plan Amendment No. 2021-10 and Change of Zone No. 2021-12 are both approved by the Visalia City Council.
10. That the applicant shall coordinate with Caltrans to acquire any necessary encroachment permits for any work done along the State Right-of-Way.
11. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

Exhibit "A"



SITE PLAN
SCALE: 1" = 10'-0"

ERM
DESIGN GROUP
INCORPORATE
ARCHITECTS



4412 W 111TH STREET
VISALIA, CA 93291
(559) 732-3026
FAX 732-8838

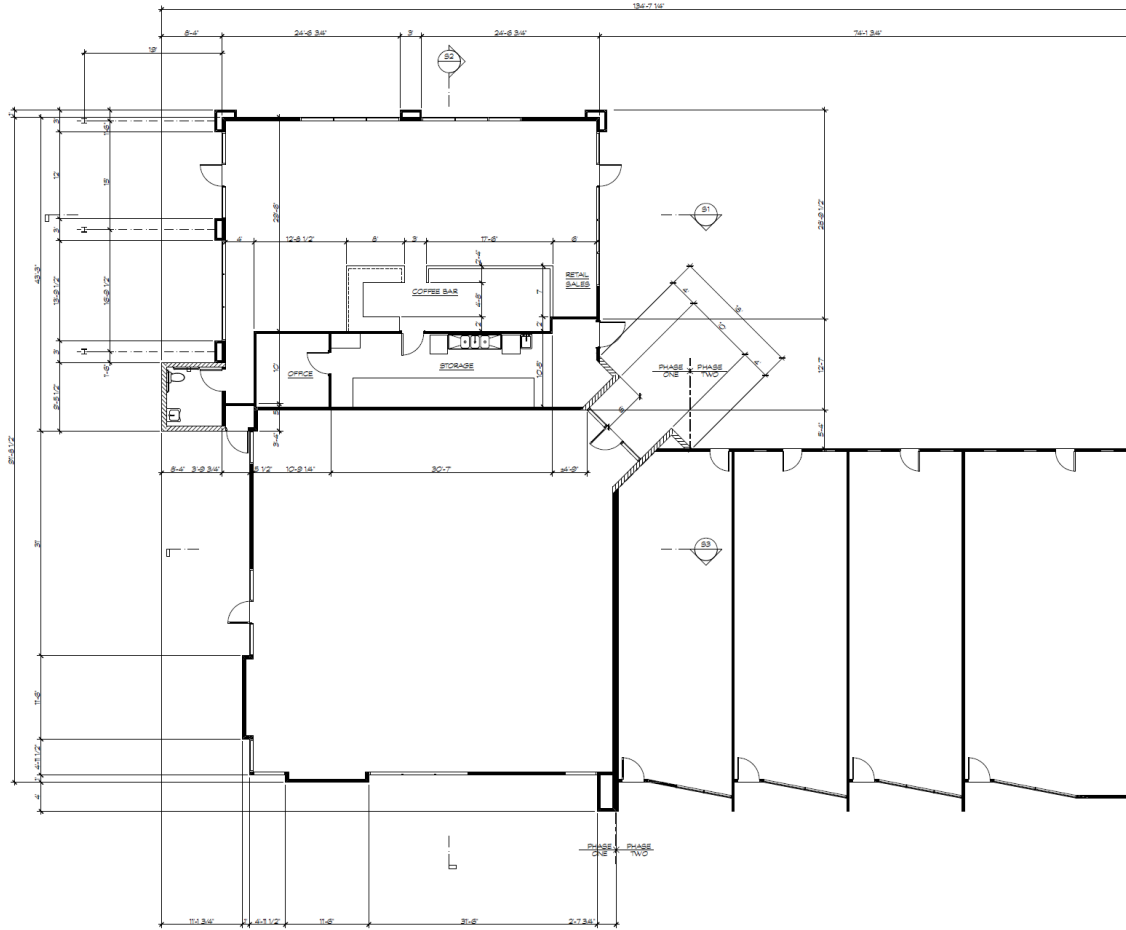
SCALE: AS NOTED
JOB #: 200206

A NEW PROJECT FOR:
TIGER TEA HOUSE
514 S. MOONEY BLVD, VISALIA, CA 93277

- 1" = 10'-0"
- ▲ DRIVEWAY
- ▲ SIDEWALK
- ▲ CURB
- ▲ UTILITY
- ▲ RETAIN

Sheet:
A-1

Exhibit "B"



FLOOR PLAN

SCALE: 1/8" = 1'-0"



DESIGN GROUP
INCORPORATE
ARCHITECTS



412 W. FERROVIA
VISALIA, CA 93281
(559) 732-8236
FAX: 732-2826

SCALE: AS SHOWN
JOB #: 210004

A NEW PROJECT FOR:
TIGER TEA HOUSE
514 S. MOONEY BLVD, VISALIA, CA 93277

DATE: 11-20-08

 1. REVISION
 2. REVISION
 3. REVISION
 4. REVISION

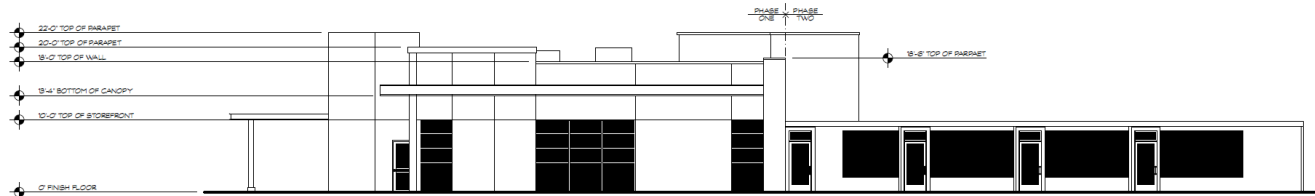
Sheet:
A-3

Exhibit "C"



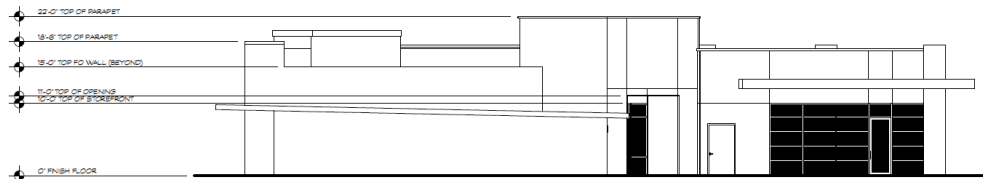
WEST

SCALE: 1/8" = 1'-0"



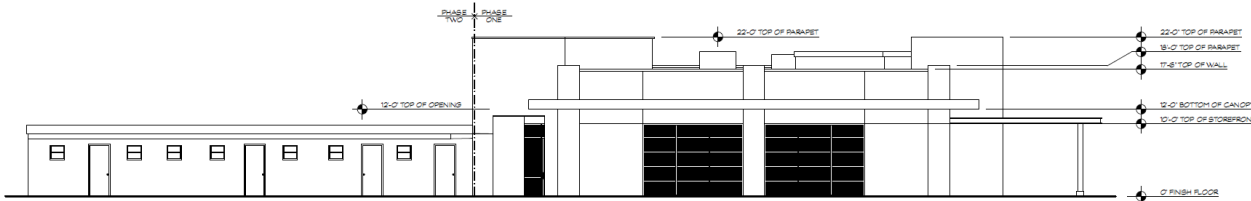
SOUTH

SCALE: 1/8" = 1'-0"



EAST

SCALE: 1/8" = 1'-0"



NORTH

SCALE: 1/8" = 1'-0"



DESIGN GROUP
INCORPORATED
ARCHITECTS



KEVIN W. FERHOUSON
VISALIA, CA 93201
(559) 732-9236
FAX: 559-509-3636
SCALE: AS SHOWN
JOB #: 2010-006

A NEW PROJECT FOR:
TIGER TEA HOUSE
514 S. MOONEY BLVD, VISALIA, CA 93277

DATE: 12-20-07

REVISIONS:
REVISION
REVISION
REVISION
REVISION

Sheet:

A-4

Exhibit "D"

Variance Findings:

- 1) The existing building was built in the late 1950's or early 1960's and encroaches into the 10-foot building setback along Meadow Lane up to the property line. When this building was built there were no setbacks required and to adhere to the current setbacks would be an unnecessary hardship inconsistent with the objectives of the zoning ordinance.
- 2) As the existing building was built in the late 1950's or early 1960's and encroaches into the setback along Meadow Lane up to the property line, is an exceptional condition that other parcels in this zone generally do not have. We are proposing to continue the existing building line on the Southwest corner of the project which is $\pm 5'$ into the setback to the building corner. When this building was built there were no setbacks required.
- 3) Due to the existing building's location within the current building setback, the strict interpretation and enforcement of the building setback would deprive the applicant of privileges enjoyed by other property owners. The existing building is $\pm 38'$ back from the property line along Mooney Boulevard over 23' further back than others allowed in this zone. Other sites have superior visibility and the small encroachment into the side yard setback helps offset this locations front yard disadvantage.
- 4) Our existing building line, which we propose to match, extends 5' into the current setback. This is the same distance as the building on the South side of Meadow Lane. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.
- 5) As this is only a reduction in the building setback along Meadow Lane and does not encroach into the site visibility of the corner, there will be no detriment to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Exhibit "E"



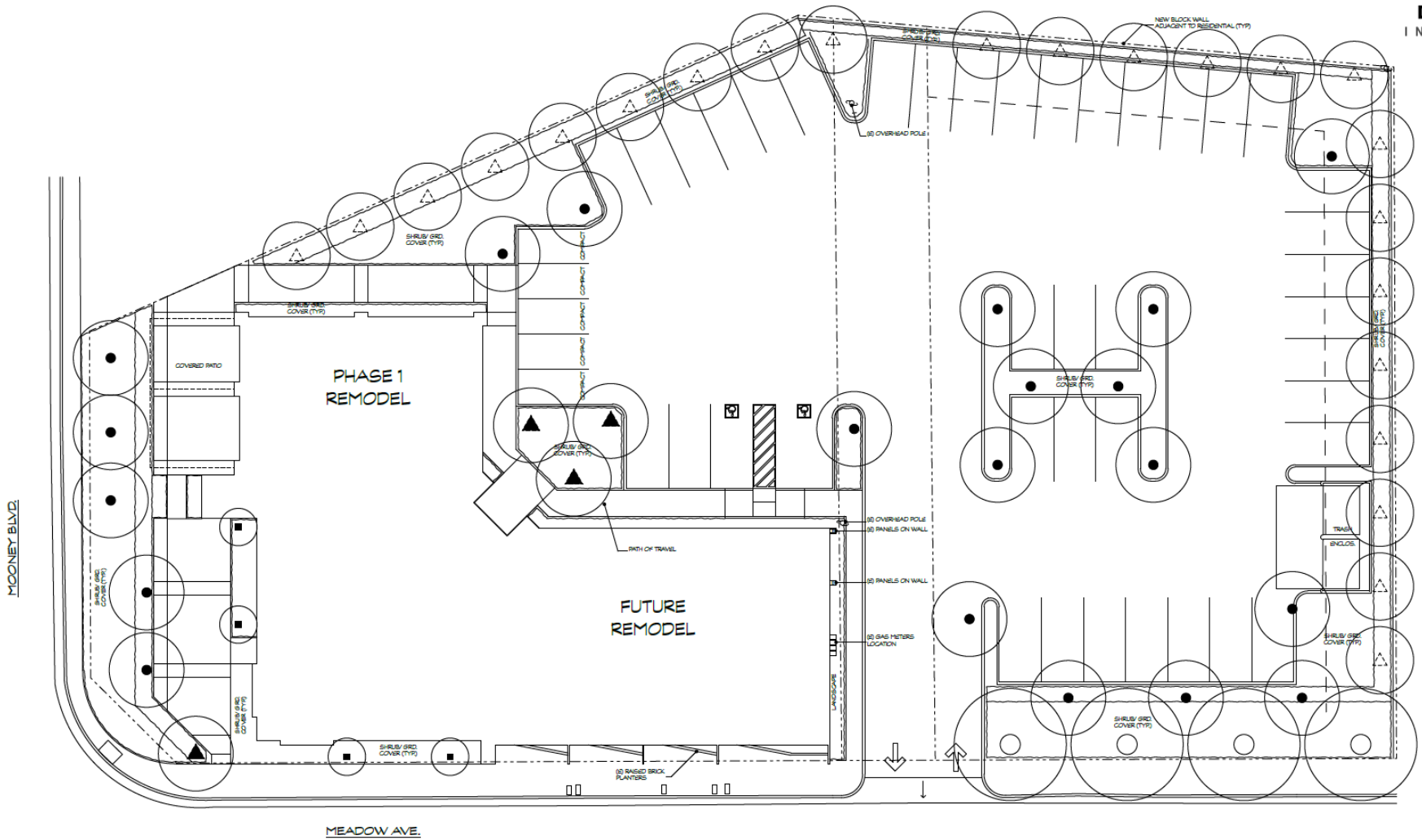
**DESIGN GROUP
INCORPORATED
ARCHITECTS**



GENUINE PRODUCTION
REGISTERED IN CALIFORNIA
PROJECT NUMBER
MO-228-2102
DATE: 08/20/2021

A NEW PROJECT FOR
TIGER TEA HOUSE
514 S. MOONEY BLVD, VISALIA, CA 93277

Sheet:
L-1



PRELIM. LANDSC. PLAN
SCALE: 1"=10'

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291
(559) 713-4359

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

General Plan Amendment No. 2021-10, Change of Zone No. 2021-12, and Variance No. 2021-05.

PROJECT TITLE

914 S. Mooney Boulevard (APNs: 096-023-023, 031)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

General Plan Amendment No. 2021-10 – A request to change the land use designation of a 15,261 sq. ft. parcel from Low Density Residential to Commercial Mixed Use.

Change of Zone No. 2021-12 – A request to change the zoning designation of a 15,261 sq. ft. parcel from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to C-MU (Mixed Use Commercial)

Variance No. 2021-05 - A request for encroachment of the southwest corner of the building into the 10-foot street side yard setback..

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Ming Lu Jin, 2311 N. 11th Avenue, Hanford CA 93230, (678) 687-4614, E-mail: N/A

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Eric McConnaughey, EBM Design Group, Inc., 4412 W. Ferguson Avenue, Visalia CA 93291, (559) 732-9236, eric@ebmdesigngroup.com

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15332, In-fill Development Projects**
- Statutory Exemptions- State code number:

Project will remodel an existing building on a site under five acres in size. Proposed

land use designation changes will be continue to be consistent and will be in compliance with existing General Plan policies and Zoning regulations.

REASON FOR PROJECT EXEMPTION

Josh Dan, Associate Planner

CONTACT PERSON

DATE

(559) 713-4003

AREA CODE/PHONE

**Brandon Smith, Senior Planner
ENVIRONMENTAL COORDINATOR**



October 6, 2021

Site Plan Review No. 21-136:

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

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **September 22, 2021**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal", is written over a large, light blue circular stamp or watermark.

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

Attachment(s):

- Site Plan Review Comments



MEETING DATE September 22, 2021
SITE PLAN NO. 2021-136
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

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

RESUBMIT Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

GPA, COZ, & VAR

HISTORIC PRESERVATION

OTHER –

ADDITIONAL COMMENTS:

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

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: September 22, 2021

SITE PLAN NO: 2021-136 - C
PROJECT TITLE: Remodel of an existing Commercial Building
DESCRIPTION: Exterior remodel, parking lot and building out of coffee shop
APPLICANT: Eric McConnaughey
PROP. OWNER: Visalia Unified School District
LOCATION TITLE: 914 S. Mooney Blvd.
APN TITLE: 096-023-023, 031
GENERAL PLAN: Commercial Mixed Use
ZONING: C-MU (Commercial Mixed Use)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- General Plan Amendment
- Change of Zone
- Variance
- Lot Merger
- Alley Abandonment
- Photometric Plan
- Building Permit

PROJECT SPECIFIC INFORMATION: September 22, 2021

1. As shown, the proposal will require the applicant to apply for the following entitlements / permits:
 - a. General Plan Amendment
 - b. Change of Zone
 - c. Variance
 - d. Lot Line Adjustment (merger)
 - e. Alley Abandonment
 - f. Building Permits
2. The applicant shall submit detailed exhibits of the following:
 - a. Operational Statement
 - b. Site Plan
 - c. Floor Plan
 - d. Elevations of the Building and Covered Patio
 - e. Landscaping Plan
 - f. Photometric Plan
3. The applicant shall comply with the requirements of Traffic Engineering and all other reviewers.
4. Provide other information as needed.

PROJECT SPECIFIC INFORMATION: August 25, 2021

1. The site plan shall show how many feet the patio encroaches into the front yard setback. The Visalia Municipal Code permits an encroachment of up to six feet for unenclosed porches in front yard areas.

2. Based on the revised submittal, a Variance will be required for encroachment of the southwest corner of the building into the 10-foot street side yard setback. Staff will recommend approval of the proposal as the encroachment does not extend further than the existing portions of the building that already encroach into the street side yard setback.
3. Staff is not in support of providing a parking credit for stalls lost along the western property frontage adjacent to Mooney Blvd.
4. A General Plan Amendment shall be required.
5. A Change of Zone shall be required.
6. A Lot Merger shall be required.
7. The existing alley shall be abandoned prior to construction of the use. Note that the applicant shall consult with City of Visalia staff and applicable utility companies to determine whether the alley can be abandoned, and utility poles relocated.
8. The proposed block wall along the eastern and northern portions of the project site shall be no taller than seven feet, except within the 10-foot street side yard setback where the block wall can be no taller than three feet.
9. A Photometric Plan shall be submitted verifying that lighting shall not exceed 0.5 lumens at property line. Lighting from the project site shall not produce glare onto adjacent residential areas.
10. Floor plans shall be provided
11. Building elevations shall be provided.
12. An Operational Statement shall be provided, describing the proposed uses, tenants, and any relevant operational detail.
13. A landscaping and irrigation plan shall be provided. Plans shall verify that a minimum 10% of the parking lot shall be landscaped.
14. A Building Permit shall be required.
15. Provide traffic generation information to the satisfaction of the Traffic Engineering Division.
16. Comply with the requirements of the Traffic Engineering, Engineering, and Solid Waste Divisions.

PROJECT SPECIFIC INFORMATION: August 4, 2021

1. The existing alley shall be abandoned prior to construction of the use. Note that the applicant shall verify with the City of Visalia and applicable utility companies whether the alley can be abandoned.
2. A General Plan Amendment shall be required.
3. A Change of Zone shall be required.
4. A Lot Merger shall be required.
5. If encroachment into the front and side yard setbacks is proposed, a Variance shall be required.
6. A Photometric Plan shall be submitted verifying that lighting shall not exceed 0.5 lumens at property line. Lighting from the project site shall not produce glare onto adjacent residential areas.
7. A seven-foot-tall block wall shall be placed along the eastern and northern property boundaries adjacent to residential areas.
8. An Operational Statement shall be provided, describing the proposed uses, tenants, and any relevant operational detail.
9. Building elevations shall be provided.
10. Floor plans shall be provided.
11. A landscaping plan shall be provided. Plans shall verify that a minimum 10% of the parking lot shall be landscaped.
12. The request for a parking credit is not supported by staff.
13. A Building Permit shall be required.

14. Comply with the requirements of the Traffic Engineering, Engineering, and Solid Waste Divisions.

Note:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required through the District.
2. Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.

Sections of the Municipal Code to review:

17.19.060 Development standards in the C-MU zones outside the downtown area.

17.30 Development Standards [17.30.015(H) Lighting]

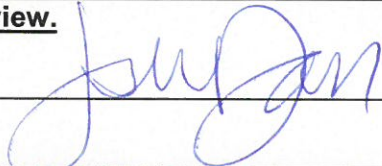
17.32.080 Maintenance of landscaped areas.

17.34 Off-street Parking [17.34.020(F)(3) Commercial Facilities]

17.36 Fences Walls and Hedges [17.36.050 Commercial and mixed use zones]

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

Signature _____



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input checked="" type="checkbox"/>	Adrian Rubalcaba	713-4271
<input type="checkbox"/>		713-

ITEM NO: 4	DATE: SEPTEMBER 22, 2021
SITE PLAN NO.:	21-136 2 ND RESUBMITTAL
PROJECT TITLE:	Remodel of an existing Commercial Building.
DESCRIPTION:	Exterior remodel, parking lot and build out of coffee shop
APPLICANT:	Eric McConnaughey
PROP OWNER:	Visalia Unified School District
LOCATION:	914 S Mooney
APN:	096-023-023

SITE PLAN REVIEW COMMENTS

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

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

Additional Comments:

- 1. Install Sidewalk per City commercial standards east of modified drive approach on Meadow. Match West sidewalk width. Show dimensions on plans**
- 2. Install street trees in tree wells along Meadow Ave per City standards**
- 3. New drive approach will have to be modified to fit within existing ROW on Meadow otherwise dedications will be necessary. Show method for compliance on plans. Abandonment of the alley may need to be modified to include any areas of the sidewalk that encroaches onsite at drive approach as well.**
- 4. Required work necessary in public ROW for removal of drive approaches and parking on Mooney. Existing westerly drive approach on Meadow would need to be removed and replaced per current City standards. Remove existing on east side of Meadow as well and replace with curb and gutter and sidewalk.**
- 5. Provide building interior layout, seating arrangement with permit plans. Fees due for increase in square footage and seating. Site plan to show previous layout of existing building**
- 6. Connect to sewer if not already connected, main connect in Meadow.**
- 7. All required water/fire backflow apparatus shall be installed on private property; not within public right-of-way.**

- 8. *Parking shall meet City PK standards.***
- 9. *All landscape and irrigation shall comply with MWELo standards. Landscape plans shall be submitted with building permits.***
- 10. *Install landscape curb around all landscape areas.***
- 11. *Provide title report with permit for reference to all existing encumbrances onsite that affect the proposed project and design. Suggest a licensed surveyor or Civil Engineer to create a topo and show clearly legal limits of items. Feasibility of abandonment must be established prior to approval through SPR, and as submitted, it appears project will protect in place utilities and be designed accordingly. An LLA or lot modification will be required.***
- 12. *Note this project is in an "AE" flood zone. Modifications proposed may trigger substantial improvement considerations and compliance to current floodplain regulations.***
- 13. *Alley abandonment will require separate submittal process and fees, refer to City fee schedule. A formal request on professional letter head to be submitted with associated fees. Abandonment to be processed concurrently with permit review, required prior to building permit issuance. Further coordinate with City Engineer. Legal docs necessary to process abandonment will be required by applicant.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **21-136 2nd RESUBMITTAL**

Date: **9/22/2021**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date:**8/21/2021**)

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

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	TBD
<input checked="" type="checkbox"/> Transportation Impact Fee	TBD
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	TBD
<input checked="" type="checkbox"/> Sewer Front Foot Fee	TBD
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	TBD
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	TBD
<input checked="" type="checkbox"/> Public Facility Impact Fee	TBD
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

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



Adrian Rubalcaba

SFR 21136

REMODEL COMMERCIAL BUILDING
914 S MOONEY BLVD.

City of Visalia
Building: Site Plan
Review Comments

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

- A building permit will be required. For information call (559) 713-4444
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities. 20% of PERMIT VALUE SHALL BE USED FOR 'PATH OF TRAVEL' ADA UPDATES.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. For information call (559) 713-4444
- Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
- Project is located in flood zone AE * Hazardous materials report. VERIFY SUB. IMPROVEMENTS FOR FEMA FLOOD REQUIREMENTS. For information call (559) 713-4444
- Arrange for an on-site inspection. (Fee for inspection \$157.00)
- School Development fees. Commercial \$0.66 per square foot & Self-Storage \$.23 per sf. Residential.
- Park Development fee \$ _____, per unit collected with building permits.
- Additional address may be required for each structure located on the site. For information call (559) 713-4320
- Acceptable as submitted
- No comments at this time

Additional comments: PROVIDE A GREASE TRAP AT THE COFFEE SHOP. IF COMMERCIAL COOKING IS PERFORMED THEN A TYPE I HOOD AND INGROUND GREASE INTERCEPTOR IS REQUIRED. PROVIDE BIKE RACK, FUTURE EY CHARGING PARKING AND AN ACCESSIBLE ROUTE TO THE TRASH ENCLOSURE.

VAL GARCIA 9/21/21
Signature



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

Date: 9-21-21
 Item: 4 Re-Sub
 Site Plan: 21-136
 Name: Agent McEwen

SITE PLAN REVIEW COMMENTS

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

 Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- Not enough information provided. Please provide additional information pertaining to:

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

- Access Controlled / Restricted etc.:

- Lighting Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:



SITE PLAN REVIEW DATE: 22Sept2021

WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 21-136

PROJECT NAME: A remodel of an existing commercial building

THE PROJECT IS SUBJECT TO THE FOLLOWING REQUIREMENTS FROM WASTEWATER
PRETREATMENT DIVISION (QUALITY ASSURANCE):

- SUBMISSION OF WASTEWATER DISCHARGE PERMIT
APPLICATION/QUESTIONNAIRE/OTHER REGULATORY FORMS

FORMS CAN BE FOUND AT THE FOLLOWING URL:

www.visalia.city/depts/public_works/wastewater/commercial_industrial_pretreatment_program.asp

- FORM REQUIRED Food serve establishment wastewater survey
- FORM REQUIRED _____
- FORM REQUIRED _____

INSTALLATION OF SAND AND GREASE INTERCEPTOR

INSTALLATION GREASE INTERCEPTOR

OTHER _____

SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE) AT
(559) 713-4529 OR PRETREATMENT@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS:

DATE REVIEWED: 20Sept2021

BUILDING/DEVELOPMENT PLAN REQUIREMENTS ENGINEERING DIVISION

Adrian Rubalcaba 713-4271
 713-

ITEM NO: 6 DATE: AUGUST 4, 2021

SITE PLAN NO.: 21-136
 PROJECT TITLE: Remodel of an existing Commercial Building.
 DESCRIPTION: Exterior remodel, parking lot and build out of coffee shop
 APPLICANT: Eric McConnaughey
 PROP OWNER: Visalia Unified School District
 LOCATION: 914 S Mooney
 APN: 096-023-023

SITE PLAN REVIEW COMMENTS

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

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

Additional Comments:

1. ***Proposed new parking lot requires abandonment of existing alleyway. Additional information is necessary to be provided by the applicant for the feasibility of the public right-of-way abandonment as there may be existing utilities or other public structures needing to be abandoned or relocated. Address existing utilities onsite, provide notes on site plan.***
2. ***Install street trees in tree wells along Meadow Ave per City standards***
3. ***Site plan will need to include notes on proposed work necessary in public ROW pertaining to removal of drive approaches and parking on Mooney. Existing westerly drive approach on Meadow would need to be removed and replaced. Remove existing on east side of Meadow as well and replace with curb and gutter and sidewalk.***
4. ***Need building interior layout, seating arrangement. Fees due for increase in square footage and seating. Site plan to show previous layout of existing building. Refer to page 3 for applicable fees.***
5. ***Connect to sewer if not already connected, main connect in Meadow.***
6. ***All required water/fire backflow apparatus shall be installed on private property; not within public right-of-way.***
7. ***Parking shall meet City PK standards***
8. ***All landscape and irrigation shall comply with MWELo standards. Landscape plans shall be submitted with building permits.***
9. ***Note this project is in an "AE" flood zone. Modifications proposed may trigger substantial improvement considerations and compliance to current floodplain regulations.***
10. ***A lot line merger is required or a cross access agreement or other form of cross rights will have to be established for shared parcel use.***
11. ***Building permits are required, standard plan check and inspection fees will apply.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **21-136**

Date: **8/4/2021**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date:**8/21/2021**)

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

Existing uses may qualify for credits on Development Impact Fees. **RETAIL**

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	TBD
<input checked="" type="checkbox"/> Transportation Impact Fee	TBD
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	TBD
<input checked="" type="checkbox"/> Sewer Front Foot Fee	TBD
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	TBD
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	TBD
<input checked="" type="checkbox"/> Public Facility Impact Fee	TBD
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

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



Adrian Rubalcaba

When it comes to work performed next to the SR 63, Caltrans requires an encroachment permit. However, according to the Visalia RTP 2018, this segment where this development is located does not look like there will be any widening in the near future. (Please correct me if I'm wrong.) As a result, we are not asking for any right-of-way.

1. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit.
2. Prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with District 6 Encroachment Permit Office. To schedule this meeting, please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at **(559) 383-5047** or **(559) 383-5235**.
3. **Please review the permit application - required document checklist at:**
<https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?frmid=TR0402&distpath=MAOTO&brapath=PERM>.
4. **Please also review the permit application - processing checklist at:** <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/tr-0416-applicable-review-process-checklist.pdf>.

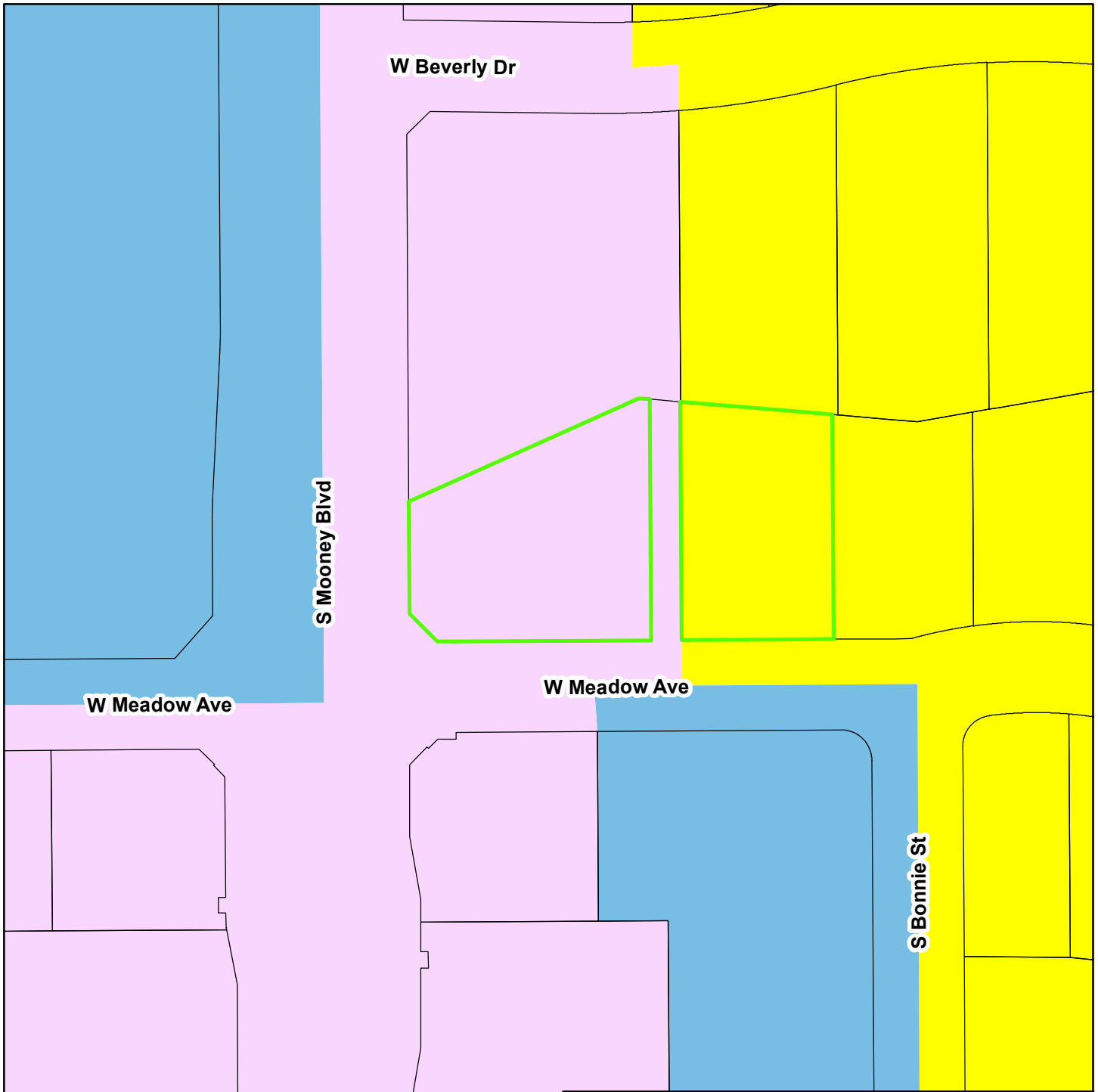
Respectfully,

Scott Lau

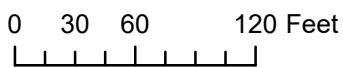
Associate Transportation Planner
California Department of Transportation
1352 W. Olive Avenue
Fresno, CA 93778-2616
Cell: (559) 981-7341








District 6

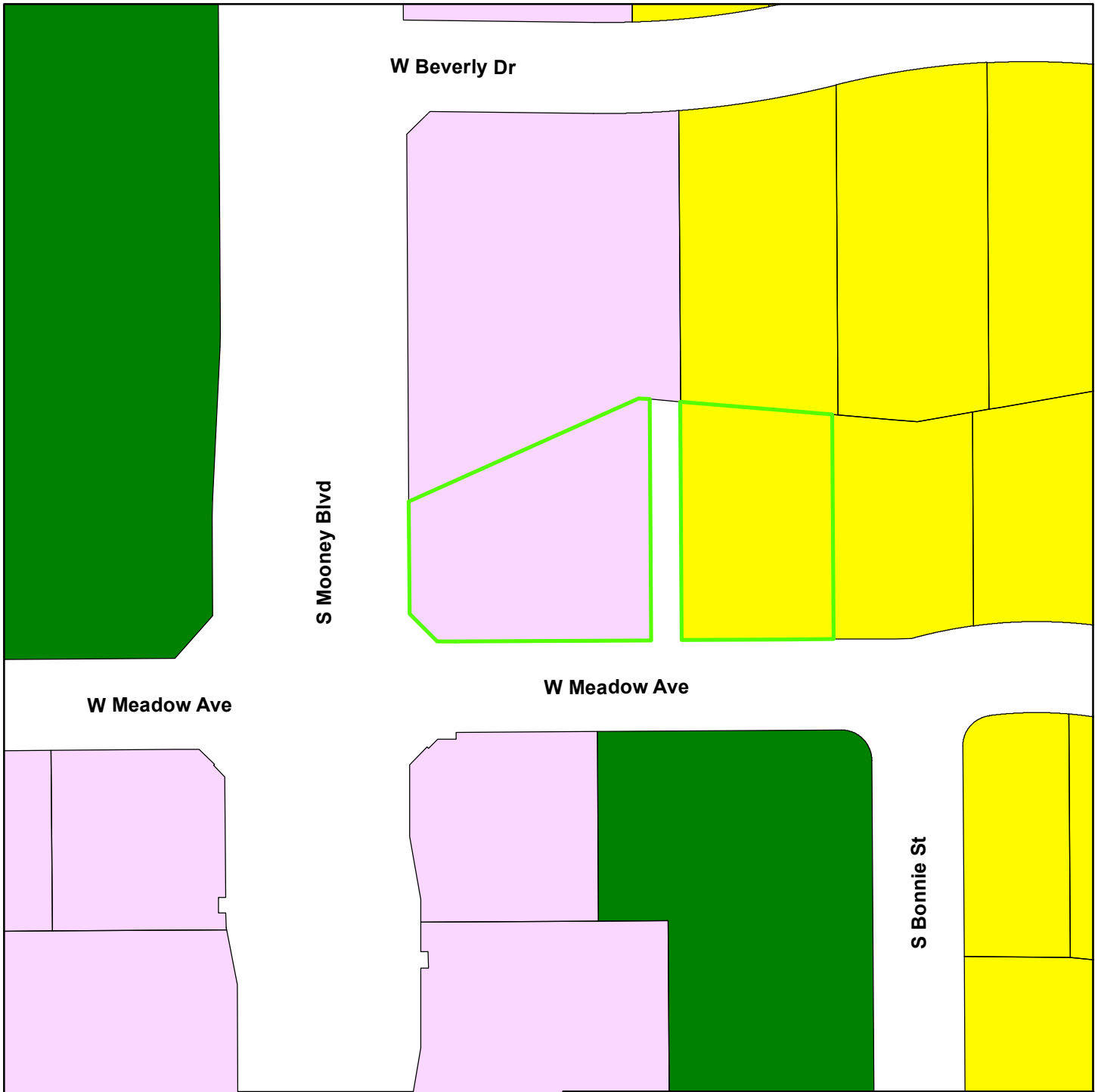


General Plan

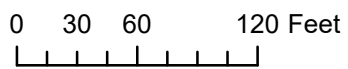







-  Project Site
-  Parcels
-  Public Institutional
-  Commercial Mixed Use
-  Residential Low Density



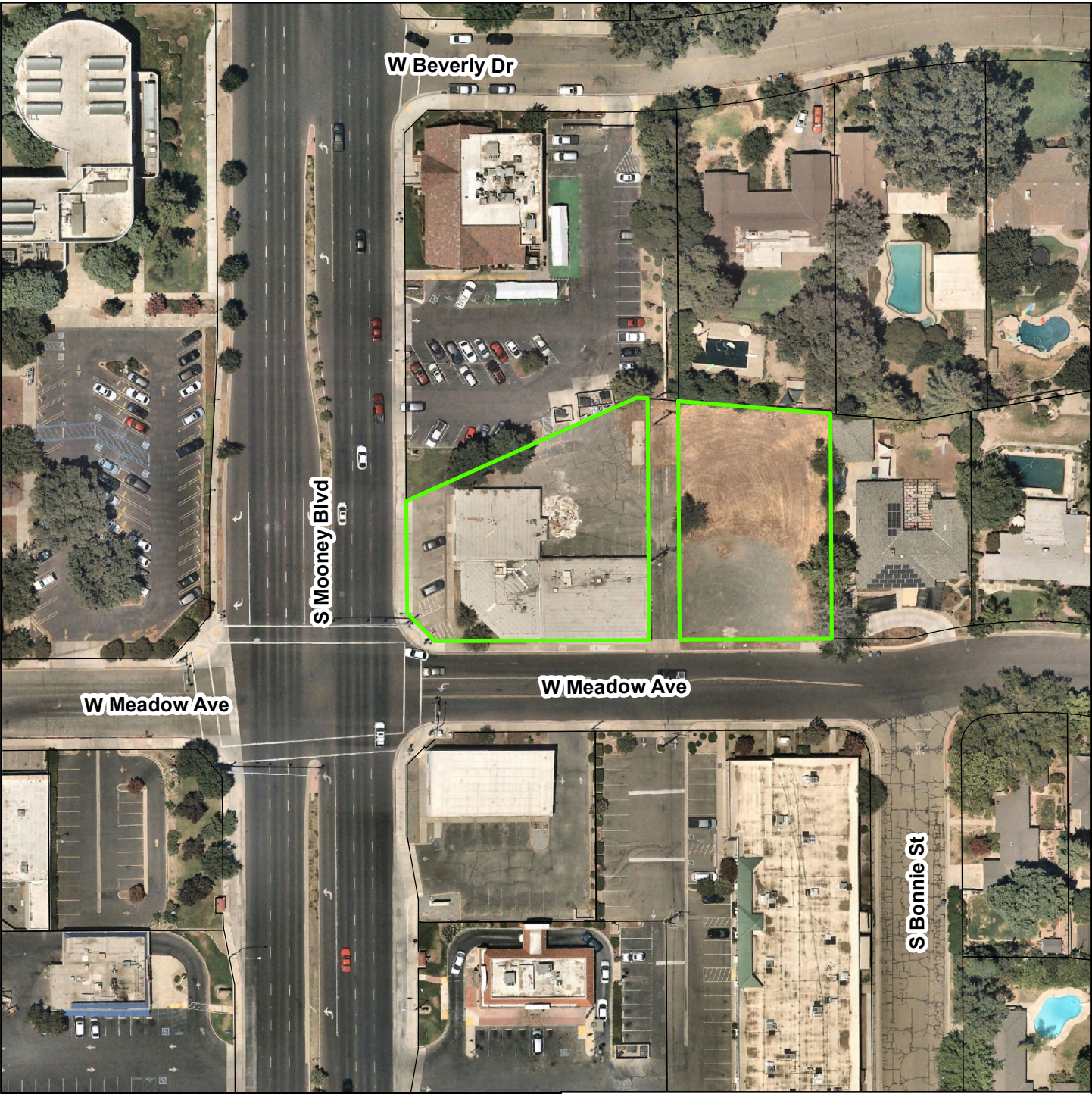


Zoning



-  Project Site
-  Parcels
-  QP - Quasi-Public
-  R-1-5 - 5,000 SF Min Site Area
-  C-MU - Mixed Use Commercial





W Meadow Ave

W Beverly Dr

S Mooney Blvd


W Meadow Ave

S Bonnie St

Aerial

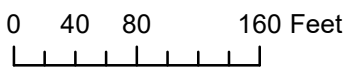
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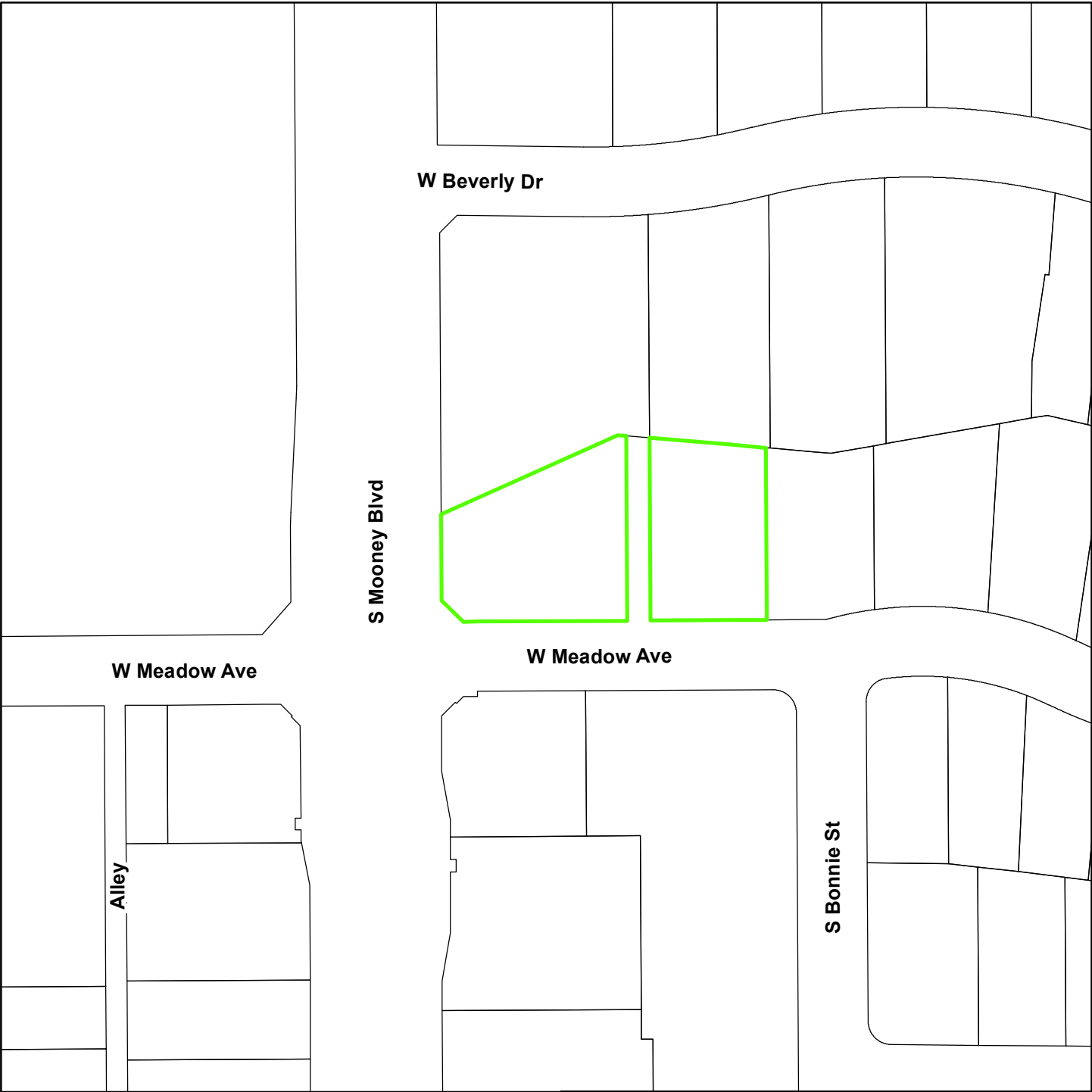
-  Project Site
-  Parcels



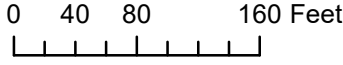
Aerial





-  Project Site
-  Parcels



Vicinity



-  Project Site
-  Parcels