

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Marvin Hansen



VICE CHAIRPERSON:

Adam Peck

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

MONDAY, APRIL 24, 2023

VISALIA COUNCIL CHAMBERS

LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA

MEETING TIME: 7:00 PM

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No Items on the Consent Calendar
6. PUBLIC HEARING – (Continued from April 10, 2023) Cristobal Carrillo, Associate Planner
Tentative Parcel Map No. 2023-01: A request by Visalia Shirk, LLC, A California Limited Liability Company for a lot split to subdivide a 19-acre parcel into four parcels and a remainder, located within the R-M-2 (Multifamily Residential, 3,000 sq. ft. minimum site area) and I (Industrial) Zones. The property is located at 6710 West Doe Avenue, on the northeast corner of West Doe Avenue and North Shirk Street (APN: 077-530-065, 077-530-066, 077-740-001, 077-750-001). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2023-02.

7. PUBLIC HEARING – (Continued from April 10, 2023) Josh Dan, Senior Planner
Conditional Use Permit No. 2023-05: A request to establish a beauty salon in a 924 square foot office building in the O-C (Office Conversion) zone. The project site is located at 432 South Church Street (APN: 097-052-007). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-08.
8. PUBLIC HEARING – (Continued from April 10, 2023) Cristobal Carrillo, Associate Planner
Conditional Use Permit No. 2023-08: A request by Walter Deissler to convert an existing residence into a bed and breakfast inn, located within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone. The project site is located at 513 North Encina Street (APN: 094-353-011). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-07.
9. PUBLIC HEARING – (Continued from April 10, 2023) Josh Dan, Senior Planner
Conditional Use Permit No. 2023-10: A request by the Visalia First Church to construct an electronic monument sign on a site zoned Q-P (Quasi Public). The project site is located at 3737 South Akers Street (APN: 119-100-027). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-10.
10. PUBLIC HEARING – Josh Dan, Senior Planner
Conditional Use Permit No. 2023-07: A request by Servando Ledesma to establish an automotive repair shop within an existing 4,000 square foot tenant space. The project site is located at 505 North Burke Street. (APN: 094-250-028). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-12.
11. PUBLIC HEARING – Josh Dan, Senior Planner
Conditional Use Permit No. 2023-011: A request by California Water Service Company to amend Conditional Use Permit No. 211, by installing well head treatment equipment including two 18-foot-tall vessels with a 12-foot diameter per vessel within an existing water utility station (Visalia Station 38). The project site is zoned O-PA (Professional / Administrative Office). The project site is located at 131 North Akers Street (APN: 085-640-010). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b), Categorical Exemption No. 2023-14.
12. PUBLIC HEARING – Josh Dan, Senior Planner
Conditional Use Permit No. 2023-012: A request by California Water Service Company to amend Conditional Use Permit No. 2005-38, by installing well head treatment equipment including two 18-foot-tall vessels with a 12-foot diameter per vessel within an existing water utility station (Visalia Station 55). The project site is zoned R-1-5 (Single-Family Residential 5,000 square foot minimum per lot). The project site is located at 2831 West Packwood Avenue (APN: 126-273-012). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b), Categorical Exemption No. 2023-15.

13. PUBLIC HEARING – Josh Dan, Senior Planner

Conditional Use Permit No. 2023-014: A request by California Water Service Company to amend Conditional Use Permit No. 2012-09, by amending a one-million-gallon capacity water tank height and width dimensions depicted within the previously approved Conditional Use Permit No. 2012-09. The project site is zoned R-1-5 (Single-Family Residential 5,000 square foot minimum per lot). A previously prepared Initial Study and Mitigated Negative Declaration No. 2012-19 adequately analyzed and addressed the project, with mitigation, and was adopted per Environmental Document No. 2012-19 for this project.

14. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. Planning Commission Interviews set for April 25, 2023.

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

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

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

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, MAY 4, 2023, BEFORE 5 PM

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

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MAY 8, 2023



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 24, 2023 (continued from April 10, 2023)

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone No.: (559) 713-4443
E-Mail: cristobal.carrillo@visalia.city

SUBJECT: Continued Public Hearing for Conditional Use Permit No. 2023-08: A request by Walter Deissler to convert an existing residence into a bed and breakfast inn, located within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone. The project site is located at 513 North Encina Street (APN: 094-353-011).

STAFF RECOMMENDATION

The Historic Preservation Advisory Committee (HPAC) and staff recommend approval of Conditional Use Permit No. 2023-08 based upon the findings and conditions in Revised Resolution No. 2023-05. The recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2023-08, based on the findings and conditions in Revised Resolution No. 2023-05.

CONTINUED PUBLIC HEARING FROM APRIL 10, 2023

The Planning Commission conducted a public hearing on April 10, 2023, for Conditional Use Permit No. 2023-08, and continued the item to the April 24, 2023 meeting at the recommendation of staff due to the late mailing of public notices. However, the Planning Commission received a staff presentation and received public comment prior to continuing the item.

During public comment, the applicant and project consultant, Walter Deissler spoke in favor of the proposal. During public comment the Planning Commission requested additional information regarding the Floor Plan, specifically where the single-occupant guest room was located.

The applicant has provided a revised 2nd Story Floor Plan (Revised Exhibit "B") depicting the location of the single-occupant guest room (i.e., the "Maid's Room"). The applicant has also provided an updated operational statement (Revised Exhibit "D"), noting that the 2nd story "West Bedroom" will be reserved solely for use by visiting property owners, and will otherwise not be rented out to guests. The revised exhibits are attached to the staff report and replace Exhibits "B" and "D" that were originally provided in the April 10, 2023, staff report. Based on the updated information, the bed and breakfast will serve no more than seven guests at any one time. The Landscape Plan, provided on April 10, 2023 as late correspondence, is also included in the report as Exhibit "F" and is referenced in revised CUP Condition of Approval No. 2.

In addition to the revised exhibits, the resolution has been updated to reflect the continued public hearing. Public comment in favor of the proposal has also been received and is included in the report. The analysis and information contained within the April 10, 2023 staff report and exhibits for Conditional Use Permit No. 2023-08 are unchanged, apart from the correction of various typographical errors.

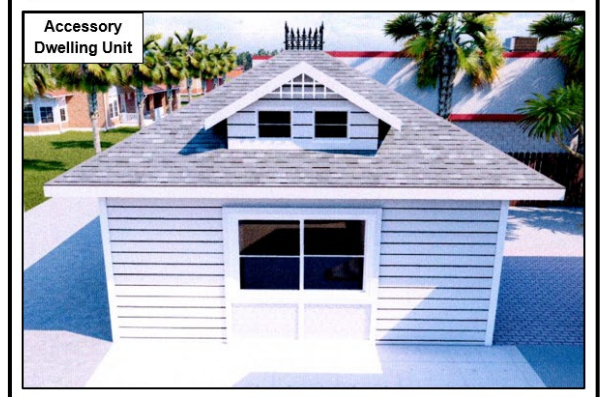
PROJECT DESCRIPTION

Conditional Use Permit (CUP) No. 2023-08 is a request by Walter Deissler to convert an existing two-story single-family residence and accessory dwelling unit into a bed and breakfast inn. The inn will contain up to four bedrooms for use by guests, with the accessory dwelling unit to be occupied by the property owners and their family, who will maintain and operate the facility.

Parking for the inn will be provided via an existing paved area along the southern property boundary, providing five stalls for employee and guest use. Additional on-street parking is also available along North Encina Street. Existing landscaping in the form of palm trees, shrubs, and turf will remain. Per the Operational Statement in Exhibit "D", breakfast will be provided onsite, or guests given vouchers for use at downtown Visalia establishments. Incidental retail sales will be conducted with the inn use, consisting of the sale of books and inn-related merchandise. The inn will be operated 24 hours a day, seven days a week.

Building elevations of the main residence and guest house are provided in Exhibit "C". No exterior alterations are proposed to the main residence at this time. The existing guest house will be renovated and converted into an Accessory Dwelling Unit with two bedrooms and two bathrooms. Renovations will include the addition of dormer windows to the east and west portions of the guest house roof, to convert an existing unfinished second floor into livable space. Additional detail will also be added to the guest house to increase compatibility with the main residence, including wrought iron detail on the roof, gridded wood gables on the dormer windows, and installation of wood windows throughout.

The project site is located within the Historic District. The main residence is listed on the Local Register of Historic Structures with a classification of "Exceptional". The structure contains "Victorian" and "Stick (Eastlake)" style architectural elements. Per the original City of Visalia Historic Survey, the structure was built in approximately 1888 and was originally owned by J.D. Hyde, a figure of local prominence. Due to the project site's historic designation, review of the Conditional Use Permit and exterior alterations was required by the Historic Preservation Advisory Committee (HPAC). The HPAC approval letter is included as Exhibit "E".



BACKGROUND INFORMATION

General Plan Land Use Designation	Residential Low Density
Zoning	R-1-5 (Single Family Residential, 5,000 square foot minimum site area per dwelling)
Surrounding Zoning and Land Use	North: R-1-5 / Multifamily and single-family residences

South: O-C (Office Conversion) / Single family residences, offices, vacant land
East: R-1-5, O-C / Multifamily and single-family residences
West: R-1-5, O-C / Multifamily and single-family residences

Environmental Review

Categorical Exemption No. 2023-007

Special District

Historic District, Local Register of Historic Structures

Site Plan

Site Plan Review No. 2022-182

RELATED PROJECTS

Historic Preservation Advisory Committee Item No. 2022-26: A request by Walter Deissler for a Conditional Use Permit to convert an existing residence into a bed and breakfast inn and conduct exterior alterations to an existing guest house, within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone. The project site is located at 513 North Encina Street (APN: 094-353-011).

The HPAC conducted its review of the proposal on December 14, 2022, January 11, 2023, and January 18, 2023. The meeting was continued on December 14, 2022 and January 11, 2023 due to a lack of quorum. At its January 18, 2023 special called meeting, the HPAC determined that the proposal would not be detrimental to the historic nature of the structure, would be compatible with the surrounding area and Historic District, and was consistent with the Historic Preservation Element and Historic Preservation District Ordinance. The Committee subsequently approved the physical alterations to the guest house and recommended approval of the Conditional Use Permit to the Visalia Planning Commission. The vote was 5-0, with two members abstaining (Walter Deissler, project applicant and Chair of the HPAC, and Tyler Davis, HPAC Vice-Chair, who resides within 300 feet of the project site). Conditions applied by the HPAC can be viewed in Exhibit “E” and are included as CUP Condition of Approval No. 3.

PROJECT EVALUATION

Staff supports the requested CUP based on project consistency with the General Plan and Zoning Ordinance.

Land Use Compatibility

The proposals meets the definition of a “Bed and breakfast inn” as defined in Visalia Municipal Code (VMC) Section 17.32.150.B. The facility is a single family dwelling, predominantly residential in character, containing between three to six guestrooms, with overnight accomodation and a breakfast meal included in the lodging rate (a voucher program qualifies). Bed and breakfast inns are “conditionally permitted” for use in the R-1-5 Zone with approval of a CUP, so long as the property is located within the Historic District or on the Local Register. Both are applicable for the project site.

The overall proposal is considered compatible with the site and vicinity. The main residence will not be physically altered, retaining compatibility with the surrounding area, which is within the Historic District and consists primarily of architecturally significant residential uses. Physical changes proposed to the guest house were approved by the HPAC and serve only to increase compatibility with the main residence. As it stands, views of the guest house are partially obscured from the public right of way due to existing mature landscaping (see Figure 1).

Per the plans and operational details provided, the proposed bed and breakfast use is also not expected to produce noise or lighting impacts that would negatively affect adjacent areas. The number of guest rooms is limited to four, with a total of seven guests present at any given time.

Bed & Breakfast Regulations

VMC Section 17.32.150 contains development criteria for the review of bed and breakfast inn proposals. Criteria provided ensures that inns are operated in a way that is compatible with surrounding residential areas. The criteria is provided in the “Related Plans and Policies” section of this report. Based on the proposal, the applicant is largely in compliance with all requirements, except for the following listed below:

Parking

The VMC Section 17.32.150.D.1 & 2 requires that the site meet the standards of the underlying zoning district, plus provide an additional parking stall per room available for lodging. The R-1-5 Zone requires two parking stalls for residential uses. Per the operational statement, four guest rooms will be provided, requiring an additional four parking stalls. As such, total parking demand for the use is six stalls. Per Exhibit “A” the applicant proposes five onsite parking stalls.

VMC Section 17.56.090 of the Historic Preservation District Ordinance permits the HPAC to make recommendations to the Planning Commission for exceptions to development standards such as parking. As part of HPAC’s January 18, 2023 approval, the HPAC recommended that the Planning Commission permit the operation of the use with five parking stalls, to limit potential impacts to the project site. Per the HPAC, the addition of a sixth parking stall could result in the loss of landscaping area and mature palm trees, negatively affecting the visual character of the project site. Staff recommends that the Planning Commission make a finding in support of the parking reduction, as requested by the HPAC.

Scale and Appearance

VMC Section 17.32.150.D.6 requires that facilities remain primarily residential in character. No alterations are proposed to the main residence. Physical alterations are proposed to the guest house. However, the proposed changes depicted in Exhibit “C” maintain the residential character and use of the structure. As such, the proposal meets this requirement.

Signage

VMC Section 17.32.150.D.7 requires that signage for bed and breakfast inns be no taller than five feet in height, and no larger than six square feet in size. A sign design was not submitted for review by the HPAC or Planning Commission. Per the applicant, signage will be submitted for review at a later date. Once the applicant has arrived at a sign concept, the proposal will be brought before the HPAC for review, as the Committee retains jurisdiction over signage designs within the Historic District/Local Register. HPAC and subsequent Building Permit review will enforce compliance with the requirements of this section.

Compliance with all bed and breakfast inn development criteria is included as Condition of Approval No. 4.



Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2023-007). The exemption is appropriate as the use will occupy an existing structure, with minimal alterations to building exteriors. All public utilities and infrastructure are already in place.

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the Historic Preservation Advisory Committee has reviewed the proposal and recommended approval to the Planning Commission on the basis that it is consistent with the policies and intent of the Historic Preservation Element and Historic Preservation District Ordinance, and will not be injurious to the surrounding properties, the Historic District, or Local Register of Historic Structures.
4. That the use be permitted to operate with five parking stalls rather than the six parking stalls as required by the Visalia Municipal Code for a bed and breakfast inn use, as the addition of a sixth parking stall will result in the loss of landscaping area and mature palm trees, negatively affecting the visual character and historic aesthetic of the project site.
5. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for minor alterations in land use limitations. (Categorical Exemption No. 2023-007).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-182, incorporated herein by reference.
2. That the site shall be developed and operated in substantial compliance with the site plan in Exhibit "A", floor plans in Exhibit "B", building elevations in Exhibit "C", operational statement in Exhibit "D", and landscape plan in Exhibit "F".
3. That the applicant shall comply with all conditions of Exhibit "E", the Approval Letter for Historic Preservation Advisory Committee Item No. 2022-26.
4. That the use shall operate in compliance with all applicable development criteria of Visalia Municipal Code Section 17.32.150 (Bed and breakfast facilities).
5. That all other federal and state laws and city codes and ordinances be complied with.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia CA. 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
- Revised Resolution No. 2023-005
- Exhibit "A" – Site Plan
- Revised Exhibit "B" – Floor Plans
- Exhibit "C" – Building Elevations
- Revised Exhibit "D" – Operational Statement
- Revised Exhibit "E" – Historic Preservation Advisory Committee Item No. 2022-26 Approval Letter
- Exhibit "F" – Landscape Plan
- Public Comment from Amanda Holcombe
- Categorical Exemption No. 2023-007
- Site Plan Review No. 2022-182 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

VISALIA MUNICIPAL CODE

Chapter 17.32 SPECIAL PROVISIONS

17.32.150 Bed and breakfast facilities.

A. Purpose and Intent. It is the purpose of this section to provide for the following:

1. To allow, in limited cases, the operation of bed and breakfast facilities; and
2. To regulate such operations for the protection of the general health, safety and welfare of the citizens of the city.

B. Definitions.

"Bed and breakfast inns" means a single-family dwelling that is predominantly residential in character, containing three to six guestrooms offering overnight accommodations for rent, wherein a breakfast meal is customarily included in the lodging rate.

"Bed and breakfast, traditional" means a facility similar to a bed and breakfast inn, containing only one or two rooms for lodging purposes.

C. Process. Applications for traditional bed and breakfast facilities meeting the criteria stated below shall be subject to approval of a site plan review permit pursuant to Chapter 17.28. Such applications may be referred to the planning commission by the site plan review committee. Applications for bed and breakfast inns shall be subject to approval of a conditional use permit pursuant to Chapter 17.38. Bed and breakfast inns shall be subject to any such condition as deemed appropriate by the planning commission to further the purposes of this section.

D. Development Criteria for Traditional Bed and Breakfast Facilities. Traditional bed and breakfast facilities are permitted, pursuant to a site plan review permit, in R-1 and R-M zoned areas located within the boundaries of the historic district and on individual properties located outside the historic district when such properties are listed on the local register of historically significant structures. In order for a site plan review permit to be approved, the following development criteria shall be met:

1. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply;
2. One additional off-street parking space shall be provided for each room available for lodging purposes. Tandem parking shall not be deemed as meeting this requirement;
3. The owner of the facility shall reside on site;
4. Bed and breakfast facilities shall be subject to all applicable building, fire, health and safety codes;
5. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than fourteen (14) consecutive nights;
6. The scale and appearance of the bed and breakfast facility shall remain primarily residential in character; all buildings and site improvements shall be similar to and compatible in design with the surrounding neighborhood and adjacent residences. The site plan review committee and/or the planning commission shall have authority to grant or deny applications for bed and breakfast facilities based upon design and aesthetic criteria, as well as all other provisions of this section;
7. One externally lighted sign shall be allowed at the facility. The sign may be either wall mounted or free standing and shall not exceed six square feet in area. A freestanding sign shall not exceed five feet in height. The historic preservation board shall have authority to review and approve, approve with conditions, or deny the location, size, materials and design of any sign proposed in conjunction with a bed and breakfast facility, subject to the above area and height limitations;
8. Bed and breakfast facilities shall be operated by the permanent occupants of the facility. No more than one person not residing at the facility shall be employed in the operation of the facility;

9. In no case shall any bed and breakfast facility be approved on a site on which the dwelling has been the subject of a garage conversion pursuant to the regulations of Chapter 17.32 governing such conversions.

E. Development Criteria for Bed and Breakfast Inns. Bed and breakfast inns are permitted as a conditional use in R-1 and R-M zoned areas located within the boundaries of the historic district and on individual properties located outside the historic district when such properties are listed on the local register of historically significant structures. In order for a conditional use permit for a bed and breakfast inn to be approved, the following development criteria shall be met:

1. All of the provisions and criteria listed in Section 17.32.150(D) for traditional bed and breakfast facilities, with the exception of subsections (D)(3) and (D)(8) of this section. However, the planning commission may require one or more of these criteria as conditions to be met in specific instances;

2. A bed and breakfast inn facility shall consist of no more than two residential dwellings on a maximum of two adjacent parcels. A facility consisting of more than one dwelling or parcel shall be considered a single facility. Adjacent parcels shall be adjoining contiguous parcels that are not separated by a public right-of-way.

3. The owner of the bed and breakfast inn shall reside at the facility. If more than one person who resides off the facility is employed, one additional off-street parking space for every two such employees shall be provided.

F. Appeals. Interested individuals may appeal the decision of the site plan review committee regarding traditional bed and breakfast inn facilities to the planning commission as set forth in Chapter 17.28. Decisions of the planning commission regarding bed and breakfast inn facilities may be appealed to the city council as set forth in Section 17.02.145. (Ord. 2017-01 (part), 2017: Ord. 2001-07 § 4, 2001: prior code § 7491)

Chapter 17.38 CONDITIONAL USE PERMITS

Sections:

- 17.38.010 Purposes and powers.
- 17.38.020 Application procedures.
- 17.38.030 Lapse of conditional use permit.
- 17.38.040 Revocation.
- 17.38.050 New application.
- 17.38.060 Conditional use permit to run with the land.
- 17.38.065 Abandonment of conditional use permit.
- 17.38.070 Temporary uses or structures.
- 17.38.080 Public hearing—Notice.
- 17.38.090 Investigation and report.
- 17.38.100 Public hearing—Procedure.
- 17.38.110 Action by planning commission.
- 17.38.120 Appeal to city council.
- 17.38.130 Effective date of conditional use permit.
- 17.38.010 Purposes and powers.

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

empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits.

17.38.020 Application procedures.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 - 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 - 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 - 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 - 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 - 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 - 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 - 7. Signing for temporary uses shall be subject to the approval of the city planner.
 - 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
 - 9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The

decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

- E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

Chapter 17.12
Single-Family Residential Zone

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.

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts.

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 for six (6) or fewer resident/clients.
- 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;

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.

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.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

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.

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).

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Sections 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 Chapter 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.

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.

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 shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.
- 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.

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.

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).

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34.

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.

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))

Chapter 17.56

Historic Preservation District

Sections:

17.56.010 Purposes and intent.

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

17.56.010 Purposes and intent.

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

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

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

17.56.020 Components of the chapter.

This chapter shall include:

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

17.56.030 Definitions.

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

B. Definitions.

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

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

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

"Local register" means the listing of local historic structures, sites and features adopted by the city council and maintained by the historic preservation advisory committee, and incorporated herein by reference. This designation is inclusive of all structures and features located within the boundaries of the property for which the Local register designation has been applied. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7702)

"Local register, Background" means properties that may not be historically significant or unique in their construction, but which contribute positively to the "visual fabric" of the City of Visalia.

"Local register, Exceptional" means properties with preeminent historical significance, considered for nomination to the California Register of Historical Resources and/or National Register of Historic Places.

"Local register, Focus" means properties having significant value, of good to excellent quality, considered for local recognition and protection.

17.56.040 Regulation of structures.

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

17.56.050 Creation of historic preservation advisory committee.

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

A. Committee Membership.

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

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

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

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

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

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

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

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

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

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

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

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

a. Architectural significance and style;

b. Historic significance, including age of structure, original owners, and events related to the structure, site or original owners.

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

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

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

8. Sites within the historic district or on the local register shall reserve a minimum 50% of the required front yard setback area for the purposes of landscaping.

17.56.060 Appeal.

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

17.56.070 Demolition or moving of historic structures.

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

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

1. The committee may approve the demolition permit if it finds that the structure is a hazard to public health or safety, as determined by the building official or his designee, in consultation with the historic preservation advisory committee.

2. The committee may decide that up to a six-month moratorium be placed upon the processing of the demolition or moving permit, in order to allow time for the applicant and the committee to find alternative uses for the structure and to seek alternative solutions to the demolition or moving of the structure. If no alternatives are found, after the six-month moratorium has expired, the committee must approve the application.

3. The committee may deny an application for demolition. Denial of a demolition permit by the committee is subject to appeal to the city council pursuant to Section 17.56.060.

4. The committee may approve the application.

C. When an application is acted upon, the committee shall notify the building official of the approval, conditional approval or denial. Upon receipt of said notification, the building official shall process the application accordingly. If, after six months from the date of filing of the application, the building official has not received such notification, a permit may be issued. Approval of a permit application by the committee in no way implies approval by the building official, whose approval must also be secured. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7706)

17.56.080 Ordinary maintenance and repair.

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

17.56.090 Exceptions to Visalia Municipal Code requirements.

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

17.56.100 Building design compatibility criteria.

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

A. Height and Scale. New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.

B. Spacing of Buildings on Street. A rhythm of recurrent building masses to separations should be retained.

C. Relationship of Materials and Textures. Choice of building materials and texture (smooth and rough) should enhance the desired neighborhood qualities such as compatibility, similarity and continuity.

D. Relationship of Architectural Details and Roof Shapes. Choice of architectural details and roof shape should insure compatible appearance with surrounding structures.

E. Landscaping. Landscaping should reflect the predominant quality and quantity of landscaping within the surrounding area. The concern here is more with mass and continuity.

F. Directional Expression of Front Elevations. Structural shape, placement of openings, and architectural details should be used to give a compatible appearance with adjacent structures that may be horizontal, vertical or nondirectional in nature. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7710)

17.56.110 Local register structures.

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

A. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and that seek to create an earlier appearance shall be discouraged.

D. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

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

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

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

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

17.56.120 Fencing and wall design criteria.

This section contains criteria for reviewing all applications for new fencing and walls within the historic district or on the local register, and for any application for rehabilitation, renovation, alteration, reconstruction, or enlargement of fencing and walls within the historic district or on the local register. In reviewing an application, the historic preservation advisory committee shall consider the following general standards and principles:

A. Fencing proposals shall be used to form continuous cohesive walls of enclosure along the street, and shall be compatible with the architectural style of the main building and historic district.

B. If historic walls or fencing exist on a property, preference should be given to repair of the existing fencing or wall to restore its original appearance to the extent possible. If removal and replacement of historic fencing and walls is proposed, preference should be given to the use of like materials to preserve the appearance of the original fencing or wall.

C. Proposals for new fencing or walls should be compatible with the character and architectural elements of the historic structure onsite and its period of original construction.

D. Appropriate materials for fencing and walls shall include, but not be limited to, landscape masses, wood, wood pickets, wrought iron, cast iron, masonry walls, brick, stone, decorative wire, and vinyl materials that mimic the appearance of painted wood.

E. Proposals for chain link fencing in areas visible from the street shall be discouraged. The historic preservation advisory committee may grant an application for chain link fencing along public streets if, on the basis of the application and the evidence submitted, the committee makes one of the following findings:

1. That the proposed chain link fencing is compatible with the historic structure and the neighborhood;

2. That sufficient evidence has been provided indicating that the applicant will experience an economic hardship should the chain link fencing not be permitted to be placed onsite;

17.56.130 Role of building official.

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

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

17.56.140 Separability.

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

REVISED RESOLUTION NO. 2023-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-08, A REQUEST BY WALTER DEISSLER TO CONVERT AN EXISTING RESIDENCE INTO A BED AND BREAKFAST INN, LOCATED WITHIN THE R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQUARE FOOT MINIMUM SITE AREA) ZONE. THE PROJECT SITE IS LOCATED AT 513 NORTH ENCINA STREET (APN: 094-353-011)

WHEREAS, Conditional Use Permit No. 2023-08 is a request by Walter Deissler to convert an existing residence into a bed and breakfast inn, located within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone. The project site is located at 513 North Encina Street (APN: 094-353-011); and

WHEREAS, the Historic Preservation Advisory Committee of the City of Visalia, after duly published notice, held a public hearing before said Committee on December 14, 2022; and

WHEREAS, at the December 14, 2022 Historic Preservation Advisory Committee meeting the item was continued due to a lack of quorum. The Historic Preservation Advisory Committee continued the project to the January 11, 2023 Historic Preservation Advisory Committee meeting; and

WHEREAS, the Historic Preservation Advisory Committee of the City of Visalia, after duly published notice, held a public hearing before said Committee on January 11, 2023; and

WHEREAS, at the January 11, 2023 Historic Preservation Advisory Committee meeting the item was continued a second time due to a lack of quorum. The Historic Preservation Advisory Committee approved a motion to hold a special called meeting on January 18, 2023 specifically to consider the item. The Committee then continued the project to the January 18, 2023 Historic Preservation Advisory Committee special called meeting; and

WHEREAS, the Historic Preservation Advisory Committee of the City of Visalia, after duly published notice, held a public hearing before a special called meeting of said Committee on January 18, 2023; and

WHEREAS, the Historic Preservation Advisory Committee of the City of Visalia considered the Conditional Use Permit in accordance with Section 17.56.050.B of the Zoning Ordinance of the City of Visalia, and based on evidence contained in the staff report and testimony presented at the public hearing, recommended approval of the Conditional Use Permit to the Visalia Planning Commission, via approval of Historic Preservation Advisory Committee Item No. 2022-26; and,

WHEREAS, in its approval, the Historic Preservation Advisory Committee recommended that the Planning Commission permit the reduction of the parking requirement as the development of additional parking stalls would detrimentally effect the visual character and historic aesthetic of the project site; and

WHEREAS, after published notice, a public hearing was held before the Planning Commission on April 10, 2023; and

WHEREAS, at the April 10, 2023 Planning Commission meeting the item was continued due to the late mailing of public hearing notices. The Planning Commission continued the project to the April 24, 2023 Planning Commission meeting at the request of staff; and

WHEREAS, staff re-noticed the Conditional Use Permit by placing public hearing notices in the mail 10-days prior to the public hearing pursuant to Government Code Section 65091; and

WHEREAS, after published notice, a public hearing was held before the Planning Commission on April 24, 2023; and

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

WHEREAS, the Planning Commission finds that the reduction of the parking requirement is appropriate as the development of additional parking stalls would detrimentally effect the visual character and historic aesthetic of the project site; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the Historic Preservation Advisory Committee has reviewed the proposal and recommended approval to the Planning Commission on the basis that it is consistent with the policies and intent of the Historic Preservation Element and Historic Preservation District Ordinance, and will not be injurious to the surrounding properties, the Historic

District, or Local Register of Historic Structures.

4. That the use be permitted to operate with five parking stalls rather than the six parking stalls as required by the Visalia Municipal Code for a bed and breakfast inn use, as the addition of a sixth parking stall will result in the loss of landscaping area and mature palm trees, negatively affecting the visual character and historic aesthetic of the project site.
5. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for minor alterations in land use limitations. (Categorical Exemption No. 2023-007).

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

1. That the project shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-182, incorporated herein by reference.
2. That the site shall be developed and operated in substantial compliance with the site plan in Exhibit "A", floor plans in Exhibit "B", building elevations in Exhibit "C", operational statement in Exhibit "D", and landscape plan in Exhibit "F".
3. That the applicant shall comply with all conditions of Revised Exhibit "E", the Approval Letter for Historic Preservation Advisory Committee Item No. 2022-26.
4. That the use shall operate in compliance with all applicable development criteria of Visalia Municipal Code Section 17.32.150 (Bed and breakfast facilities).
5. That all other federal and state laws and city codes and ordinances be complied with.

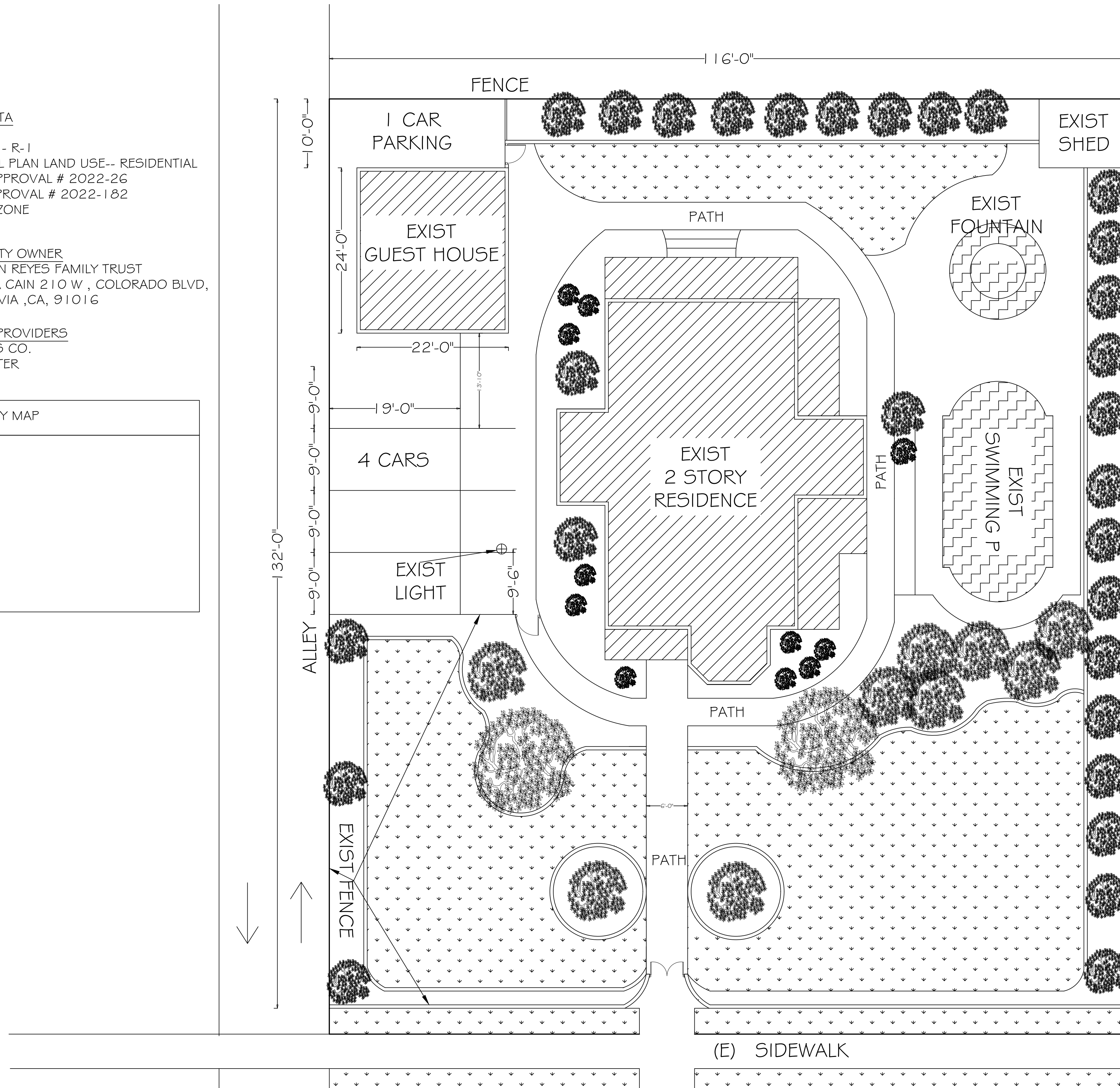
SITE DATA

ZONING - R-1
 GENERAL PLAN LAND USE-- RESIDENTIAL
 HPAC APPROVAL # 2022-26
 SPR APPROVAL # 2022-182
 FLOOD ZONE

PROPERTY OWNER
 THE CAIN REYES FAMILY TRUST
 JOSHUA CAIN 210 W , COLORADO BLVD,
 MONROVIA ,CA, 91016

UTILITY PROVIDERS
 THE GAS CO.
 CAL WATER
 SCE

VICINITY MAP



WALTER DEISSLER
 ARCHITECT
 2135 E HARVARD CPURT
 VISALIA, CA 93292
 PHONE "
 559-901-0500
 EMAIL :
 WDEIS1@HOTMAIL.COM

PROPOSED ADU AND BED
 #BREAKFAST
 513 N.ENCINA ST,
 VISALIA, CA.
 APN# 0943.5301-1000

STAMP :

NO	DATE	DESCRIPTION

DRAWN BY :

DWG DATE :2023.03.01

REVIEWED BY :

PROJECT NUMBER :

SHEET :

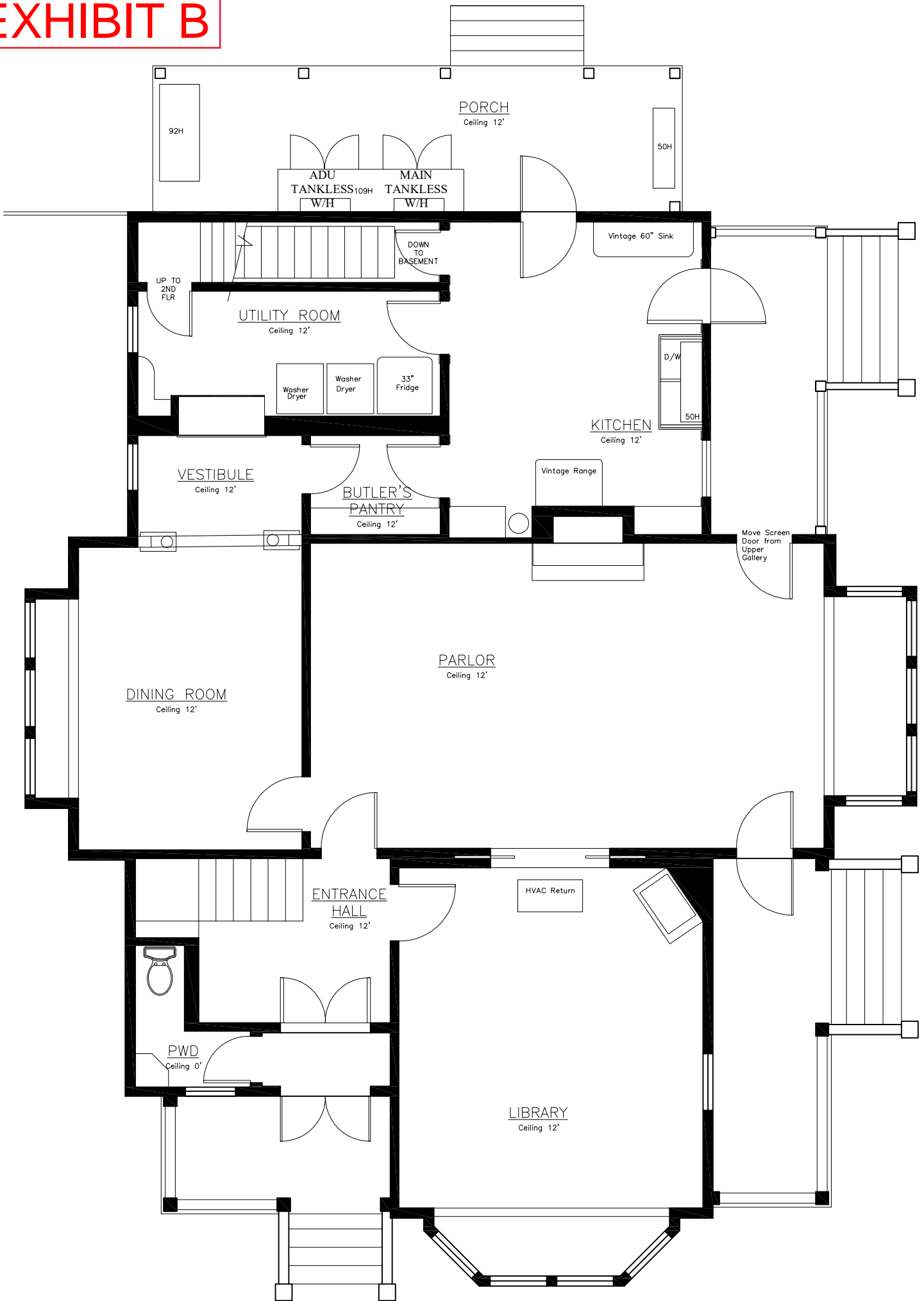
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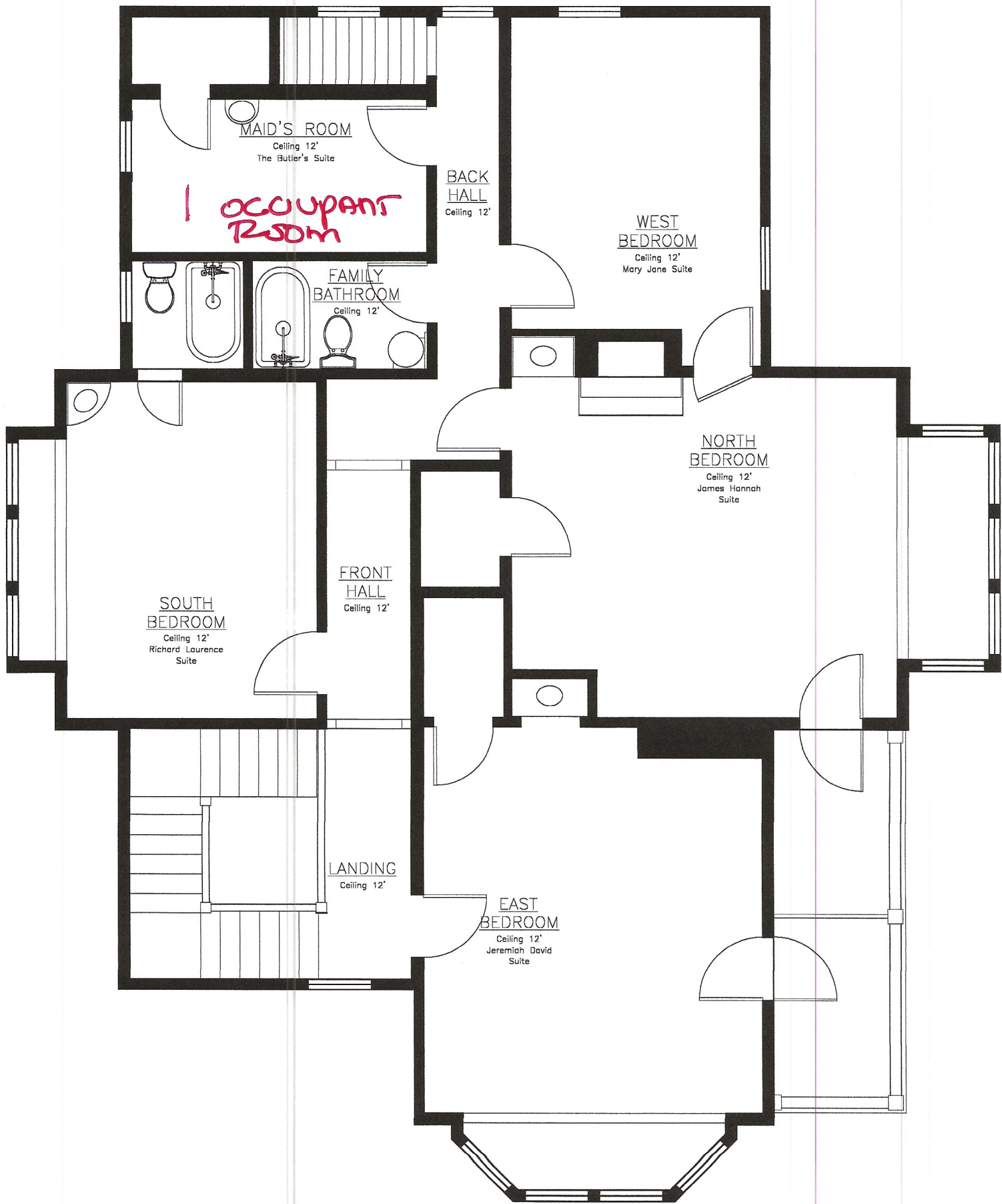
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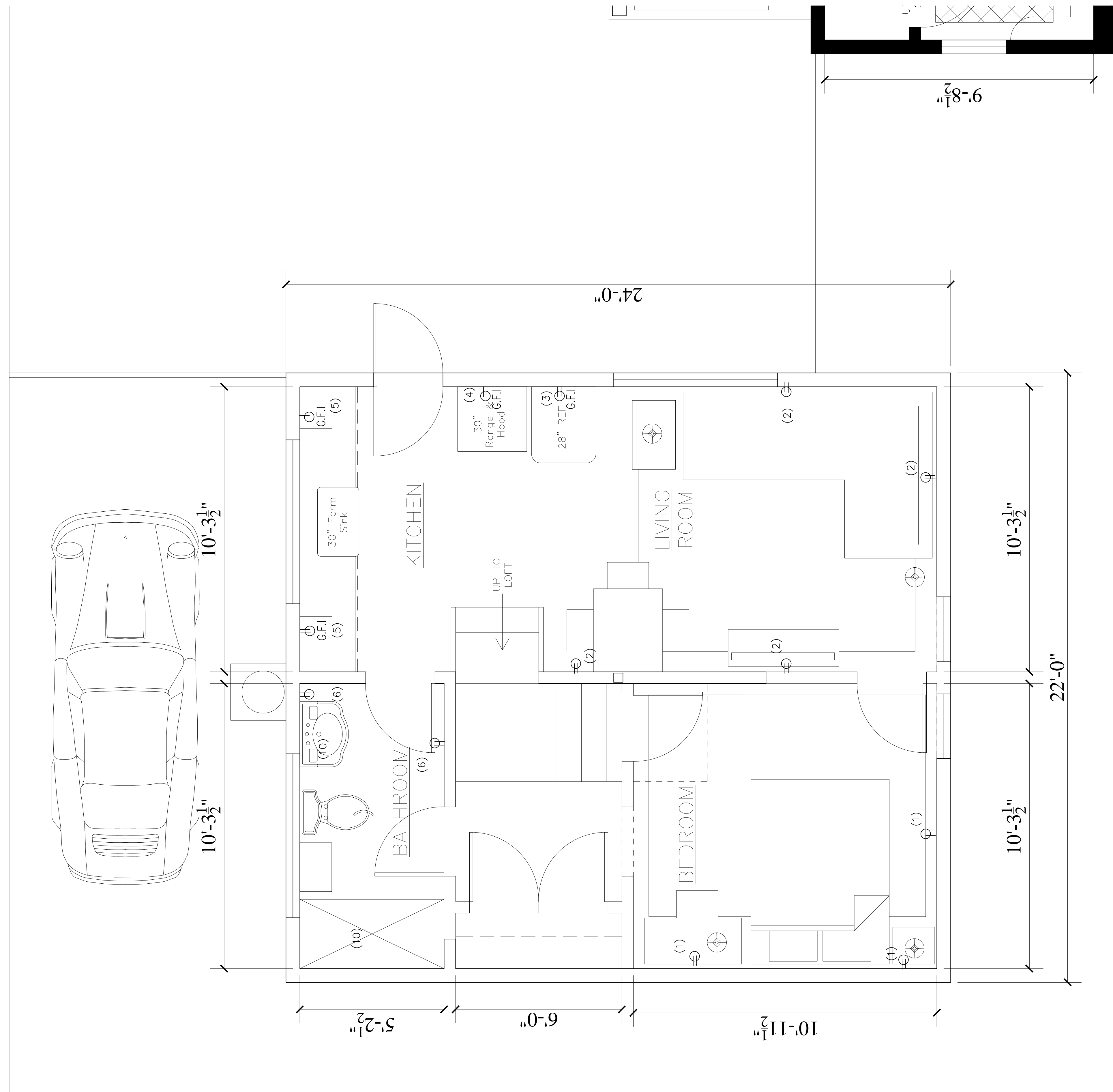
N.ENCINA north →

SCALE -1 :100

EXHIBIT B







GROUND FLOOR

ELECTRICAL PLAN

3/14/2023

SCALE: 1/2" = 1'-0"

REVISIONS

CAIN RESIDENCE
 OWNER: JOSH & ANDRE
 513 ENCINA ST.
 VISALIA, CA
 PROJECT: RENOVATION



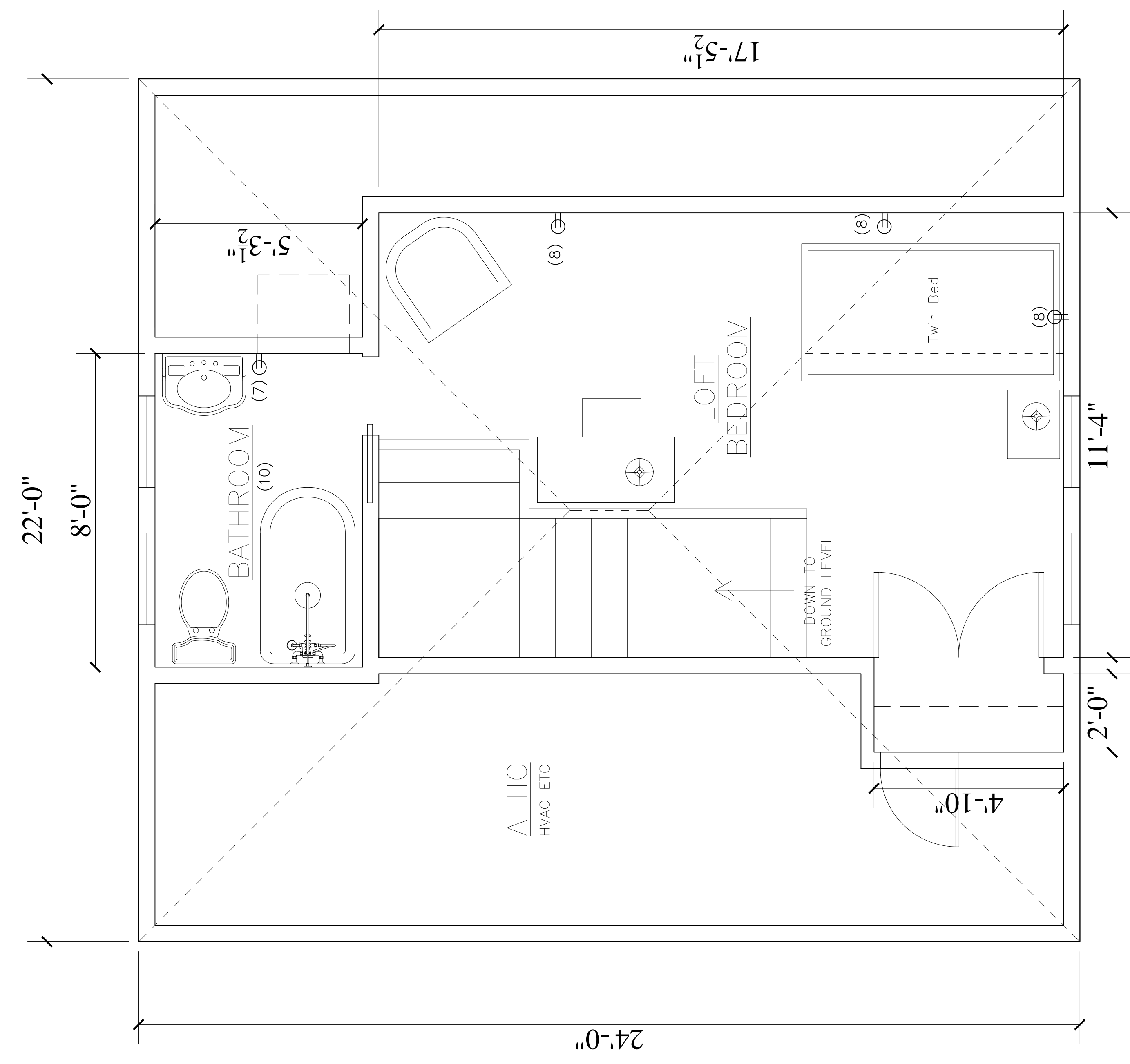
SAXONY
 JOB: CAIN/REYES
 SHEET

A-02

NOTE: ALL DIMENSIONS AND CONDITIONS ARE TO BE VERIFIED BY CONTRACTOR & OWNER BEFORE STARTING CONSTRUCTION. THE INFORMATION, PLANS, SPECIFICATION, AND DESIGNS CONTAINED IN THESE DRAWINGS ARE CONFIDENTIAL. THE RECIPIENT ACKNOWLEDGES THAT THE DRAWINGS AND ITS CONTENT ARE THE PROPERTY OF SAXONY DESIGN BUILD, INC. AND THAT THEY SHALL NOT BE DISCLOSED TO OTHERS, COPIED, USED, OR REPRODUCED IN WHOLE OR PART WITHOUT THE PRIOR CONSENT OF SAXONY DESIGN BUILD, INC. SAXONY DESIGN BUILD, INC. ALL RIGHTS RESERVED.

REVISIONS	DATE	DESCRIPTION

CAIN RESIDENCE
 OWNER: JOSH & ANDRE
 513 ENCINA SL.
 VISALIA, CA
 PROJECT: RENOVATION



SECOND FLOOR/ LOFT

ELECTRICAL PLAN

3/14/2023

SCALE: 1/2" = 1'-0"



SAXONY
 JOB: CAIN/REYES
 SHEET

A-02

NOTE: ALL DIMENSIONS AND CONDITIONS ARE TO BE VERIFIED BY CONTRACTOR & OWNER BEFORE STARTING CONSTRUCTION. THE INFORMATION, PLANS, SPECIFICATION, AND DESIGNS CONTAINED IN THESE DRAWINGS ARE CONFIDENTIAL. THE RECIPIENT ACKNOWLEDGES THAT THE DRAWINGS AND ITS CONTENT ARE THE PROPERTY OF SAXONY DESIGN BUILD, INC. AND THAT THEY SHALL NOT BE DISCLOSED TO OTHERS, COPIED, USED, OR REPRODUCED IN WHOLE OR PART WITHOUT THE PRIOR CONSENT OF SAXONY DESIGN BUILD, INC. SAXONY DESIGN BUILD, INC. ALL RIGHTS RESERVED.



NORTH



EAST



SOUTH



WEST

WALTER DEISSLER
 ARCHITECT
 2135 E HARVARD CPURT
 VISALIA, CA 93292
 PHONE "
 559-901-0500
 EMAIL :
 WDEIS1@HOTMAIL.COM

PROPOSED ADU AND BED
 #BREAKFAST
 513 N.ENCINA ST,
 VISALIA, CA.
 APN# 0943.5301-1000

STAMP :

NO	DATE	DESCRIPTION

DRAWN BY :

DWG DATE :

REVIEWED BY :

PROJECT NUMBER :

SHEET :

SHEET TITLE :



EXISTING



PROPOSED

WALTER DEISSLER
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WDEISI@HOTMAIL.COM

PROPOSED ADU AND BED
#BREAKFAST
513 N.ENCINA ST,
VISALIA, CA.



EXISTING



PROPOSED

STAMP :

NO	DATE	DESCRIPTION

DRAWN BY :

DWG DATE :

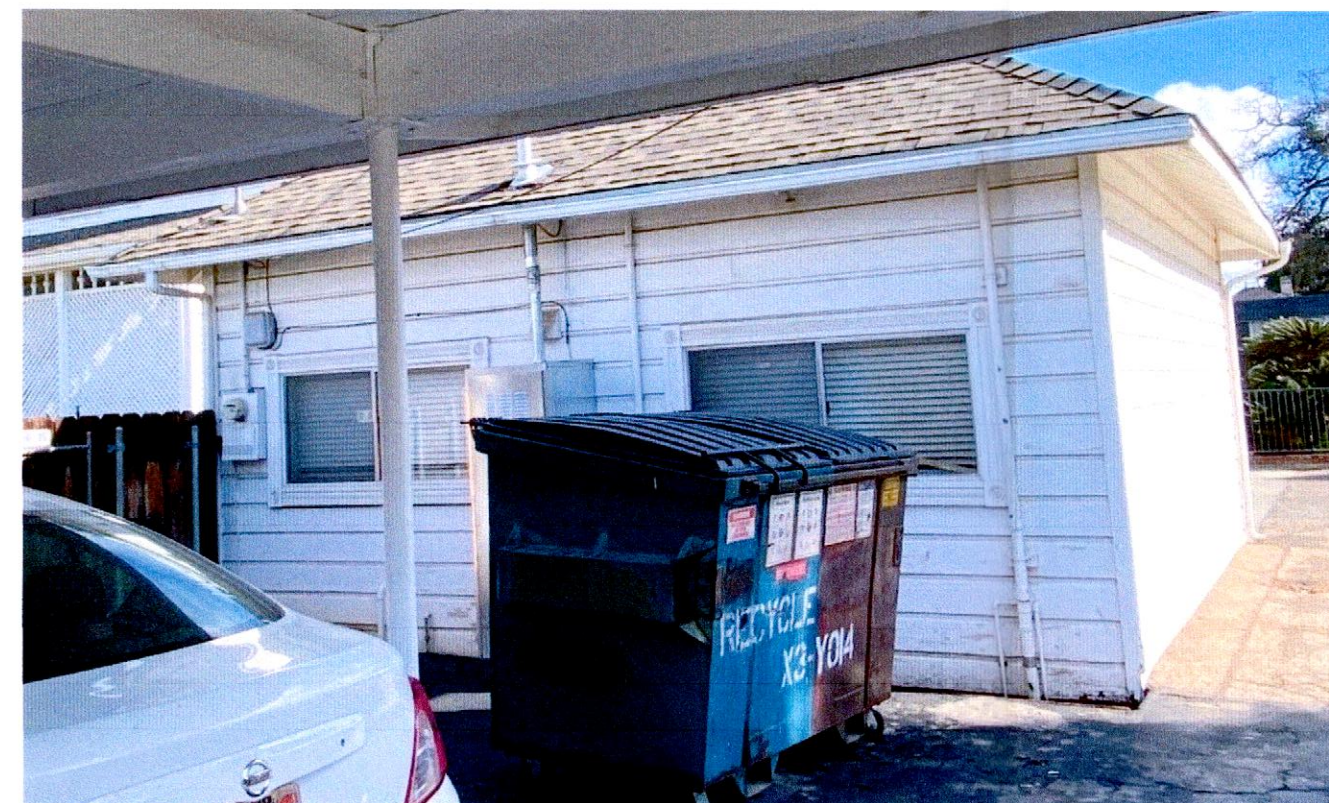
REVIEWED BY :

PROJECT NUMBER :

SHEET :

SHEET TITLE :

A102



EXISTING

NORTH

EAST

WEST

PROPOSED

EXHIBIT D

The JD Hyde House

Historic Inn

513 N Encina Street, Visalia, California

Bed & Breakfast Operations Statement

This amazingly intact historic house is currently being added to the National Register of Historic Places and will be perfectly restored and furnished to its authentic Eastlake Victorian grandeur. Rather than only using the home for ourselves, we plan to share 3 or 4 bedrooms of our house with guests and visitors. The property is owned by the Cain & Reyes Family Trust and will be occupied and run by the family.

There are currently 5 parking spaces on the property, 4 of which can be used by guests. A light, continental breakfast will be served daily, although we may explore a breakfast voucher program with local restaurants- perhaps the 210 coffee shop or the Darling hotel. The plan would be to get our guests walking downtown and spending money at other venues and businesses.

We may also have a small display case in one of the public rooms of the property to sell our own themed Christmas ornament, sweatshirt, or Visalia history books, etc. We may wish to have a small sign made to hang from the lamp post on the property out front; if we decide we'd like this, we will send the design and sign to the planning dept for approval.

Our four rooms would have a max occupancy of 1 (the back suite) or 2 guests (the front suites), so our maximum number of guests on any given night would be 7. We would also allow small pets for a fee. Rooms would be available to book through our own website and all major hospitality platforms (Expedia, Booking.com, AirBNB, etc)

We (the family) would take care of all aspects of the business, from cleaning toilets to acting as a guest concierge. There would not be any additional employees needed for this size of B&B. The family members (ourselves) would occupy the ADU and one of the suites inside the main house.

If you have any questions regarding our operations, please feel free to contact me via email at jcain310@gmail.com

Joshua Cain, André Reyes, Dezirae Reyes
The Cain Reyes Family Trust

SCOPE OF WORK

513 N Encina currently has a main residence with a guest house. The current guest house/ADU will be expanded from a 1 BR /1 Bath to a 2 BR/ 2 Bath. There is currently an unfinished second floor with stair access. 1 BR and 1 Bath will be added to the second floor. To accommodate this, we shall add dormers on the east and west sides, as shown in the attached elevations. Additionally, we shall match the gable end detail from the main house. The roof will have the wrought iron detail that matches the main house. We shall also replace the french doors on the east elevation with 2 windows matching the main house . The north side aluminum sliding window will be replaced with a fixed window and the 2 windows on the west side will be replaced with 2 wood windows.

Site work will consist of no changes. Currently there are 5 parking spaces which will remain along with existing fencing and other paving.

Re: 513 n Encina



walter deissler <wdeis1@hotmail.com>

To ● Cristobal Carrillo

Retention Policy 45 Day Retention (45 days)

Expires 06/02/2023



11:21 AM

> Cristobal

> Per our conversation : On the second floor the bedroom on the southwest corner will be for 1 occupant and the bedroom on the northwest corner will be for one of the owners when they visit and will otherwise be vacant and not rented to guests when the owner is not present The ADU will be used by the managing owner of the bed and breakfast

>

> Walter

Walter Deissler

Architect

559-901-0500

Sent from my iPhone



January 20, 2023

Walter Deissler
2135 E. Harvard Court
Visalia, CA 93292

RE: Historic Preservation Advisory Committee Item No. 2022-26 (513 North Encina Street)

On December 14, 2022 and January 11, 2023, the Historic Preservation Advisory Committee (HPAC) reviewed your request to convert an existing single-family residence into a bed and breakfast inn and conduct exterior alterations to an existing guest house, within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone. The project site is located at 513 North Encina Street (APN: 094-353-011). The proposal was continued by the HPAC on both dates due to the lack of a quorum. A special called meeting was then held on January 18, 2023 to consider the item.

At the January 18, 2023 special called meeting, the Historic Preservation Advisory Committee (HPAC) reviewed your request and took the following actions:

1. Recommended approval of the CUP to the Visalia Planning Commission, with an additional recommendation to reduce the parking requirement to five parking stalls; and
2. Approved the exterior modifications to the guest house, with an added condition requiring the eastern elevation of the guest house to contain single or double hung windows with full screens.

The proposal was approved based upon the following findings and conditions:

Findings:

1. The site is within the Historic District and is listed in the Local Register of Historic Structures.
2. That the proposal is in keeping with the purpose and intent of the Historic Preservation Element and Ordinance.
3. That the proposal will not be injurious to the surrounding properties or character of the Historic District due to its compatibility with the surrounding area.
4. That the Conditional Use Permit request for the bed & breakfast inn is consistent with the Zoning Ordinance, Historic Preservation Element, and Historic Preservation Ordinance.

Conditions:

1. That the project shall be developed in substantial compliance with the site plan in Exhibit "A", building elevations in Exhibits "B" and "C", and operational statement in Exhibit "D".

2. That the bed and breakfast inn shall be operated in compliance with all applicable development criteria listed in Visalia Municipal Code Section 17.32.150 (Bed and breakfast facilities).
3. That all new windows on the guest house shall have muntins similar in style to the main residence.
4. That any new light fixtures proposed for the Accessory Dwelling Unit be compatible with the structures onsite, and the Historic District.
5. That the proposal shall comply with all requirements of Site Plan Review No. 2022-182.
6. That the project undergoes the appropriate City permitting process.
7. That any significant changes in the operation of the proposed use, or any other changes to the exterior of onsite structures, be brought back to the Historic Preservation Advisory Committee prior to any review by the Planning Commission and/or issuance of a Building Permit.
8. That all other City codes and ordinances be met.
9. That the eastern elevation of the guest house shall contain single or double hung windows with full screens.

There is a 10-day appeal period for this action from the date of approval. No permits may be issued until the appeal period has lapsed with no appeal of the action. Following completion of the appeal period, a Conditional Use Permit shall be filed for review and approval by the Visalia Planning Commission, and a Building Permit obtained from the City of Visalia, if necessary, prior to the commencement of any work onsite. The Building Department is located at 315 E. Acequia Avenue, Visalia CA 93291.

If you have any questions, please contact me at (559) 713-4443 or e-mail cristobal.carrillo@visalia.city

Regards,



Cristobal Carrillo,
Associate Planner

EXHIBIT "B"





HPAC Item No. 2022-17 – 216 E. School Avenue – Establish Residence in D-MU Zone



HPAC Item No. 2022-17 – 216 E. School Avenue – Establish Residence in D-MU Zone



HPAC Item No. 2022-17 – 216 E. School Avenue – Establish Residence in D-MU Zone



HPAC Item No. 2022-17 – 216 E. School Avenue – Establish Residence in D-MU Zone

Exhibit "D"

The JD Hyde House

Historic Inn

513 N Encina Street, Visalia, California

Bed & Breakfast Operations Statement

This amazingly intact historic house is currently being added to the National Register of Historic Places and will be perfectly restored and furnished to its authentic Eastlake Victorian grandeur. Rather than only using the home for ourselves, we plan to share 3 or 4 bedrooms of our house with guests and visitors. The property is owned by the Cain & Reyes Family Trust and will be occupied and run by the family.

There are currently 5 parking spaces on the property, 4 of which can be used by guests. A light, continental breakfast will be served daily, although we may explore a breakfast voucher program with local restaurants- perhaps the 210 coffee shop or the Darling hotel. The plan would be to get our guests walking downtown and spending money at other venues and businesses.

We may also have a small display case in one of the public rooms of the property to sell our own themed Christmas ornament, sweatshirt, or Visalia history books, etc. We may wish to have a small sign made to hang from the lamp post on the property out front; if we decide we'd like this, we will send the design and sign to the planning dept for approval.

Our four rooms would have a max occupancy of 1 (the back suite) or 2 guests (the front suites), so our maximum number of guests on any given night would be 7. We would also allow small pets for a fee. Rooms would be available to book through our own website and all major hospitality platforms (Expedia, Booking.com, AirBNB, etc)

We (the family) would take care of all aspects of the business, from cleaning toilets to acting as a guest concierge. There would not be any additional employees needed for this size of B&B. The family members (ourselves) would occupy the ADU and one of the suites inside the main house.

If you have any questions regarding our operations, please feel free to contact me via email at jcain319@gmail.com

Joshua Cain, André Reyes, Dozirae Reyes
The Cain Reyes Family Trust

SCOPE OF WORK





























513 N Encina currently has a main residence with a guest house. The **current guest house/ADU** will be expanded from a 1 BR /1 Bath to a 2 BR/ 2 Bath. There is currently an unfinished second floor with stair access. 1 BR and 1 Bath will be added to the second floor. To accommodate this, we shall add dormers on the east and west sides, as shown in the attached elevations. Additionally, we shall match the gable end detail from the main house. The roof will have the wrought iron detail that matches the main house. We shall also replace the french doors on the east elevation with 2 windows matching the main house. The north side aluminum sliding window will be replaced with a fixed window and the 2 windows on the west side will be replaced with 2 wood windows.

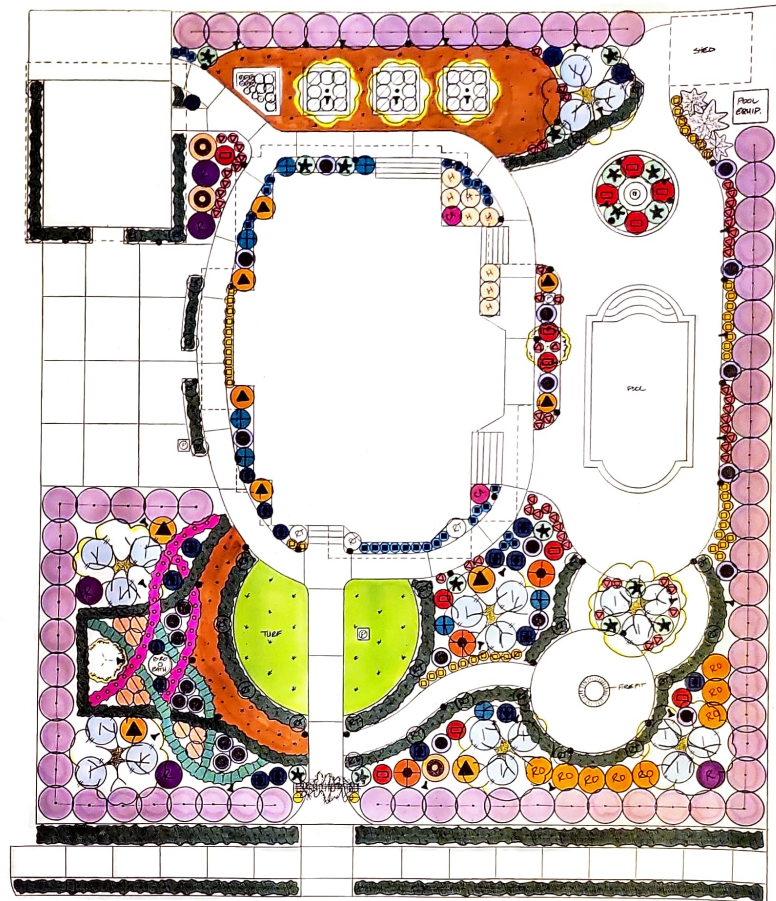
Site work will consist of no changes. Currently there are 5 parking spaces which will remain along with existing fencing and other paving.

Roof will be redwood or cedar shingle. See attached fireproofing specs. This will keep the building consistent with the original main house roof.

Siding and other wood details will match existing.

Exhibit "F"

SPECIES	SIZE	QTY	SYMBOL
BAY LAUREL "NOBILIS"	24" BOX	7	
SMOKE TREE "SINGLE TRUNK"	24" BOX	2	
CAROLINA CHERRY "COMPACTA"	5 GAL.	87	
ICEBERG ROSE	5 GAL.	21	
CAMELLIA "JAPONICA"	5 GAL.	2	
CARPET ROSE "RED"	5 GAL.	12	
RAZZLEBERRI "LOROPETALUM"	5 GAL.	5	
STANDARD ROSE "ASSORTED"	5 GAL.	8	
PATIO TREE ROSE "YELLOW & RED"	5 GAL.	33	
FORTNIGHT LILY "YELLOW & BLACK"	5 GAL.	8	
DWARF OLIVE "LITTLE OLLIE"	5 GAL.	3	
DWARF CITRUS TREES "ASST" LEMON - "LISBON" KUMQUAT - "NAGAMI" MANDARIN - "TANCO"	5 GAL.	3	
HYDRANGEA "MACROPHYLLA"	5 GAL.	8	
ZEPHYR LILY - "PINK"	1 GAL.	50	
LAVENDER - "HIDCOTE"	1 GAL.	24	
ROSEMARY	1 GAL.	7	
COREOPSIS	1 GAL.	47	
ARTESMIA	1 GAL.	3	
HARDY GERANIUM	1 GAL.	26	
PRIMROSE	1 GAL.	15	
TRUMPET VINE	1 GAL.	2	
FOXTAIL FERN	1 GAL.	16	
GOLDEN EUONYMUS	1 GAL.	32	
EUONYMUS JAPONICUS	1 GAL.	298	
LOROPETALUM "DWARF"	1 GAL.	32	
POLE LIGHT		3	
SPOTLIGHT		21	
PATH LIGHT		38	
DECOMPOSED GRANITE			



Environmental Document # 2023-07

NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2023-008

PROJECT TITLE

513 N. Encina Street

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

A request by Walter Deissler to convert an existing residence into a bed and breakfast inn, located within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, Attn: Cristobal Carrillo, 315 E. Acequia Avenue, Visalia CA 93291,
cristobal.carrillo@visalia.city, (559) 713-4359

NAME OF PUBLIC AGENCY APPROVING PROJECT

Walter Deissler, 2135 E. Harvard Court, Visalia CA 93292, (559) 901-0500, wdeis@hotmail.com

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Walter Deissler, 2135 E. Harvard Court, Visalia CA 93292, (559) 901-0500, wdeis@hotmail.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 15301**
- Statutory Exemptions- State code number:

A request to convert an existing residence into a bed and breakfast inn. The exemption is appropriate as the site is developed, contains all on and off-site infrastructure, and is served by all public utilities.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

(559) 713-4443

CONTACT PERSON

AREA CODE/PHONE

DATE

**Brandon Smith, AICP
ENVIRONMENTAL COORDINATOR**



December 12, 2022

Site Plan Review No. 2022-182

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 **November 23, 2022**. 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 horizontal line.

Paul Bernal
Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE November 23, 2022
SITE PLAN NO. 2022-182
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
- | | | |
|--------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Planning | <input type="checkbox"/> Engineering prior to resubmittal plans for Site Plan Review. | |
| <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks and Recreation | <input type="checkbox"/> Fire Dept. |

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

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: November 23, 2022

SITE PLAN NO: 2022-182
PROJECT: The Hyde Historic Inn
DESCRIPTION: REMODEL AND COMPLETE GUEST HOUSE (ADU) AND USE MAIN HOUSE AS A 4 ROOM BED AND BREAKFAST (R-1-5)
APPLICANT: WALTER DEISLER
PROP. OWNER: LEE JACKY W (TR)
LOCATION: 513 N. ENCINA ST.
APN TITLE: 094-353-011
GENERAL PLAN: RLD (Residential Low Density)
ZONING: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- HPAC Review
- Conditional Use Permit (CUP)
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: September 28, 2022

1. The proposal to establish a Bed and Breakfast will require the applicant to comply with Section 17.32.150 Bed and breakfast facilities of the VMC.
2. Located within the Historic District and requires Historic Preservation Advisory Committee review.
3. The applicant shall provide an operational statement detailing the uses in the proposed buildings.
 - a. The operational statement shall provide a clearer description of compliance with owner occupancy requirement of the B&B requirements of the code.
4. Staff are requesting the applicant provide floor plans of the buildings and proposed remodel.
5. Parking shall comply with VMC 17.32.150.D.2 i.e.: one space per room available for lodging.
6. Meet all other Codes and Ordinances.

Notes:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required to conduct the proposed use.
2. Prior to completion of a final building inspection for a project, a signed MWELO Certificate of Compliance shall be submitted indicating that all landscaping has been installed to MWELO standards.

Applicable sections of the Visalia Municipal Code, Title 17 (Zoning):

- 17.12 Single-Family Residential Zone
- 17.30 Development Standards
- 17.32.150 Bed and breakfast facilities
- 17.34 Off-street parking and loading facilities
- 17.56 Historic Preservation District

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**

- Adrian Rubalcaba 713-4271
- Ather Razaq 713-4268
- Edelma Gonzalez 713-4364
- Jaklin Rowley 713-4369
- Luqman Ragabi 713-4362
- Lupe Garcia 713-4197

ITEM NO: 2 DATE: NOVEMBER 23, 2022

SITE PLAN NO.: 22-182
 PROJECT TITLE: THE HYDE HISTORIC INN
 DESCRIPTION: REMODEL AND COMPLETE GUESS HOUSE (ADU) AND USE MAIN HOUSE AS A 4 ROOM BED AND BREAKFAST. (R-1-5)
 APPLICANT: WALTER DEISLER
 PROP OWNER: LEE JACKY W (TR)
 LOCATION: 513 N . ENCINA ST
 APN: 094-453-011

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with _____ radius;
- Install curb; _____ gutter
- Drive approach size: _____ Use radius return;
- Sidewalk: _____ width; _____ 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. **2' DEDICATION FOR ALLEY WAY IF PROJECT DEEMED TO BE A CHANGE ON USE**
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. **FOR ALL WORK NECESSARY WITHIN PUBLIC RIGHT-OF-WAY**
 Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- 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 = .020%, 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 project will incur impact fees based on number of rooms if deemed to be a change in use. Refer to page 3 for applicable fees due at time of building permit issuance.**
- 2. A building permit is required, standard plan check and inspection fees will apply.**
- 3. Additional 2-foot of right-of-way along the alleyway is required if deemed to be change in use. Grant Deed submittal to follow City procedure, refer to City website for document formatting and submittal. Further coordinate with City Engineer.**
- 4. Project will be required to repair any dilapidated/shifted/uneven sidewalks or curbs and gutters.**
- 5. If there is a change in use, onsite improvements would be required. Typical improvements to include accessible parking and accessible path of travel to public right-of-way.**
- 6. Project in Flood Zone AE, comply with FEMA requirements.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **22-182**
Date: **11/23/2022**

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:**08/20/2022**)
(Project type for fee rates:**BED AND BREAKFAST PLUS ADU UNIT**)

Existing uses may qualify for credits on Development Impact Fees. **1-SFD**

FEE ITEM	FEE RATE
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	\$3,105/ROOM
	CREDIT SFD: \$7,097/UNIT
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$89/ROOM
	TREATMENT: \$508/ROOM
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$140/ROOM
<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.


Edelma Gonzalez

City of Visalia
Building: Site Plan
Review Comments

3PR 22182
THE HYDE HISTORIC INN
513 N ENCINA ST.

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 ALL IMPROVEMENTS** For information call (559) 713-4444
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. **FOR ANY DEMO WORK** 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. **MEET FEMA FLOOD REQUIREMENT**
- Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- School Development fees.
- 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: _____

YAL COARCIA 11/20/22
Signature



Site Plan Comments

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

Date	November 22, 2022
Item #	2
Site Plan #	22182
APN:	094353011

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2019 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2019 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2019 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2019 CFC 506.1
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors shall be provided with a **Type 1 Hood**, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. 2019 CFC 904.12 & 609.2
- **Special comments:** This proposal will designate the property as a Lodging House which is not considered a change in use at this time. Applicable code requirements for a Lodging House shall be implemented within the home and will be inspected on an annual basis.

Corbin Reed
Fire Marshal



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

Date: 11/22/2022
 Item: 2
 Site Plan: SPR22182
 Name: Vincent Muto

Site Plan Review Comments

- No Comment at this time.
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- Not enough information provided. Please provide additional information pertaining to:

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

- Access Controlled/ Restricted etc.

- lighting Concerns:
ample lighting to deter criminal activity

- Traffic Concerns:

- Surveillance Issues:
Exterior surveillance cameras to deter/capture criminal activity

- Line of Sight Issues:
Low shrubbery to deter transient activity

- Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 23, 2022

ITEM NO: 2

SITE PLAN NO: [SPR22182](#)

PROJECT TITLE: The Hyde Historic Inn

DESCRIPTION: Remodel and Complete Guest House (ADU) and Use Main House as a 4 Room Bed & Breakfast. (R-1-5)

APPLICANT: Walter Deisler

OWNER: LEE JACKY W (TR)

APN: 094353011

LOCATION: 513 N ENCINA ST

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

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

Additional Comments:

Leslie Blair

Leslie Blair

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

22182

November 23, 2022

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

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

Nathan Garza, Solid Waste, 559-713-4532





SITE PLAN REVIEW DATE: 11/23/22

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

SITE PLAN REVIEW NO: SPR 22182

PROJECT NAME: THE HYDE HISTORIC INN

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

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

- FORM REQUIRED FOOD SERVICE EST QUEST _____
- FORM REQUIRED _____
- FORM REQUIRED _____

INSTALLATION OF SAND AND GREASE INTERCEPTOR

INSTALLATION GREASE INTERCEPTOR

OTHER GREASE TRAP _____

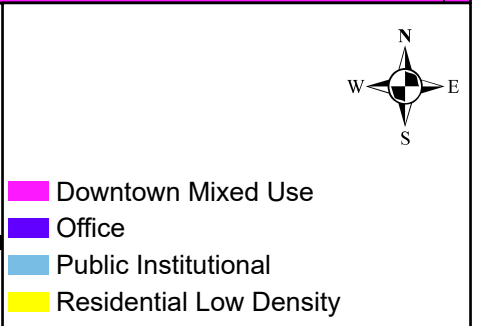
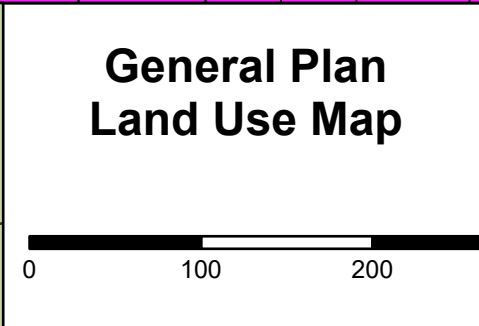
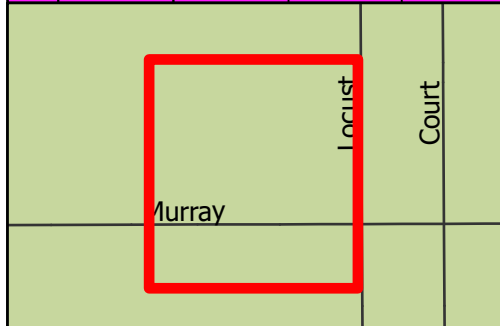
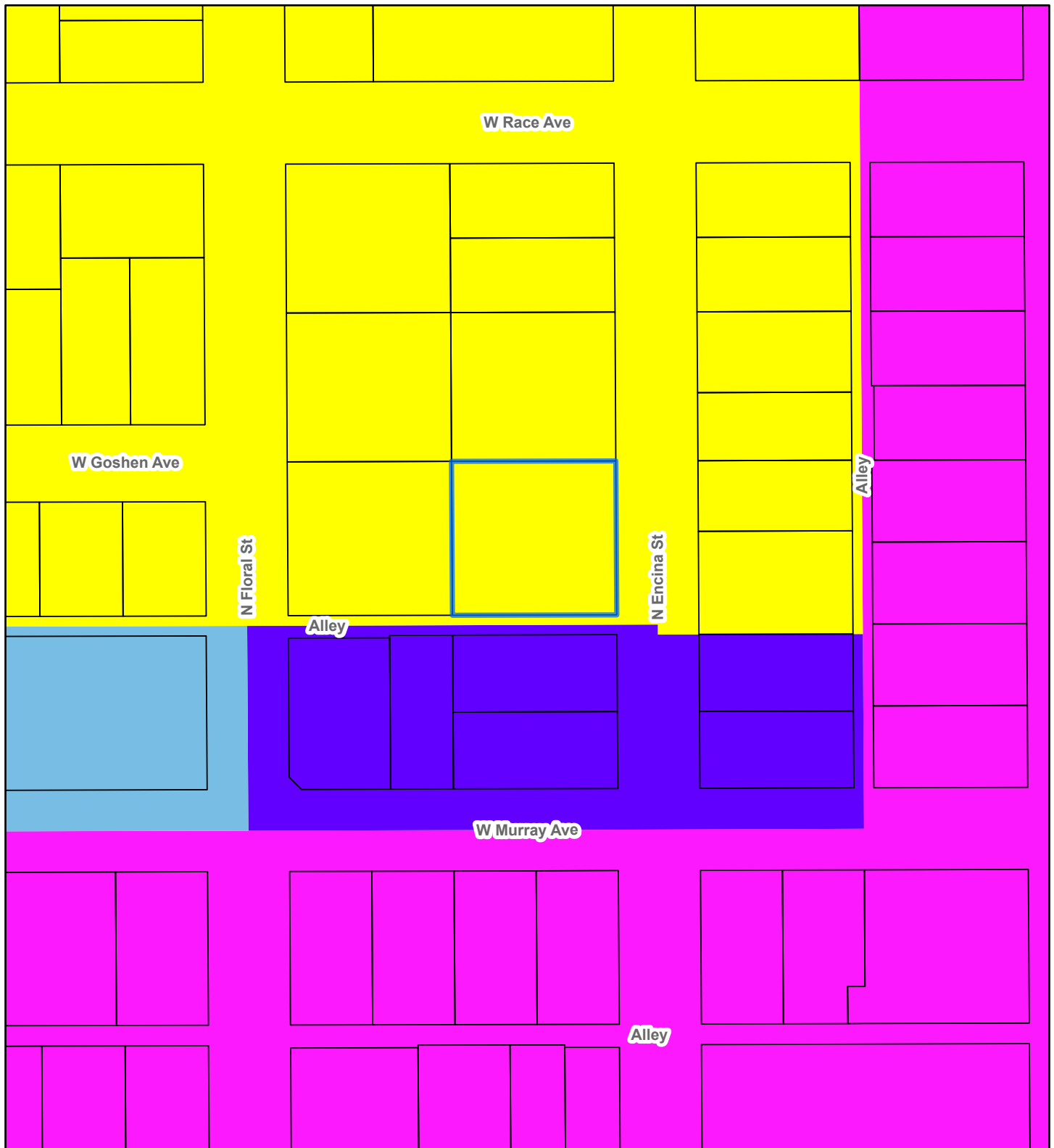
SITE PLAN REVIEWED-NO COMMENTS

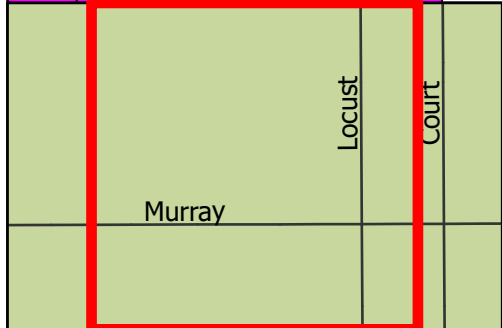
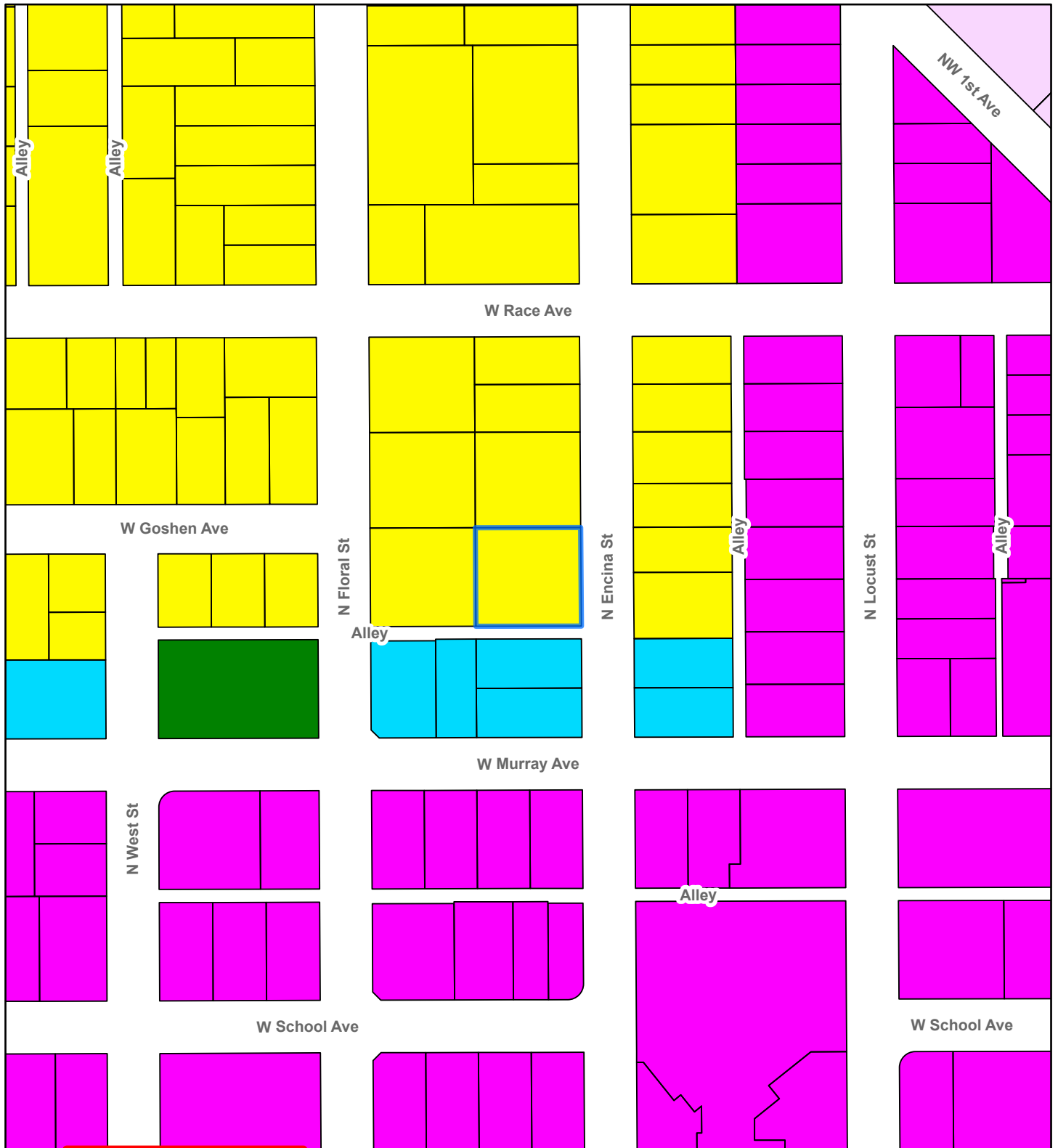
CONTACT THE WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE) AT
(559) 713-4529 OR JESSICA.SANDOVAL@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS:

FORMS CAN BE FOUND @
https://www.visalia.city/depts/public_works/wastewater/commercial_industrial_pretreatment_program.asp

DATE REVIEWED: 11/22/22





Zoning Map



- C-MU Mixed Use Commercial
- D-MU Mixed Use Downtown
- O-C Office Conversion
- QP Quasi-Public
- R-1-5 Single-family Residential

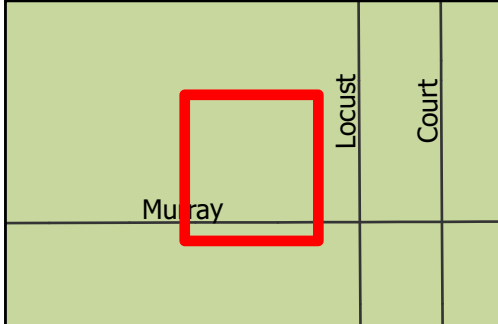


N Floral St

N Encina St

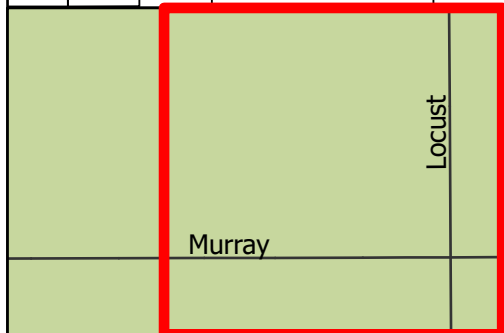
Alley

W Murray Ave



Aerial Photo





Location Map

