

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Marvin Hansen



VICE CHAIRPERSON:

Adam Peck

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

**MONDAY, MAY 22, 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.
  - a. Time Extension Request for Sycamore Heights Tentative Subdivision Map No. 5577.
6. PUBLIC HEARING – Josh Dan, Senior Planner  

Conditional Use Permit No. 2023-16: A request by Kaylah Gonzales to establish a medical and wellness spa in an existing 1,246 square foot tenant space of an existing office building in the P-AO (Professional / Administrative Office) zone. The site is located at 2336 West Sunnyside Avenue, Suite C (APN: 121-100-089). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-28.

7. PUBLIC HEARING –Josh Dan, Senior Planner

- a. Tentative Parcel Map No. 2023-03: A request by Hal Sousa to divide an 18,516 sq. ft. parcel into three lots for residential use, in the R-1-5 (Single-Family Residential) Zone. The project site is located at 119 West Houston Avenue. (APN: 094-055-003). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2023-18.
- b. Variance No. 2023-01: A request by Hal Sousa to allow a variance to building setback standards for a property located in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone. The project site is located at 119 West Houston Avenue (APN: 094-055-003). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-18.

8. PUBLIC HEARING – Paul Bernal, Director / City Planner

- a. Tentative Parcel Map No. 2023-05: A request by 4Creeks, Inc. to subdivide one 16.03-acre parcel of C-MU (Commercial Mixed Use), R-M-2 (Multi-Family Residential 3,000 square feet per unit) and R-M-3 (Multi-Family Residential 1,500 square feet per unit) zoned property into four parcels for financing purposes. The 16.03-acre site is located on the south side of West Glendale Avenue between North Dinuba Boulevard and future North Santa Fe Street (APN: 079-071-030). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2023-24.
- b. Conditional Use Permit No. 2023-17: A request by 4Creeks, Inc. to establish a parcel with less than the minimum five-acre requirement for a C-MU (Commercial Mixed Use) zoned parcel associated with Tentative Parcel Map No. 2023-05. The C-MU zoned parcels are located on the south side of West Glendale Avenue between North Dinuba Boulevard and North Court Street (APN: 079-071-030). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2023-24.

9. PUBLIC HEARING – Paul Bernal, Director / City Planner

- a. Tentative Parcel Map No. 2023-06: A request by Legacy Construction to subdivide one 9.88-acre parcel of C-N (Neighborhood Commercial) and R-M-2 (Multi-Family Residential 3,000 square feet per unit) zoned property into three parcels and a Remainder for financing purposes. The 9.88-acre site is located on the northwest corner of East Houston Avenue and North Cain Street (APN: 098-200-070). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2023-25.
- b. Conditional Use Permit No. 2023-18: A request by Legacy Construction to establish a parcel with less than the minimum five-acre requirement for a C-N (Neighborhood Commercial) zoned parcel associated with Tentative Parcel Map No. 2023-06. The 9.88-acre site is located on the northwest corner of East Houston Avenue and North Cain Street (APN: 098-200-070). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2023-25.

10. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. Second Reading of Ordinance No. 2023-02, Agricultural Preservation Ordinance Update.
- b. Update on Work Session items – Keeping of Chickens in COV.
- c. Housing Element Update.

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, JUNE 1, 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JUNE 12, 2023**



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** May 22, 2023

**PROJECT PLANNER:** Josh Dan, Senior Planner  
Phone No.: (559) 713-4003  
E-mail: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**SUBJECT: Tentative Parcel Map No. 2023-03:** A request by Hal Sousa to divide an 18,516 square foot parcel into three lots for residential use in the R-1-5 (Single-Family Residential) Zone.

**Variance No. 2023-01:** A request by Hal Sousa to allow a variance to building setback standards for a property located in the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone.

**Location:** The project site is located at 119 West Houston Avenue (APN: 094-055-003).

## STAFF RECOMMENDATION

Staff recommends approval of Tentative Parcel Map No. 2023-03, based upon the finding and conditions in Resolution No. 2023-17. Staff's recommendation is based on the conclusion that the parcel map, as conditioned, is consistent with the policies of the Visalia General Plan, Zoning and Subdivision Ordinances.

Staff recommends approval of Variance No. 2023-01, based upon the findings and conditions in Resolution No. 2023-18. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

## RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2023-03, based on the findings and conditions in Resolution No. 2023-17.

I move to approve Variance No. 2023-18, based on the findings and conditions in Resolution No. 2023-18.

## PROJECT DESCRIPTION

### **Tentative Parcel Map No. 2023-03**

Tentative Parcel Map No. 2023-03 is a request to subdivide the existing 18,516 square foot parcel into three parcels. Parcel 1 will be 8,503.48 square feet, Parcel 2 will be 5,022.50 square feet, and Parcel 3 will be 5,022.23 square feet as depicted in Exhibit "A" of the staff report. The tentative parcel map will also dedicate a 9-foot dedication of right-of-way along Houston Avenue. Improvements to the right-of-way for Parcels 2 and 3 include the installation of curb, gutter, replacement of existing sidewalk, and construction of drive approaches. These improvements will be deferred until development and/or redevelopment/intensification of each parcel. The site currently has an existing single family home oriented toward West Houston Avenue and a second residential structure on NW 5<sup>th</sup> Avenue. Please note the entire 18,516 square foot site is comprised of Lots 3 and 4 of the Stevens Subdivision, recorded May 1909. A copy of that map is provided as Exhibit "C".

**Variance No. 2023-01**

Variance No. 2023-01 is a request to allow a rear property line to be established at 15-feet, 3-inches from the existing single-story single-family residence located along Houston Avenue and as depicted per Exhibit “A”. Pursuant to Section 17.12.100.C, a five-foot encroachment of a single-story home into the 25-foot required rear yard is permitted provided that the rear yard area can still provide at least 1,500 square feet of rear yard area. The proposed new property line will measure 15-feet, 3-inches for a portion of the single-family home but will meet the 1,500 square foot rear yard area as shown on the site plan in Exhibit “A”. The applicant has provided findings to support the rear yard setback reduction which are attached and included in the staff report.

**BACKGROUND INFORMATION**

General Plan Land Use Designation:	Residential Low Density
Zoning:	R-1-5 (Single Family Residential)
Surrounding Zoning and Land Use:	North: O-PA / Houston Ave. / Two Village Market South: R-M-3 / NW 5 <sup>th</sup> Ave. / Single-Family Residences East: R-M-3 / Single-Family Residences and Vacant West: R-1-5 / NW 5 <sup>th</sup> Ave. / Single-Family Residences
Environmental Review:	Categorical Exemption No. 2023-18
Special Districts:	None
Site Plan:	Site Plan Review: 2023-032

**RELATED PLANS AND POLICIES**

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

**RELATED PROJECTS**

None.

**PROJECT EVALUATION**

Staff recommends approval of the Tentative Parcel Map and Variance based on the project’s consistency with the policies of the Land Use Element of the General Plan, Zoning and Subdivision Ordinances.

**Consistency with General Plan, Zoning and Subdivision Ordinances**

Staff supports the proposed tentative parcel map based on the project’s consistency with the intent of the Land Use Element of the General Plan and the Zoning Ordinance.

Policy LU-P-45 of the Land Use Element encourages the City to promote development of vacant, underdeveloped, and/or re-developable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land, while achieving objectives of compact development as established in the General Plan. Staff supports the project because it meets the overall intent of this policy.

Furthermore, staff finds that the proposal fulfills the land use objective, LU-O-22 of the Land Use Element, which has the scope of creating inclusive, compact neighborhoods with well-integrated single-family and multi-family residential development and activity nodes featuring

schools, neighborhood parks, and neighborhood commercial areas. The division of the site to provide additional residential lots maximizes the potential use of the land by providing additional single-family residential parcels to the City’s housing inventory. The proposed subdivision and lot configuration is also consistent with the existing development pattern of the surrounding neighborhood which includes single-family and multi-family development types, while also being within close proximity (300-ft) of a commercial node, public park, and other resources.

**Setbacks and Development Standards**

The project is located in the R-1-5 zone which has the following setback requirements:

<b>Setbacks</b>	<b>Required</b>
Front Yard:	15-foot minimum; 22-feet to garage/carport
Side Yard:	5-feet
Rear Yard:	25-foot minimum <u>or</u> 20-foot for main structures that do not exceed one-story.
Lot Size:	5,000 square foot minimum

As previously stated, the site is developed with existing homes. The existing home on Parcel 1, complies with a majority of the R-1-5 setbacks as identified per the table above. However, the applicant is requesting a Variance to rear yard standards for proposed Parcel 1 as the newly proposed property line would now place the home within the 20-foot minimum rear yard setback provision for single-story structures. The existing home on proposed Parcel 2 complies with the setbacks as noted above and future development of Parcel 3 will also be required to comply with the R-1 setbacks.

**Improvements to Right-of-Ways**

As previously stated, all outstanding frontage improvements will be required at time of improvement and/or redevelopment/intensification of the sites developed with existing single-family homes. Frontage improvements (i.e.: sidewalk, park strip landscaping, curb, gutter, etc.) are standards requirements for any residential development in the City of Visalia.

**Subdivision Map Act Findings**

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

Staff has reviewed the seven findings for a cause of denial and finds that four of the findings can be made for the proposed project. The seven findings and staff’s analysis are below. The findings in response to this Government Code section are included in the recommended findings for the denial of the tentative subdivision map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 2 of the Tentative Parcel Map. There are no specific plans applicable to the proposed map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the residential development type described on the proposed map. This is included as recommended Finding No. 3 of the Tentative Parcel Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed residential use. This is included as recommended Finding No. 4 of the Tentative Parcel Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvement of the map has not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This is included as recommended Finding No. 5
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has not been found to cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 3 of the Tentative Parcel Map.

### **Variance Findings**

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

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

### **Applicant's Findings:**

The house that is currently on the lot presents a practical difficulty and makes it impossible for us to meet the zoning regulations for the 25-ft. setback. We are unable to utilize our backyard in the same yard as someone else. We will not be able to build anything in a large portion of our backyard due to these specified regulations outlined in the zoning regulations, thus requiring a variance from those regulations.

### **Staff Analysis:**

The lot has the potential to be subdivided and fulfill the scope of the General Plan Land Use Element's objectives and policies to provide infill opportunities and facilitate the development of a variety of housing types within proximity of commercial nodes, parks, and other services. Staff supports the request by the applicant and concurs that while attempting to create new lots for infill purposes, the existing home along the Houston frontage poses difficulty in meeting the setback requirements for only the rear yard

setback. However, permitting the creation of a new property line, making the existing home non-conforming to the 20-foot rear yard setback requirement, will not produce a negative impact as the lot will still retain a 100-ft width and provide ample rear yard area on the lot.

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

**Applicant's Findings:**

The irregular shape of this lot creates circumstances that aren't encountered on typical shaped lots. Our home is an exception to the current setbacks simply due to the fact if we are forced to follow the 25 ft setback variance, we will not be able to build other homes for families in Visalia. Also, important to note is the current 6 feet tall fence that borders our backyard. This follows our property line and has been there since the house was built in 1958.

**Staff Analysis:**

Staff concurs with the applicant that the irregular shape of the lot and existing building likely complied with the requirements of the time but does pose difficulty in complying with the current standards. Additionally, staff supports a minimal encroachment into the rear yard setback by the existing home as this configuration provides an opportunity to develop new structures upon newly created lots that will meet the development standards of the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone district.

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

**Applicant's Findings:**

The enforcement of these regulations would prevent us from utilizing our goal which is to give back to the city and make more homes available for families in need. We did not choose to put it on the lot the way it is currently, so we are just trying to make use of the setup. We would be willing to build within setbacks that currently apply to a normal backyard.

**Staff Analysis:**

The current building on site is currently oriented in a manner which proves difficult to comply with rear yard setbacks while dividing the lot to produce additional infill parcels out of the remainder of the site. However, the 100-foot lot width will provide abundant rear yard area regardless of the minimal encroachment.

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

**Applicant's Findings:**

Due to the current home's position on our lot, our lot's unique shape, there are no other homes in our area (that we know of) that have this predicament where their backyard is within the 25 ft setback. So please take into consideration the changes we are trying to make in the Visalia.



**Staff Analysis:**

The existing lot is one of few remaining larger lots within an area of typically smaller single-family lots and the orientation of the existing home fronting Houston Avenue provides difficulty in complying with the rear yard setback requirement for the existing home while still producing two additional infill lots that comply with the minimum 5,000 square foot lot area.

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

**Applicant's Findings:**

The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially, injurious to properties or improvements in the vicinity in any way. We are providing options on a single lot in the middle of Northside Visalia. There is not another residential property on this lot currently.

**Staff Analysis:**

The variance will not be detrimental to the public as the existing home is not proposed to have any development or expansion toward any neighboring parcels and will not create an inadvertent negative impact on other parcels in the area. Approval of the variance for encroachment into the rear yard will produce an ability to build out otherwise vacant land area, achieving desired infill and bring much needed development and beautification to the area.

**Environmental Review**

The project is considered to be categorically exempt under Section 15315 of the Guidelines for the implementation of the California Environmental Quality Act (CEQA) for the subdivision of certain properties in urban areas into four or fewer parcels (Categorical Exemption No. 2023-18).

## **RECOMMENDED FINDINGS**

### **Tentative Parcel Map No. 2023-03**

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance.
2. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site and proposal are consistent with the bordering existing residential homes.
3. That the site is physically suitable for the proposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Tentative Parcel Map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Zoning and Subdivision Ordinances.
5. That the proposed design and improvement of the proposed tentative parcel map has not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
6. That the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2023-18).

### **Variance No. 2023-01**

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

The lot has the potential to be subdivided and fulfill the scope of the General Plan Land Use Element's objectives and policies to provide infill opportunities and facilitate the development of a variety of housing types within proximity of commercial nodes, parks, and other services. Staff supports the request by the applicant and concurs that while attempting to create new lots for infill purposes, the existing home along the Houston frontage poses difficulty in meeting the setback requirements for only the rear yard setback. However, permitting the creation of a new property line, making the existing home non-conforming to the 20-foot rear yard setback requirement, will not produce a negative impact as the lot will still retain a 100-ft width and provide ample rear yard area on the lot.

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

Staff concurs with the applicant that the irregular shape of the lot and existing building likely complied with the requirements of the time, provide difficulty in complying with the current standards. Additionally, staff supports a minimal encroachment into the rear yard setback by the existing home as this configuration provides an opportunity to develop

new structures upon newly created lots that will meet the development standards of the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone district.

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

The current building on site is currently oriented in a manner which proves difficult to comply with rear yard setbacks while dividing the lot to produce additional infill parcels out of the remainder of the site. However, the 100-foot lot width will provide abundant rear yard area regardless of the minimal encroachment.

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

The existing lot is one of few remaining larger lots within an area of typically smaller single-family lots and the orientation of the existing home fronting Houston Avenue provides difficulty in complying with the rear yard setback requirement for the existing home while still producing two additional infill lots that comply with the minimum 5,000 square foot lot area.

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

The variance will not be detrimental to the public as the existing home is not proposed to have any development or expansion toward any neighboring parcels and will not create an inadvertent negative impact on other parcels in the area. Approval of the variance for encroachment into the rear yard will produce an ability to build out otherwise vacant land area, achieving desired infill and bring much needed development and beautification to the area.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Tentative Parcel Map No. 2022-08**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-032.
2. That Tentative Parcel Map No 2023-03 be prepared in substantial compliance with Exhibit "A".
3. That Tentative Parcel Map No. 2023-03 shall be null and void unless Variance No. 2023-01 be approved by the Visalia Planning Commission, or the existing home be reduced to comply with the setback requirement of the R-1-5 Zone district.
4. That development on any of the newly created parcels shall comply with all development standards of the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone district.
5. That all other federal, state and city codes, ordinances and laws be met.

### **Variance No. 2023-01**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-032.
2. That deviation from the Site Plan by either use or parcel configuration may constitute substantial change and require the applicant to return to the Planning Commission for an amendment to the approval.

3. That the expiration timeline of the Variance be tied to the tentative parcel map expiration timeline.
4. That all other federal, state and city codes, ordinances and laws be met.

### **APPEAL INFORMATION**

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

#### Attachments:

- Related Plans and Policies
- Resolution Nos. 2023-17 & 2023-18
- Exhibit "A" – Tentative Parcel Map
- Exhibit "B" – Applicant's Variance Findings
- Exhibit "C" – Stevens Subdivision
- Categorical Exemption No. 2023-18
- Site Plan Review Comments Nos. 2023-032
- General Land Use Map
- Zoning Map
- Aerial Map
- Location Map

## RELATED PLANS AND POLICIES

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

### General Plan

**LU-O-22** Create inclusive, compact neighborhoods with well-integrated single-family and multi-family residential development and activity nodes featuring schools, neighborhood parks, and neighborhood commercial areas.

**LU-P-45** Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.

*Techniques to be used include designation of infill opportunity zones as part of the implementation process and provision of incentives, such as reduced parking and streamlined review, and residential density bonuses, and floor area bonuses for mixed use and/or higher-density development, subject to design criteria and findings of community benefit.*

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## SINGLE-FAMILY RESIDENTIAL ZONE (Chapter 17.12)

### Article 1. General

#### 17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7270)

#### 17.12.015 Applicability.

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

#### 17.12.020 Permitted uses.

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

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;

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

#### **17.12.030 Accessory uses.**

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

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

#### **17.12.040 Conditional uses.**

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

- A. Planned development subject to the provisions of [Chapter 17.26](#);
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

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

**17.12.050 Site area.**

The minimum site area shall be as follows:

<b>Zone</b>	<b>Minimum Site Area</b>
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:

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

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

**17.12.060 One dwelling unit per site.**

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

### **17.12.070 Replacement and expansion of legally existing multiple family units.**

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

A. A site plan review permit as provided in [Chapter 17.28](#) is required for all expansions or replacements.

B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Section [17.28.050](#).

C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.

D. Parking requirements set forth in Section [17.34.020](#) and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.

E. The number of multiple family units on the site shall not be increased.

F. All rights established under Sections [17.12.020](#) and [17.12.070](#) shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7276)

### **17.12.080 Front yard.**

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
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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.
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R-1-12.5	Thirty (30) feet
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R-1-20	Thirty-five (35) feet
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B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages. (Ord. 2017-01 (part), 2017: Ord. 2004-20 (part), 2004: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7277)

### **17.12.090 Side yards.**

A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.

B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.



D. On corner lots, all front-loading garage doors or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere, shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk. A porte cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.

E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

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

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

#### **17.12.100 Rear yard.**

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

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

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

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

#### **17.12.110 Height of structures.**

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

#### **17.12.120 Off-street parking.**

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

#### **17.12.130 Fences, walls and hedges.**

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

**17.12.135 Lot area less than 5,000 square feet.**

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

1. The Planning Commission finds that the development's overall density is consistent with the General Plan.
2. The maximum number of lots less than 5,000 square feet that may be approved by a tentative subdivision map shall be fifty (50) percent or less of the total lots.
3. Streets shall be constructed to public street standards.
4. Each subdivision with at least 15 lots that are less than 5,000 square feet in size shall make available to buyers at least three (3) different small lot floor plans with at least four (4) available elevation designs for each floor plan to construct on those lots.
5. The primary frontage of the dwelling unit shall face a public street, primary entryway, circulation walkway, or open space with sidewalks that provide delineated paths of travel.
6. The primary frontage of the dwelling unit shall include the primary entrance and at least one window.
7. Required covered parking spaces shall be in garages. Carports are prohibited.
8. The width of the garage shall not be greater than fifty (50) percent of the width of the dwelling unit.
9. The garage shall not extend beyond the front building facade (living area.)
10. All dwelling units shall include a covered front porch at least four (4) feet deep and six (6) feet wide or an uncovered front courtyard at least five (5) feet wide and five (5) feet deep that is surrounded on four sides by the dwelling unit or a wall or fence between three (3) and four (4) feet high with a pedestrian gate or entryway.
11. The building official shall not approve a building permit for a new dwelling unit on a lot with a lot area less than 5,000 square feet until the city planner, or designee, has determined that the standards identified in this section are met.
12. The subdivision shall provide a common, usable open space area of a minimum 3,000 square feet or two hundred fifty (250) square feet per lot under 5,000 square feet, whichever is greater. The area shall be landscaped and maintained with funding from either a homeowner's association or a landscape and lighting act district.

B. Notwithstanding this Chapter, lots with less than five thousand (5,000) square feet shall have the following minimum dimensions and building setback areas, unless they were approved with a planned development permit:

1. The minimum lot depth shall be seventy (70) feet.
2. The minimum lot width shall be forty-six (46) feet for interior lots and fifty-one (51) feet for corner lots.
3. The minimum front building setback area shall be twelve (12) feet for livable space and twenty (20) feet for garages.
4. The minimum rear yard building setback area shall be fifteen (15) feet.
5. The minimum interior side yard building setback area shall be five (5) feet.
6. The minimum corner side yard building setback area shall be ten (10) feet.
7. The maximum building height shall be thirty-five (35) feet.
8. Lots shall provide for a usable open space area of a minimum three hundred (300) square feet. The open space shall be a minimum fifteen (15) feet wide.

C. Lots less having a lot area of 3,600 square feet, or lots that do not meet the standards in this section may be approved through the planned development permit process per [Chapter 17.26](#). (Ord. 2017-01 (part), 2017)

### **17.12.137 Signs.**

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

### **17.12.140 Purpose and intent.**

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

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

### **17.12.150 Definitions.**

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

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

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

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

### **17.12.160 General provisions.**

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

- A. Accessory dwelling units shall only be allowed on lots located in the A and R-1 zones;
- B. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel;

C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;

D. Second dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area;

E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed accessory dwelling unit shall be occupied by the owner of record;

F. The accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance;

G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;

H. In no case shall any accessory dwelling unit be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Section [17.32.140](#) governing such conversions.

I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and three hundred twenty (320) square feet in living area. An efficiency unit shall not be less than one hundred fifty (150) square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;

J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;

K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(C))

#### **17.12.170 Process.**

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

#### **17.12.180 Development requirements.**

The following development requirements shall apply to accessory dwelling units:

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

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

1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

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

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

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

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

### **17.12.190 Appeals.**

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

### **17.12.200 Existing nonconforming accessory dwelling units.**

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

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## **CHAPTER 17.42: VARIANCES**

### **17.42.010 Variance purposes.**

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

### **17.42.020 [Reserved]**

### **17.42.030 Variance powers of city planning commission.**

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

#### **17.42.040 [Reserved]**

#### **17.42.050 Application procedures.**

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

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty that would result from the strict interpretation and enforcement of this title;
5. The application shall be accompanied by such sketches or drawings that may be necessary to clearly show applicant's proposal;
6. Additional information as required by the historic preservation advisory board;
7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

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

#### **17.42.060 Hearing and notice.**

A. The city planning commission shall hold a public hearing on an application for a variance.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

#### **17.42.070 Investigation and report.**

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

#### **17.42.080 Public hearing procedure.**

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

#### **17.42.090 Variance action of the city planning commission.**

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

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

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

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

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

#### **17.42.100 [Reserved]**

#### **17.42.110 Appeal to city council.**

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

#### **17.42.120 Lapse of variance.**

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

#### **17.42.130 Revocation.**

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

**17.42.140 New application.**

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



RESOLUTION NO. 2023-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2023-03, A REQUEST BY HAL SOUSA TO DIVIDE AN 18,516 SQUARE FOOT PARCEL INTO THREE LOTS FOR RESIDENTIAL USE IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL) ZONE. THE PROJECT SITE IS LOCATED AT 119 WEST HOUSTON AVENUE (APN: 094-055-003).

**WHEREAS**, Tentative Parcel Map No. 2023-03, request by A request by Hal Sousa to divide an 18,516 square foot parcel into three lots for residential use in the R-1-5 (Single-Family Residential) Zone. The project site is located at 119 West Houston Avenue (APN: 094-055-003), and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on May 22, 2023; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Tentative Parcel Map No. 2023-03, as conditioned, in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

**WHEREAS**, the project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2023-18).

**NOW, THEREFORE, BE IT RESOLVED**, that Categorical Exemption No. 2023-18 was prepared finding the project exempt under CEQA Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended.

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

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance.
2. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site and proposal are consistent with the bordering existing residential homes.
3. That the site is physically suitable for the purposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the

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

5. That the proposed design and improvement of the proposed tentative parcel map has not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
6. That the project is considered Categoricaly Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2023-18).

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-032.
2. That Tentative Parcel Map No 2023-03 be prepared in substantial compliance with Exhibit "A".
3. That Tentative Parcel Map No. 2023-03 shall be null and void unless Variance No. 2023-01 be approved by the Visalia Planning Commission, or the existing home be reduced to comply with the setback requirement of the R-1-5 Zone district.
4. That development on any of the newly created parcels shall comply with all development standards of the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone district.
5. That all other federal, state and city codes, ordinances and laws be met.

RESOLUTION NO. 2023-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2023-01, A REQUEST BY HAL SOUSA TO ALLOW A VARIANCE TO BUILDING SETBACK STANDARDS FOR A PROPERTY LOCATED IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5, 000 SQUARE FOOT MINIMUM SITE AREA) ZONE. THE PROJECT SITE IS LOCATED AT 119 WEST HOUSTON AVENUE. (APN: 094-055-003).

**WHEREAS**, Variance No. 2023-01 is a request by Hal Sousa to allow a variance to building setback standards for a property located in the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone. The project site is located at 119 West Houston Avenue (APN: 094-055-003); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on May 22, 2023; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2023-01, as conditioned by staff, to be in accordance with Chapter 17.42.080 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2023-18.

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

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

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

The lot has the potential to be subdivided and fulfill the scope of the General Plan Land Use Element's objectives and policies to provide infill opportunities and facilitate the development of a variety of housing types within proximity of commercial nodes, parks, and other services. Staff supports the request by the applicant and concurs that while attempting to create new lots for infill purposes, the existing home along the Houston frontage poses difficulty in meeting the setback requirements for only the rear yard setback. However, permitting the creation of a new property line, making the existing home non-conforming to the 20-foot rear yard setback requirement, will not produce a negative impact as the lot will still retain a 100-ft width and provide ample rear yard area on the lot.

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

Staff concurs with the applicant that the irregular shape of the lot and existing building likely complied with the requirements of the time, provide difficulty in complying with the current standards. Additionally, staff supports a minimal encroachment into the rear yard setback by the existing home as this configuration provides an opportunity to develop new structures upon newly created lots that will meet the development standards of the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone district.

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

The current building on site is currently oriented in a manner which proves difficult to comply with rear yard setbacks while dividing the lot to produce additional infill parcels out of the remainder of the site. However, the 100-foot lot width will provide abundant rear yard area regardless of the minimal encroachment.

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

The existing lot is one of few remaining larger lots within an area of typically smaller single-family lots and the orientation of the existing home fronting Houston Avenue provides difficulty in complying with the rear yard setback requirement for the existing home while still producing two additional infill lots that comply with the minimum 5,000 square foot lot area.

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

The variance will not be detrimental to the public as the existing home is not proposed to have any development or expansion toward any neighboring parcels and will not create an inadvertent negative impact on other parcels in the area. Approval of the variance for encroachment into the rear yard will produce an ability to build out otherwise vacant land area, achieving desired infill and bring much needed development and beautification to the area.

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-032.
2. That deviation from the Site Plan by either use or parcel configuration may constitute substantial change and require the applicant to return to the Planning Commission for an amendment to the approval.

3. That the expiration timeline of the Variance be tied to the tentative parcel map expiration timeline.
4. That all other federal, state and city codes, ordinances and laws be met.

Exhibit "A"

TENTATIVE PARCEL MAP

CITY OF VISALIA - COUNTY OF TULARE  
STATE OF CALIFORNIA

LOTS 3 AND 4 OF STEVENS SUBDIVISION OF BLOCK "N" OF  
AUGHINBAUGH'S ADDITION AS PER MAP RECORDED IN BOOK 9 AT  
PAGE 50 OF MAPS, TULARE COUNTY RECORDS. BEING LOCATED IN  
THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 18 SOUTH,  
RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN  
(CONSISTING OF ONE SHEET)

**BASIS OF BEARINGS:**

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 18 SOUTH,  
RANGE 25 EAST, MOUNT DIABLO BASE & MERIDIAN, TAKEN TO BE N89°53'17"E AS PER  
GNSS OBSERVATION.

**LEGEND:**

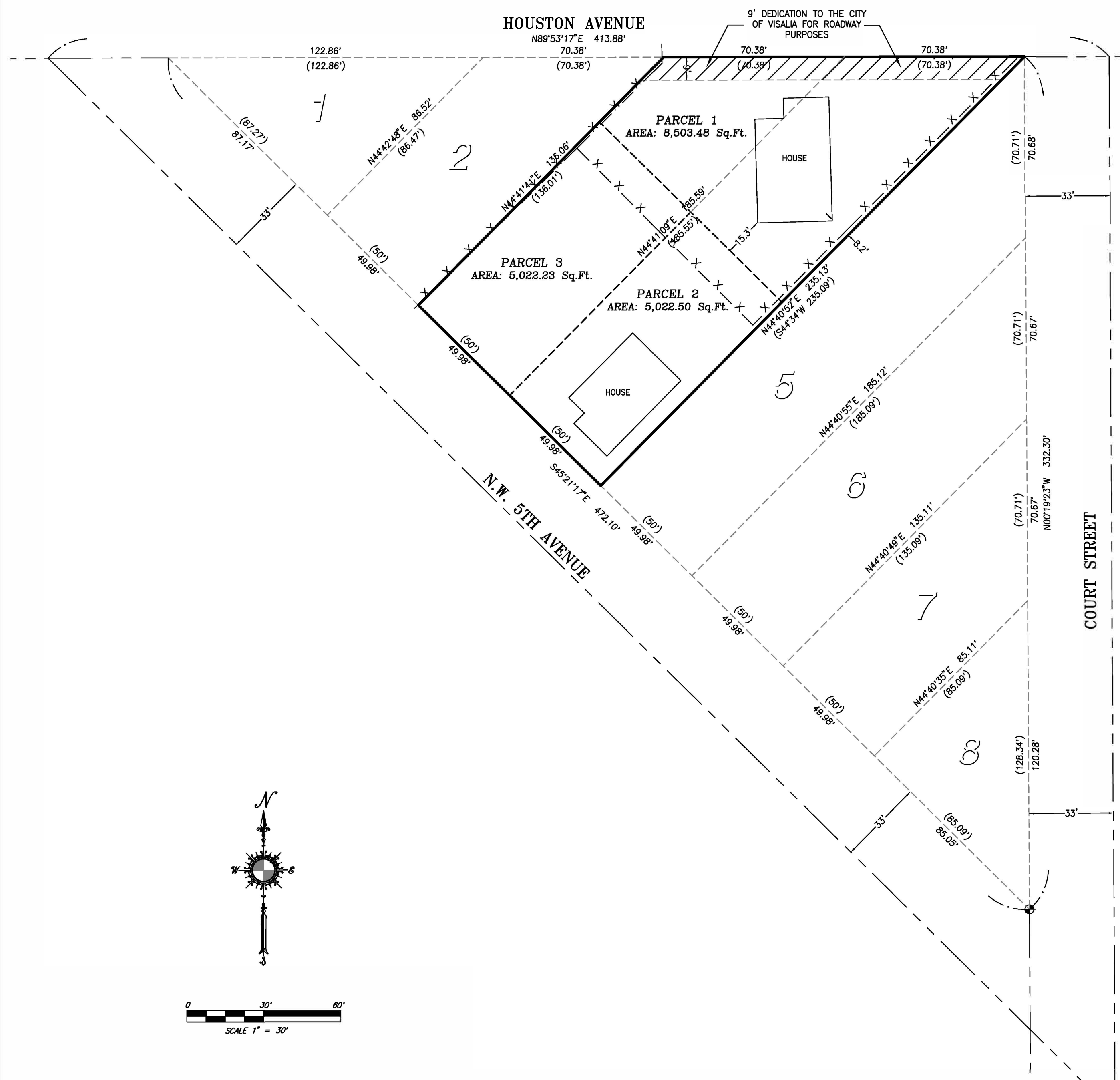
- ⊙ SET 3/4" X 30" IRON PIPE TAGGED "L.S. 7773", DOWN 6" UNLESS OTHERWISE NOTED.
- ⊕ MONUMENTS FOUND AND ACCEPTED UNLESS OTHERWISE NOTED.
- ( ) RECORD DATA PER STEVENS SUBDIVISION OF BLOCK "N" OF AUGHINBAUGH'S ADDITION RECORDED IN BOOK 9 AT PAGE 8 OF MAPS, TULARE COUNTY RECORDS.
- T.F. TIES ON FILE WITH THE TULARE COUNTY SURVEYOR.
- INDICATES SUBJECT PARCEL BOUNDARY.
- DISTANCES NOT MONUMENTED ARE CALCULATED.

PARCEL No.	1	2	3
PROPOSED USE:	SFR	SFR	SFR
PRESENT USE:	SFR	SFR	VACANT
ZONING:	R-1-5	R-1-5	R-1-5
WATER:	CITY	CITY	PROPOSED CITY
SEWER:	CITY	CITY	PROPOSED CITY

FEMA FLOOD ZONE: SHADED ZONE X

**ADDITIONAL NOTES:**

- PROPOSED METHOD OF SOLID WASTE WITH BE THE CITY OF VISALIA.
- THERE ARE NO PROPOSED PUBLIC BUS STOPS OR TURNOUTS.



<p><b>M &amp; L</b> LAND SURVEYING 3949 N. CONDOR CT. SANGER, CA 93657 Tel. (559) 531-9673 Email: MLWEYANT@ICLOUD.COM</p>	DATE OF SURVEY	02/18/23
	JOB No.	2305 HOUSTON PM
	DRAWN BY	M.R. WEYANT
	DRAWING NAME	2305 HOUSTON PM
	REVISION DATE	

May 5th, 2023

**City of Visalia  
Planning Department**

# Exhibit "B"

**Variance/Exception Supplemental Application**

Attn: Mr. Paul Bernal, City Planner

Re: Request for Variance Lot (3) Lot split – 119 W Houston Ave Visalia, CA 93291

Dear Mr. Bernal,

Please find the following findings as related to this request.

1. The house that is currently on the lot presents a practical difficulty and makes it impossible for us to meet the zoning regulations for the 25ft set back . We are unable to utilize our backyard in the same way as someone else. We will not be able to build anything in a large portion of our backyard due to these specified regulations. outlined in the zoning regulations, thus requiring a variance from those regulations.
2. The irregular shape of this lot creates circumstances that aren't encountered on typical shaped lots. Our home is an exception to the current setbacks simply due to the fact If we are forced to follow the 25 ft setback variance we will not be able to build other homes for families in visalia. Also, important to note is the current 6 feet tall fence that borders our backyard. This follows our property line and has been there since the house was built in 1958.
3. The enforcement of these regulations would prevent us from fully utilizing our goal which is to give back to the city and make more homes available for families in need. We did not choose to put it on the lot the way it is currently, so we are just trying to make use of the setup. We would still be willing to build within setbacks that currently apply to a normal backyard.
4. Due to the current home's position on our lot, our lot's unique shape, there are no other homes in our area (that we know of) that have this predicament where their backyard is within the 25 ft setback. So please take into consideration the changes we are trying to make in the visalia.

5. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity in any way. We are providing options on a single lot in the middle of Northside Visalia. There is not another residential property on this lot currently.

Thank you for your help in this request.

Sincerely,  
Hal Sousa



**STEVENS SUBDIVISION**  
of **BLOCK N**  
IN  
**AUGHINBAUGH'S ADDITION**  
TO  
**VISALIA, CAL.**

SURVEYED Feb. 4<sup>th</sup> 1909  
BY CHAS. D. SMITH,  
LICENSED SURVEYOR.

All pieces or parcels of land designated hereon as streets and avenues were previously reserved and dedicated to public use for highways.

Lot corners are marked by tack in hub.

I hereby certify that this map or plat is a true and correct record of a survey and subdivision made by me.

*Chas. D. Smith*  
Licensed Surveyor  
for California.

PLEASE RETURN TO  
CITY OF VISALIA  
DRAFTING ROOM

I hereby certify that I am the owner of the land included within the subdivision shown on the annexed map and designated as Block "N", and that I am the only person whose consent is necessary to pass a clear title to said land, and I consent to the making of said map and subdivision as shown within the colored border line.

State of California } ss.  
County of Tulare } On this 11 day of \_\_\_\_\_ in the year A.D. 1909 before me, \_\_\_\_\_ a Notary Public in and for the County of Tulare, personally appeared Mattie Stevens known to me to be the person whose name is subscribed to the above instrument and she acknowledged to me that she executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

*C. E. Brantley*  
Notary Public in and  
for the County of Tulare  
State of California.

Recorded at the request of \_\_\_\_\_ on the 13 day of \_\_\_\_\_ 1909 at 32 min. past 2 o'clock P.M. in Vol. 7 of maps page 8 Tulare County Records.

*[Signature]*  
Recorder.  
by \_\_\_\_\_  
Deputy.

I hereby certify that Board of Trustees of the City of Visalia have this 23<sup>rd</sup> day of August 1909, accepted the subdivision, as shown on the annexed map, of Block "N" in Aughinbaugh's Addition to Visalia, as the official subdivision of said Block.

City Clerk for the City of  
Visalia, Tulare County, California.

State of California } ss.  
County of Tulare }

I hereby certify that, according to the records in my office, there are no liens for unpaid State, County or other taxes against the land above described or any part thereof.

In witness whereof, I have hereunto set my hand, and affixed my Official seal, this \_\_\_\_\_ day of \_\_\_\_\_ 1909.

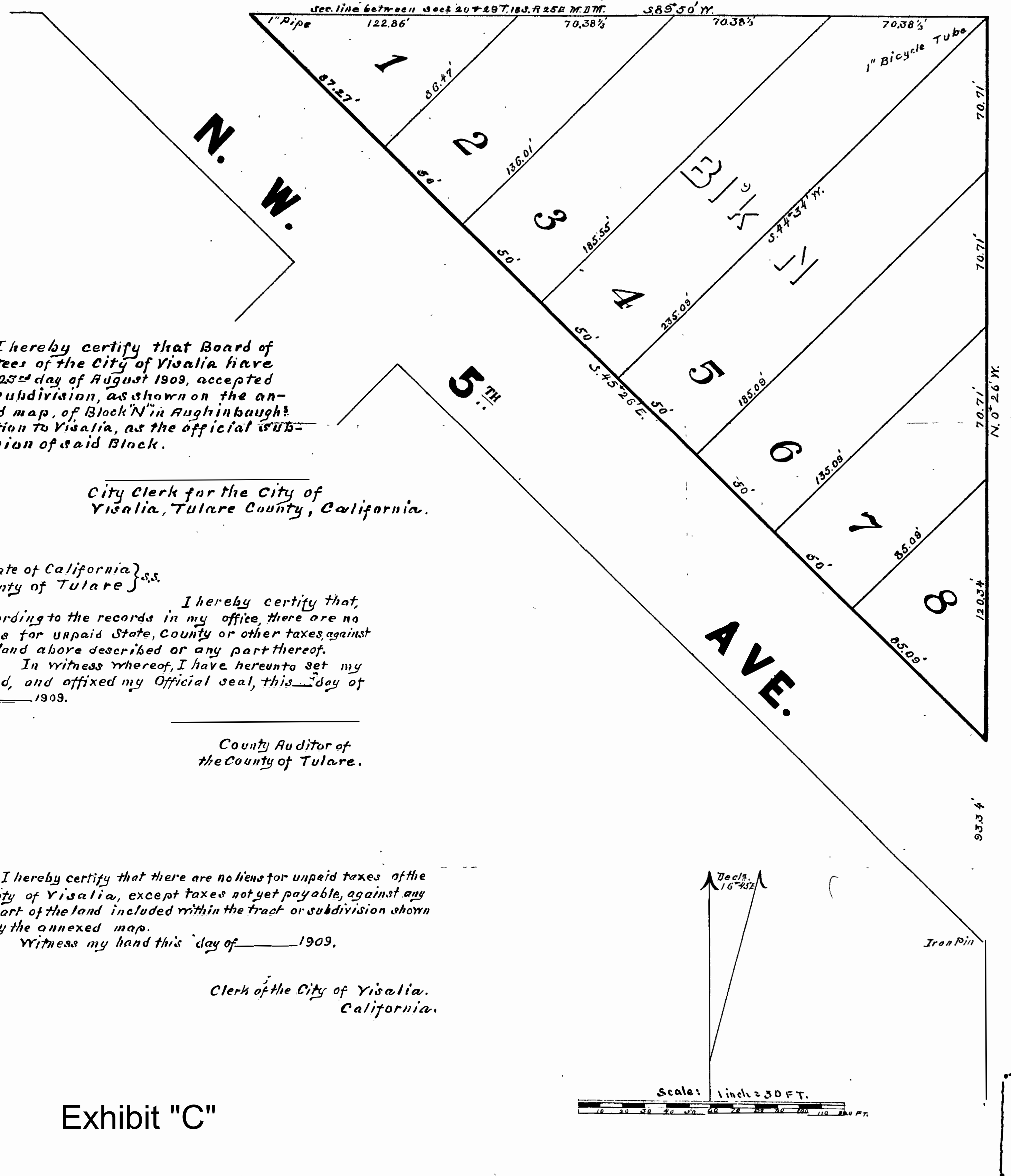
County Auditor of  
the County of Tulare.

I hereby certify that there are no liens for unpaid taxes of the City of Visalia, except taxes not yet payable, against any part of the land included within the tract or subdivision shown by the annexed map.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 1909.

Clerk of the City of Visalia,  
California.

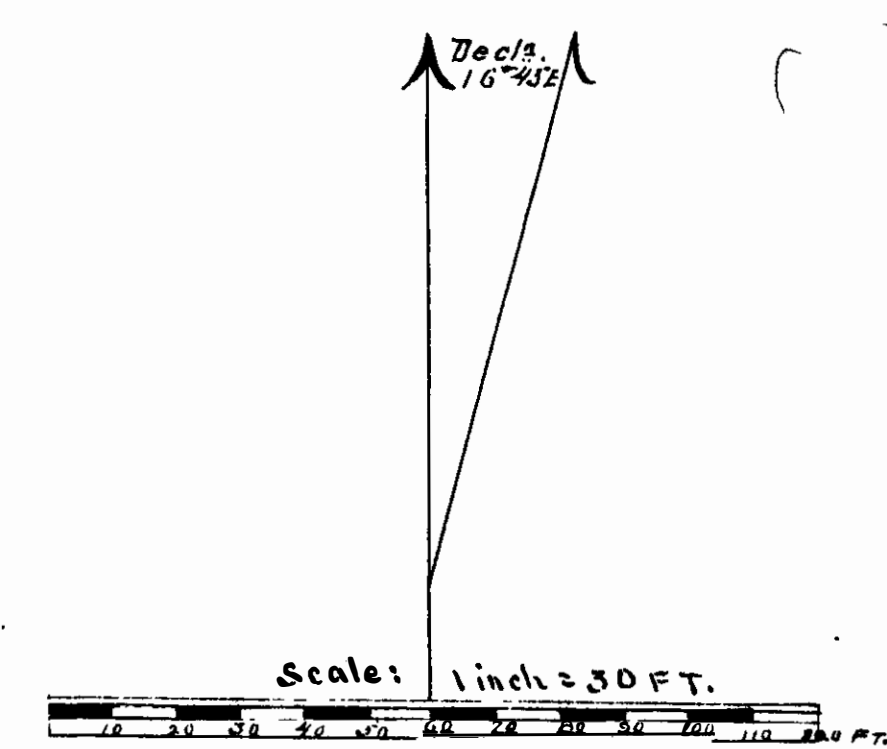
Exhibit "C"



STEVENS  
SUB.

66'  
66'  
66'

**COURT ST.**



**NOTICE OF EXEMPTION**

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

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

Tentative Parcel Map No. 2023-03 & Variance 2023-01  
**PROJECT TITLE**

The project site is located at 119 W. Houston Ave. (APN: 094-055-003).  
**PROJECT LOCATION – SPECIFIC**

Visalia Tulare  
**PROJECT LOCATION - CITY COUNTY**

A request by Hialys (Hal) Sousa to divide an 18,516 sq. ft. parcel into three lots for residential use and allow a variance to building setbacks for a property located in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zone district.

**DESCRIPTION - Nature, Purpose, & Beneficiaries of Project**

City of Visalia – Josh Dan, Senior Planner, 315 E. Acequia Ave., Visalia, CA, 559-713-4003

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Hal Sousa Group, 5110 W. Cypress Ave., Visalia, CA 93277, 559-280-6412

**NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT**

Hal Sousa Group, 5110 W. Cypress Ave., Visalia, CA 93277, 559-280-6412

**NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT**

**EXEMPT STATUS:** (Check one)

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

For minor land divisions into four or fewer parcels.

**REASON FOR PROJECT EXEMPTION**

Josh Dan  
**CONTACT PERSON**

(559) 713-4003  
**AREA CODE/PHONE**

May 22, 2023

**DATE**

Brandon Smith, AICP  
**ENVIRONMENTAL COORDINATOR**



May 18, 2023

**Site Plan Review No. 23-032:**

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 **March 15, 2023**. 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 white background.

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

**Attachment(s):**

- Site Plan Review Comments





MEETING DATE March 15, 2023  
 SITE PLAN NO. 2023-032 B  
 PARCEL MAP NO.  
 SUBDIVISION  
 LOT LINE ADJUSTMENT NO.

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

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

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

- Planning  Engineering prior to resubmittal plans for Site Plan Review.
- Solid Waste  Parks and Recreation  Fire Dept.

**REVISE AND PROCEED** (see below)

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

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

Your plans must be reviewed by:

- CITY COUNCIL  REDEVELOPMENT
- PLANNING COMMISSION  PARK/RECREATION
- TPM & VAR
- HISTORIC PRESERVATION  OTHER – Lot Line Adjustment
- ADDITIONAL COMMNTS:**

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

**Cristobal Carrillo, Planning Division (559) 713-4443**

Date: March 15, 2023

SITE PLAN NO: 2023-032 – B  
PROJECT: Hal Sousa  
DESCRIPTION: THREE LOT SPLIT (R-1-5)  
APPLICANT: HIALYS SOUSA  
PROP. OWNER: HOHLBAUCH CHERIE ELIZABETH  
LOCATION: 110 NW 5<sup>TH</sup> AVE  
APN TITLE: 094-055-003  
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**

- Tentative Subdivision Map
- Setback Variance

## **PROJECT SPECIFIC INFORMATION: March 15, 2023**

1. A Tentative Parcel Map shall be required.
2. A Setback Variance shall be required for the reduced rear yard setback on Parcel 1.
3. The Site Plan shall depict all structures onsite, including the patio on Parcel 1.
4. The setbacks of the house on Parcel 2 shall be provided on the Site Plan.
5. The applicant shall comply with all items required by Engineering and Traffic Divisions.

## **PROJECT SPECIFIC INFORMATION: March 8, 2023**

1. A Tentative Subdivision Map shall be required.
2. The applicant shall demonstrate, in the exhibit, the distance of the proposed property line bisecting the site and the existing home at Houston.
  - a. Per VMC 17.12.100.A, the rear yard setback shall be 25-ft and 20-ft if the home is single story and the applicant can demonstrate there is at least 1,500 sq. ft. of usable open space in the rear yard.
  - b. Should the applicant not be able to demonstrate the required setbacks, a variance will be required.
3. The applicant shall comply with all items required by Engineering and Traffic Divisions.
4. Other information as needed.

## **Note:**

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

## **Sections of the Municipal Code to review:**

**17.12 Single-Family Residential Zone**

**17.34 Off-street parking and loading facilities**

**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: \_\_\_\_\_





**SUBDIVISION & PARCEL MAP  
REQUIREMENTS  
ENGINEERING DIVISION**

Adrian Rubalcaba 713-4271  
 Edelma Gonzalez 713-4364  
 Luqman Ragabi 713-4362  
 Lupe Garcia 713-4197

ITEM NO: 3 DATE: MARCH 15, 2023

SITE PLAN NO.: 23-032 RESUBMITTAL  
PROJECT TITLE: HAL SOUSA  
DESCRIPTION: THREE LOT SPLIT (R-1-5)  
APPLICANT: HIALYS SOUSA  
PROP. OWNER: HOHLBAUCH CHERIE ELIZABETH  
LOCATION: 110 NW 5TH AVE  
APN: 094-055-003

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (Indicated by checked boxes)
- Submit improvements plans detailing all proposed work;  Subdivision Agreement will detail fees & bonding requirements
- Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- A preconstruction conference is required prior to the start of any construction.
- Right-of-way dedication required. A title report is required for verification of ownership.  by map  by deed  
**IRREVOCABLE OFFER OF DEDICATION, SEE COMMENTS**
- City Encroachment Permit Required which shall include an approved traffic control plan.
- CalTrans Encroachment Permit Required.  CalTrans comments required prior to tentative parcel map approval. CalTrans contacts: David Deel (Planning) 488-4088
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Fleming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Final Map & Improvements shall conform to the City's Waterways Policy.  Access required on ditch bank, 12' minimum.  Provide wide riparian dedication from top of bank.
- Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system. **EXISTING MAIN IN 5<sup>TH</sup> AVE TO SERVE FUTURE DEVELOPMENT OF PARCELS 2 & 3.**
- 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. **DRAINAGE TO STREETS**
- Show Valley Oak trees with drip lines and adjacent grade elevations.  Protect Valley Oak trees during construction in accordance with City requirements.  A permit is required to remove Valley Oak trees. Contact Public Works Admin at (559)713-4428 for a Valley Oak tree evaluation or permit to remove.  Valley Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application.  A pre-construction conference is required.
  - Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
  - Relocate existing utility poles and/or facilities. **AS NECESSARY WITH PARCEL DEVELOPMENT**
  - Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
  - Provide "R" value tests: each at
  - Traffic indexes per city standards:
  - All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
  - All lots shall have separate drive approaches constructed to City Standards.
  - Install street striping as required by the City Engineer.
  - Install sidewalk: 5' ft. wide, with 5' ft. wide parkway on **NW 5<sup>TH</sup> AVE FRONTAGE**
  - Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
  - Subject to existing Reimbursement Agreement to reimburse prior developer:
  - Abandon existing wells per City of Visalia Code. A building permit is required.
  - Remove existing irrigation lines & dispose off-site.  Remove existing leach fields and septic tanks.
  - Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
  - If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
  - If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments    Resubmit with additional information    Redesign required

**Additional Comments:**

- 1. Proposed tentative parcel map subdividing one parcel into three separate parcels shall be submitted per City parcel map process, subject to filling fees.**
- 2. At time of development, project will be required to bring existing public improvements into compliance with accessibility and City standards. Frontage improvements to include sidewalk, Parkway, curb and gutter and drive approach.**
- 3. Future development of each parcel shall connect to City Sewer. There is an existing SS main in Houston Ave that can serve parcel 1, and the existing SS main in NW 5<sup>th</sup> Ave can serve parcel 2 & 3.**
- 4. Future development of parcels subject to City standards applicable at the time.**
- 5. 9-foot Irrevocable offer of dedication (IOD) will be required along Houston Ave. Developer cannot build within IOD. >> IOD shown on site plan.**



**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 23-032  
Date: 03/08/2023

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

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

(Fee Schedule Date:8/20/22)  
(Project type for fee rates:TSM)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$952/unit
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$52/lf
<input type="checkbox"/> Storm Drainage Acquisition Fee	
<input type="checkbox"/> Park Acquisition Fee	
<input type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths	
<input type="checkbox"/> Waterways Acquisition Fee	

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

**City Reimbursement:**

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

  
\_\_\_\_\_  
**Luqman Ragabi**

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

March 15, 2023

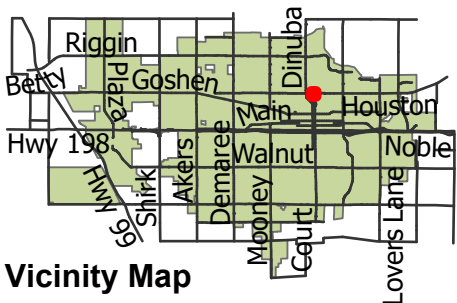
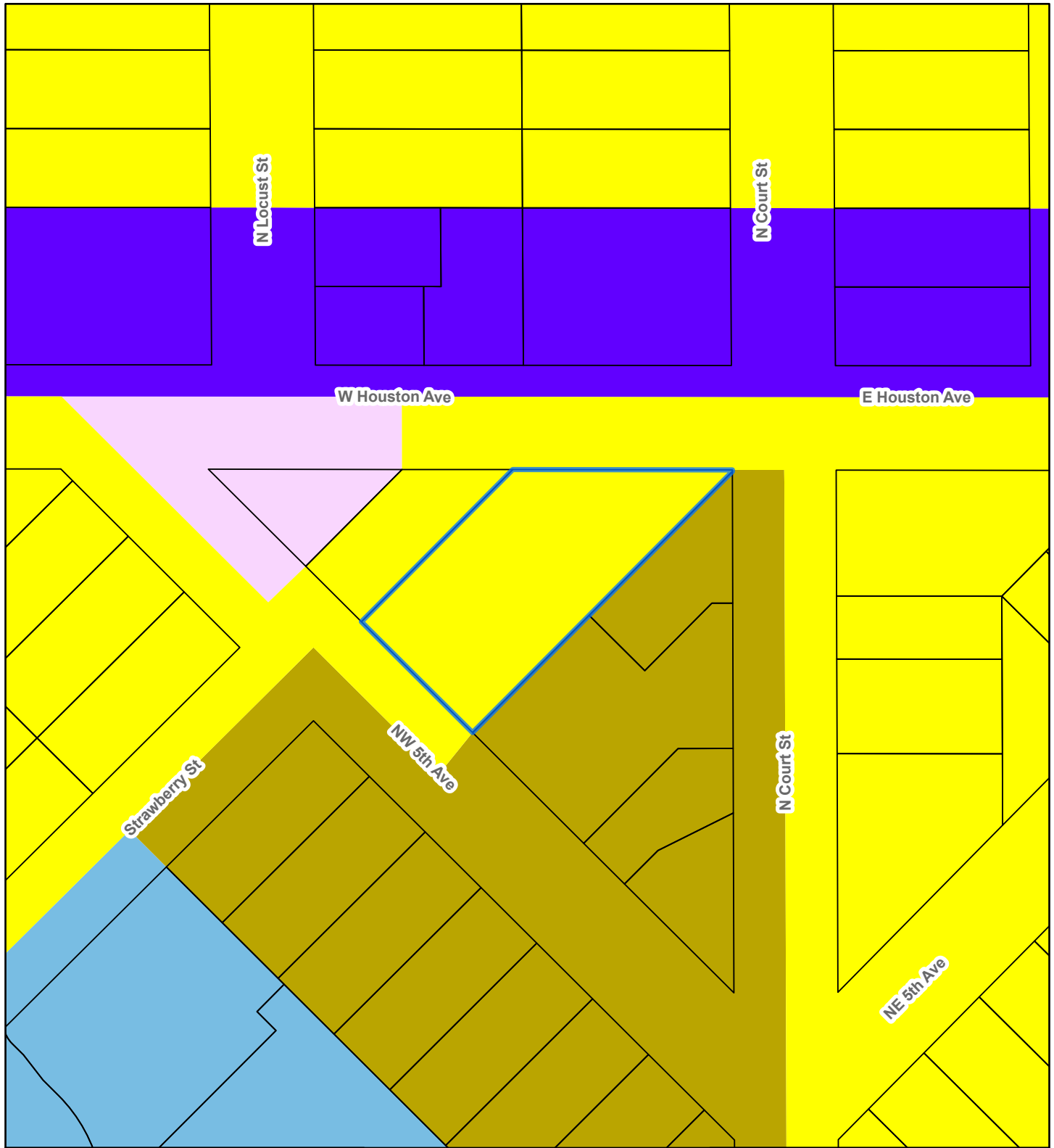
ITEM NO: 3      Resubmit  
SITE PLAN NO: [SPR23032](#)  
PROJECT TITLE: Hal Sousa  
DESCRIPTION: Three Lot Split. (R-1-5)  
APPLICANT: Hialys Sousa  
OWNER: HOHLBAUCH CHERIE ELIZABETH  
APN: 094055003  
LOCATION: 110 NW 5TH AVE

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

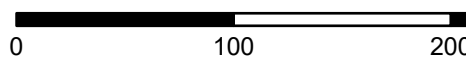
- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards at time of development.
- Install Street Name Blades at Locations at time of development.
- Install Stop Signs at *local road intersection with collector/arterial* Locations.
- Construct parking per City Standards 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:**

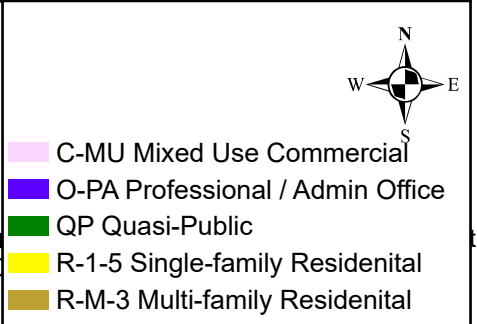
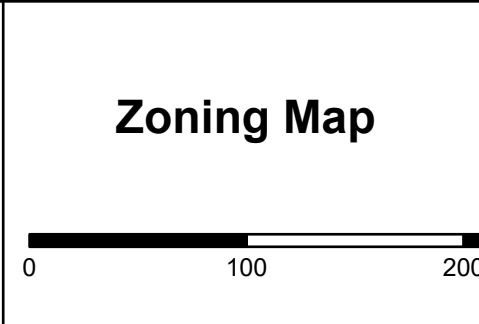
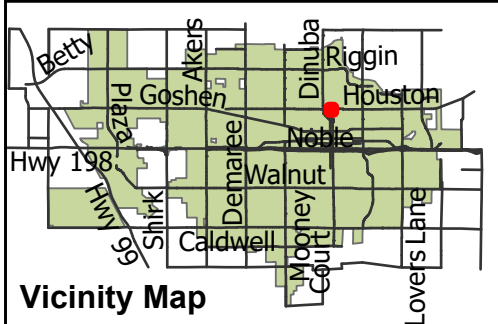
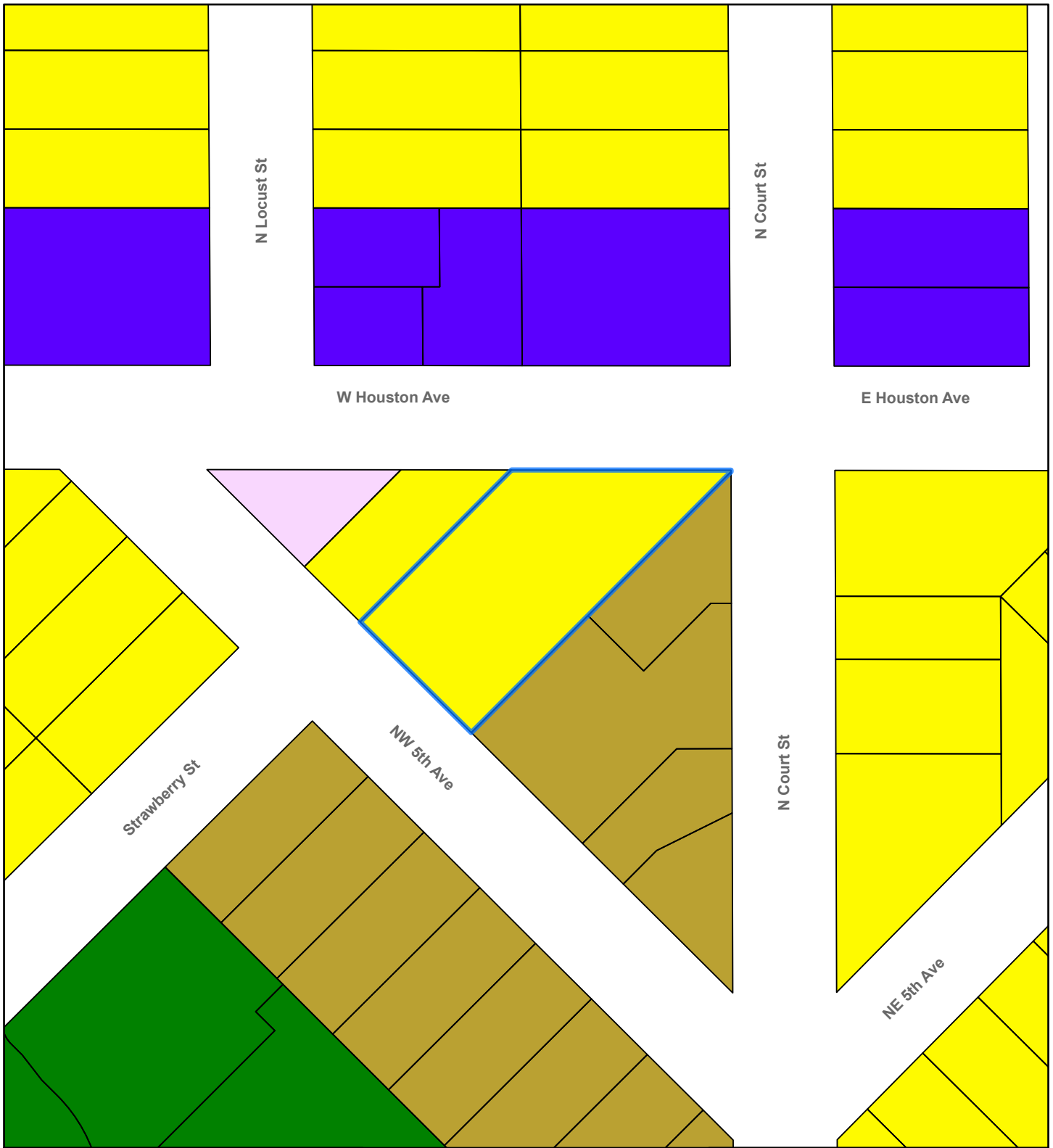
*Leslie Blair*  
\_\_\_\_\_  
**Leslie Blair**



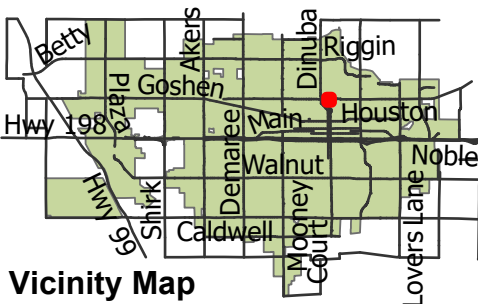
# General Plan Land Use Map



- Commercial Mixed Use
- Office
- Public Institutional
- Residential High Density
- Residential Low Density







## Aerial Photo



0 100 200





