

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

COMMISSIONERS: Liz Wynn, Chris Gomez, Brett Taylor, Marvin Hansen, Sarrah Peariso

**MONDAY, OCTOBER 14, 2019; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA**

1. THE PLEDGE OF ALLEGIANCE –
2. 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. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. 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.
  - Time Extension for Conditional Use Permit No. 2017-08
  - Time Extension for Houdini Acres Tentative Subdivision Map No. 5563 & Conditional Use Permit No. 2017-31
5. PUBLIC HEARING – Josh Dan  
Tentative Parcel Map No. 2019-11: A request by Quad Knopf (QK) on behalf of Gary Smee to subdivide 0.38 acres into two parcels for residential use. The site is zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area), located at 444 S. Church Street (APN: 097-062-009). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-52.
6. Work Session – Paul Bernal
  - Work Session Staff Report Regarding Massage Therapist
7. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-
  - Planning Commission Meeting October 28, 2019

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, OCTOBER 24, 2019 BEFORE 5 PM**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.visalia.city](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, OCTOBER 28, 2019**

# City of Visalia

## **Memo**



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: October 14, 2019  
Re: Time Extension for Conditional Use Permit No. 2017-08

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of Conditional Use Permit No. 2017-08 that expires on October 16, 2019, pursuant to Zoning Ordinance Section 17.38.030.

### **BACKGROUND:**

Conditional Use Permit (CUP) No. 2017-08 is a request to construct a 200 unit apartment complex with a community building in the R-M-2 (Multiple Family Residential) zone, located on the northeast corner of Shirk Street and Doe Avenue. (APN: 077-530-065, 077-530-066, 077-750-001, and 077-740-001)

On April 24, 2017, the Visalia Planning Commission conducted a public hearing for the CUP and continued the item to allow for the preparation of a noise study. On August 28, 2017, the Planning Commission conducted the continued public hearing. Upon closing the public hearing, the Planning Commission approved the project on a 4-0 vote, with Commissioner Peariso recusing herself.

An appeal of the Planning Commission's approval was filed with the City Clerk on September 7, 2017. The public hearing to consider the appeal was conducted on October 16, 2017. Upon closing the public hearing, the City Council denied the appeal and upheld the Planning Commission's approval of CUP No. 2017-08 on a 4-1 vote.

### **REQUEST**

The expiration date of the CUP is October 16, 2019, two years from the date of the City Council's upholding of the Planning Commission's approval. The time extension request was received on August 28, 2019, two years from the date of the Planning Commission approval, and was filed in a timely manner.

This would be the first applicant-requested time extension for this CUP and the only time extension eligible for the CUP under Zoning Ordinance Section 17.38.030, which allows for up to a one-year time extension.

The applicant has requested a one-year time extension for the Visalia Apartments (i.e. CUP No. 2017-08) as described in the attached correspondence. The requested extension is based upon additional time being needed to complete initial plan check for the master building plans and the on and off-site improvements.

The one-year time extension, if granted by the Planning Commission pursuant to Zoning Ordinance Section 17.38.030, allows a total of three years for the applicant to act upon the CUP.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date, October 16, 2020, to be issued a building permit from the City and commence and diligently pursue construction toward completion on the site. If the request is denied, the applicant would have to re-file a new conditional use permit application.

#### **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved City Council Resolution No. 2017-76 Upholding the Planning Commission Approval of Conditional Use Permit No. 2017-08
3. Site Plan
4. Location Map

**T H E  
VINCENT  
COMPANY**  
ARCHITECT'S, INC.

1500 West Shaw, Suite 304 • Fresno, California 93711 • Phone 559 225-2602 • Fax 559 225-2702

JOB NO. 180102

August 16, 2019

Mr. Paul Bernal, Interim Director  
CITY OF VISALIA COMMUNITY  
DEVELOPMENT DEPARTMENT  
315 East Acequia Avenue  
Visalia, California 93291

Subject: Time Extension Request  
VISALIA APARTMENTS  
Dirk and Shore Road  
Visalia, California  
CUP No. 2017-08

Dear Mr. Bernal:

Pursuant to your recent email, please allow this letter to serve as our request for a one-year time extension for Conditional Use Permit 2017-08, which was originally approved October 16, 2017. At this time, we have completed the initial plan check process and expect to be ready for the issuance of Building Permits in mid- to late October of this year, with construction expected to commence in early 2020.

Enclosed please find a check in the amount of \$230.00 to cover the filing fee for the extension. Should you require additional information or have additional question, please feel free to give me a call.

Best Regards,  
THE VINCENT COMPANY ARCHITECTS, INC.



Scott A. Vincent,  
Architect

C-15290

cc: Mr. Christopher Owhadi  
Mr. Paul Owhadi

**RESOLUTION NO. 2017-76**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
DENYING THE APPEAL AND UPHOLDING PLANNING COMMISSION APPROVAL  
OF CONDITIONAL USE PERMIT NO. 2017-08: A REQUEST BY CHRISTOPHER  
OWHADI TO CONSTRUCT A 200 UNIT APARTMENT COMPLEX WITH A  
COMMUNITY BUILDING IN THE R-M-2 (MULTI-FAMILY RESIDENTIAL) ZONE.  
THE PROJECT SITE IS LOCATED ON THE NORTHEAST  
CORNER OF SHIRK STREET AND DOE AVENUE  
(APN: 077-530-065, 077-530-066, 077-750-001, AND 077-740-001)**

**WHEREAS**, Conditional Use Permit No. 2017-08, is a request by Christopher Owhadi to construct a 200 Unit apartment complex with a Community Building in the R-M-2 (Multi-Family Residential) zone. The project site is located on the northeast corner of Shirk Street and Doe Avenue (APN: 077-530-065, 077-530-066, 077-750-001, and 077-740-001); and

**WHEREAS**, the Planning Commission of the City of Visalia, after ten (10) days published notice, held a public hearing before said Commission on April 24, 2017, and continued the public hearing to a date unspecified; and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on August 28, 2017; and

**WHEREAS**, the Planning Commission of the City of Visalia, after conducting a public hearing, adopted Mitigated Negative Declaration No. 2017-13 and approved Conditional Use Permit No. 2017-08; and

**WHEREAS**, an appeal of the Planning Commission's approval of Conditional Use Permit No. 2017-08 pertaining to error or abuse of discretion by the Planning Commission in its action and pertaining to the Commission's actions not being supported by evidence in the record was received on September 7, 2017; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on October 16, 2017; and

**WHEREAS**, the City Council of the City of Visalia considered Conditional Use Permit No. 2017-08 in accordance with Section 17.38.110 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**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the project; and on the basis of this Initial Study, a Mitigated Negative Declaration No. 2017-13 was prepared and noticed for public review and comment for the project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Visalia makes the following findings with regard to Conditional Use Permit No. 2017-08:

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

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That Conditional Use Permit No. 2017-08 is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - a. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The proposed project is approximately 11.5 units per acre, which is within the 10 to 15 units per acre density range established in the General Plan for Medium Density Residential developments.
  - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The proposed project meets all of the zoning ordinance requirements for the development of multiple family residential developments in the R-M-2 zoning designation.
3. That Mitigated Negative Declaration No. 2017-13 has been prepared for this project, to specifically address the reduction of potential noise impacts to less than significant. Other potential impacts are determined to be not significant and were covered by the Environmental Impact Report prepared for the City of Visalia General Plan, which was certified by Resolution No. 2014-37, on October 14, 2015, will be used for this project. Furthermore, the design of the project and the proposed improvements is not likely to neither cause substantial environmental damage nor substantially and/or avoidably injure fish or wildlife or their habitat.

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2016-020.
2. That the mitigation measures identified in Mitigated Negative Declaration No. 2017-13 shall be incorporated into the project and monitored through the building permit process to be in compliance.
3. That the planned residential development be prepared in substantial compliance with the site plan shown in Exhibit "A", elevations shown in Exhibits "B", "C" and "D" and corresponding floor plans shown in Exhibit "E". In addition, the garages and Community Building shall match Exhibits "F" and "G".

4. That a seven-foot high block wall shall be installed along the north and east portions of the site adjacent to the R-1 single family residential area. The block wall height shall be a minimum of seven feet on both sides of the wall, which may result in one side of the wall being up to eight feet tall.
5. That a wrought iron fence with stucco platters matching the buildings be provided along the Shirk Street and Doe Avenue frontages. The wrought iron sections along Shirk Street may be replaced with matching six-foot high stucco walls as an option. In addition, the wrought iron fence sections next to the swimming pool shall be replaced with matching six-foot high stucco walls to meet the required noise mitigation measure.
6. That the setbacks illustrated in Exhibit "A" between the apartment buildings and adjacent single family residential areas, which meet or exceed the minimum requirements in the R-M-2 zone, be maintained, as shown in the exhibits and described below:

	<u>Required:</u>	<u>Proposed:</u>
Front (Doe)	15 feet	15 – 20 feet
Street Side (Shirk & Roeben)	10 feet	10 – 15 feet
Rear (north & south sides of project) feet	25 feet	35 to 120
Side (Fire Station)	5 feet per story	15 feet

7. That the multi-family development shall maintain a density of 10 to 15 dwelling units per acre in accordance with the Medium Density Residential land use designation, and shall not develop more than 200 units on the subject site.
8. That the community building and garages be developed as shown in Exhibits "F" and "G".
9. That the development shall maintain the landscaping and fences/block walls along the street frontages, and within the site.
10. That the Roeben Street access point shall only be used for solid waste, emergency services and related vehicles and purposes. The residents and guests shall not use the access point for ingress/egress to the site.
11. That the community building, pool with spa, park area, and open space shall be installed as a part of the development and maintained in good working/accessible order.
12. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance (MWELo), shall be included in the construction document plans submitted for either grading or building construction permits. Prior to the project receiving final approved permits, a signed Certificate of Compliance stating that the project meets MWELo standards shall be submitted to the City.
13. That a valid will-serve letter for the providing of domestic water service be obtained for the development prior to development.

14. That the owner/operator(s) of all multiple family residential units shall be subject to the following conditions:

**A. Maintenance and Operations**

- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
- b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
- d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
- e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
- f. Remove graffiti within 24 hours of it having been observed.
- g. Recreation facilities shall be for tenant use only.
- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

**B. Landscape Care and Maintenance**

- a. Automatic irrigation systems shall be maintained.
- b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
- c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for

diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.

- d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

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

**D. Tenant Agreement** - The tenant agreement for the complex must contain the following:

- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
- b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
- c. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
- d. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
- e. Standards of behavior for tenants that could lead to eviction.
- f. All tenants shall read and receive a copy of the Tenant Agreement.

15. Provide street trees per the City's Street Tree Ordinance.

16. That evergreen trees (2 - 3 per access point) be placed in the landscape areas adjacent to the walls, in line with the access drives from Shirk Street and Doe Avenue to reduce potential headlight glare into the single family areas. Said trees shall be a minimum 48 inch box size at the time of planting.

17. That the project is subject to the San Joaquin Valley Air Pollution Control District rules and regulations as detailed in Correspondence C-4.

18. That the tenants shall be given constructive written notice in their Tenant Agreement of the adjacent industrial area as provided in the Late Correspondence August 23, 2017, from Viking Ready Mix Company.

19. That a minimum of two (2) 48-inch boxed evergreen trees be planted at the end of each drive/parking aisle behind the main public street access points on Shirk Street and Doe Avenue as a part of the landscape requirements. The trees are intended to block or reduce vehicle headlights from falling upon the adjacent single family area as vehicles enter the site from the public street.

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

PASSED AND ADOPTED: October 16, 2017

MICHAEL OLMOS, CITY CLERK

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss.  
CITY OF VISALIA )

I, Michael Olmos, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2017-76 passed and adopted by the Council of the City of Visalia regular meeting held on October 16, 2017.

Dated: October 17, 2017

MICHAEL OLMOS, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk







# City of Visalia

## **Memo**



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: October 14, 2019  
Re: Time Extension for:

**Houdini Acres Tentative Subdivision Map No. 5563:** A request by Larry Rambaud to subdivide three lots consisting of 2.15 gross acres into 10 lots for residential use in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone.

**Conditional Use Permit No. 2017-31:** A request by Larry Rambaud to allow two duplex structures (four dwelling units total) on two corner lots within proposed Tentative Subdivision Map No. 5563 in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone.

The site is located on the west side of Demaree Street between Iris and Howard Avenues (APN: 087-122-010, 011, 013).

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### **RECOMMENDATION**

Staff recommends that the Planning Commission approve a one-year time extension of Houdini Acres Tentative Subdivision Map No. 5563 & Conditional Use Permit (CUP) No. 2017-31, extending the expiration date to September 25, 2020.

### **BACKGROUND**

On September 25, 2017, the Visalia Planning Commission approved Houdini Acres Tentative Subdivision Map No. 5563 approving a 10 lot subdivision, and Conditional Use Permit No. 2017-31, approving two of the subdivision lots for duplex units on corners.

### **REQUEST**

The expiration date of the map was September 25, 2019, two years from the date of approval by Planning Commission. The time extension request, received on September 3, 2019, was filed in a timely manner. The reason for the time extension request is that additional time is needed to review resubmittals of the subdivision's improvement plans and final map.

This would be the first applicant-requested time extension for this tentative subdivision map.

Pursuant to Section §66452.6 of the Subdivision Map Act an applicant can request an extension of time for an approved or conditionally approved tentative subdivision map. Time extensions for a subdivision map may be granted for a total period not exceeding six years, including the initial two-year approval. Conversely, Section

17.38.030 of the Visalia Zoning Ordinance allows only a one year extension for Conditional Use Permits. However, this CUP (i.e. CUP No. 2017-31) is tied to the subdivision map and is not considered a standalone CUP project. Therefore, the time extension provisions of Section §66452.6 of the Subdivision Map Act shall apply to both the Houdini Acres Tentative Subdivision Map No. 5563 and CUP No. 2017-31.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date, September 25, 2020, to record a final subdivision map. If the request is denied, the applicant would have to re-file a new tentative map and conditional use permit application.

### **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2017-66 for Houdini Acres Tentative Subdivision Map
3. Approved Resolution No. 2017-65 for Conditional Use Permit No. 2017-31
4. Tentative Subdivision Map
5. Location Map

**FORESTER, WEBER & ASSOCIATES, LLC**  
Licensed by the  
**Board for Professional Engineers and Land Surveyors**  
1620 W. Mineral King Ave., Suite B  
Visalia CA 93291  
Phone (559)732-0102 Facsimile (559)732-8479

RECEIVED

SEP 03 2019

CITY OF VISALIA

August 27, 2019

City of Visalia  
Planning Division  
315 E. Acequia Ave.  
Visalia CA 93291

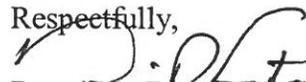
Re: Houdini Acres Tentative Subdivision Map #5563 & Conditional Use Permit #2017 - 31

By this correspondence we are requesting a 12 month extension of time for the recording of the Final Subdivision Map.

The expiration date is September 25, 2019.

Enclosed is the filing fee of \$230.00 by check made payable to the City of Visalia.

Respectfully,

  
Dennis R. Forester

PLS 4076

cc: Larry Rambaud

RESOLUTION NO 2017-66

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING HOUDINI ACRES TENTATIVE SUBDIVISION MAP #5563: A REQUEST BY LARRY RAMBAUD TO SUBDIVIDE THREE LOTS CONSISTING OF 2.15 GROSS ACRES INTO 10 LOTS FOR RESIDENTIAL USE IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, MINIMUM 5,000 SQUARE FOOT LOT SIZE) ZONE. THE SITE IS LOCATED ON THE WEST SIDE OF DEMAREE STREET BETWEEN IRIS AND HOWARD AVENUES (APN: 087-122-010, 011, 013)

**WHEREAS**, Houdini Acres Tentative Subdivision Map #5563 is a request by Larry Rambaud to subdivide three lots consisting of 2.15 gross acres into 10 lots for residential use in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone. The site is located on the west side of Demaree Street between Iris and Howard Avenues (APN: 087-122-010, 011, 013); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on September 25, 2017; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the tentative subdivision map in accordance with Chapter 16.16 of the Subdivision Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Visalia approves the proposed tentative subdivision map based on the following specific findings and based on the evidence presented:

1. That the proposed location and layout of the Houdini Acres Tentative Subdivision Map No. 5563, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Visalia 2014 General Plan and 2017 Zoning Ordinance and Subdivision Ordinance. The 2.15-acre project site, which is the site of the proposed ten lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy."

2. That the proposed Houdini Acres Tentative Subdivision Map No. 5563, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. That the proposed tentative subdivision map would be compatible with adjacent land uses. The project site is bordered by existing residential development and an arterial street.
3. That the site is physically suitable for the proposed tentative subdivision map. The Houdini Acres Tentative Subdivision Map No. 5563 is consistent with the intent of the Visalia 2014 General Plan and 2017 Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is bordered by existing residential development, and the subdivision is a continuation of the pattern and configuration of residential lots surrounding the development. Proposed lot sizes and dimensions are also consistent with those of residential lots surrounding the development.
4. That the site is physically suitable for the proposed tentative subdivision map and the project's density, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Houdini Acres Tentative Subdivision Map No. 5563, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Visalia 2014 General Plan and 2017 Zoning Ordinance and Subdivision Ordinance. The 2.15-acre project site, which is the site of the proposed ten lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy."
5. That the proposed Houdini Acres Tentative Subdivision Map No. 5563, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. Areas of dedication will be obtained as part of the tentative map recording for the completion of street improvements, including the construction of curb, gutter, curb return, sidewalk, parkway landscaping, pavement, and a transit stop if applicable, along the Demaree Street and Howard Avenue frontages.
6. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2017-67). Projects determined to meet this classification are characterized as in-fill development and are with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, the development occurs within the city limits on a site no more than five acres, site has no value has habitat for endangered, rare or threatened species and the site can adequately be served by all

required utilities and public services.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the tentative subdivision map on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2017-085, incorporated herein by reference.
2. That the Houdini Acres Tentative Subdivision Map No. 5563 be prepared in substantial compliance with Exhibit "A".
3. That setbacks for the lots shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) standards for the front, side, street side and rear yard setbacks, except as provided in Conditional Use Permit No. 2017-31 for the development of duplexes on corner lots if applicable.
4. That prior to the issuance of a building permit on the site, the applicant / developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
5. That the valley oak trees identified in the subdivision map, Exhibit "A", shall be removed subject to the issuance of a Valley Oak Tree Removal Permit. The remaining valley oak trees identified in the map shall be properly maintained, trimmed and watered as stated in the evaluation. Development around the valley oak trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any valley oak tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit.
6. That the construction of curb, gutter, curb return, sidewalk, parkway landscaping, pavement, and a transit stop if applicable, is required along and shall be constructed along the entire Demaree Street and Howard Avenue frontage with the initial phase of development of the subdivision.
7. That all applicable federal, state, regional, and city policies and ordinances be met.

Commissioner Peariso offered the motion to this resolution. Commissioner Gomez seconded the motion and it carried by the following vote:

AYES: Commissioners Peariso, Gomez, Wynn, Taylor

NOES:

ABSTAINED:

ABSENT: Commissioner Hansen

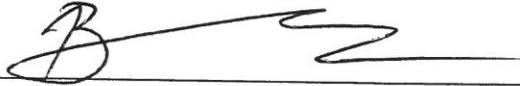
STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Jason Huckleberry, Assistant Community Development Director

I, Jason Huckleberry, Acting Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2017-66, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 25, 2017.



Jason Huckleberry  
Assistant Community Development Director



Brett Taylor, Chairperson

RESOLUTION NO. 2017-65

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2017-31: A REQUEST BY LARRY RAMBAUD TO ALLOW TWO DUPLEX STRUCTURES (FOUR DWELLING UNITS TOTAL) ON TWO CORNER LOTS WITHIN PROPOSED TENTATIVE SUBDIVISION MAP #5563 IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, MINIMUM 5,000 SQUARE FOOT LOT SIZE) ZONE. THE SITE IS LOCATED ON THE WEST SIDE OF DEMAREE STREET BETWEEN IRIS AND HOWARD AVENUES (APN: 087-122-013)

**WHEREAS**, Conditional Use Permit No. 2017-31 is a request by Larry Rambaud to allow two duplex structures (four dwelling units total) on two corner lots within proposed Tentative Subdivision Map #5563 in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone. The site is located on the west side of Demaree Street between Iris and Howard Avenues (APN: 087-122-013); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 25, 2017; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2017-31, as conditioned by staff, to be in accordance with Section 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the Visalia 2014 General Plan and 2017 Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2017-67). Projects determined to meet this classification are characterized as in-fill development and are with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, the development occurs within the city limits on a site no more than five acres, site has no value has habitat for endangered, rare or threatened species and the site can adequately be served by all required utilities and public services.

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

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2017-085, incorporated herein by reference.
2. That the corner lots being developed with duplexes be prepared in substantial compliance with the site plan and floor plans attached as Exhibit "B".
3. That the building elevations for the dwelling units be prepared in substantial compliance with the elevations attached as Exhibit "C".
4. That Houdini Acres Tentative Subdivision Map No. 5563 shall also be approved, and that requirements of the tentative map which relate to this conditional use permit shall be fulfilled.
5. That Conditional Use Permit No. 2017-31 shall be null and void unless Houdini Acres Tentative Subdivision Map No. 5563 is approved.
6. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to or with the recording of the final parcel map.
7. That all of the conditions and responsibilities of Conditional Use Permit No. 2017-31 shall run with the land, and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
8. That the corner lots shall be subject to the following building height and minimum setbacks as measured from property lines or right-of-way as specified:

Maximum Building Height: 35 Feet, limited to single-story construction per development plan

Minimum Setbacks:

- |                                                           |         |
|-----------------------------------------------------------|---------|
| ➤ Building setback to front property line (Iris & Howard) | 15 Feet |
| ➤ Units' Living Space Setback to drive aisle              | 5 Feet  |
| ➤ Units' Garage Door Setback to drive aisle               | 15 Feet |

- Building setback to street side property line (Demaree) to wall 15 Feet; 10 Feet Avg.
- Building setback to rear property line 5 Feet

9. That a block wall with height between six and seven feet tall be allowed along the Demaree Street frontage and the fronts of Lots 5 and 6 for the purpose of noise mitigation and screening. The wall may be located within the front and street side yard setback areas.
10. That the initial two year timeline for the conditional use permit is tied to the recordation of any portion of the tentative subdivision map.
11. That the owner/operator(s) of all dwelling units shall be subject to the following conditions:

**A. Maintenance and Operations**

- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
- b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
- d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
- e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
- f. Remove graffiti within 24 hours of it having been observed.
- g. Recreation facilities shall be for tenant use only.
- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

**B. Landscape Care and Maintenance**

- a. Automatic irrigation systems shall be maintained.
- b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
- c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
- d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

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

**D. Tenant Agreement** - The tenant agreement for the complex must contain the following:

- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
- b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
- c. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
- d. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
- e. Standards of behavior for tenants that could lead to eviction.
- f. All tenants shall read and receive a copy of the Tenant Agreement.

12. That all federal, state, regional, and city codes and ordinances be met.

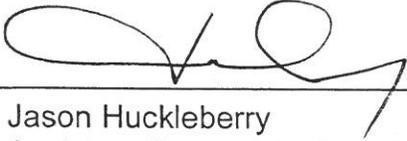
Commissioner Peariso offered the motion to this resolution. Commissioner Gomez seconded the motion and it carried by the following vote:

AYES: Commissioners Peariso, Gomez, Wynn, Taylor  
 NOES:  
 ABSTAINED:  
 ABSENT: Commissioner Hansen

STATE OF CALIFORNIA)  
 COUNTY OF TULARE ) ss  
 CITY OF VISALIA )

ATTEST: Jason Huckleberry, Assistant Community Development Director

I, Jason Huckleberry, Acting Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2017-65, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 25, 2017.



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Jason Huckleberry  
Assistant Community Development Director



---

Brett Taylor, Chairperson





**SCOTT ASSOCIATES & ENGINEERS**  
 1000 North 1st Street  
 Suite 1000  
 San Francisco, CA 94109  
 Tel: 415.774.1000



RESIDENTIAL  
 ADDITION &  
 APARTMENTS  
 FOR  
**LARRY RAMBAUD**

NEXT SIDE OF  
 DEMARRE  
 BETWEEN  
 IRIS & HOWARD

PROJECT NO.	0710
DATE	11.11.2010
<b>SITE PLAN</b>	
SHEET NO.	1.1

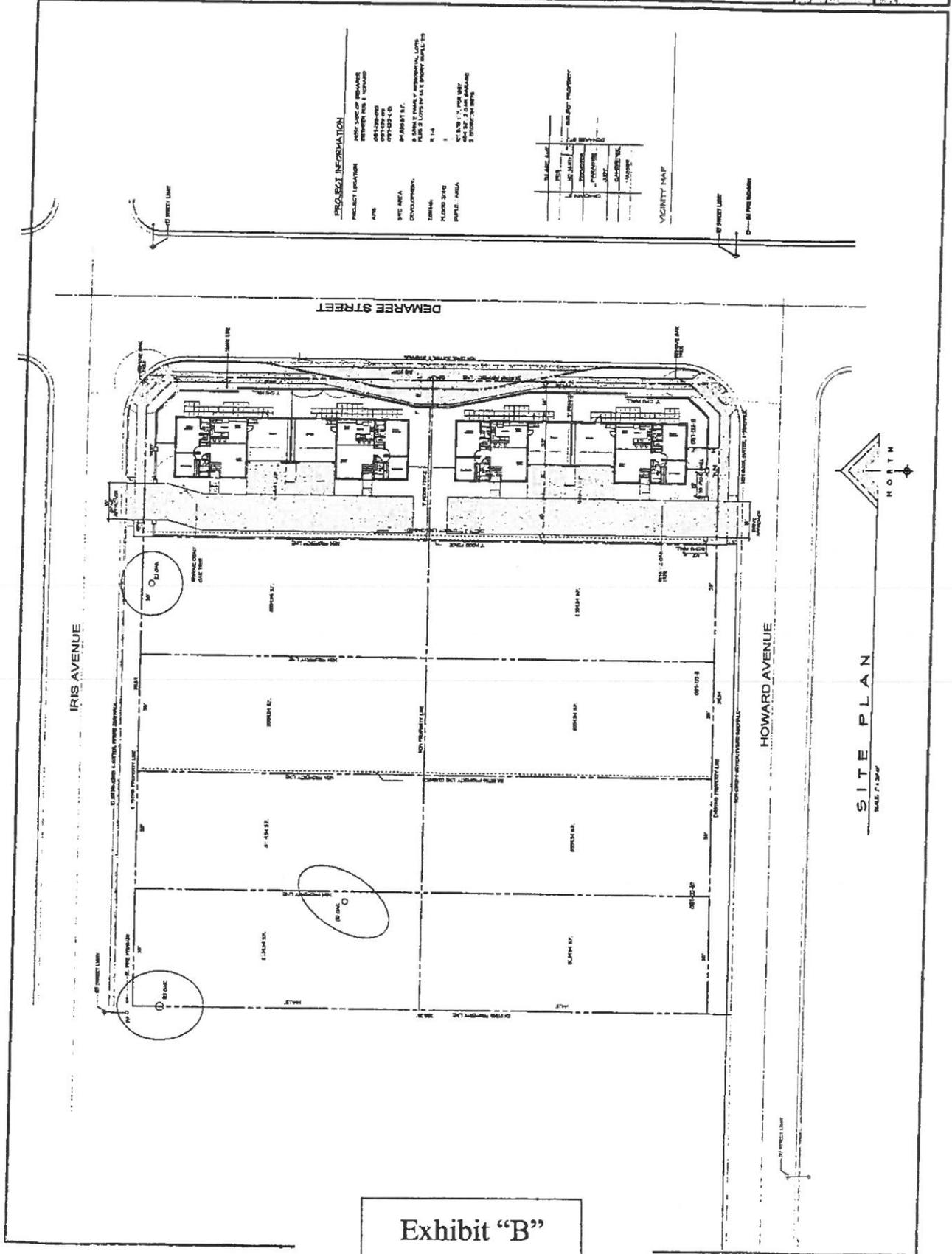
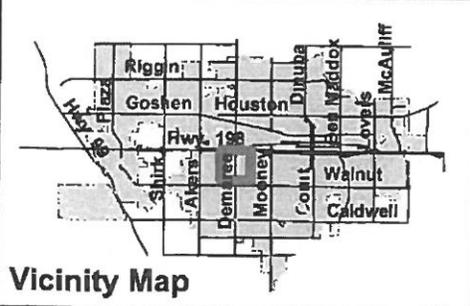
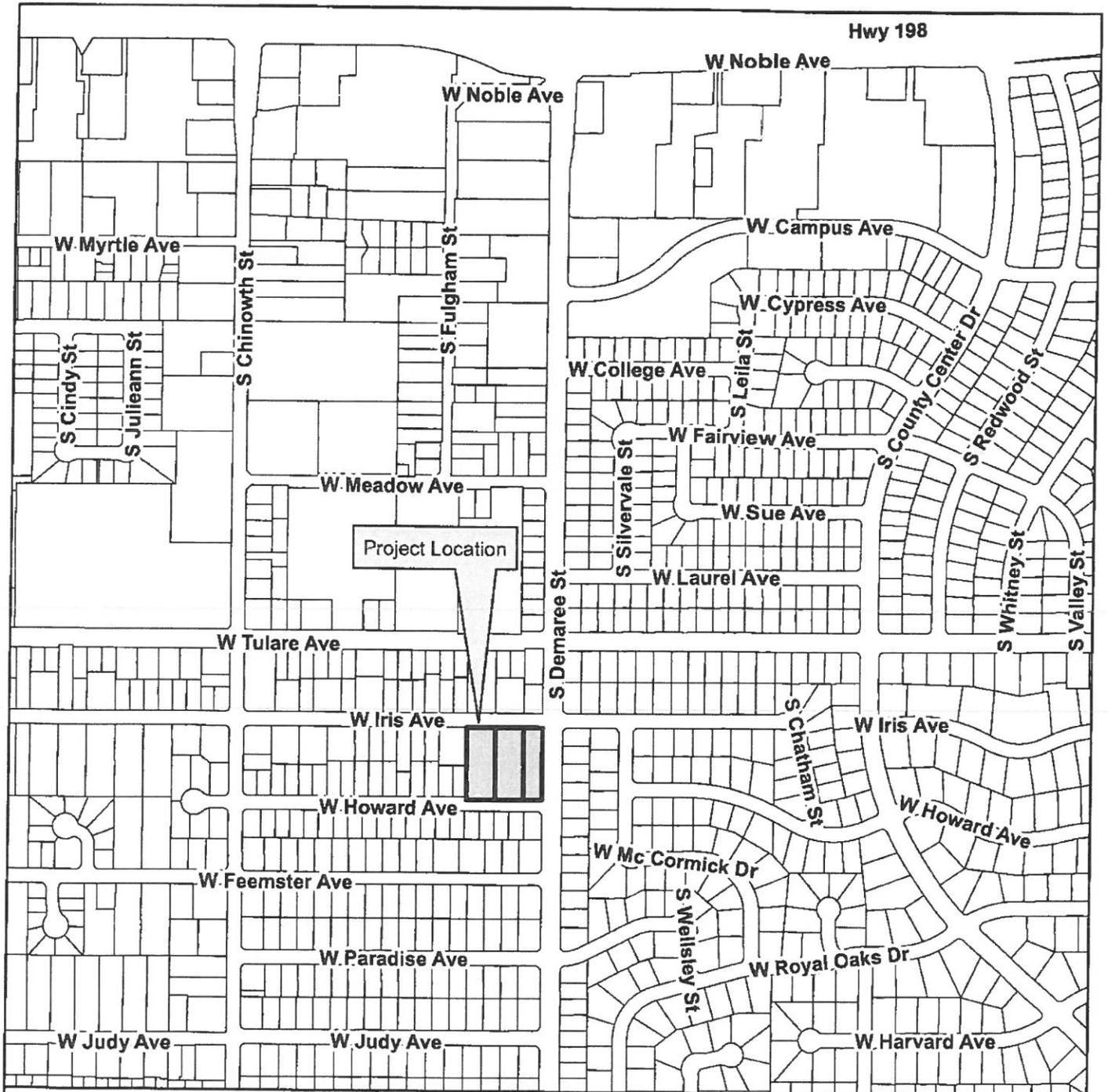


Exhibit "B"

# Houdini Acres Tentative Subdivision Map No. 5563 & Conditional Use Permit No. 2017-31

The site is located on the west side of Demaree Street between Iris and Howard Avenues (APN: 087-122-010, 011, 013)



## Location Map



- WATERWAYS
- +— RAILROADS
- CITY LIMITS
- PARCELS

