

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Mary Beatie



VICE CHAIRPERSON:

Chris Tavarez

COMMISSIONERS: Bill Davis, Charlie Norman, Adam Peck, Chris Tavarez, Mary Beatie

**TUESDAY, NOVEMBER 12, 2024**

**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. ROLL CALL –
4. 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.
5. CHANGES OR COMMENTS TO THE AGENDA –
6. 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.
  - None
7. PUBLIC HEARING – Colleen Moreno, Assistant Planner

**Conditional Use Permit 2024-20:** A request by Acevedo Homes Inc to establish Happy Hearts Preschool, a preschool of more than fourteen children and a building more than 10,000 square feet, in the R-1-5 (Single Family Residential, 5,000 square feet minimum site area) zone. The project site is located at 4234 South Demaree Street (APN: 121-410-030).

**Environmental Assessment Status:** The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to guidelines section 15332, Categorical Exemption No. 2024-37.

8. PUBLIC HEARING – Colleen Moreno, Assistant Planner

**Conditional Use Permit 2024-38:** A request to establish Claryn Wellness, a massage therapy and skin care business within an existing tenant space in the C-MU (Mixed Use Commercial) zone. The project site is located at 538 South Lovers Lane (APN: 101-030-021).

**Environmental Assessment Status:** The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines section 15301, Categorical Exemption No. 2024-55.

9. PUBLIC HEARING – Josh Dan, Senior Planner

**Conditional Use Permit No. 2024-40:** A request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing the establishment of 55,000 square feet of major and junior retail anchors upon the remaining northwest corner of the Specific Plan area. The site is zoned C-MU (Commercial Mixed-Use Zone). The project site is located at the northeast corner of West Riggin Avenue and North Conyer Street. (Addresses not assigned) (APN: 078-120-055).

**Environmental Assessment Status:** An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

10. PUBLIC HEARING – Josh Dan, Senior Planner

**Zoning Text Amendment No. 2024-04:** A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), Chapter 17.32.166 Short-Term Rentals to add language requiring applicants to reapply annually and to include fines for non-compliance, Citywide.

**Environmental Assessment Status:** The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Code of Regulations Section 15061(b)(3).

11. PUBLIC HEARING – Brandon Smith, Principal Planner

**Zoning Text Amendment No. 2024-03:** A request by the City of Visalia to add to and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Accessory Dwelling Units and to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

**Environmental Assessment Status:** The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and Code of Regulations Section 15061(b)(3).

12. CITY PLANNER UPDATE

13. ADJOURNMENT

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 FRIDAY, NOVEMBER 22, 2024, BEFORE 5:00 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 North Santa Fe Street, 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, NOVEMBER 25, 2024**

# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** November 12, 2024

**PROJECT PLANNER:** Colleen A. Moreno, Assistant Planner  
Phone No.: (559) 713-4031  
E-mail: [colleen.moreno@visalia.city](mailto:colleen.moreno@visalia.city)

**SUBJECT:** **Conditional Use Permit No. 2024-20:** A request by Acevedo Homes Inc to establish Happy Hearts Preschool, a preschool of more than fourteen children, in the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) zone. The project site is located at 4234 South Demaree Street (APN: 121-410-030).

## STAFF RECOMMENDATION

Staff recommend approval of Conditional Use Permit No. 2024-20 based on the findings and conditions in Resolution No. 2024-44. Staff's recommendation is based on the project's consistency with the City of Visalia General Plan and Zoning Ordinance.

## **RECOMMENDED MOTION**

I move to approve Conditional Use Permit No. 2024-20 based on the findings and conditions in Resolution No. 2024-44.

## PROJECT DESCRIPTION

Conditional Use Permit No. 2024-20 is a request by Acevedo Homes to establish a preschool for a maximum of 90 children. The preschool will be operated from a proposed 9,292 square foot building. The project site is located at 4234 South Demaree Street, which will be subdivided per a previously approved parcel map (i.e., Exhibit "D" - Tentative Parcel Map No. 2021-06). The project site is partially developed with a single-family home and is bounded by South Demaree Street to the west and South Silvervale on the east. On the proposed portion of the parcel for the preschool, there are no existing buildings on the proposed site.



The building that will be constructed for the preschool will be approximately 9,292 square feet and the site will also include a parking lot for twenty-five (25) vehicles, an automated gate at the entrance, a trash enclosure and a play yard behind the new building (Exhibit "A"). In the R-1-5 zone, nursery schools for more than fourteen (14) children are conditionally allowed, since the square footage of the proposed building will not exceed 10,000 square feet, the building as proposed is permitted in the zone (VMC, 17.12.040).

The Floor Plan (Exhibit "B") details the interior of the proposed building and indicates the following uses for the rooms:

<b>Rooms Utilized by Staff</b>	<b>Rooms Utilized by Students</b>
Two (2) Offices	Seven (7) Classrooms
Nurses Office	Girls Restroom
Laundry Room	Boys Restroom
Staff Break Room	Dining Room
Adult/Staff Restroom	Coats Room (abbreviated CTS)
Kitchen Area	

Per the Operational Statement (Exhibit "C"), Happy Hearts is a tuition-based, private preschool for children between the ages of two to six years, and the preschool will have a maximum student enrollment of ninety (90) children. There will be twelve (12) staff members present onsite including:

- Supervisor
- Six (6) Teachers
- Three (3) Teacher Aides
- Two (2) Kitchen Staff

The preschool will operate year-round, Monday – Friday from 6:45 A.M. – 6:15 P.M. and will have a traditional preschool curriculum. For parent/guardian flexibility, the school will also provide staggered drop-off and pick-up hours that will be established once the school has opened and as needed based on student enrollment; however, it will be defined as three half-hour windows during the morning and evening hours of operation. Happy Hearts Preschool will also have annual special events for students, a play area and kitchen.

## **BACKGROUND INFORMATION**

General Plan Land Use Designation: RLD (Residential, Light Density)

Zoning: R-1-5 (Single Family Residential, 5,000 square foot site area)

Surrounding Zoning and Land Use: North: R-1-5 / Residential Home  
South: R-1-5 / Residential Home  
East: R-1-5 / Los Pinos Residential Subdivision  
West: R-1-5 / Gun Ranch Residential Subdivision

Environmental Document Categorical Exemption No. 2024-37

Site Plan: 2024-058-1

## **Related Projects**

**Tentative Parcel Map No. 2021-06:** A request to subdivide a site made up to two parcels and totaling 3.66 acres to create a total of four parcels and a remainder lot in the R-1-5 zone, approved by Planning Commission on February 28, 2022.

**Conditional Use Permit No. 2017-10:** Establish a preschool by converting an existing 2,680 square foot single-family residential dwelling, located at 413 North Crenshaw Street (R-1-20 zone), approved by Planning Commission on May 8, 2017.

**Conditional Use Permit No. 2013-29:** Visalia Montessori School, located at 3502 South Linwood Street (R-1-5 zone), approved by Planning Commission on October 28, 2013.

**Conditional Use Permit No. 886:** Day Care located at 2637 South Chinowth Street (R-1-5 zone), approved by Planning Commission in 1987.

**Conditional Use Permit No. 838:** Visalia Gingerbread House Preschool, located at 1616 South Giddings Street (R-1-5 zone), approved by Planning Commission in 1980.

## **PROJECT EVALUATION**

Staff recommends approval of the Conditional Use Permit No. 2024-20, as conditioned, based on the project's consistency with the General Plan Land Use and the Zoning Ordinance.

### **Land Use Compatibility**

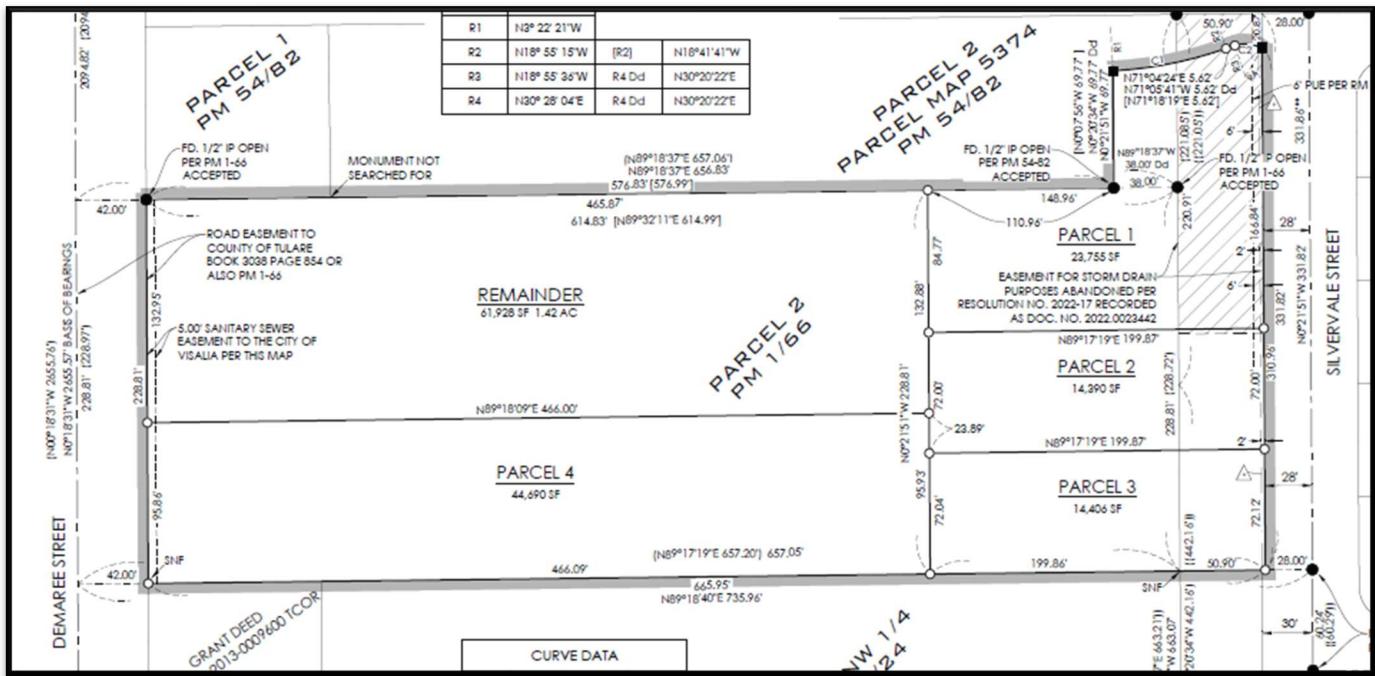
As previously stated, the site is zoned R-1-5 and preschools larger than fourteen (14) children are conditionally allowed in the zone. The preschool will operate completely within the site and onsite parking is provided. The site is on the east side of South Demaree Street, which is an arterial status roadway, and the preschool is not in an area that would not significantly disturb other residences as Demaree is a high traveled road.

Preschools within the R-1-5 zone are not unique to this project, as the Planning Commission has previously conditionally allowed the establishment of preschools within the R-1-5 zone. Additionally, this preschool can assist with the general shortages of childcare within the city and offers families another option of childcare.

The General Plan focuses on current community needs and seeks to fulfill the broad objectives such as "quality of life" for the City, therefore supporting the use of this project. Furthermore, the project supports the General Plan Objective for Parks, Schools, Community Facilities, and Utilities (PSCU-0-11), which states that the City should "*facilitate the location of day care centers...and private preschools to provide facilities for year-round care*" (pg. 5-24 of the Visalia General Plan), which the proposed project will provide.

### **Tentative Parcel Map**

The proposed site for Happy Hearts Preschool is part of an approved tentative parcel map that will subdivide the site into four parcels with Happy Hearts Preschool being located on Lot 4 (see Exhibit "D") of the parcel map on the south portion of the parcel with primary frontage along South Demaree Street. Lots 1-3 of the parcel map will front onto South Silvervale Street. The existing residence will remain as the remainder lot per the approved tentative parcel map and will have a lot size of 61,928 square feet, whereas Lot 4, the proposed site of the preschool will have a lot size of 44,690 square feet. The tentative parcel map was approved by Planning Commission on February 28, 2022. To date, a final parcel map has not been recorded and the underlying parcel map will need to be recorded prior to building permit issuance and development, this is reflected as Condition No.3 of approval.



## **Site Improvements and Parking**

## Site Improvements

As previously mentioned, the site is part of an underlying parcel map; however, additional development requirements are required for the site. Per Site Plan Review Engineering comments, at the time of development the applicant is required to install public improvements along the parcel frontage (South Demaree Street). The improvements include seven (7) foot sidewalk, five (5) foot parkway with street trees and drive approach and the applicant will have to extend the sewer main across the property frontage, these requirements are included as Condition No. 4 of approval. Additionally, the residential use to the north of the proposed preschool will remain and staff is requiring a block wall to be installed along the north property boundary as noted per Condition No. 5.

## Parking & Queuing

The Zoning Ordinance parking requirements for kindergarten and nursery schools are one parking space for each employee plus one parking space for each ten children. As mentioned in the operational statement, the preschool is anticipated to have twelve (12) teachers and up to a maximum of ninety (90) children for a total parking requirement of twenty-one (21) parking spaces. The development of this site provides twenty-five (25) parking spaces as detailed in the site plan, which exceeds the parking requirement for this preschool. The site plan (Exhibit "A") also details an automated entry gate and fence located by the drive approach. This gate is to remain open during the preschool's hours of operation which is added included as Condition No. 6. The pick-up and drop-off circulation plan is included on the site plan (Exhibit "A"), as mentioned, Demaree is an arterial status roadway and therefore no backing up on Demaree Street will be allowed at the entrance gate, nor shall any queuing be permitted onto the public right-of-way, this is included as Condition No. 7.

Trash Enclosure

The proposed site is a separate parcel and therefore requires a trash enclosure, per Solid Waste requirements stated in the project's Site Plan Review comments. The approved location of the

trash enclosure shall be located along the north property boundary, outside of the required five-foot setback in the R-1-5 zone. As mentioned in the Site Improvements, a block wall along the north property boundary is required to deter noise to the existing single-family residence located on the future separate parcel to the north of the project site.

### **Public Correspondence**

On Wednesday, November 6, 2024, the Planning Division received correspondence via email from Mike Owens, a copy of the email is included in the staff report as Exhibit "E". Per the correspondence, Mike Owens, is the property owner of 4144 South Demaree Street (located approximately 245 feet from proposed preschool site) stated that he was in opposition of the conditional use permit as it may potentially affect the type of business that he may potentially have in the future. His concern is that a school prohibits people with certain records from being near schools, therefore effecting the marketability of his building to future tenants. Please note the Carmel Plaza office development is within 580-feet of Greenhouse Montessori School and 1,070-feet of Cottonwood Creek Elementary School, which are both located to the east of the unified office development. Staff concludes the proposed daycare facility will not interfere with any current uses.

### **Environmental Review**

The requested action is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-37.

### **RECOMMENDED FINDINGS**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110 and the General Plan Parks, Schools, Community Facilities and Utilities Policy:
  - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-37.

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-058-1, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in Exhibits "A", "B", "C," and "D". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.

3. That the underlying parcel map for this site be recorded prior to building permit issuance and development.
4. That at the time of development, the applicant is required to install public improvements along parcel frontage. Improvements will include seven (7) foot sidewalk, five (5) foot parkway with street trees and drive approach and extend sewer main across property frontage.
5. That at the time of development, a block wall is installed along the north property boundary.
6. That the entry gate located at the west side of the parcel remain open during the preschool's hours of operation.
7. At no time shall backing up onto Demaree Street be permitted. No queuing shall be permitted onto the public right of way.
8. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
9. That all other federal, state and city laws, codes and ordinances be complied with.

### **APPEAL INFORMATION**

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street Visalia California. 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 No. 2024-44
- Exhibit "A" – Site Plan with Pick-up and Drop-off Circulation Plan
- Exhibit "B" – Floor Plan and Elevations
- Exhibit "C" – Operational Statement
- Exhibit "D" – Tentative Parcel Map No. 2021-06
- Exhibit "E" – Correspondence from Mike Owens
- Site Plan Review Item No. 2024-058-1
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Vicinity Map

**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

Conditional Use Permit No. 2024-20

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**PROJECT TITLE**

4234 S. Demaree St. (APN: 121-410-030)

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**PROJECT LOCATION**

Visalia  
**PROJECT LOCATION - CITY**

Tulare  
**COUNTY**

A request by Acevedo Homes Inc to establish a preschool and construct a building larger than 10,000 square feet in the R-1-5 (Single-Family Residential, 5,000 square foot building area) zone.

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

City of Visalia

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**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Acevedo Homes Inc., Jennifer S. Acevedo, 4234 S Demaree St, Visalia CA

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

Steve Sparshott, 1206 W. Evans, Visalia CA 93277

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

**EXEMPT STATUS:** (Check one)

- Ministerial - Section 15268
- Emergency Project - Section 15269
- Categorical Exemption - State type and Section number: **Section 15332**
- Statutory Exemptions- State code number:

Requested development is an infill parcel.

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**REASON FOR PROJECT EXEMPTION**

Colleen A. Moreno, Assistant Planner

(559) 713-4031

**CONTACT PERSON**

**AREA CODE/PHONE**

June 24, 2024

**DATE**

**ENVIRONMENTAL COORDINATOR**  
Brandon Smith, AICP

**Related Plans & Policies  
Conditional Use Permits  
(Section 17.38)**

**17.38.010 Purposes and powers**

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

**17.38.020 Application procedures**

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
  1. Name and address of the applicant;
  2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
  3. Address and legal description of the property;
  4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
  5. The purposes of the conditional use permit and the general description of the use proposed;
  6. Additional information as required by the historic preservation advisory committee.
- 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. (Prior code § 7526)

**17.38.030 Lapse of conditional use permit**

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

**17.38.040 Revocation**

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

### 17.38.050 New application

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

### 17.38.060 Conditional use permit to run with the land

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

### 17.38.065 Abandonment of conditional use permit

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

### 17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
  1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
  2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
  3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
  4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
  5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
  6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
  7. Signing for temporary uses shall be subject to the approval of the city planner.
  8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
  1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
  2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

## Chapter 17.12

### SINGLE-FAMILY RESIDENTIAL ZONE

#### **17.12.010 Purpose and intent.**

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

#### **17.12.015 Applicability.**

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

#### **17.12.050 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.

#### **17.12.060 One dwelling unit per site.**

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section 17.12.020(J).

#### **17.12.080 Front yard.**

A. The minimum front yard shall be as follows:

<b>Zone</b>	<b>Minimum Front Yard</b>
R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet

B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

#### **17.12.090 Side yards.**

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

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

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

D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

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

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

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

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

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

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

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits.

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

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

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

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

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

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-20, A REQUEST BY ACEVEDO HOMES INC TO ESTABLISH HAPPY HEARTS PRESCHOOL, A PRESCHOOL OF MORE THAN FOURTEEN CHILDREN. THE PROJECT SITE IS LOCATED AT 4234 SOUTH DEMAREE STREET IN THE R-1-5 (SINGLE FAMILY RESIDENTIAL; 5,000 SQUARE FOOT MINIMUM SITE AREA) ZONE (APN: 121-410-030).

**WHEREAS**, Conditional Use Permit No. 2024-20, is a request by Acevedo Homes Inc to establish Happy Hearts Preschool, a preschool of more than fourteen children in the R-1-5 zone (Single Family Residential, 5,000 square foot minimum site area) zone. The project is located at 4234 South Demaree Street (APN: 121-410-030); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on November 12, 2024; and

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

**WHEREAS**, the Planning Commission finds 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:

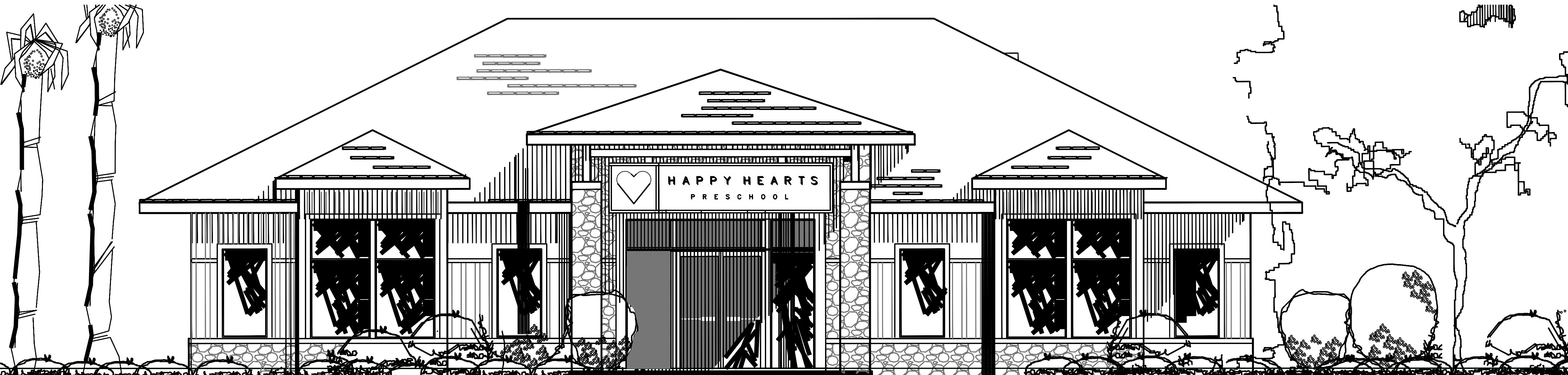
1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically,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

3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-37.

**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:

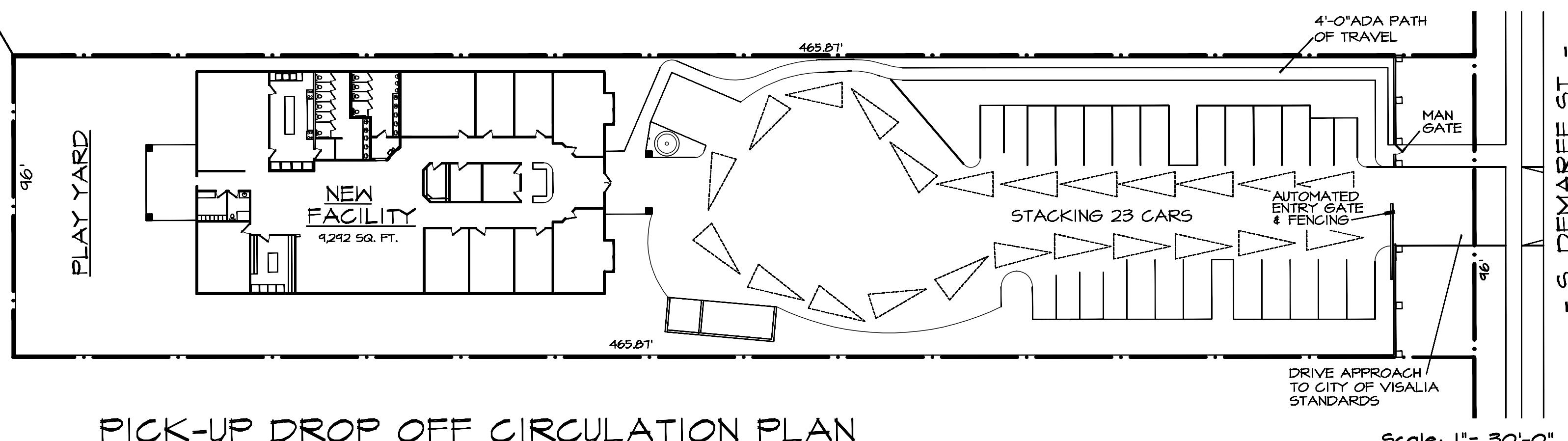
1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-058-1, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in Exhibits "A", "B", "C," and "D". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. That the underlying parcel map for this site be recorded prior to building permit issuance and development.
4. That at the time of development, the applicant is required to install public improvements along parcel frontage. Improvements will include seven (7) foot sidewalk, five (5) foot parkway with street trees and drive approach and extend sewer main across property frontage.
5. That at the time of development, a block wall is installed along the north property boundary.
6. That the entry gate located at the west side of the parcel remain open during the preschool's hours of operation.
7. At no time shall backing up onto Demaree Street be permitted. No queuing shall be permitted onto the public right of way.
8. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
9. That all other federal, state and city laws, codes and ordinances be complied with.

# Exhibit "A"



DEMAREE ST. ELEVATION

SCALE 1/4"=1'-0"



PICK-UP DROP OFF CIRCULATION PLAN

## OPERATIONAL STATEMENT

- MAXIMUM STUDENTS: 90  
 - CHILDREN'S AGE: 2-6 YEARS OLD  
 - STAFF: 1 SUPERVISOR, 6 TEACHERS, 3 TEACHERS AIDS, 2 KITCHEN STAFF  
 - DAYS OF OPERATION: MONDAY - FRIDAY  
 - STAGGERED STUDENT DROP-OFF/PICK-UP: 6:45 AM - 6:15 PM  
 \*TO BE ESTABLISHED AND DEFINED TO (3) 1/2 HR. WINDOWS  
 +/- 23 DROP OFF SPACES & 15 OPEN STALLS  
 DROP-OFF: 6:45-7:15 AM  
 7:15-7:45 AM  
 7:45-8:15 AM  
 PICK-UP: 5:45-6:45 PM  
 5:45-6:15 PM  
 - WORKING HOURS: 6:45 AM - 6:15 PM  
 - KITCHEN STAFF: 9:30 AM - 9:30 PM  
 - SLIDING ENTRY GATE/MAN GATE W/ KEYPAD, OPEN: 6:45 AM - 6:15 PM  
 - DELIVERIES: 2 TIMES WEEKLY  
 - SPECIAL EVENTS: THANKSGIVING, CHRISTMAS, GRADUATION  
 - PLAY EQUIPMENT: PLAY EQUIPMENT, SAND AREA, SWING SETS, KIDS TABLES AND CHAIRS, PLASTIC TOYS

## SITE INFO:

APN:121-410-030  
 4234 S. DEMAREE ST, VISALIA, CA.  
 EXISTING USE: VACANT  
 ZONING: R-15  
 SCHOOL SITE AREA: +/- 1.42 AC.

TELEPHONE: SBC TELEPHONE CO.  
 WATER: CALIFORNIA WATER SERVICE CO.  
 REFUSE: CITY OF VISALIA  
 SEWER: CITY OF VISALIA  
 STORM: CITY OF VISALIA  
 SOLID WASTE: CITY OF VISALIA  
 GAS: THE GAS CO.  
 POWER: SOUTHERN CALIF. EDISON CO.

## OWNER:

ACEVEDO HOMES INC. & JENNIFER ACEVEDO  
 4234 S. DEMAREE ST.  
 VISALIA, CALIF. 93277  
 homesjj28@gmail.com

## AGENT

STEPHEN O. SPARSHOTT  
 1206 W. EVANS  
 VISALIA, CALIF. 93277  
 Fourshot2@yahoo.com  
 559-679-7565

## GENERAL NOTES

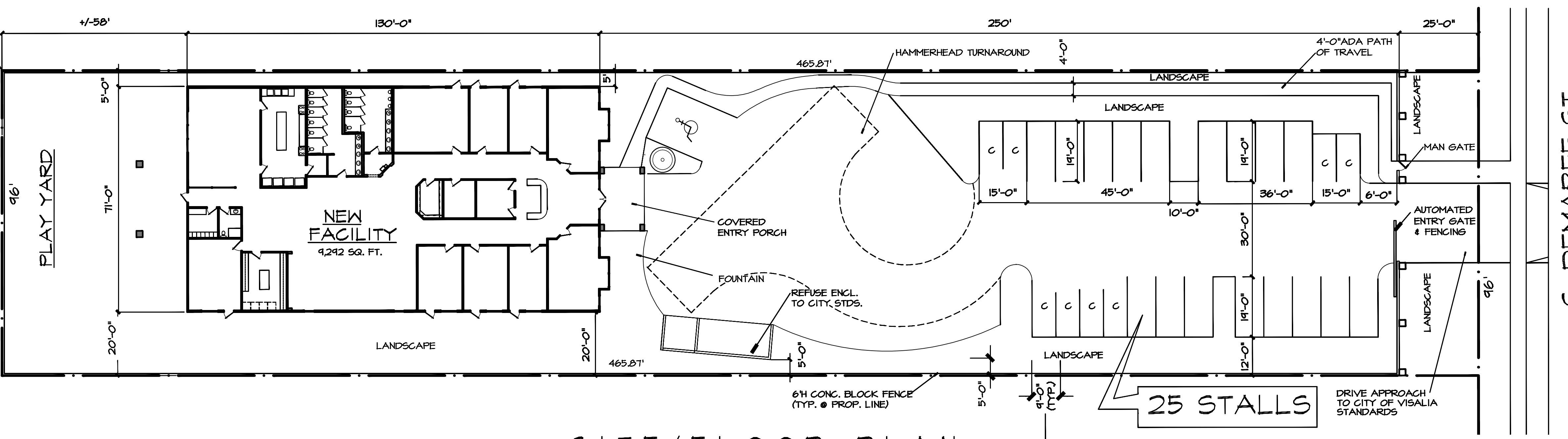
1. ALL WORK SHALL APPLY WITH APPLICABLE CODES & REGULATIONS, NOTHING IN THE DRAWINGS SHALL BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE APPLICABLE CODES AND REGULATIONS. 2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOBSITE AND TO CROSS CHECK ALL DETAILS AND DIMENSIONS SHOWN ON THE DRAWINGS. 3. SITE SIGNAGE TO BE UNDER SEPARATE PERMIT AND APPROVED BY THE CITY OF VISALIA.

## CODE COMPLIANCE

CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING PARTS OF TITLE 24.  
 CALIFORNIA CODE OF REGULATIONS (CCR).  
 -2022 BUILDING STANDARDS ADMINISTRATIVE CODE  
 -2022 CALIFORNIA BUILDING CODE (CBC)  
 -2022 CALIFORNIA ELECTRICAL CODE (CEC)  
 -2022 CALIFORNIA MECHANICAL CODE  
 -2022 CALIFORNIA PLUMBING CODE  
 -2022 CALIFORNIA FIRE CODE (CFC)  
 -2022 CALIFORNIA REFERENCED STANDARDS CODE  
 -2022 TITLE 19, CCR, PUBLIC SAFETY, CALIFORNIA STATE FIRE MARSHALL REGULATIONS.  
 -2022 CA GREEN BUILDING STANDARDS CODE.

## PARKING

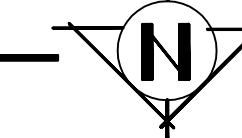
NEW BUILDING: 9,242 SQ. FT.  
 9 CLASSROOMS  
 4 OFFICES  
 ASSEMBLY: +/- 2912 SQ. FT.  
 PRE-SCHOOL: MAX 90 STUDENTS  
 9 STALLS  
 12 EMPLOYEES 12 STALLS  
 25 STALLS PROVIDED



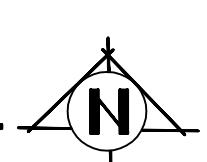
SITE / FLOOR PLAN

4234 S. DEMAREE VISALIA CA.  
 APN 121-410-030  
 FLOOR AREA: 9,230 SQ. FT.

Scale: 1"= 20'-0"



VICINITY MAP  
 4234 S. DEMAREE VISALIA CA.



A PRE-SCHOOL FACILITY FOR:  
 HAPPY HEARTS PRESCHOOL  
 CA.  
 4234 S. DEMAREE  
 VISALIA

SHEET  
 OF

DESIGN & DRAFTING  
 1206 W. EVANS  
 VISALIA, CALIF. 93277  
 559-679-7565

STEPHEN O. SPARSHOTT

✓

✓

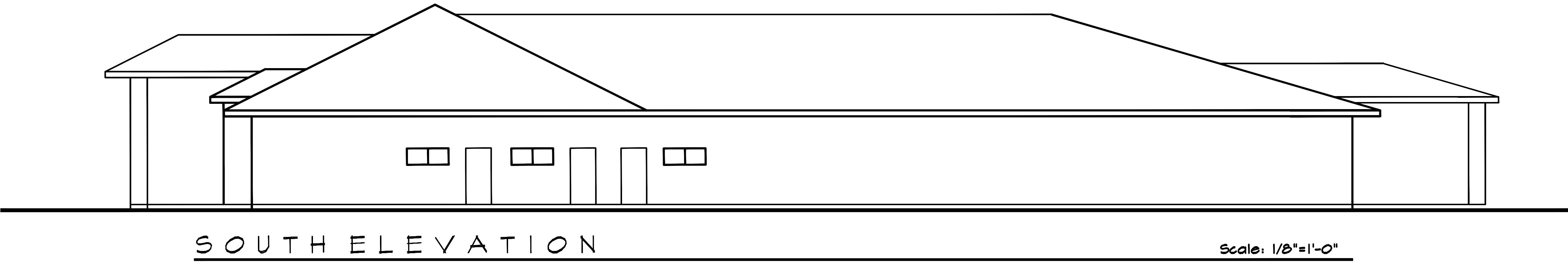
✓

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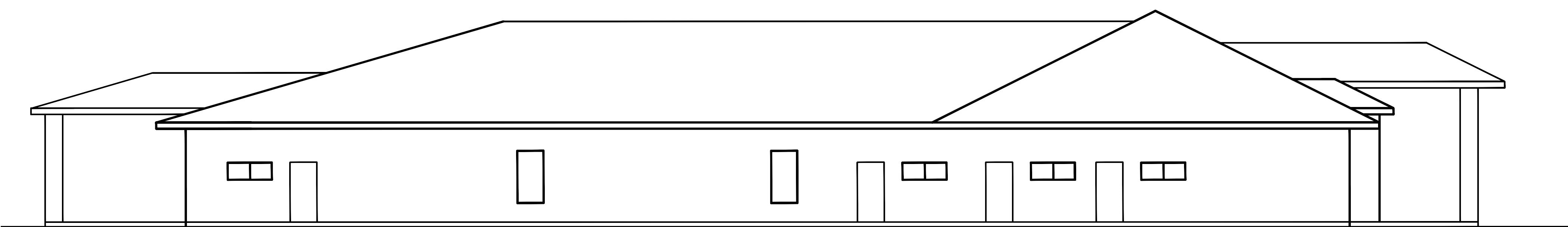
✓

✓



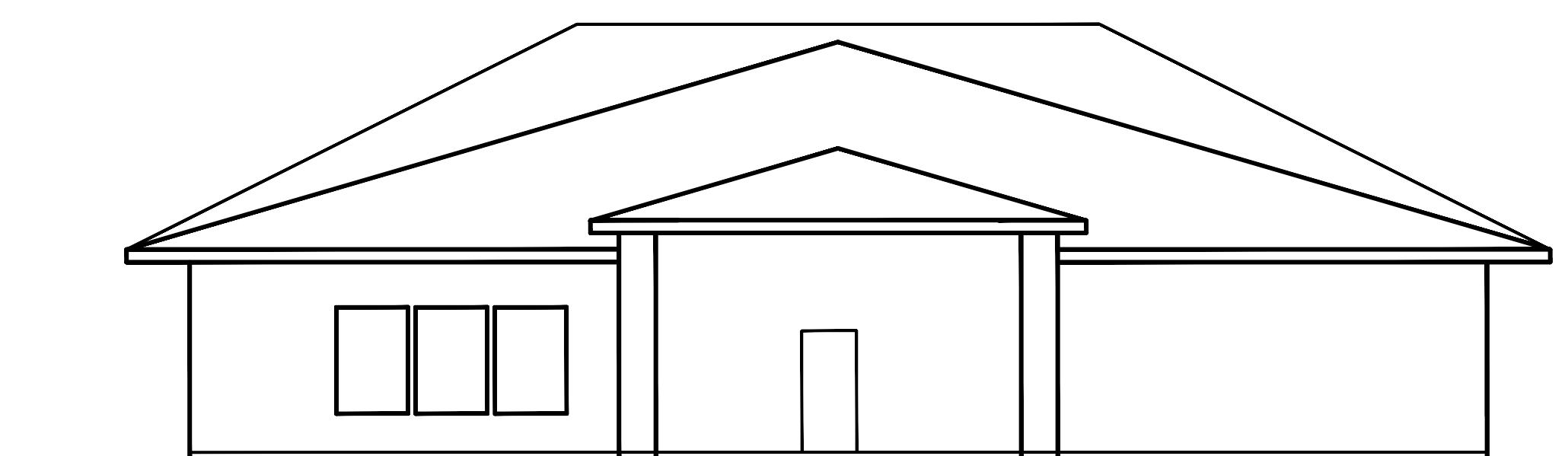
## SOUTH ELEVATION

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



# NORTH ELEVATION

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



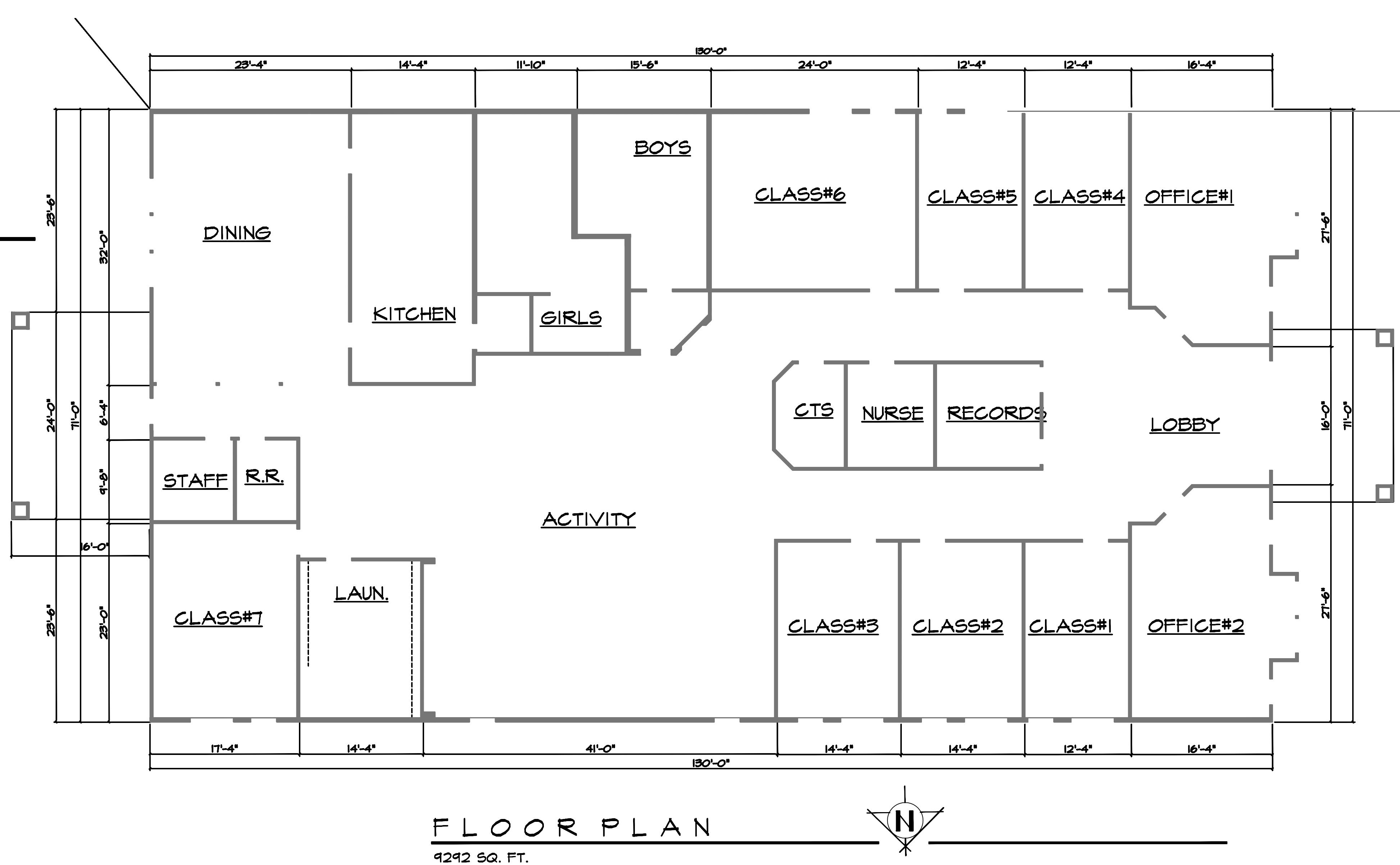
## EAST ELEVATION

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



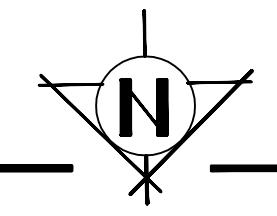
## WEST ELEVATION

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



## FLOOR PLAN

9292 SQ. FT.



*1-entd*

DESIGN & DRAFTING  
1206 W. EVANS  
SALINA, CALIF. 93277  
◆ 559-679-7565

STEPHEN O. SPARSHOTT

A PRE-SCHOOL FACILITY FOR:  
HAPPY HEARTS PRESCHOOL  
4234 S. DEMAREE VISALIA, CA.

# SHEET OF

# Exhibit "C"

## OPERATIONAL STATEMENT

- MAXIMUM STUDENTS: ..... 90
- CHILDRENS AGE: ..... 2-6 YEARS OLD
- STAFF: ..... 1 SUPERVISOR 6 TEACHERS  
3 TEACHERS AIDS 2 KITCHEN STAFF
- DAYS OF OPERATION..... MONDAY - FRIDAY
- STAGGERED STUDENT DROP-OFF/PICK-UP ..... 6:45 AM - 6:15 PM  
\*TO BE ESTABLISHED AND DEFINED TO (3) 1/2 HR. WINDOWS.  
+/- 23 DROP OFF SPACES & 15 OPEN STALLS
  - DROP-OFF 6:45-7:15 AM  
7:15-7:45 AM  
7:45-8:15 AM
  - PICK-UP 6:45-5:15 PM  
5:15-5:45 PM  
5:45-6:15 PM
- WORKING HOURS: ..... 6:45 AM - 6:15 PM
- KITCHEN STAFF: ..... 9:30 AM - 3:30 PM
- SLIDING ENTRY GATE/MAN GATE W/ KEYPAD, OPEN ..... 6:45 AM - 6:15 PM
- DELIVERIES ..... 2 TIMES WEEKLY
- SPECIAL EVENTS..... THANKSGIVING, CHRISTMAS, GRADUATION
- PLAY EQUIPMENT ..... PLAY EQUIPMENT : SAND AREA, SWING SETS  
KIDS TABLES AND CHAIRS, PLASTIC TOYS

A PRE-SCHOOL FACILITY FOR:

## HAPPY HEARTS PRESCHOOL

4234 S. DEMAREE

VISALIA,

CA.

SPR 24-058/CUP 2024-20 9/16/24



# Exhibit "E"

## Colleen Moreno

---

**From:** Mike Owens <catalina.mike@gmail.com>  
**Sent:** Wednesday, November 6, 2024 6:23 AM  
**To:** Planning  
**Subject:** Conditional Use Permit 2024-20

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Some people who received this message don't often get email from catalina.mike@gmail.com. [Learn why this is important](#)

I am against this application for the following reason. Changing the use to a school will impact the commercial businesses in the area. With it being a school this prohibits people with certain records and being rehabilitated from being by the school. We currently do not have a business that does provide this service but we have in the past. This will limit the tenants that can operate out of our building and as such effect the marketability of our building to future tenants.

Mike Owens

4144 S Demaree St

Visalia, CA 93291



May 15, 2024

### Site Plan Review No. 2024-058-1:

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 **April 17, 2024**. 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,

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

#### Attachment(s):

- Site Plan Review Comments

# *City of Visalia*

315 E. Acequia Ave., Visalia, CA 93291



## *Planning Division*

*Tel: (559) 713-4359; Fax: (559) 713-4814*

MEETING DATE	April 17, 2024
SITE PLAN NO.	2024-058-1
PARCEL MAP NO.	
SUBDIVISION	
LOT LINE ADJUSTMENT NO.	

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

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

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

<input type="checkbox"/> Planning	<input type="checkbox"/> Engineering prior to resubmittal plans for Site Plan Review.	
<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Parks and Recreation	<input type="checkbox"/> Fire Dept.

**REVISE AND PROCEED (see below)**

- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL  REDEVELOPMENT

PLANNING COMMISSION  PARK/RECREATION

**CONDITIONAL USE PERMIT (CUP) REQUIRED**

HISTORIC PRESERVATION  OTHER:

**ADDITIONAL COMMENTS:**

SEE ATTACHED COMMENTS

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

# SITE PLAN REVIEW COMMENTS

Colleen A. Moreno, Planning Division, 559-713-4031

Date: April 17, 2024

SITE PLAN NO: 2024-058-1  
PROJECT TITLE: Happy Hearts Preschool  
DESCRIPTION: 120 student preschool for 2-6 year olds.  
APPLICANT: Steve Sparshott  
LOCATION: 4234 S DEMAREE ST  
APN TITLE: 121-410-030  
GENERAL PLAN: RLD (Low Density Residential)  
EXISTING ZONING: R-1-5 (Single Family Residential)

## Planning Division Recommendation:

- Revise and Proceed
- Resubmit

Refer to SPR24-031 from the  
February 21, 2024 Site Plan Review  
Meeting for additional comments.

## Project Requirements

- Conditional Use Permit
- Building Permit

## PROJECT SPECIFIC INFORMATION: April 17, 2024

1. A conditional use per (CUP) shall be required as VMC 17.12.040.B lists day care facilities for more than 14 children as conditionally permitted and VMC 17.12040 states, residential structures and accessory buildings totaling more than ten thousand square feet as conditionally permitted.
2. 25 parking stalls are provided, therefore parking for the number of employees and participant attendance meets the requirement of 24 stalls.
3. With CUP submittal an operational statement detailing operations of daycare center, hours of operation, drop-off and pick-up hours, and detail on how the automated gate will operate with customers.
4. Note the location, material, and height of all existing and proposed fencing. Indicate how the automated gate will work with customers and for Solid Waste refuse collection (i.e. only with a code, sensor operational during operational hours, etc.).
5. Staff recommends trash enclosure not be located near neighboring residential property lines.
6. A block wall shall be required on the north property line.
7. Comply with the setback requirements for R-1-5 Zone: 15-ft minimum front, 5-ft minimum side and 25-ft minimum rear.
8. All signage shall require a separate Building Permit submittal.
9. Obtain a Building Permit.
10. Comply with all other comments, codes, laws and ordinances.

## PROJECT SPECIFIC INFORMATION: March 27, 2024

1. VMC 17.12.040.B lists day care facilities for more than 14 children as conditionally permitted and VMC 17.12040 states, residential structures and accessory buildings totaling more than ten thousand square feet as conditionally permitted.
2. A Conditional Use Permit (CUP) shall be required.
3. VMC 17.34.020.C.1 prescribes parking for the use as one parking space for each employee plus one parking space for each ten children, therefore 24 parking stalls are required.
4. A Floor Plan for all buildings to be used for the day care/preschool, and proposed residential use (if any), indicate dimensions, use of rooms and restrooms.
5. Operational statement detailing operations of daycare center, hours of operation, especially drop-off and pick-up plan such as hours and circulation, and residential use (if any) on the site.

6. Note the location, material, and height of all existing and proposed fencing. Indicate how the automated gate will work with customers and for Solid Waste refuse collection (i.e. only with a code, sensor operational during operational hours, etc).
7. Site Plan indicating location and height of shade structure and playground equipment located to the rear of the proposed facility (12-foot height maximum for all accessory structures) and additional residence (if any).
8. Staff recommends trash enclosure not be located near neighboring residential property lines.
9. A block wall shall be required on the north property line.
10. Comply with the setback requirements for R-1-5 Zone: 15-ft minimum front, 5-ft minimum side and 25-ft minimum rear.
11. All signage shall require a separate Building Permit submittal.
12. Obtain a Building Permit.
13. Comply with all other comments, codes, laws and ordinances.

**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.

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

- **17.12 Single-Family Residential Zone**
- **17.34 Off-street parking and loading facilities**
- **17.48 Signs**

Accessible at <https://codelibrary.amlegal.com/codes/visalia/latest/overview>

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

Signature \_\_\_\_\_




**BUILDING/DEVELOPMENT PLAN**  
**REQUIREMENTS**  
**ENGINEERING DIVISION**

<input type="checkbox"/>	Lupe Garcia	713-4197
<input type="checkbox"/>	Keyshawn Ford	713-4268
<input type="checkbox"/>	Edelma Gonzalez	713-4364
<input checked="" type="checkbox"/>	Sarah MacLennan	713-4271
<input type="checkbox"/>	Luqman Ragabi	713-4362

ITEM NO: 1 DATE: April 17, 2024

SITE PLAN NO.: 24-058-1  
PROJECT TITLE: HAPPY HEARTS PRESCHOOL  
DESCRIPTION: 120 STUDENT PRE SCHOOL 2-6 YEARS OLD.  
APPLICANT: STEVE SPARSHOTT  
PROP OWNER: ACEVEDO JENNIFER S  
LOCATION: NE OF DEMAREE AND VISALIA PARKWAY  
APN: 121-410-030

## SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with              radius;

Install curb;               gutter

Drive approach size:               Use radius return; **PER CITY STDS**

Sidewalk: 7' width;  5' parkway width at

Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.

Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.

Right-of-way dedication required. A title report is required for verification of ownership.

Deed required prior to issuing building permit;

City Encroachment Permit Required. **FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**

Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.

CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;

Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.

Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.

Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.

Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 20%, V-gutter = 0.25%)

Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

Traffic indexes per city standards:

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

**Additional Comments:**

1. *Proposed project will incur impact fees.*
2. *A building permit is required, standard plan check and inspection fees will apply.*
3. *Provide boundary line with dimensions of the entire parcel. Underlying parcel map will need to be recorded before permit final.*
4. *Site Plan shows northern portion of lot to be this development where existing home is located. If this is southern portion of lot, update layout.*
5. *At time of development, applicant will be required to install public improvements along parcel frontage. Improvements include 7' sidewalk, 5' parkway with street trees and drive approach and extend sewer main across property frontage.*
6. *Comply with Parking lot standards PK-1 to PK-4. Provide accessible parking stall and aisles per standards.*
7. *New Development to comply with current accessibility standards onsite and in public right of way. Provide accessible route to the public right of way.*
8. *Provide accessible path of travel from the parking lot to the building entrance and to the public right of way.*
9. *Any backflows or fire apparatus will need to be installed on private property.*
10. *Allow for proper turn around space outside of gate. No vehicle shall backup into right of way.*

## SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **24-058-1**  
Date: **04/17/2024**

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

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

(Fee Schedule Date: **08/19/2023**)

(Project type for fee rates: **INSTITUTIONAL/DAY CARE**)

Existing uses may qualify for credits on Development Impact Fees.

<b>FEE ITEM</b>	<b>FEE RATE</b>
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	<b>\$1,568/ACRE</b>
<input checked="" type="checkbox"/> Transportation Impact Fee	<b>\$5,390/KSF</b>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	<b>\$18.80/student</b>
<input checked="" type="checkbox"/> Treatment Plant Fee	<b>\$39/student</b>
<input type="checkbox"/> Sewer Front Foot Fee	
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	<b>\$5,915/ACRE</b>
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	<b>\$4,338/ACRE</b>
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	<b>\$1,214/ACRE</b>
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	<b>\$2,298/ACRE</b>
<input checked="" type="checkbox"/> Public Facility Impact Fee	<b>\$33.84/student</b>
<input type="checkbox"/> Parking In-Lieu	

### **Reimbursement:**

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

*Sarah MacLennan*

**Sarah MacLennan**

City of Visalia  
**Building: Site Plan**  
**Review Comments**

SPR24053-1  
Happy Hearts Preschool  
4234 S Demaree

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.

**You are responsible to ensure compliance with the following checked items:**

- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*

Project is located in flood zone \_\_\_\_\_ \*  Hazardous materials report.

Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*

School Development fees. **COMMERCIAL: 0.78 PER S.F.**

Park Development fee \$ \_\_\_\_\_, per unit collected with building permits.

Additional address may be required for each structure located on the site. *For information call (559) 713-4320*

Acceptable as submitted

No comments at this time

Additional comments: **BUILDING SHALL BE EQUIPPED WITH A FIRE ALARM SYSTEM. ALL CLASSROOMS REQUIRE TWO EXITS. CORRIDORS SHALL BE 72" MIN. WIDE AND 1 HR FIRE RATED CONSTRUCTION. PROVIDE TYPE I HOOD AND INCAROUND CARBONATE INTERCEPTOR. PROVIDE AN ACCESSIBLE ROUTE TO THE PUBLIC-WAY. PROVIDE (PV) SOLAR AND BATTERY STORAGE SYSTEM AND (4) EV CAPABLE PARKING STALLS.**

**Site Plan Comments**

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

Date April 17, 2024  
Item # 1  
Site Plan # 24058-1  
APN: 121410030

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- This item is a **resubmittal**. Please see comments from previous submittals.

  
Corbin Reed  
Fire Marshal



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

Date: 04/17/24  
Item: 1  
Site Plan: SPR24058-1  
Name: Robert Avalos

#### Site Plan Review Comments

No Comment at this time.

Request opportunity to comment or make recommendations as to safety issues as plans are developed.

Public Safety Impact Fee:  
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code  
Effective date - August 17, 2001.

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure or improvement previously existed. \*Refer to Engineering Site Plan comments for fee estimation.

Not enough information provided. Please provide additional information pertaining to:

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

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Access Controlled/ Restricted etc.

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lighting Concerns:

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Traffic Concerns:

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Surveillance Issues:

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Line of Sight Issues:

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Other Concerns:

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# **SITE PLAN REVIEW COMMENTS**

## **CITY OF VISALIA TRAFFIC SAFETY DIVISION**

**April 17, 2024**

<b>ITEM NO: 1</b>	<b>Added to Agenda</b>	<b>MEETING TIME: 09:00</b>
<b>SITE PLAN NO: SPR24058-1</b>		<b>ASSIGNED TO: Colleen Moreno <a href="mailto:Colleen.Moreno@visalia.ci">Colleen.Moreno@visalia.ci</a></b>
<b>PROJECT TITLE: HAPPY HEARTS PRESCHOOL</b>		
<b>DESCRIPTION: 120 student pre-school for 2-6 year olds.</b>		
<b>APPLICANT: Steve Sparshott - Applicant</b>		
<b>OWNER: ACEVEDO JENNIFER S</b>		
<b>APN: 121410030</b>		
<b>ADDRESS: 4234 S DEMAREE ST</b>		
<b>LOCATION: 4234 S. DEMAREE</b>		

### **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:**

- Demaree is an arterial status roadway. No backing up onto Demaree will be allowed at entrance gate. Provide additional
- No queueing shall be permitted onto public right of way. Staggered arrival and dismissal times may be required. Provide plan to mitigate in event this occurs. Will gate be open during school hours?
- Provide traffic circulation plan for pick up and drop off times.

*Leslie Blair*  
**Leslie Blair**

## Susan Currier

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**From:** Lau, Scott@DOT <Scott.Lau@dot.ca.gov>  
**Sent:** Tuesday, April 16, 2024 11:43 AM  
**To:** Susan Currier  
**Cc:** Colleen Moreno; Duran, Braden@DOT  
**Subject:** Caltrans response to Visalia SPR Agenda 041724

Hi,

I have reviewed the Visalia SPR Agenda for April 17, 2024, and here are my findings:

1. SPR 24058-1 –Happy Hearts Preschool: No comments.
2. SPR 24076 – Aesthetics by Nikki: No comments.
3. SPR 24077 – Freedom Worship Center: No comments.
4. SPR 24013-1 – Oak Grove Substation: No comments.
5. SPR 23126-1 – Split Dwelling: No comments.
6. SPR 24071 – Fix Auto Visalia: No comments.
7. SPR 24073 – Live Entertainment Alcohol Signage: No comments.
8. SPR 24075 – Bello Self Storage: No comments.
9. SPR 24078 – Glide Express Car Wash: No comments.

Respectfully,

**Scott Lau**  
**Associate Transportation Planner**  
California Department of Transportation  
District 6 Transportation Planning – Regional  
1352 West Olive Ave, Fresno, CA 93728  
Phone: 559.981.7341  
Web: [Caltrans District 6](http://Caltrans District 6)





## CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive  
Visalia, CA 93292 Tel: (559) 624-1600

### Site Plan Review Comments From:

California Water Service  
Scott McNamara, Superintendent  
216 N Valley Oaks Dr.  
Visalia, CA 93292  
559-624-1622 Office  
[smcnamara@calwater.com](mailto:smcnamara@calwater.com)

Date: 04/17/2024

Item # 1

Site Plan # 24-058

Project: Happy Hearts Pre-School

Description: 120 Student Pre-School Facility

Applicant: Steve Sparshott

APN: 121-410-030

Address: 4234 S Demaree

### The following comments are applicable when checked:

No New Comments

**Water Mains:**

*Comments:*

**Water Services:**

***Comments:*** Existing service(s) at this location. The following will be paid for by the property owner/developer: Any additional service's that are required for the project, the relocation of any existing service that is to land within a new drive approach, the abandonment of any existing service that is not utilized, and if the existing service(s) is not sufficient in size to meet the customer's demand, the installation of the correct size service and the abandonment of the insufficient size service.

**Fire Hydrants:**

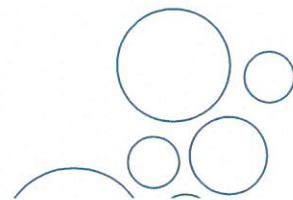
***Comments:*** Fire hydrants will be installed per the Visalia Fire Departments requirements. If fire hydrants are required for your project off an existing water main, Cal Water will utilize our own contractor (West Valley) for installation. This work will be paid for by the property owner/developer.

**Backflow Requirements:**

***Comments:*** A backflow is required if any parcel is for multi-family, commercial, or has multiple services. Please contact Cross Connection Control Specialist Juan Cisneros at 559-624-1670 or [visaliabackflow@calwater.com](mailto:visaliabackflow@calwater.com) for a backflow install packet.

### Additional Comments:

Please contact New Business Superintendent Sedelia Sanchez at 559-624-1621 or [ssanchez@calwater.com](mailto:ssanchez@calwater.com) to start you project with Cal Water.



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

24058-1

No comments.

April 17, 2024

XX

See comments below

Revisions required prior to submitting final plans. See comments below.

Resubmittal required. See comments below.

XX

Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers

XX

ALL refuse enclosures must be city standard R-1 OR R-2 & R-3 OR R-4

XX

Customer must provide combination or keys for access to locked gates/bins

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure insufficient to comply with state recycling mandates. See comments for suggestions.

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.

XX

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

XX

Bin enclosure gates are required

XX

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

XX

Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.

XX

Area in front of refuse enclosure must be marked off indicating no parking

XX

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.

Customer will be required to roll container out to curb for service.

XX

Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

XX

City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

Solid waste collection services to include trash, recycling, and organic recycling, per the State of California's mandatory recycling laws (AB341 & AB1826). The proposed city standard solid waste bin enclosures look good for STAB load collections. Enclosure gates are required and must swing 180 degrees, clearing all curbing. Cane bolts must be set beyond 90 degrees to secure gates when opened.

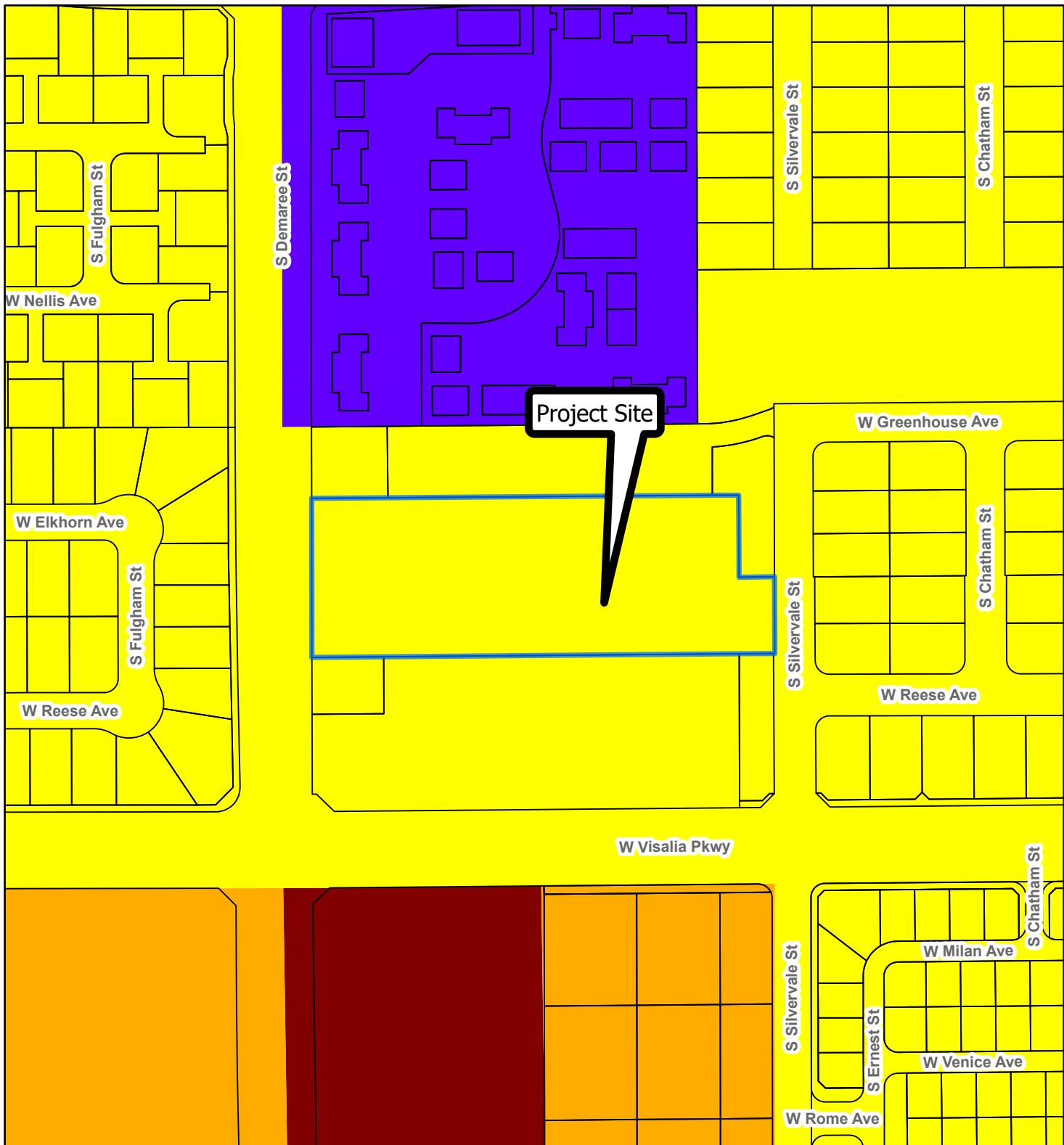
Comment

Jason Serpa, Solid Waste Manager, 559-713-4533

Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532

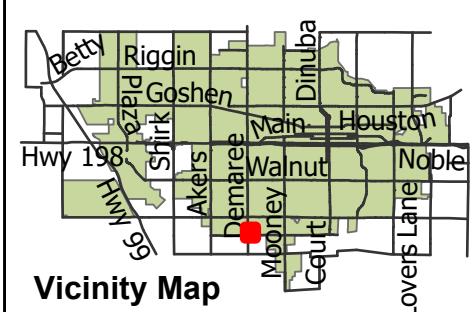


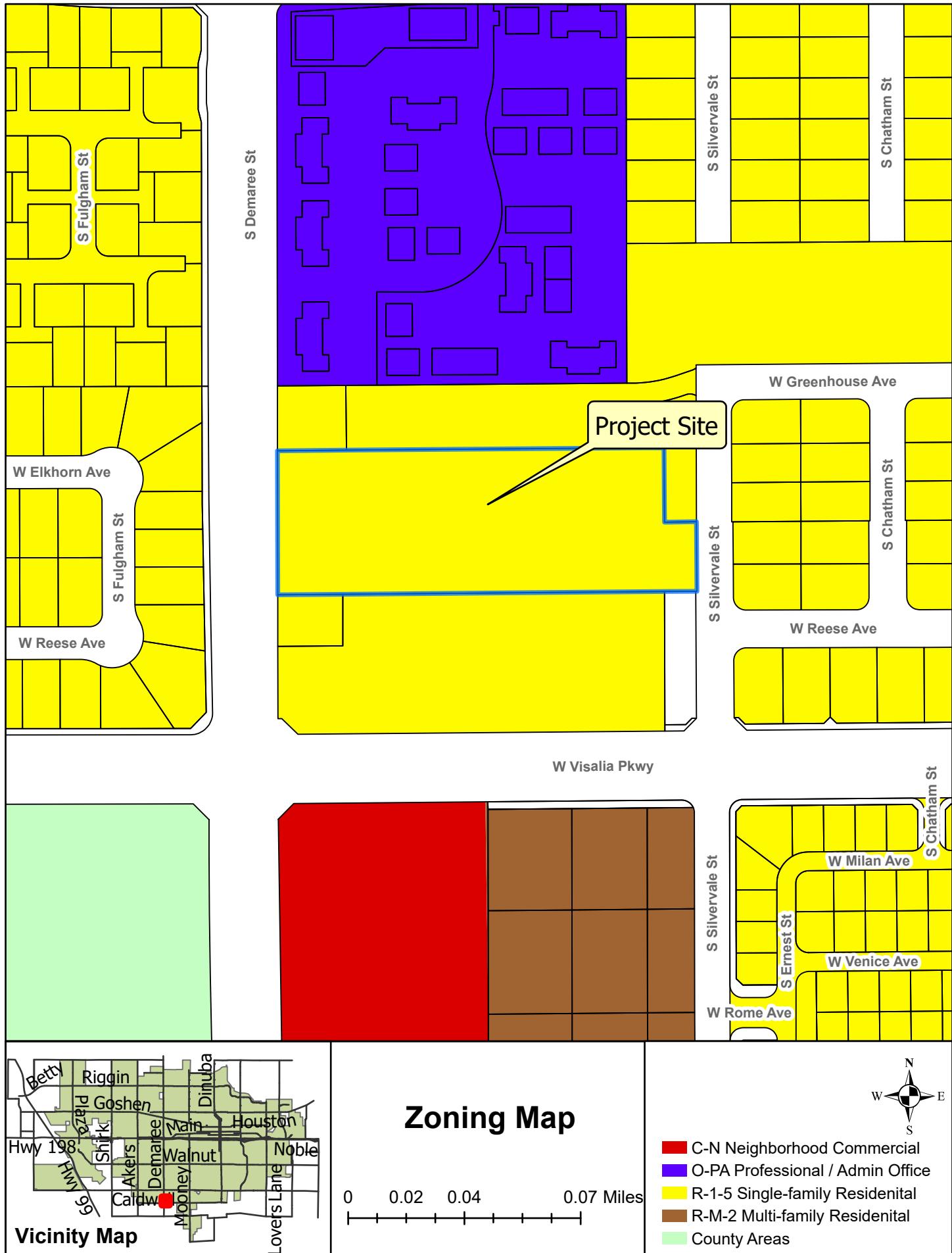


## General Plan Land Use Map

0 0.02 0.04 0.07 Miles

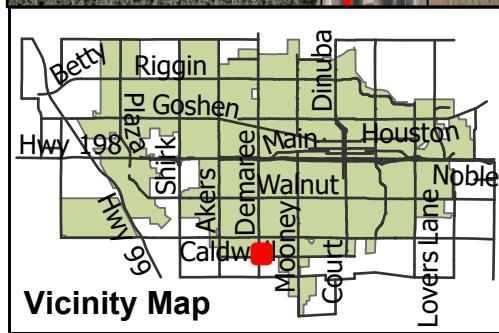
- Commercial Neighborhood
- Office
- Residential Low Density
- Residential Medium Density





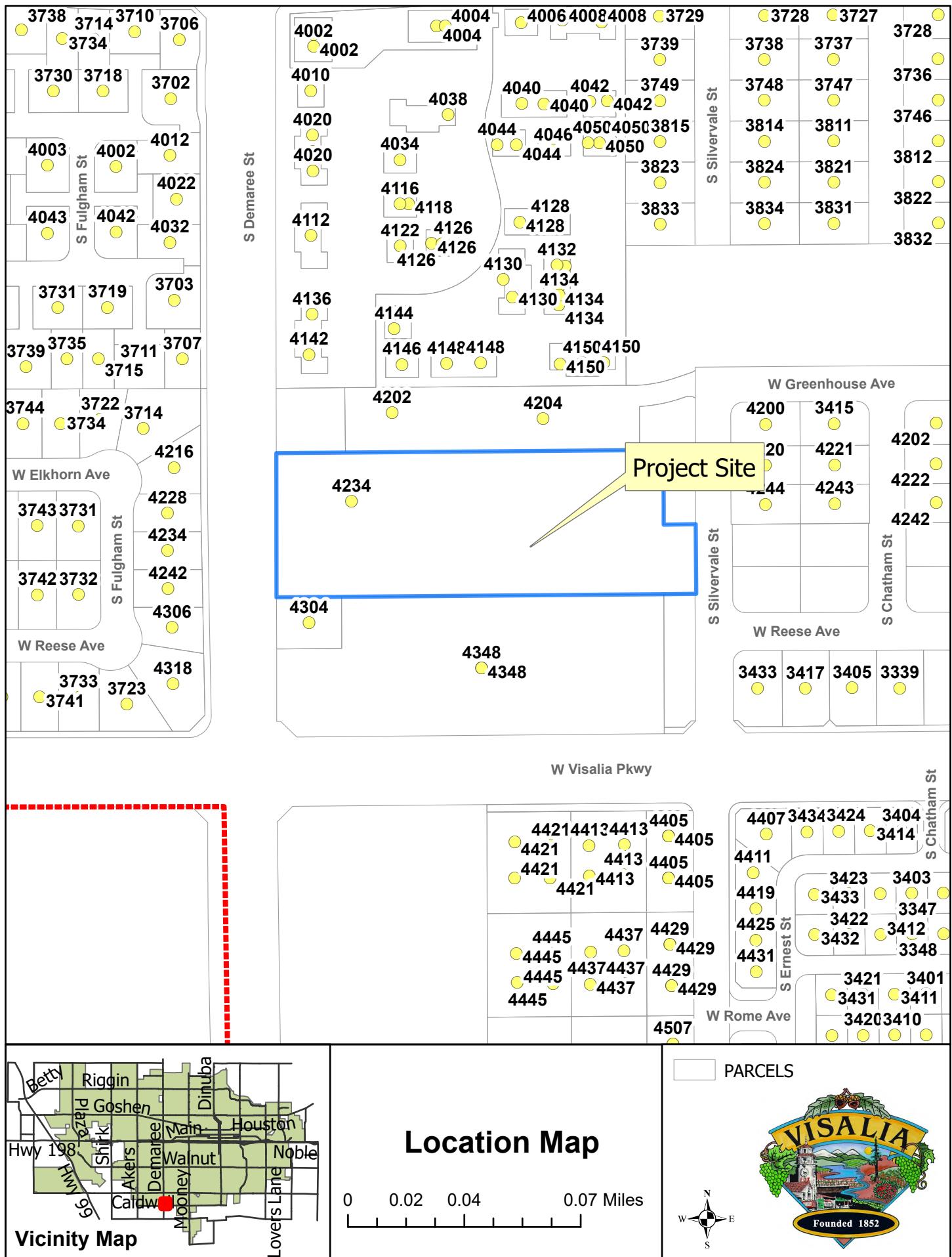


**Aerial Map**



0 0.02 0.04 0.09 Miles







# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** November 12, 2024

**PROJECT PLANNER:** Colleen A Moreno, Assistant Planner  
Phone No.: (559) 713-4031  
E-mail: [colleen.moreno@visalia.city](mailto:colleen.moreno@visalia.city)

**SUBJECT:** **Conditional Use Permit No. 2024-38:** A request to establish Claryn Wellness, a massage therapy and skin care business within an existing tenant space in the C-MU (Mixed Use Commercial) zone. The site is located at 538 South Lovers Lane (APN: 101-030-021).

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-38 based on the findings and conditions in Resolution No. 2024-64. Staff's recommendation is based on the project's consistency with the Visalia General Plan and the Zoning Ordinance.

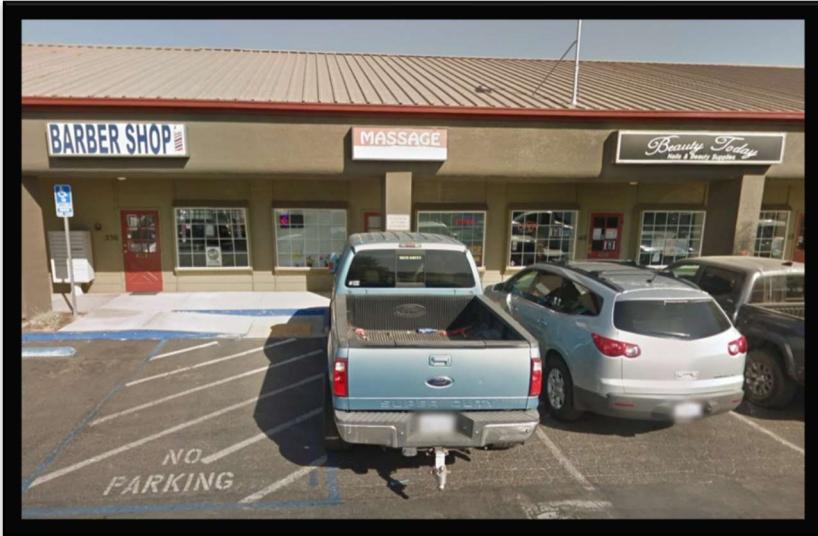
## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-38 based on the findings and conditions in Resolution No. 2024-64.

## PROJECT DESCRIPTION

Conditional Use Permit No. 2024-38 is a request to establish Claryn Wellness, a massage and skin care establishment within an existing 1,000 square foot tenant space located at 538 South Lovers Lane. Claryn Wellness will provide an extensive menu of massage therapy and facial treatments performed by experienced and certified massage therapists and estheticians, each specializing in their respective modalities. Claryn Wellness operates as a sole proprietorship owned by Chun-Fan Yao, who has worked as a certified massage therapist at spas throughout California for over twenty years; she has recruited an office manager, Beatrice Yao, to oversee daily operations. The office manager has over ten years' experience as an administrative assistant and esthetician at beauty spas in San Gabriel, California. Her duties will include the handling and scheduling of client schedules and tasks as well as providing skin care services.

The proposed site for Claryn Wellness is located within a shopping center (Exhibit "A") and includes an additional thirteen individually operated tenant spaces of various businesses. Directly adjacent to the proposed tenant space on both sides are two currently occupied businesses, a beauty salon to the south and a barber shop to the north. The proposed massage and skin care use will have primary frontage within the shopping center facing South Lovers Lane and will have a primary point of entry independent of the other tenant spaces.



The floor plan (Exhibit "B") details three beauty treatment rooms that will be utilized for massage and facial use. Of the three rooms, two will have two massage tables that will be utilized for massage therapy and the third room will only have one table, that will be utilized for facial skin care services. The floor plan also details a waiting room area with a reception desk, a hallway that leads to the three treatment rooms, an employee break area, a storage room and a single-stall restroom. There are no exterior modifications proposed to this space. Any interior improvements including the construction of interior partition walls will require the submittal of a building permit along with building plans to be reviewed and approved by the City.

The applicant has provided an operational statement (Exhibit "C") indicating that Claryn Wellness will potentially be hiring eight employees, with a maximum of five employees per scheduled shift. The applicant has also stated that all staff members will be licensed and certified and comply with all rules and regulations, which is in accordance with the Visalia Municipal Code Title 5 Massage Establishments Ordinance. The hours of operation will be every day of the week, 9:00 a.m. to 7:00 p.m. The services provided include a variety of massage therapies and facial treatments, the applicant has also stated that skin and body care products such as skin care supplies, beauty boutique items and custom gifts will be available for retailing. Customers will be accepted by both walk-ins and appointments.

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Mixed Use Commercial
Zoning:	C-MU (Mixed Use Commercial)
Surrounding Zoning and Land Use:	<p>North: Highway 198</p> <p>South: C-MU / Arco Gas Station &amp; Convenience Store</p> <p>East: C-MU / Vacant parcel with drive aisle</p> <p>West: C-MU / 7-11 Gas Station &amp; Convenience Store</p>
Environmental Document	Categorical Exemption No. 2024-55
Site Plan:	2024-214

## PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2024-38, as conditioned, based on the project's consistency with the General Plan Land Use and the Zoning Ordinance.

### Land Use Compatibility

The Visalia Zoning Matrix identifies massage therapists as conditionally permitted within the C-MU Zone, requiring submittal and approval of a Conditional Use Permit (CUP). Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. *"Conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. The Planning Commission is empowered to grant or deny applications for conditional use permits"* (VMC 17.38.010).

The project site lies within a shopping center with a barbershop and beauty salon directly adjacent to the proposed site, which is considered a similar use. The shopping center also encompasses 13 other tenant spaces such as a quick-serve restaurant, wireless phone store, and smoke shop. The proposed site is approximately 481 feet from the nearest multi-family residential home located east of the site, bordering the site directly east, is a vacant parcel with a drive aisle that provides access to the Arco Gas Station from Noble Avenue.

Staff concludes that the project, as conditioned, is consistent with the land use given the areas' land use and zoning designations. The proposed use will not have a negative impact on the project site and surrounding area.

### **Previous Use of Tenant Space**

The tenant space requested by this applicant was previously occupied by a different massage establishment, Oasis Spa. This establishment was operating prior to the 2017 comprehensive zoning ordinance update that required a conditional use permit for massage establishments in the C-MU zone. On June 13, 2024, a Code Enforcement inspection on the Oasis Spa was conducted. The result of this inspection identified multiple code violations. The business owner of the Oasis Spa elected to vacate the tenant space rather than address the building violations. Due to this vacancy, the applicant for Claryn Wellness has filed their application to reoccupy the tenant space. The new business owner is fully aware of the City's ordinances and requirements for operating a massage establishment in the City of Visalia and has filed all necessary paperwork and provided their certifications as part of the Business Tax Certification process, including their CAMTC (California Massage Therapy Council) certification which is attached to this report as Exhibit D. Condition No. 4 is also included for the Planning Commission's consideration which requires all massage therapists of Claryn Wellness be certified through the California Massage Therapy Council (CAMTC) and name the city of Visalia as the location of employment. Verification of this requirement is done during the business tax certification process which is overseen by the Business Tax Division with approval sign offs on business tax certificates also reviewed and approved by the Planning Division.

### **Urgency Interim Ordinance**

Due to a recent increase in request for CUPs to operate massage establishments, Council approved the urgency interim ordinance at the June 6, 2024 Council meeting. The interim Ordinance No. 2024-05 now requires a CUP in all zones within the city as well as additional conditions to limit the use of illicit activity within the establishments.

The urgency ordinance does not establish buffering distance requirements regarding massage establishments near schools and residential neighborhoods, however additional conditions were added to reduce the *"proliferation of illicit uses that could result in negative impacts to the public's peace, health, safety, and welfare"* (VMC Ordinance No. 2024-03.1.G.). The additional business regulations established under the urgency ordinance include limiting multiple massage establishments in one area by adopting a 750-foot radius from another massage establishment, not allowing the blocking of windows, maintaining sufficient lighting within the establishment, prohibiting living quarters on the premises, allowing inspections from City staff, and prohibiting the consumption or possession of alcohol by any person on the premises.

The additional regulations are adopted in an effort to reduce the potential for criminal and unsafe activity at locations as well as provide safety measures that will prohibit establishments from becoming business fronts for illicit activity.

### **Conditional Use Permit Revocation Process**

Pursuant to Visalia Municipal Code Section 17.38.040, a failure by the owner/operator to comply with the conditions of project approval will result in a Notice of Conditional Use Permit Suspension Order to Cease and Desist. The City of Visalia has the authority to automatically suspend a conditional use permit for failure to comply with the condition(s) of the permit. Upon suspension the Planning Commission shall hold a public hearing within 60 days, in accordance with the public hearing notice procedures. If the Commission is not satisfied that the regulation, general provisions, or applicant's ability to meet the conditions, they may revoke the permit or take action as may be necessary to ensure compliance with the regulation, general provision, or condition(s).

## **Parking**

Pursuant to Section 17.34.020 of the Zoning Ordinance, similar uses such as barber shops and beauty salons require two (2) spaces per practitioner, with a minimum of four (4) spaces.

The proposed site is within a shopping center that provides shared parking for all uses within the center, therefore the shopping center provides ample parking for the use.

## **Environmental Review**

The requested action is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) Categorical Exemption No. 2024-55.

### **RECOMMENDED FINDINGS**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible with the conditions of Project Approval of the conditional use permit.
4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) Categorical Exemption No. 2024-55.

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-214, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in Exhibits "A", "B", and "C". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. That the hours of operation for the massage establishment will be 9:00 a.m. – 7:00 p.m., daily.
4. That all massage therapists of Claryn Wellness be certified through the California Massage Therapy Council (CAMTC) and name the city of Visalia as the location of employment.
5. That the number of employees do not exceed eight employees. Any changes to the number of employees will require an amendment to this Conditional Use Permit.
6. That all exterior windows fronting a public street, highway, walkway, or parking area shall not block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.
7. All front, reception, hallway, or front exterior doors except back or rear exterior doors used for employee entrance to and exit from the massage establishment shall be kept unlocked during business hours.
8. No massage shall be given within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked, unless the only door is an exterior door.

9. Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.
10. Living Quarters are prohibited. No person or persons shall be allowed to reside, dwell, occupy, or live inside a massage establishment at any time. Beds and floor mattresses shall not be permitted on the premises.
11. The operator and/or on duty Responsible Employee consents to the inspection of the massage establishment by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this ordinance or other applicable laws or regulations are met.
12. The City's Building and Safety Division, Code Enforcement Division, Fire Department, and Police Department and the County Health Department, may, from time to time, make unannounced inspections of each massage establishment for the purpose of determining that the provisions of this chapter, State laws or other applicable laws or regulations are met.
13. No person shall enter, be or remain in any part of a Massage Establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs.
14. The Owner, Operator, or Responsible Managing Employee shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.
15. No massage establishment shall operate a school of massage or use the same facilities as that of a school of massage.
16. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
17. Any hook-ups and/or alterations to the tenant space, such as washing machine and/or dryer, shall require a separate City of Visalia Building Permit.
18. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2024-38, per Visalia Municipal Code Section 17.38.040.
19. That all other federal, state and city laws, codes and ordinances be complied with, including Chapter 5.68 Massage Establishments, of the City of Visalia.

### **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 North Santa Fe Street, Visalia California. 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 No. 2024-64
- Exhibit A – Site Plan
- Exhibit B – Floor Plan
- Exhibit C – Operational Statement
- Exhibit D – California Massage Therapy Council (CAMTC) Certification of Applicant
- Exhibit E – Ordinance No. 2024-03
- Site Plan Review Comments
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Location Map

**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

Conditional Use Permit No. 2024-38

**PROJECT TITLE**

538 South Lovers Lane (APN: 101-030-021)

**PROJECT LOCATION**

Visalia

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

A request to establish Claryn Wellness, a massage therapy and skin care business within an existing tenant space in the C-MU (Mixed Use Commercial) zone.

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

City of Visalia

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Chun-Fan Yao, 2241 S. Valley St., Visalia CA 93277

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

Beatrice Yao, 2241 S. Valley St., Visalia CA 93277

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

**EXEMPT STATUS:** (Check one)

- Ministerial - Section 15268
- Emergency Project - Section 15269
- Categorical Exemption - State type and Section number: **Section 15301**
- Statutory Exemptions- State code number:

A request to re-use an existing building with proposed alterations or changes to the site or building.

**REASON FOR PROJECT EXEMPTION**

Colleen A Moreno, Assistant Planner

(559) 713-4031

**CONTACT PERSON**

**AREA CODE/PHONE**

October 21, 2024

**DATE**

**ENVIRONMENTAL COORDINATOR**  
Brandon Smith, AICP

**Related Plans & Policies**  
**Conditional Use Permits**  
**(Section 17.38)**

**17.38.010 Purposes and powers**

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

**17.38.020 Application procedures**

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

**17.38.030 Lapse of conditional use permit**

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

**17.38.040 Revocation**

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

## **17.38.050 New application**

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

## **17.38.060 Conditional use permit to run with the land**

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

## **17.38.065 Abandonment of conditional use permit**

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

## **17.38.070 Temporary uses or structures**

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

the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

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

#### **17.38.080 Public hearing--Notice**

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

#### **17.38.090 Investigation and report**

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

#### **17.38.100 Public hearing--Procedure**

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

#### **17.38.110 Action by planning commission**

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
  1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
  2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

#### **17.38.120 Appeal to city council**

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

#### **17.38.130 Effective date of conditional use permit**

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

## Chapter 17.19 MIXED USE ZONES

### **17.19.10 Purpose and intent**

- A. The several types of mixed zones included in this chapter are designed to achieve the following:
  1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
  2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
  3. Provide zone districts that encourage and maintain vibrant, walkable environments.
- B. The purposes of the individual mixed use zones are as follows:
  1. Mixed Use Commercial Zone—(C-MU). The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
  2. Mixed Use Downtown Zone—(D-MU). The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city. (Ord. 2017-01 (part), 2017)

### **17.19.015 Applicability**

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

### **17.19.020 Permitted uses**

Permitted uses in C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

### **17.19.030 Conditional and temporary uses**

Conditional and temporary uses in the C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

### **17.19.040 Required conditions**

- A. A site plan review permit must be obtained for any development in any C-MU and D-MU zones, subject to the requirements and procedures in Chapter 17.28.
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;
- C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced. (Ord. 2017-01 (part), 2017)

### **17.19.050 Off-street parking and loading facilities**

Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34. (Ord. 2017-01 (part), 2017)

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

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
  - 1. Front: fifteen (15) feet
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
  - 4. Side: zero (0) feet;
  - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
  - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
  - 1. Front: fifteen (15) feet;
  - 2. Rear: five (5) feet;
  - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
  - 4. Side: five (5) feet (except where a building is located on side property line);
  - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
  - 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable. (Ord. 2017-01 (part), 2017)

#### **17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area**

The following development standards shall apply to property located in the D-MU and C-MU zone and located inside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: No minimum.
- B. Maximum building height: one hundred (100) feet.
- C. Minimum required yards (building setbacks):
  - 1. Front: zero (0) feet;
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
  - 4. Side: zero (0) feet;
  - 5. Side yards abutting an R-1 or R-M zone district: zero (0) feet;
  - 6. Street side yard on corner lot: zero (0) feet.
- D. Minimum required landscaped yard (setback) areas:
  - 1. Front: five (5) feet (except where a building is located on property line);
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;

4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet except where a building is located on side property);
6. Street side on corner lot: five (5) feet.

E. The provisions of Chapter 17.58 shall also be met, if applicable.

(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017)

**Chapter 17.34**  
**OFF-STREET PARKING AND LOADING FACILITIES**

**17.34.10 Purpose**

- a. In order to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to any new building or structure and major alterations and enlargements of existing uses. Off-street parking spaces or areas required by this chapter shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking facilities shall also be laid out in such a manner that the facilities will protect the public safety and insulate surrounding land uses from their impact.
- b. For the purposes of tabulating the number of off-street parking spaces, the term "floor area" means the gross floor area of a building and its accessory buildings on the same site measured from the outside wall. All applications shall be accompanied by a detailed tabulation of the gross floor area as herein defined and a calculation of the required number of off-street spaces as specified in Section 17.34.020.

**17.34.020 Schedule of off-street parking space requirements.**

A. Residential.

- i. Single-family dwelling: two parking spaces (one covered) per unit;
- ii. Multi-family dwelling: 1.5 parking spaces per dwelling unit for all multi-family developments with the following exceptions:
  - a. One parking space per dwelling unit for senior citizen housing developments. Senior citizen means a person of fifty-five (55) years of age or older. Senior citizen housing development shall be defined as a multi-family project wherein the units are made available solely to senior citizens,
  - b. Planning Commission shall have the authority to require an additional .25 parking spaces per dwelling unit for guest parking spaces under the following circumstances:
    - I. Should on-street parking not be available to provide minimum of .25 spaces per unit;
    - II. Within developments that include more than fifty (50) percent of the units as three or four bedroom units.
  - c. In cases where multi-family developments do not require planning commission review, the site plan review committee shall have similar authority as described above.
- iii. Boarding houses, private clubs providing sleeping accommodations: one covered parking space for each bedroom or one parking space for each one hundred fifty (150) square feet of sleeping area, whichever is greater.
- iv. Motels, hotels. One parking space for each guest room.
- v. Single-room occupancy (SRO) housing: One space for each employee onsite on the highest shift.

Further, there shall be one parking space for each two employees per shift regularly employed by the motel, or any independent business located within the motel structure. If the motel provides an area for the consumption of food or beverages or provides meeting or assembly halls the following requirements must be met.

<b>Number of Motel Rooms</b>	<b>Parking Requirements</b>
3-10	One parking space for each 100 square feet of area used for the consumption of food or beverages and one parking space for each 35 square feet of meeting or assembly hall space.
11-40	One parking space for every 200 square feet of area used for the consumption of food or beverages and one parking space for each 70 square feet of meeting hall or assembly hall space.
41-75	One parking space for each 300 square feet of area designated for the consumption of food or beverages and one parking space for each 150 square feet of meeting or assembly hall space.
76 or more	One parking space for each 400 square feet of area set aside for the consumption of food or beverages and one parking space for each 300 square feet of meeting or assembly hall area.

vi. Planned unit developments, condominiums: one covered parking space plus one uncovered guest parking space for each dwelling unit.

**B. Medical Offices, Clinics, Hospitals and Other Facilities.**

1. Dental and medical clinics and offices: one parking space for each two hundred (200) square feet of building area, or four parking spaces for each doctor, whichever is greater.
2. Major medical facilities, hospitals: one parking space for each two hundred fifty (250) square feet of building area.
3. Sanitariums and charitable and religious institutions providing sleeping accommodations: one parking space for each three beds.
4. Group care facilities: one parking space for each three beds.

**C. Educational Facilities.**

- vii. Kindergarten and nursery schools: one parking space for each employee plus one parking space for each ten children.
- viii. Elementary and junior high schools: two parking spaces for each classroom.
- ix. High schools: one parking space for each employee plus seven parking spaces for each classroom.
- x. Colleges; business and professional schools and colleges; trade schools: one parking space for each employee plus ten parking spaces for each classroom.

**D. Places of Public Assembly.**

1. For auditoriums, community centers, theaters, churches, libraries, museums, stadiums, clubs and funeral chapels: one parking space for every four permanent seats in the principal assembly area or room, or one parking space for every thirty (30) square feet of building area, whichever is greater.

**E. Recreational Facilities**

1. Bowling alleys: four parking spaces for each alley.
2. Billiard and/or pool parlors: two parking spaces for each table.
3. Skating rinks: one parking space for each employee, plus one parking space for each one hundred (100) square feet of building area.

4. Dance halls: one parking space for each thirty-five (35) square feet of dance floor area, plus one parking space for each five fixed seats or for each thirty-five (35) square feet of seating area where there are no fixed seats.
5. Gymnasiums: one parking space for each five hundred (500) square feet of building area.

F. Commercial Facilities

1. Banks: one parking space for each two hundred fifty (250) square feet of building area plus five tandem lane spaces for each outdoor teller or teller station.
2. Savings and loan and other financial institutions: One parking space for each two hundred fifty (250) square feet of building area.
3. General retail stores, except as otherwise specified: one parking space for each three hundred (300) square feet of building area.
4. Offices, including all public and professional offices, except as otherwise specified: one parking space for each two hundred fifty (250) square feet of building area, with a minimum of four parking spaces.
5. Commercial service establishments, repair shops, wholesale establishments and retail stores that handle only bulky merchandise such as furniture, household appliances, motor vehicles, farm implements and machinery: one parking space for each five hundred (500) square feet of building area.
6. Automobile dealerships: one parking space for each two employees during the time of maximum employment, plus one parking space for each two thousand (2,000) square feet of lot and building area used for the display or storage of automobiles.
7. Self-service laundries and dry cleaners: one parking space for each three washing machines.
8. Automobile repair shops: one parking space for four hundred (400) square feet of building area.
9. Barber shops, beauty salons: two parking spaces for each barber or beautician, with a minimum of four spaces.
10. Restaurants, cafes, soda fountains and similar establishments: one parking space for each one hundred fifty (150) square feet of building area.
11. Manufacturing plants and other industrial uses: one parking space for each employee during the shift of maximum employment, plus one parking space for each vehicle used in conjunction with the use.
12. Retail food market: one parking space for each five hundred (500) square feet of building area.
13. Nurseries, retail: one parking space for each one thousand five hundred (1,500) square feet of site area, plus one loading space for each acre of site area.
14. Shopping centers (major): one parking space for each two hundred twenty-five (225) square feet of building area.
15. Open uses, commercial and industrial uses conducted primarily outside of buildings: one parking space for each employee on the maximum shift plus additional parking spaces prescribed by the planning department.
16. Transportation terminal facilities: one parking space for each two employees plus additional parking spaces prescribed by the city planner.
17. Storage and warehouses: one parking space for each one thousand (1,000) square feet of building area.

For a use not specified in this section, the same number of off-street parking spaces shall be provided as are required for the most similar specified use.

**17.34.030 Standards for off-street parking facilities**

All off-street parking facilities shall conform with the following standards:

- A. All parking areas shall have adequate ingress and egress to a street or alley.

- B. Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the site plan review committee.
- C. The parking area, aisles and access drives shall be surfaced with an asphalt concrete surfacing of two-inch minimum thickness on a four-inch untreated rock base. The subgrade shall be compacted to a minimum relative compaction of ninety (90) percent. The minimum slope of asphalt paved surface in the direction of drainage shall be twelve (12) inches per one hundred (100) feet and the minimum slope of concrete gutters shall be three inches per one hundred (100) feet.
- D. The four-inch untreated rock base may be modified on basis of an "R" value test of the existing soil. The test to be made with a traffic index of 5.0.
- E. On major developments service roads shall be designed to carry the traffic loads anticipated.
- F. No parking areas shall be located within a required front setback or within a street side setback of a corner lot.
- G. Each parking space shall conform to standards as specified by the city traffic engineer. Open spaces shall be plainly marked by striping.
- H. Parking spaces for the physically handicapped person shall be provided per the latest adopted version of the California Building Code.
- I. Parking spaces for "compact automobile" will be permitted providing that each parking space is not less than fifteen (15) feet in length and seven and one-half feet in width, exclusive of aisles and access drives.

Number of compact parking spaces shall not exceed thirty (30) percent of the total required parking spaces of an establishment. There shall be no more than four contiguous compact stalls within a parking lot. Any compact parking shall be approved by the site plan review committee.

- J. If the parking area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.
- K. In all C-N, C-R, C-S, C-MU, D-MU, O-PA, O-C, and BRP zone districts where a site adjoins or is directly across the street from an R-1 or R-M zone, a concrete block or masonry wall not less than six feet in height shall be located on the property line except in a required front yard, in which case the wall shall be three feet, and suitably maintained.
- L. No repair work or servicing of vehicles shall be conducted on a parking area.
- M. New parking facilities shall promote the use of time and/or motion sensitive parking lot and security lights, where feasible, as determined by the Site Plan Review Committee.
- N. New parking facilities shall promote and be evaluated as part of an overall program to implement low impact development features on-site that reduce impermeable surfaces and increase infiltration. The implementation and design of low impact development features for the site will be determined by the Site Plan Review Committee.

#### **17.34.030**

- O. Vacant or unimproved lots shall not be used as vehicle parking facilities and/or outdoor storage of commercial equipment, construction equipment, and similar uses unless screened appropriately, as determined by Site Plan Review Committee.
- P. For Residential zones, all parking shall be permitted on impervious surfaces such as pavement or concrete when in the front yard setback area.
- Q. For Residential zones, all driveways shall be paved.

#### **17.34.040 Landscape requirement**

The submission of any plan for off-street parking facilities shall be accompanied by a detailed landscape plan for approval by the site plan review committee. All off-street parking facilities shall conform with the following standards, but not limited to:

- A. A plot plan indicating the location of all landscaping shall be submitted for approval;
- B. Not less than six percent of a parking lot comprising up to twenty (20) parking spaces shall be landscaped and continuously maintained;
- C. Not less than ten percent of a parking lot comprising more than twenty (20) parking spaces shall be landscaped and continuously maintained;
- D. Not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more;
- E. A minimum five-foot landscape strip shall be provided outside the public right-of-way along the street frontage perimeter of all proposed parking facilities.
- F. A planting list shall be shown on the required plot plan to obtain a grading permit, or building permit, for the buildings for which the parking lot is provided, which planting list shall give the botanical and common names of the plants to be used, the sizes to be planted, the quantity of each, and the spacing to insure balance and design. The plants shall be listed alphabetically and assigned key numbers to be used in locating the plants on the plan;
- G. The site plan review committee shall approve all landscaping plans within a parking area and shall have the right to require additional landscaping if the committee deems it necessary to improve the aesthetic character of the project.

#### **17.34.050 Shared parking**

The site plan review committee may grant an exception to the total number of spaces required when the joint users of a parking facility have divergent needs with respect to daytime versus nighttime use, or weekdays versus Saturdays or Sundays. Conditions for allowing shared parking are:

- A. The buildings and uses shall be within three hundred (300) feet of the nearest point by walking distance within a parking facility to said building or use;
- B. The applicant shall show there is no conflict in the principal operating hours of the buildings or uses;
- C. A shared parking agreement between the principal parties and the city shall be entered into that restrict the shared parking area to a parking use only.

#### **17.34.60 Location of off-street parking facilities**

- A. In all zones districts except the D-MU zone, off-street parking facilities prescribed in Section 17.34.020 shall be located on the same site as the use for which the spaces are required or on an adjoining site (if an exception is approved) or a site separated only by an alley from the use for which the spaces are required.
- B. In the D-MU zone district, off-street parking facilities prescribed in Section 17.34.020 shall be located within three hundred feet of the use for which the spaces are required, measured by the shortest route of pedestrian access. Such spaces shall be deemed to provide parking for one use only unless approved subject to Section 17.34.050.

#### **17.34.070 Off-street loading facilities required**

- A. In all commercial and industrial zones and in the O-PA, O-C, and BRP zones, if required by the commission, there shall be located on the site of each building or structure, off-street loading facilities for vehicles. Where, in the opinion of the site plan review committee, a practical difficulty is involved

relating to site size, existing development or access, the planning commission may grant an exception to any portion of the requirements necessary to achieve the intent of this section. For all commercial and industrial buildings, one off-street loading berth shall be provided if the gross floor area exceeds five thousand (5,000) square feet, and one additional berth shall be provided for each additional ten thousand (10,000) square feet.

No off-street loading berths shall be required for buildings of less than five thousand (5,000) square feet of gross floor area.

B. The location of off-street loading facilities shall be approved by the site plan review committee.

#### **17.34.080 Standards for off-street loading facilities**

Off-street loading facilities provided in compliance with Section 17.34.070 shall conform to the following standards:

- A. The loading area, aisles and access drives shall be fully hard surfaced with asphaltic concrete of minimum thickness of two inches, over four inches of untreated rock base;
- B. If the loading area is illuminated, lighting shall be deflected away from abutting residential sites to prevent annoying glare;
- C. No repair work or servicing of vehicles shall be conducted in a loading area.

#### **17.34.090 Existing uses**

No existing use of land or structure shall be deemed to be a non-conforming use solely because of the lack of off-street parking facilities or used for off-street parking and off-street loading at the time of the adoption of this chapter shall not be reduced in a capacity to less than the number of spaces or berths prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. Where an existing use is expanded, the parking requirements of this chapter shall apply only to the addition.

#### **17.34.100 Reduction of off-street parking and loading facilities**

No off-street parking facility or off-street loading facility providing for a use of land or structure in compliance with Section 17.34.020 or 17.34.070 shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter.

#### **17.34.110 Off-street parking and loading facilities to serve one use**

No off-street parking space or off-street loading berth provided for a use of land or structure in compliance with the requirements of this chapter shall be deemed to provide an off-street parking space or an off-street loading berth for a use or a structure on another site, except as otherwise provided in Sections 17.34.020 and 17.34.070

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-38, A REQUEST TO ESTABLISH CLARYN WELLNESS, A MASSAGE THERAPY AND SKIN CARE BUSINESS WITHIN AN EXISTING TENANT SPACE IN THE C-M (MIXED USE COMMERCIAL) ZONE. THE SITE IS LOCATED AT 538 SOUTH LOVERS LANE (APN: 101-030-021).

**WHEREAS**, Conditional Use Permit No. 2024-38 is a request to establish Claryn Wellness, a massage therapy and skin care business within an existing tenant space in the C-MU (Mixed Use Commercial) zone. The site is located at 538 South Lovers Lane (APN: 101-030-021); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on November 12, 2024; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit 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 15301.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-55.

**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 Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-214, incorporated herein by reference.

2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in Exhibits "A", "B", and "C". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. That the hours of operation for the massage establishment will be 9:00 a.m. – 7:00 p.m.
4. That all massage therapists of Claryn Wellness be certified through the California Massage Therapy Council (CAMTC) and name the city of Visalia as the location of employment.
5. That the number of employees do not exceed eight employees. Any change to the number of employees will require an amendment to this Conditional Use Permit.
6. That all exterior windows fronting a public street, highway, walkway, or parking area shall not block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.
7. All front, reception, hallway, or front exterior doors except back or rear exterior doors used for employee entrance to and exit from the massage establishment shall be kept unlocked during business hours.
8. No massage shall be given within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked, unless the only door is an exterior door.
9. Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.
10. Living Quarters are prohibited. No person or persons shall be allowed to reside, dwell, occupy, or live inside a massage establishment at any time. Beds and floor mattresses shall not be permitted on the premises.
11. The operator and/or on duty Responsible Employee consents to the inspection of the massage establishment by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this ordinance or other applicable laws or regulations are met.
12. The City's Building and Safety Division, Code Enforcement Division, Fire Department, and Police Department and the County Health Department, may, from time to time, make unannounced inspections of each massage establishment for the purpose of determining that the provisions of this chapter, State laws or other applicable laws or regulations are met.
13. No person shall enter, be or remain in any part of a Massage Establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs.
14. The Owner, Operator, or Responsible Managing Employee shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.
15. No massage establishment shall operate a school of massage or use the same facilities as that of a school of massage.

16. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
17. Any hook-ups/alterations to the tenant space, such as washing machine and/or dryer, shall require a separate City of Visalia Building Permit.
18. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2024-09, per Visalia Municipal Code Section 17.38.040.
19. That all other federal, state and city laws, codes and ordinances be complied with.

# Exhibit "A"



## SITE FLOOR PLAN

538 S LOVERS LANE, VISALIA CA 93292

CLARYN WELLNESS - MASSAGE THERAPY & SKIN CARE SPA

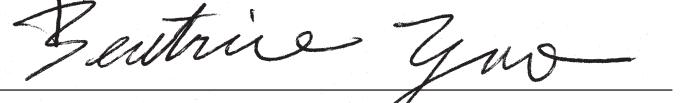
SITE FLOOR PLAN AND CONDITIONAL USE PERMIT APPLICATION PREPARED BY:

NAME (PRINT): BEATRICE YAO

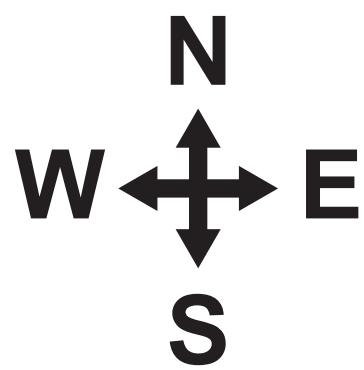
CONTACT PHONE: 559-852-0525

ADDRESS: 2241 S. VALLEY ST., VISALIA CA 93277

EMAIL: [LILIANYAO@YAHOO.COM](mailto:LILIANYAO@YAHOO.COM)

SIGNATURE: 

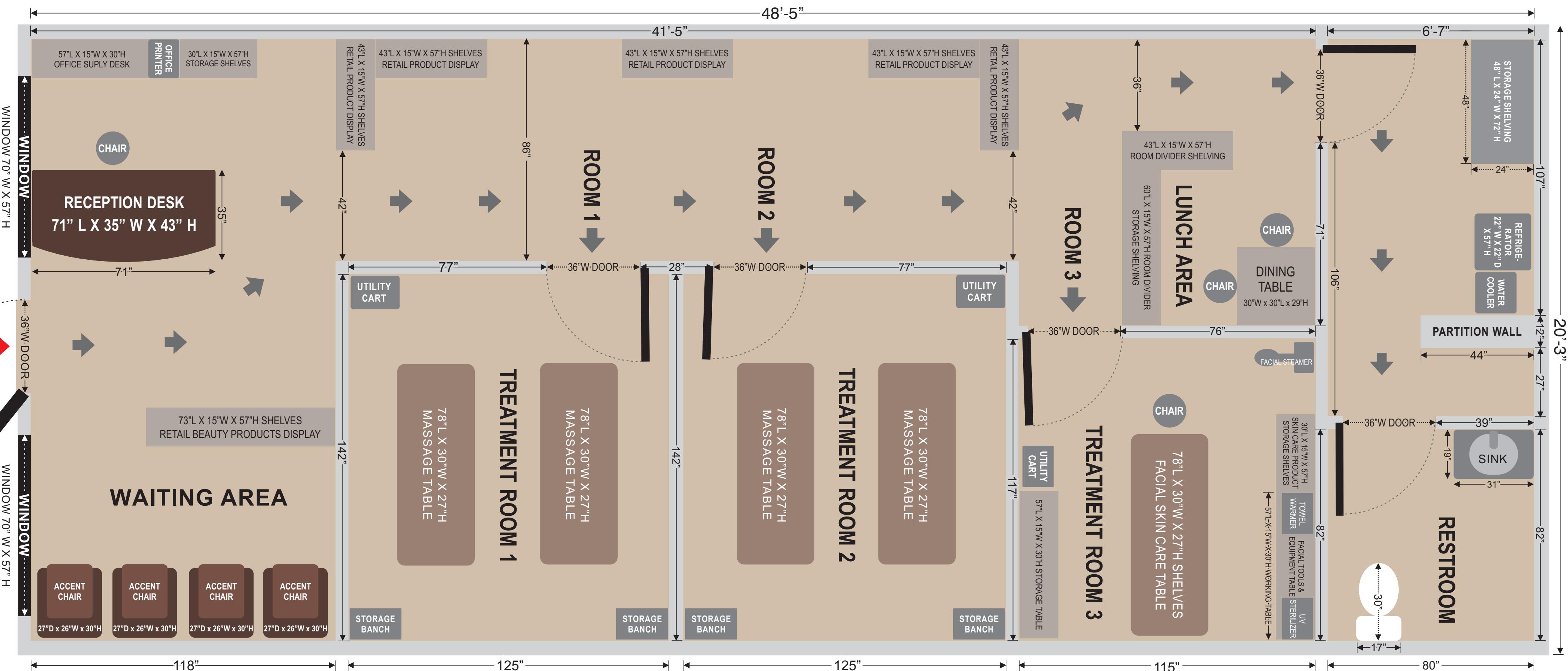
DATE: 09/30/2024



# FLOOR PLAN (COLOR VERSION)

538 S LOVERS LANE, VISALIA CA 93292

CLARYN WELLNESS - MASSAGE THERAPY & SKIN CARE SPA



FLOOR PLAN AND CONDITIONAL USE PERMIT APPLICATION PREPARED BY:

NAME (PRINT): BEATRICE YAO

CONTACT PHONE: 559-852-0525

ADDRESS: 2241 S. VALLEY ST., VISALIA CA 93277

EMAIL: LILIANYAO@YAHOO.COM

SIGNATURE: Beatrice Yao  
 DATE: 09-30-2024

# Exhibit "C"

CLARYN WELLNESS

## OPERATION STATEMENT

**538 S LOVERS LANE, VISALIA CA 93292**

PREPARED BY:

NAME: BEATRICE YAO

CONTACT PHONE: 559-852-0525

ADDRESS:

2241 S. VALLEY ST., VISALIA, CA 9327

E-MAIL:

LILIANYAO@YAHOO.COM

DATE: 09/30/2024

SIGNATURE:



## **Business Operation Statement**

Claryan Wellness is a startup business that specializes in massage therapy and skin care services, situated at 538 S Lavers Ln. Visalia, CA. The company was established by Chun-Fan Yao, a certified massage therapist, and Beatrice Yao, a licensed esthetician. Both possess more than 10 years of experience in their respective professional fields. We aim to leverage our skills to create a business that provides a full spectrum of massage therapy, professional skin care, and skin care product consultation. The Claryn Wellness Facility will be the premier choice for a tranquil environment, offering the most competitive pricing in the region.

## **Product Offering**

The following are the services that Claryn Wellness will provide:

<b>MASSAGE THERAPY:</b>	<b>FACIAL TREATMENTS:</b>
Aromatherapy Massage	European Facial
Deep Tissue Massage	Enzyme Peel Facial
Hot Stone Massage	Firming Lifting Facial
Pregnancy Massage	LED Clarify Facial
Sports Massage	LED Brightening Facial
Swedish Massage	Vitamin C Antioxidant Glow Facial
Lymphatic Massage	CBD Calming Facial

**Products for retailing:** skin and body care products, skin care supplies, beauty boutique, custom gifts.

## **Customer Focus**

Claryn Wellness will target individuals in Visalia seeking a relaxing massage or those experiencing skin issues who desire to enhance their skin condition and appearance. The company will focus on individuals experiencing chronic pain or injuries that may benefit from massage therapy, as well as athletes and those with active lifestyles. Claryn Wellness will also cater to professional women, men, teens, and anyone seeking to improve their skin conditions for a more refreshing look. Regardless of the client, Claryn Wellness will deliver the highest quality service and the most competitive pricing.

## **The Ownership and Management Team**

Claryn Wellness operates as a sole proprietorship owned by Chun-Fan Yao. She has recruited an experienced administrative professional, Beatrice Yao, to serve as her office manager and oversee the daily operations. Beatrice has more than 10 years of experience as an administrative assistant and esthetician at local beauty spa in San Gabriel, California. Her careful attention to detail and focus when handling her clients' schedules and tasks as well as providing skin care services. Chun-Fan has worked as a certified massage therapist at local spa in California for over twenty years. Chun-Fan's expertise in

various massage therapy techniques has allowed her to develop a loyal clientele. Chun-Fan and Beatrice have extensive experience in the health and beauty spa industry and possess a comprehensive understanding of all elements required to operate a successful aesthetics and massage business.

## **Success Factors**

Claryn Wellness will achieve success by providing the following competitive advantages: a friendly, knowledgeable, and highly qualified team of certified massage therapists and estheticians who can assess each client's massage therapy and skin care needs and deliver the most suitable modality. A comprehensive menu of services designed to accommodate a diverse clientele, including individuals with chronic pain, or skin concerns, and those seeking relaxation. Claryn Wellness provides the most competitive pricing in the region. The pricing structure is the most cost-effective when compared to the competition.

## **Company Overview**

Claryn Wellness will be the most compassionate, clean, and comfortable choice for clients in the region. Claryn Wellness will provide an extensive menu of massage therapy and facial treatments performed by experienced and certified massage therapists and estheticians, each specializing in their respective modalities. Claryn Wellness offers soothing massage techniques and facial treatments aimed at providing optimal calmness and relaxation. Claryn Wellness therapists and estheticians are not only highly qualified massage and skin care professionals but also exceptional communicators, creating a welcoming environment for all clients.

## **The Services**

The team of professionals is highly qualified and experienced in various modalities, including Swedish massage, deep tissue massage, sports massage, chronic pain relief massage, and hot stone massage. while enjoying the pampering facial services that can rejuvenate both the mind and body. where skin health, relaxation, beauty, and bliss are combined in a single location.

## **Pricing Strategy**

The pricing of Claryn Wellness will be moderate and on par with competitors so customers feel they receive value when purchasing their services

## **Marketing Plan**

### **Brand & Value Proposition**

Claryn Wellness will offer the unique value proposition to its clientele:

Highly-qualified team of skilled massage therapists and estheticians that is able to provide a comprehensive set of beauty and wellness services. Unbeatable pricing to its clients – Claryn Wellness does not mark up its services at a large percentage. They will offer the lowest pricing in the area.

### **Print Advertising**

Claryn Wellness will invest in professionally designed print ads to display in programs or years at industry networking events and in magazines, newspapers, and direct mailers.

### **Website/SEO Marketing**

Claryn Wellness will create and maintain an organized, informative website that lists all the services that the clinic is able to provide. The company will employ an in-house marketing specialist that will also manage Claryn Wellness website presence with SEO marketing tactics so that any time someone types in the Google or Bing search engine “Visalia massage therapy or facial services” or “massage therapy/faacial skin care near me”, Claryn Wellness will be listed at the top of the search results.

### **Social Media Marketing**

The company's marketing director will create and maintain an active social media presence on multiple social media platforms including Facebook, Instagram, Twitter, YouTube, LinkedIn, and TikTok to promote the business and attract new clients

## **Operations**

Daily operational hours are Monday through Sunday from 9:00 AM to 7:00 PM.

The facility is located in a prominent area and encompasses a 1,000 square foot retail space. It consists of three private rooms along with a comfortable reception and waiting area, a compact dining area for employees' lunch breaks and a sanitized private restroom.

We will be hiring eight employees, with a maximum of five employees scheduled per shift.

All staff members must be licensed and certified and comply with all rules and regulations.

## **Financial Plan**

### **Key Revenue & Costs**

The revenue drivers for Claryn Wellness are the fees charged to clients for massage therapy and facial treatment. The price range for massage therapy will be \$60 to \$120 per hour, while facial services will range from \$75 to \$165 per facial treatment. The cost drivers will include the overhead costs necessary to operate a massage therapy and skin care business. The expenses will include payroll costs, rent, utilities, skin care products, equipment, supplies and marketing materials.

# CALIFORNIA MASSAGE THERAPY COUNCIL

*By authority of the State of California Code B&P Section 4600,  
the California Massage Therapy Council hereby awards to*

**Chun Fan Yao**

*the designation of*

**CERTIFIED MASSAGE THERAPIST**

*Let it be known by all that, having met the standards set forth by the California Massage Therapy Council and having demonstrated knowledge of applicable disciplines related to the practice of massage therapy, **Chun Fan Yao** is recognized as a **CMT** in good standing, including all the rights and privileges pertaining thereto, as witnessed by the signature below.*

*Given at Sacramento, California, Wednesday, August 14, 2024.*



A handwritten signature in black ink that reads "Mark W. Dixon".

Mark Dixon, Chairman of the Board  
California Massage Therapy Council  
CAMTC, One Capitol Mall, Suite 800, Sacramento, CA 95814

**CERTIFICATE # 15871  
EXPIRES: 10/29/2026**

The validity and authenticity of this certificate may be verified online  
by entering the name and certificate number at: [www.camtc.org](http://www.camtc.org)

# Exhibit "E"

ORDINANCE NO. 2024-05

## AN INTERIM ORDINANCE TO FURTHER REGULATE MASSAGE ESTABLISHMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

**SECTION 1.** Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

- A. The City of Visalia Municipal Code Title 5 defines "Massage establishment" as follows: "*means and includes any business enterprise or establishment, parlor, or any room, place or institution within a business establishment where massage is given or administered by a massage technician as a paid service*" and in addition, the City of Visalia Municipal Code Title 17 defines, "*Massage Therapy Establishment*" as follows: "*means an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body by a Certified Massage Therapist.*"
- B. The City of Visalia Municipal Code Title 17 currently permits Massage therapists to operate businesses under the current City of Visalia Zoning Ordinance in the Neighborhood Commercial (C-N), Commercial Mixed Use (C-MU), Downtown Mixed Use (D-MU), Professional / Administrative Office (O-PA), and Office Conversion (O-C) zones within the City of Visalia with a Conditional Use Permit (CUP) issued under Visalia Municipal Code Chapter 17.38.
- C. The City of Visalia has seen an increase in requests for CUPs to operate Massage Establishments. In recent instances, such usages are proposed within close proximity to residential neighborhoods, junior college, and within shopping centers.
- D. These recent instances of this proposed use near residential neighborhoods resulted in comments received from property owners concerned that this type of use should not be placed in close proximity to schools and residential neighborhoods, the usage was allowed because the current City of Visalia Zoning Ordinance does not require buffering distance requirements regarding this type of commercial activity near schools and residential neighborhoods. The City Council has since considered whether a specific policy should be adopted and has determined that it would be in the interest of the public health, safety, or welfare to consider changes to the municipal code on how this type of business should be further regulated.

- E. In 2008, the Legislature adopted Senate Bill 731, which created the California Massage Therapy Council, a state-organized nonprofit organization with regulatory authority over the certification of massage technicians and practitioners throughout the State of California which also limited the City's regulatory authority over massage establishments that exclusively hire State-certified massage technicians, preempting most local licensure and permitting requirements and land use regulations and has been widely criticized by local agencies as providing massage businesses with almost unprecedented protection from local zoning and land use authority, and interfering with local law enforcement efforts to close massage businesses that allow prostitution and other illegal activities.
- F. In response to the criticism against Senate Bill 731, Assembly Bill 1147 was enacted which allows local agencies to impose reasonable zoning, business licensing, and health and safety requirements on massage establishments, and the City of Visalia seeks to amend the Visalia Municipal Code to ensure that the City regulates massage establishments in compliance with the provisions of enacted State statutes.
- G. The increase in requests for the operation of Massage Establishments that has occurred in recent years does not appear to be slowing, which has raised concerns of whether illicit uses are trying to create a business front for illicit activity and a proliferation of such types of uses could result in negative impacts to the public's peace, health, safety, and welfare.
- H. The potential for criminal and unsafe activity at massage establishments is particularly concerning given that some massage establishments in the City are located within proximity to places where families congregate, such as restaurants and shopping areas.
- I. Code enforcement and policing efforts have found that illegal massage operations that are shut down are often replaced by similar illegal massage operations in the same location. There are significant adverse impacts from allowing illegal massage operations to remain at a given site. Impacts include decreased consumer confidence in the legal operation of future massage establishments at a site, decreased consumer confidence in the neighboring businesses, and confusion among customers regarding any connection between the closed illegal operation and a new legal operation, and detrimental effects on all surrounding businesses.
- J. The City Council finds and declares the illicit and illegal activities disguising as legitimate massage establishments in the City pose health and safety threats to operators, employees, patrons, surrounding businesses, and the public, in order to address this threat to public health and safety the City Council hereby finds the adoption of the proposed urgency interim zoning ordinance to be necessary while a more specific amendment to the Municipal Code is reviewed in the normal process by the City.

- K. Further the City Council finds and declares that approving additional conditional use permits to allow additional Massage Establishments within close proximity of an existing Massage Establishment would potentially be in conflict with the stated goals of the City of Visalia General Plan and Zoning Ordinance to preserve and promote the public health, safety, and welfare of the city by creating conditions that would adversely impact the public's interest.
- L. The City Council finds and declares that the ordinance regulations on Massage Business shall be adopted on an interim and immediate basis to protect the public health, safety, and welfare of the community while the more permanent regulations are reviewed in additional detail.

**SECTION 2.** While this interim ordinance is in effect the following regulatory standards shall apply as additional limitations and requirements under the Visalia Zoning Ordinance on a Massage Establishment and/or Massage Therapy Establishment as those terms are defined in Visalia Municipal Code. Businesses that are already operating under conditional use permits in areas that would be prohibited under these regulations may continue to operate as they would constitute legal non-conforming use.

- A. In addition to Conditional Use Permit being required in the Neighborhood Commercial (C-N), Commercial Mixed Use (C-MU), Downtown Mixed Use (D-MU), Professional / Administrative Office (O-PA), and Office Conversion (O-C) zones, a Conditional Use Permit shall be required for Massage Establishments/Therapist in the Regional Commercial (C-R) zone.
- B. No Massage Establishment may be located within a radius of 750 feet of another Massage Establishment, as measured in a straight line, from the nearest point of the premises where said massage establishment is conducted to the nearest property line of any lot or legal parcel upon which a massage establishment is proposed to be located. Existing businesses operating a Massage Establishment that are already conducting business and in possession of all previously required licenses and/or permits for such business in the City of Visalia on the effective date of this emergency ordinance are considered existing non-conforming related to separation from all required sources as long as the permit is not revoked, or the business does not cease operation. The regulations proposed in this interim ordinance that do not concern the location of the business would apply.
- C. No Massage Establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

- D. Doors. All front, reception, hallway, or front exterior doors except back or rear exterior doors used for employee entrance to and exit from the massage establishment) shall be kept unlocked during business hours. A massage establishment may lock its exterior doors during business hours if the establishment is owned by one individual with one or no employees. No massage may be given within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked, unless the only door is an exterior door.
- E. Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where Massage Services are being performed on Clients, and in all areas where Clients are present.
- F. Living Quarters Prohibited. No person or persons shall be allowed to reside, dwell, occupy or live inside a Massage Establishment at any time. Beds and floor mattresses shall not be permitted on the premises.
- G. Inspections. The operator and/ or on duty Responsible Employee consents to the inspection of the massage establishment by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this ordinance or other applicable laws or regulations are met. The City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department may, from time to time, make unannounced inspections of each massage establishment for the purpose of determining that the provisions of this chapter, State law or other applicable laws or regulations are met.
- H. No person shall enter, be or remain in any part of a Massage Establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs. The Owner, Operator, or responsible managing Employee shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.
- I. No Massage Establishment shall operate a school of massage or use the same facilities as that of a school of massage.

**SECTION 3.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

**SECTION 4.** This Ordinance shall take effect immediately as an interim zoning ordinance under the provisions of California Government Code section 65858(b). It shall be of no further force and effect forty-five (45) days from its adoption unless it is extended pursuant to Government Code section 65858(b).

**SECTION 5.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

PASSED AND ADOPTED: April 23, 2024

ATTEST:

LESLIE B. CAVIGLIA, CITY CLERK

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

BRIAN POOCHIGIAN, MAYOR



APPROVED BY CITY ATTORNEY



Dated: April 23, 2024

LESLIE B. CAVIGLIA, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk



October 16, 2024

### Site Plan Review No. 2024-214:

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

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

This is your Site Plan Review Permit; your Site Plan Review became effective **September 25, 2024**. 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 that reads "Paul Bernal".

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

### Attachment(s):

- Site Plan Review Comments

# City of Visalia

315 E. Acequia Ave., Visalia, CA 93291



# Planning Division

Tel: (559) 713-4359; Fax: (559) 713-4814

MEETING DATE

September 25, 2024

SITE PLAN NO.

2024-214

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:

<input type="checkbox"/> CITY COUNCIL	<input type="checkbox"/> REDEVELOPMENT
<input checked="" type="checkbox"/> PLANNING COMMISSION	<input type="checkbox"/> PARK/RECREATION
<input checked="" type="checkbox"/> CUP	
<input type="checkbox"/> HISTORIC PRESERVATION	<input type="checkbox"/> OTHER –
<input checked="" type="checkbox"/> <b><u>ADDITIONAL COMMENTS:</u></b>	

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: September 25, 2024

SITE PLAN NO: 2024-214  
PROJECT: Chunfan Yao  
APPLICANT: Chunfan Yao  
DESCRIPTION: Massage and skin care spa  
ADDRESS: 538 S LOVERS LANE  
APN: 101-030-021  
ZONING: C-MU (MIXED USE COMMERCIAL)  
GENERAL PLAN: COMMERCIAL MIXED USE

---

## **Planning Division Recommendation:**

- Revise and Proceed
- Resubmit

## **Project Requirements**

- Conditional Use Permit
- Building Permit

## **PROJECT SPECIFIC INFORMATION: September 25, 2024**

1. VMC Use Table 17.25.030, Line M52 lists Massage Therapist as requiring a conditional use permit.
2. A complete CUP application will include detailed exhibits of the following:
  - a. Operational Statement – including hours of operation, justification for the proposed hours, number of employees, justification for number of employees, CAMTC certifications, services provided (including anything that would fall under the “spa” category), etc.
  - b. Site Plan – professionally drawn, and indicating unit number and surrounding businesses
  - c. Floor Plan – professionally drawn, and identifying the use of each room and depicting all equipment/furniture proposed. In particular, the applicant shall identify the location of the proposed break room mentioned in the operational statement.
3. Massage uses are prescribed parking in the VMC [Section 17.34.020(F)(9)] as two parking spaces for each technician (one for the employee and for the customer), with a minimum of four spaces.
4. Comply with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments). This shall include certification from the California Massage Therapy Council.
5. Comply with all requirements of Visalia Municipal Code Interim Ordinance No. 2024-05.
6. A Building Permit shall be required for the tenant improvements proposed onsite (ex. Installation of washer and dryer, etc.). The applicant shall comply with all requirements of the Building Division.
7. All signage shall be through a separate Building Permit submittal.
8. Comply with the requirements of the Police Department.
9. Comply with all Business Tax Division requirements for the issuance of a Business License.
10. Meet all other codes and ordinances.

## **Notes:**

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

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

- 17.19 Mixed Use Zones
- 17.30 Development Standards
- 17.34 Off-street parking and loading facilities

Accessible at <https://codelibrary.amlegal.com/codes/visalia/latest/overview>

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



Signature: \_\_\_\_\_



**BUILDING/DEVELOPMENT PLAN**  
**REQUIREMENTS**  
**ENGINEERING DIVISION**

Edelma Gonzalez 713-4364  
 Luqman Ragabi 713-4362  
 Sarah MacLennan 713-4271

ITEM NO: 4 DATE: SEPTEMBER 25, 2024

SITE PLAN NO.: 24-214  
PROJECT TITLE: CHUNFAN YAO  
DESCRIPTION: MASSAGE AND SKIN CARE SPA  
APPLICANT: CHUNFAN YAO  
PROP OWNER: TRAN MINH THE & VU NUONG HONG  
LOCATION: 538 S LOVERS LANE  
APN: 101-030-031

## SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with                    radius;

Install curb;                     gutter

Drive approach size:                     Use radius return;

Sidewalk:                    width;                     parkway width at

Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.

Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.

Right-of-way dedication required. A title report is required for verification of ownership.

Deed required prior to issuing building permit;

City Encroachment Permit Required. **FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**  
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.

CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;

Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.

Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.

Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin:                    :                    maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.

Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .20%, V-gutter = 0.25%)

Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

Traffic indexes per city standards:

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

Comply with prior comments.    Resubmit with additional information.    Redesign required.

**Additional Comments:**

1. ***A building permit will be required for any work performed on the site, 20% of permit valuation to be used in path of travel upgrades.***

## **SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 24-214

Date: 09/25/2024

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

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

(Fee Schedule Date: )

(Project type for fee rates: )

Existing uses may qualify for credits on Development Impact Fees.

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

### **Reimbursement:**

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



Luqman Ragabi

SPR24214  
CHUNFAN YAO  
538 S LOVERS LANE

City of Visalia  
**Building: Site Plan**  
**Review Comments**

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

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

Additional comments: **PERMIT REQUIRED FOR ANY OF THE FOLLOWING IMPROVEMENTS: FRAMING OF WALLS, INSTALLING DOORS, ADD PLUMBING FIXTURE OR REMOVING PLUMBING FIXTURES, AND MODIFYING THE ELECTRICAL SYSTEM.**

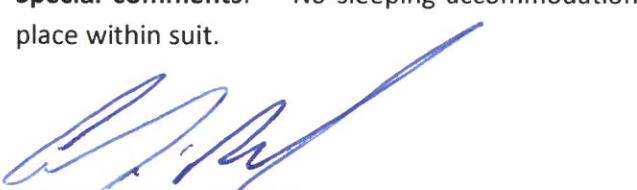
Val Garcia 9/25/24  
Signature



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

Date September 25, 2024  
Item # 4  
Site Plan # 24214  
APN: 101030021

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All **fire detection, alarm, and extinguishing systems** in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. 2022 CFC 901.6
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2022 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2022 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2022 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 506.1
- **Special comments:** No sleeping accommodations shall be present within suit. No living/sleeping shall take place within suit.

  
Corbin Reed  
Fire Marshal



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

Date: 09/25/24  
Item: 4  
Site Plan: SPR24214  
Name: Robert Avalos

**Site Plan Review Comments**

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

---

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

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 Access Controlled/ Restricted etc.  

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 lighting Concerns:  

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 Traffic Concerns:  

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 Surveillance Issues:  

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 Line of Sight Issues:  

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 Other Concerns:  
no on site living

# SITE PLAN REVIEW COMMENTS

## CITY OF VISALIA TRAFFIC SAFETY DIVISION

September 25, 2024

ITEM NO: 4	Added to Agenda	MEETING TIME: 09:45
SITE PLAN NO:	<a href="#"><u>SPR24214</u></a>	ASSIGNED TO: Cristobal Carrillo <a href="mailto:Cristobal.Carrillo@visalia.city"><u>Cristobal.Carrillo@visalia.city</u></a>
PROJECT TITLE:	Chunfan Yao	
DESCRIPTION:	Massage and skin care spa.	
APPLICANT:	Chunfan Yao - Applicant	
OWNER:	TRAN MINH THE & VU NUONG HONG	
APN:	101030021	
ADDRESS:	538 S LOVERS LANE	
LOCATION:	538 S. Lovers Ln, Visalia CA 93292	

### **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 projected trip generation. 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:

- 
- 

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*Leslie Blair*

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

24214

September 25, 2024

No comments.

See comments below

Revisions required prior to submitting final plans. See comments below.

Resubmittal required. See comments below.

Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers

ALL refuse enclosures must be city standard R-1 OR R-2 & R-3 OR R-4

Customer must provide combination or keys for access to locked gates/bins

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure insufficient to comply with state recycling mandates. See comments for suggestions.

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.

Area in front of refuse enclosure must be marked off indicating no parking

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.

Customer will be required to roll container out to curb for service.

Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

Existing solid waste services. If any changes are needed, please reach out to the property owner to schedule a waste assessment. Property owner to complete and submit a City of Visalia "Concrete/Driveway Release of Liability Waiver Agreement".

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

Nathan Garza, Solid Waste, 559-713-4532



# City of Visalia

## BUSINESS TAX CERTIFICATES & RENEWALS DIVISION SITE PLAN REVIEW COMMENTS

**SITE PLAN****REVIEW NO:** SPR24214**DATE:** 9/24/2024**Site Plan Review Comments:**

- No Comment at this time.
- See previous Site Plan Review comments.
- See additional comments below.
- Resubmittal required. See additional comments below.
- Apply for a Business Tax Certificate required.
- Business Tax concerns. See additional comments below.

**Additional Comments:**

Current business tax, BL059872 for Chunfan Yao will need to be updated with new commercial site location and each employee must obtain a Business Tax Certificate and have a valid CAMTC

**City Staff Name:** Rachel Small**Phone:** 559-713-4489**Email:** rachel.small@visalia.city

City of Visalia - Finance Department  
Business Tax Certificates & Renewals Division  
707 W Acequia Ave  
559-713-4326  
businesstax@visalia.city

  
\_\_\_\_\_  
**Staff Signature**

**NOTE:** These are general comments. Please refer to the City of Visalia Municipal Code for additional information.

## **Susan Currier**

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**From:** Jennifer Flores  
**Sent:** Tuesday, September 24, 2024 7:15 AM  
**To:** Susan Currier  
**Cc:** Cristobal Carrillo  
**Subject:** Site Plan review Comments 9/25/24

Hello,

Here are the comments I have:

SPR24199 -1 – No New Comments  
SPR24212 – No New Comments  
SPR24213- No comments  
**SPR24214- No comments**  
SPR24215 – No Comments  
SPR24216- No comments  
SPR24218- No comments  
SPR2419- No comments

*Sincerely,*

***Jennifer Flores***

Pretreatment Coordinator  
City of Visalia, Waste Water Reclamation  
7579 Ave 288, Visalia CA  
Office phone- (559)713-4463  
Work cell- (559) 972-9269



## CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive  
Visalia, CA 93292 Tel: (559) 624-1600

<b>Site Plan Review Comments From:</b> California Water Service Scott McNamara, Superintendent 216 N Valley Oaks Dr. Visalia, CA 93292 559-624-1622 <a href="mailto:smcnamara@calwater.com">smcnamara@calwater.com</a>	Date: 09/25/2024 Item #: 4 Site Plan #: 24-214 Project: Chunfan Yao Description: Massage and Skin Care Applicant: Chunfan Yao APN: 101-030-021 Address: 538 S Lovers Lane
--	--

**The following comments are applicable when checked:**

No New Comments  
 Pulled from agenda

**Water Mains**

*Comments:*

- Water main fronting your project on Lovers Lane  
 - No existing water main fronting this project

**Water Services**

*Comments:*

- Existing service(s) at this location.

- Domestic/Commercial  
 - Irrigation  
 - Fire Protection

The following will be paid for by the property owner/developer:

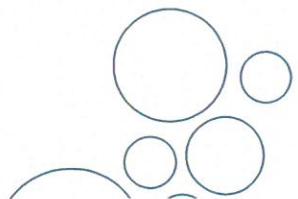
- Any additional services for the project.
- Relocation of any existing service that is to land within a new drive approach.
- Abandonment of any existing service that is not utilized.
- If the existing service(s) is not sufficient in size to meet the customer's demand:
  - Installation of the correct size service.
  - Abandonment of the insufficient size service.

- Service(s) will need to be installed for this project.

**Fire Hydrants**

*Comments:*

- Fire hydrants will be installed per the Visalia Fire Departments requirements.
- If new fire hydrants are required for your project off an existing water main:
  - Cal Water will utilize our own contractor (West Valley) for the installation.
  - This work is to be paid for by the property owner/developer.





## CALIFORNIA WATER SERVICE



### Backflow Requirements

#### **Comments:**

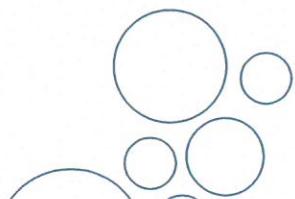
A backflow is required if any parcel meets any of the following parameters:

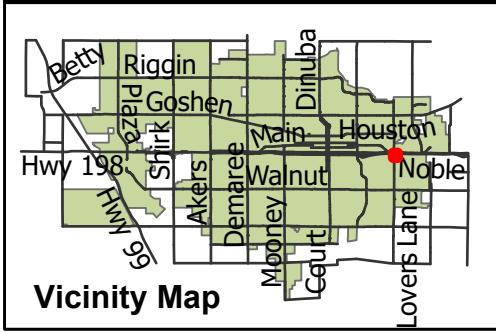
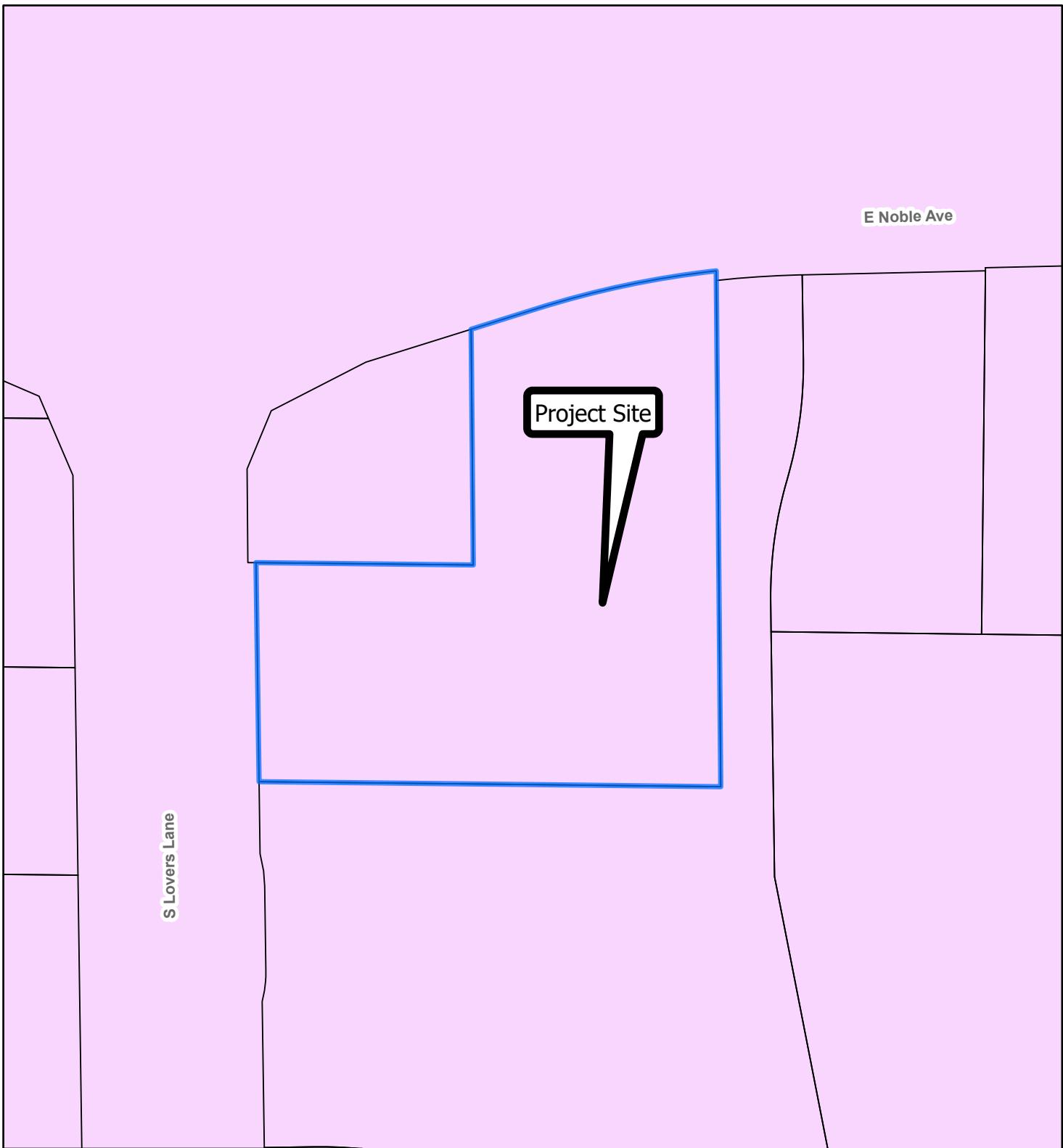
- Designated as multi-family
- Commercial building
- Has multiple dwellings (residential or commercial)
- Has multiple services
  - Any combination of the following:
    - Domestic/Commercial
    - Irrigation
    - Fire Protection

Please contact Cross Connection Control Specialist Juan Cisneros at 559-624-1670 or [visaliabackflow@calwater.com](mailto:visaliabackflow@calwater.com) for a backflow install packet.

#### Additional Comments:

- If your project requires the installation of Cal Water facilities, please contact New Business Superintendent Mike Andrada at 559-624-1689 or [mandrada@calwater.com](mailto:mandrada@calwater.com) to receive your new business packet to start your project with Cal Water.
- Cal Water may work with the developer to purchase a piece of property for a future tank site and/or a new source of water.
- If Cal Water infrastructure is to be installed on private property, a dedicated easement will be required for our infrastructure.
- If you need to request existing utility information, please contact Construction Superintendent Scott McNamara at [smcnamara@calwater.com](mailto:smcnamara@calwater.com) for the information and requirements needed to obtain this information.
- If a fire flow is needed for your project, please contact Distribution Superintendent Alex Cardoso at 559-624-1661 or [lcardoso@calwater.com](mailto:lcardoso@calwater.com) for information and requirements.
- If you need a construction meter for your project, please call our Operations Center at 559-624-1650.
- If you need to sign up for an existing service, please call 559-624-1600.



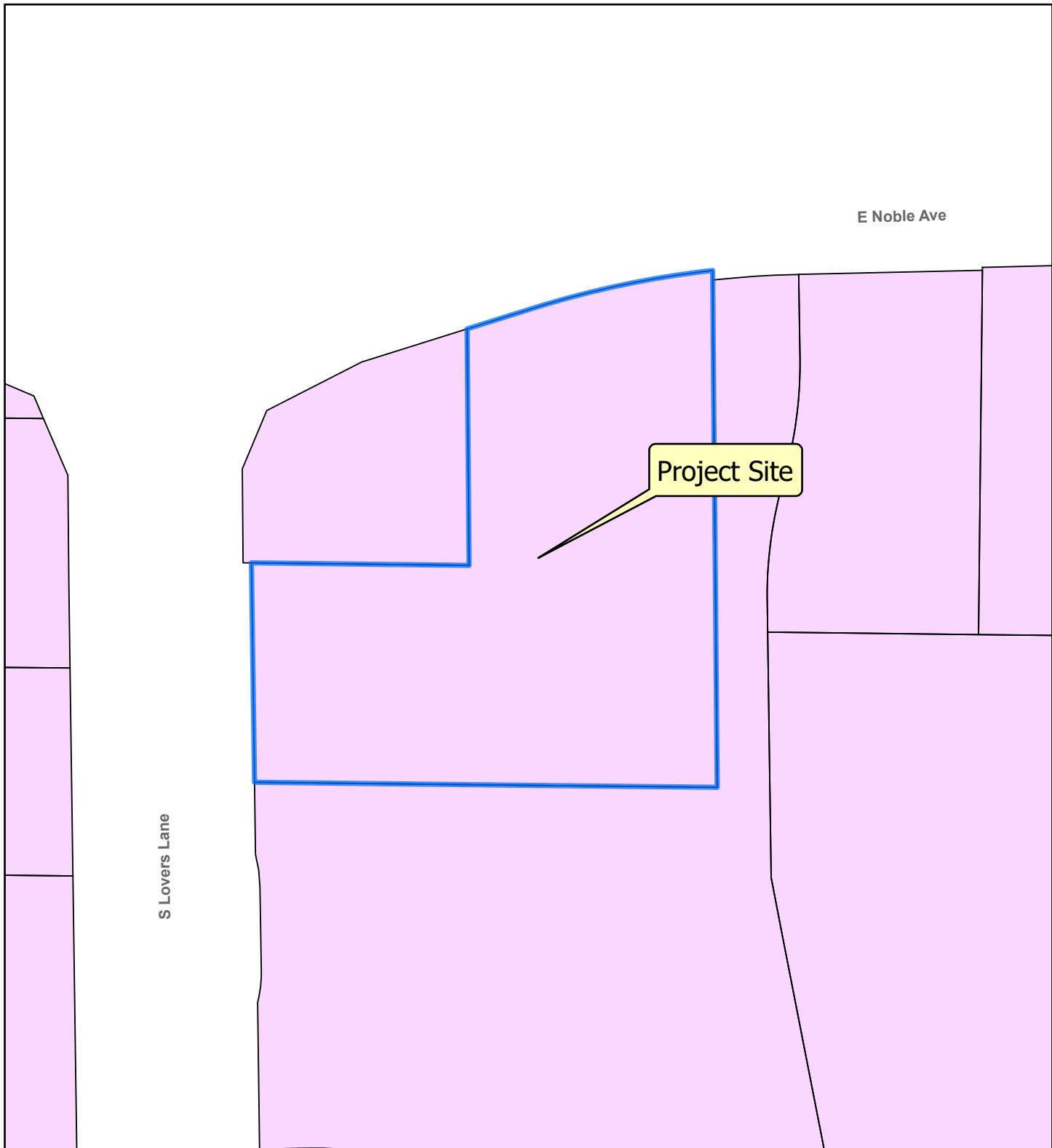


## General Plan Land Use Map

0 0.01 0.01 0.03 Miles

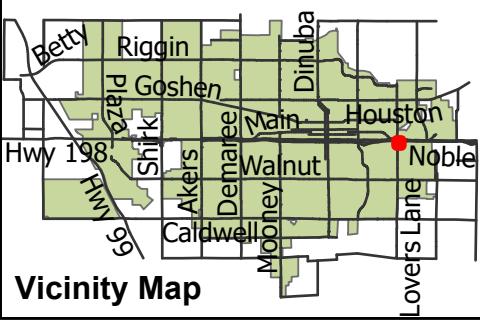
Commercial Mixed Use



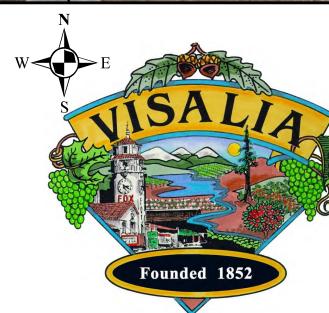
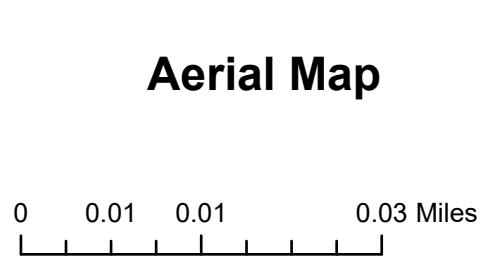
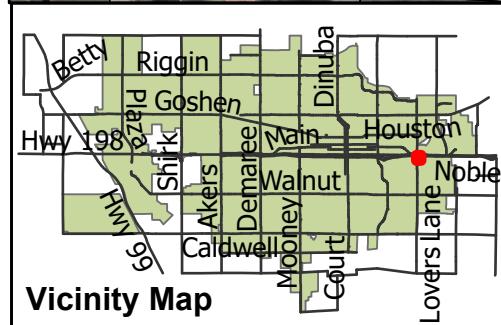


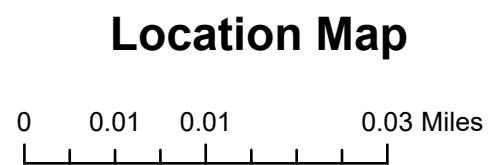
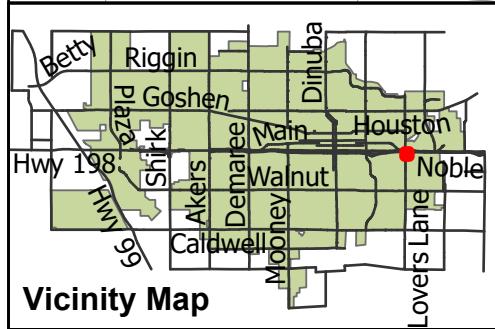
## Zoning Map

0 0.01 0.01 0.03 Miles



C-MU Mixed Use Commercial







# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** November 12, 2024

**PROJECT PLANNER:** Josh Dan  
Senior Planner, (559) 713-4003  
E-mail: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**SUBJECT:** **Conditional Use Permit No. 2024-40:** A request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing the establishment of 55,000 square feet of major and junior retail anchors upon the remaining northwest corner of the specific plan area. The site is zoned C-MU (Commercial Mixed-Use Zone).

**Location:** The project site is located at the northeast corner of West Riggan Avenue and North Conyer Street. (Addresses not assigned) (APN: 078-120-055).

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-40, based upon the findings and conditions in Resolution No. 2024-69. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan, Zoning Ordinance and Orchard Walk Specific Plan.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-40, based on the findings and conditions in Resolution No. 2024-69.

## PROJECT DESCRIPTION

Conditional Use Permit No. 2024-40 is a request to amend the configuration of the site initially established with the adoption of the Orchard Walk Specific Plan No. 2007-02. The Orchard Walk specific plan detailed onsite and offsite improvements across a 56-acre mixed-use development area. This included major and minor retail, commercial services, offices, and restaurant uses straddled across the west and east sides of North Dinuba Boulevard, north of West Riggan Avenue.

The site plan exhibit approved as part of the Orchard Walk specific plan approved (June 18, 2007) initially identified this portion of the development area with a 106,437 square foot major retailer identified as Home Depot and other commercial and office buildings. In the wake of the 2008 economic downturn, the home improvement store never materialized, and the site laid vacant for several years. Through this submittal, the applicant has revised the layout for this portion of the Orchard Walk development to reconfigure the internal site layout and uses within the remaining 4.96-acre parcel identified in Figure 1 below.

The proposal details the replacement of four buildings totaling 41,630 square feet and originally identified in the Specific Plan as "Shops 11" and "Shops 12" which were identified as smaller retail pads; and Buildings "K" and "J" which were identified for future office uses. The exchange is for these four buildings and uses to be replaced with an approximately 55,000 square foot "big box" retail building containing five potential tenant spaces. The exhibits provided by the applicant only identify three of the five retail tenants as Burlington, Ulta Beauty, and Five Below.

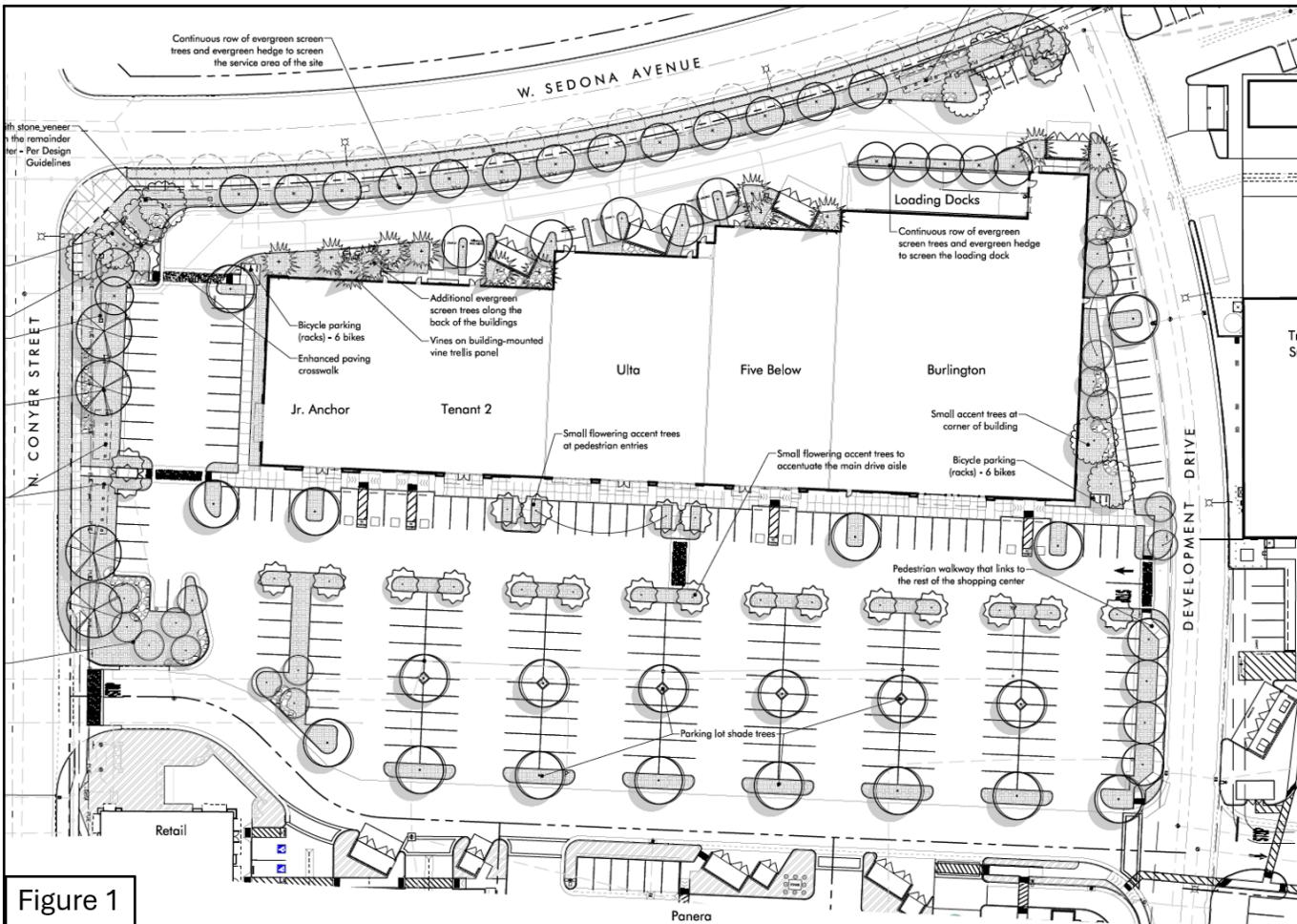


Figure 1

## Site Development

The applicant/developer is seeking approval of this entitlement which will aid in developing the remaining parcel in substantial compliance with the previously approved development plan for the site while adopting an alternate configuration on-site. Although only three specific tenants are detailed on the exhibit, the undisclosed users each will be required to return to Site Plan Review to detail the proposed use and its compliance with the Specific Plan design criteria and development standards of the C-MU zone. If the specific tenants are unable to comply with the Municipal Code, then a subsequent amendment to this conditional use permit amendment shall be required.

## BACKGROUND INFORMATION

General Plan Land Use Designation	Commercial Mixed-Use
Zoning	Commercial Mixed-Use
Surrounding Land Use and Zoning	<p>North: C-MU &amp; R-M-3 / Sedona Ave. / Vacant Lot</p> <p>South: R-1-5 / W. Riggin Ave. / Fairview Village Subdivision</p> <p>East: C-MU / N. Dinuba Blvd. (State Route 63) / Orchard Walk Shopping Center</p> <p>West: R-M-2 / N. Conyer St. / Vacant Lot (Shannon Ranch East Subdivision)</p>
Environmental Review:	Addendum to Mitigated Negative Declaration 2013-54

Special Districts

None

Site Plan

Site Plan Review No. 2024-119-1-1

## **RELATED PLANS & POLICIES**

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

## **RELATED PROJECTS**

The subject site is part of a larger shopping center with a Target store and other major tenants as the main anchors and added retail space and related out-pads for retail and food services. The development plan for the shopping center was approved under the Orchard Walk Specific Plan, which was reviewed by the Planning Commission on May 29, 2007, and adopted by the City Council on June 18, 2007.

Two Conditional Use Permits on the May 29, 2007, Planning Commission agenda were approved for the development of the first phase of each of the commercial centers with a Home Depot home improvement store and a Target retail store as the anchor tenants (CUPs 2007-13 and 2007-14, respectively). However, the Home Depot project was never developed.

Two other Conditional Use Permits No. 2007-58 and 2007-59 on the December 10, 2007, Planning Commission agenda were approved for a McDonalds and Subway, both with drive-thru lanes, located in the Orchard Walk East development area.

**Conditional Use Permit No. 2019-36:** A request by Donahue Schriber Realty Group to develop three pad sites with fast food dining, retail shops, on-site parking and drive-thrus across 3.72 acres of the Orchard Walk West development area. The site is zoned C-MU (Mixed Use Commercial Zone) and located at the northwest corner of north Dinuba Blvd and west Riggin Ave. (APN: 078-120-030 & 078-120-032).

**Conditional Use Permit No. 2020-25 & Tentative Parcel Map No. 2020-06:** Approved by the Planning Commission on November 9, 2020, which requested subdividing two parcels into four parcels creating two lots with no public street access, and parcels with less than the minimum five (5) acre size requirement in the C-MU (Commercial Mixed-Use) Zone District.

**Conditional Use Permit No. 2023-36 & Tentative Parcel Map No. 2023-09:** Approved by the Planning Commission on February 12, 2024, which requested subdividing a 7.36-ac parcel into four parcels proposing two parcels with undisclosed retail multi-tenant uses, and two additional parcels consisting of a drive-thru Starbucks Coffee Co. and a drive-thru Panera Bread Restaurant. The site is zoned C-MU (Commercial Mixed-Use) Zone District.

**Finding of Consistency No. 2024-01:** Approved by the Planning Commission on July 22, 2024, which was a request to fulfill the request of the Planning Commission to return and demonstrate compliance with the Orchard Walk Specific Plan across the development area's southwest corner multi-tenant building.

## PROJECT EVALUATION

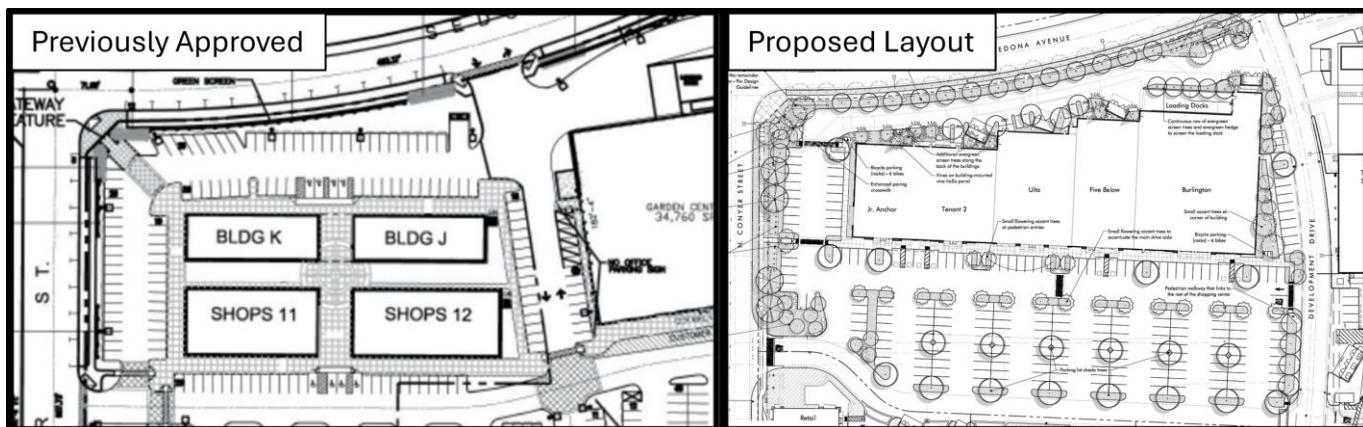
Staff recommend approval of the Conditional Use Permit (CUP) based on the project's consistency with the policies of the Land Use Element of the General Plan, Zoning Ordinance, and the Orchard Walk Specific Plan.

### Consistency with Zoning Ordinance

Staff concludes the newly proposed development configuration is consistent with the existing and future commercial land uses in for the Orchard Walk area. Both Dinuba Boulevard and Riggan Avenue are major roadways while Sedona Avenue is a local roadway, and the future development of this site will provide additional commercial shopping opportunities to the surrounding residential neighborhoods. If approved, this proposed commercial building will complete the full buildout of the vacant portion of the shopping center area west of the Tractor Supply and Grocery Outlet development.

### Overall Revised Site Plan

The applicant at this time has requested to further deviate from the approved Orchard Walk Specific Plan (referred to as the Orchard Walk West portion of the site) which initially depicted a 100,000+ square foot hardware store and various retail out pads. Previous revisions to the site entitled the placement of three retail and drive-thru out-pads at the southwest corner of the site. Revisions proposed by the applicant in this entitlement application are shown in the image below:

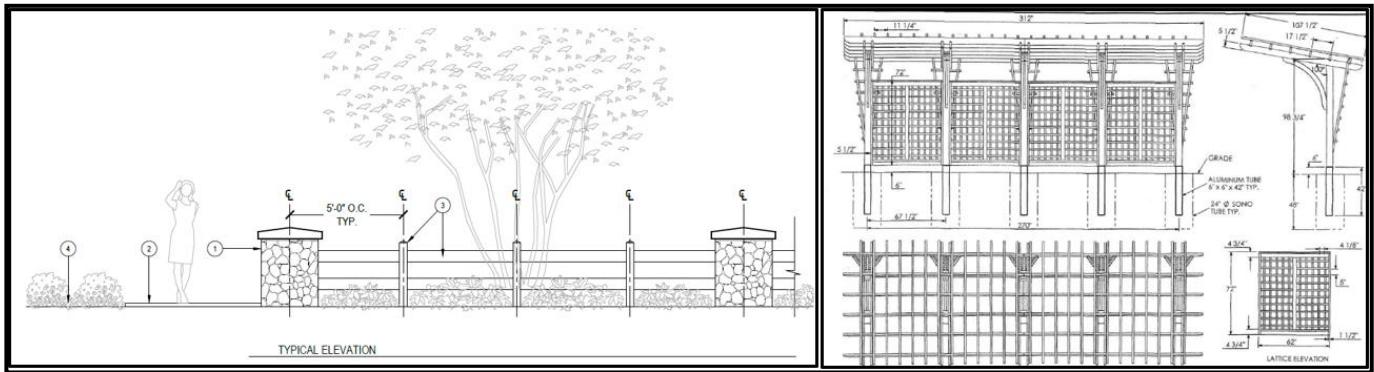


### Requirement to Comply with Orchard Walk Specific Plan

The Orchard Walk Specific Plan was approved with rustic, bucolic architectural requirements for tenant buildings. Additional requirements include incorporation of amenities adopted for the specific plan including the wood split-rail fencing, bucolic landscaping, and trellis covers. Staff has reviewed the applicant's request and supplemental building elevations and details (shown in Exhibit "C" and below) and finds them to be consistent with the Specific Plan's design requirements. Staff have added Condition No. 6, which requires development across the site to comply with the Orchard Walk Specific Plan for architectural details and site amenities on all building and civil permits which are submitted for review.



OVERALL EXTERIOR ELEVATION  
SCALE: 1/16" x 1'-0"



Development within the Specific Plan area by future tenants will require applicants to show compliance with the bucolic architectural theme should any changes be proposed.

#### Exchange of Office for Retail

The 2007 approval of Orchard Walk Specific Plan detailed that Buildings "K" and "J" were identified for future two-story office uses. These buildings were shown to be located at the northwesternmost portion of the plan area, however, no further detail was provided regarding office uses. The Specific Plan does not show what the potential buildings could look like through depiction or elevations.

Staff concludes that the applicant's analysis, provided in Exhibit "D", is accurate. Office space vacancy after the Covid pandemic have surged as remote work is being accommodated and need for office space has scaled down on use of offices for meeting spaces and workstations. The replacement of office space for retail shell is supported by staff as an alternative use in the plan area as retail is permitted and further, retail space if vacant, can still be leased for potential office uses as well.

#### Improvements to Right-of-Ways, Access and Circulation

All frontage improvements along all roadways have been conditioned with the previously approved entitlements. Currently all improvements along public roadways have been completed and the applicant has submitted permits for on-site improvements consistent with the proposed layout which are currently pending approval of the entitlements.

#### Environmental Review

An addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34 originally prepared for the development of the Orchard Walk Specific Plan has been prepared to include CUP No. 2024-40 into the project description.

## **RECOMMENDED FINDINGS**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, Zoning Ordinance and Orchard Walk Specific Plan.
  - a. That the proposed location of the Conditional Use Permit is compatible with adjacent land uses.
  - b. That the proposed Conditional Use Permit is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. 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 site is bordered by similar commercial uses.
4. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2024-119-1-1.
2. That all end-users seeking to develop the pad sites be required to apply first to Site Plan Review and detail compliance with the CUP, TPM, Specific Plan, and all other development standards.
3. 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.
4. That any existing agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services for parcels within the plan area be amended and recorded to incorporate the remaining balance of the development. 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 the issuance of any building permits on the master planned site.
5. All signage shall comply with the Orchard Walk Specific Plan.
6. That all development within the Orchard Walk Specific Plan shall be required to comply with rustic, bucolic architectural requirements and all site design amenities as required by the Orchard Walk Specific Plan. Compliance with the Orchard Walk Specific Plan architectural requirements and all site design amenities shall be documented, noted, and reviewed by staff with all building plans submitted for plan check review and for a building permit.
7. That all other federal, state and city codes, ordinances and laws be met.

## APPEAL INFORMATION

According to the City of Visalia Subdivision Ordinance Section 16.04.040 and Zoning Ordinance Section 17.02.145 an appeal to the City Council may be submitted within ten calendar days following the date of a decision by the Planning Commission on the tentative parcel map and conditional use permit applications. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia California. 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 No. 2024-69
- Exhibit A – Site Plan Exhibits
- Exhibit B – Elevations
- Exhibit C – Preliminary Landscaping Plan
- Exhibit D – Applicant's Office Vacancy Narrative
- Addendum to IS/MND No. 2007-34
- Site Plan Review Comments Nos. 2024-119-1-1-1
- General Land Use Map
- Zoning Map
- Aerial Map
- Location Map

## **Conditional Use Permits**

(Section 17.38)

### **17.38.010 Purposes and powers.**

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

### **17.38.020 Application procedures.**

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
  1. Name and address of the applicant;
  2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
  3. Address and legal description of the property;
  4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
  5. The purposes of the conditional use permit and the general description of the use proposed;
  6. Additional information as required by the historic preservation advisory committee.
- 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. (Prior code § 7526)

### **17.38.030 Lapse of conditional use permit.**

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

### **17.38.040 Revocation.**

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

provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

**17.38.050 New application.**

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

**17.38.060 Conditional use permit to run with the land.**

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

**17.38.065 Abandonment of conditional use permit.**

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

**17.38.070 Temporary uses or structures.**

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
  1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
  2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
  3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
  4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
  5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
  6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
  7. Signing for temporary uses shall be subject to the approval of the city planner.

8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

**17.38.080 Public hearing--Notice.**

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

**17.38.090 Investigation and report.**

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

**17.38.100 Public hearing--Procedure.**

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

**17.38.110 Action by planning commission.**

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
  1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
  2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)\

**17.38.120 Appeal to city council.**

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

**17.38.130 Effective date of conditional use permit.**

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

**ZONING ORDINANCE, TITLE 17 OF VISALIA MUNICIPAL CODE**

**EXCERPT FROM CHAPTER 17.19: MIXED USE ZONES**

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

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
  - 1. Front: fifteen (15) feet;
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
  - 4. Side: zero (0) feet;
  - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
  - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
  - 1. Front: fifteen (15) feet;
  - 2. Rear: five (5) feet;
  - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
  - 4. Side: five (5) feet (except where a building is located on side property line);
  - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
  - 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-40, REQUEST BY ROB TORO OF CAL GOLD DEVELOPMENT TO AMEND THE APPROVED USES AND LAYOUT OF THE ORCHARD WALK SPECIFIC PLAN SITE PLAN, PROPOSING THE ESTABLISHMENT OF 55,000 SQUARE FEET OF MAJOR AND JUNIOR RETAIL ANCHORS UPON THE REMAINING NORTHWEST CORNER OF THE SPECIFIC PLAN AREA. THE PROJECT SITE IS LOCATED AT THE NORTHEAST CORNER OF WEST RIGGIN AVENUE AND NORTH CONYER STREET. (ADDRESSES NOT ASSIGNED) (APN: 078-120-055).

**WHEREAS**, Conditional Use Permit No. 2024-40, is a request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing the establishment of 55,000 square feet of major and junior retail anchors upon the remaining northwest corner of the specific plan area. The site is zoned C-MU (Commercial Mixed-Use Zone). The project site is located at the northeast corner of West Riggin Avenue and North Conyer Street. (Addresses not assigned) (APN: 078-120-055), and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on November 12, 2024; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2024-40, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared for the entire Orchard Walk Specific Plan Project which disclosed that the mitigation incorporated into the project no significant environmental impacts would result from this project, and

**WHEREAS**, an addendum to the Initial Study was prepared based on the original document's adequate analysis with regard to the revised project description. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162 which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR have been met.

**NOW, THEREFORE, BE IT RESOLVED**, that Mitigated Negative Declaration Document No. 2007-34, with the addendum, was prepared in accordance with the California Environmental Quality Act and City of Visalia Environmental Guidelines, including consistency with CEQA Guidelines Section 15162, and that the environmental setting in which the project will be built has not changed since the Mitigated Negative Declaration for the original project was adopted, so Mitigated negative Declaration No. 2007-34 is incorporated in the project approval.

**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 within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, Zoning Ordinance and Orchard Walk Specific Plan.
  - a. That the proposed location of the Conditional Use Permit is compatible with adjacent land uses.
  - b. That the proposed Conditional Use Permit is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. 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 site is bordered by similar commercial uses.
4. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2007-34 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2024-119-1-1.
2. That all end-users seeking to develop the pad sites be required to apply first to Site Plan Review and detail compliance with the CUP, TPM, Specific Plan, and all other development standards.
3. 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.
4. That any existing agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services for parcels within the plan area be amended and recorded to incorporate the remaining balance of the development. 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 the issuance of any building permits on the master planned site.
5. All signage shall comply with the Orchard Walk Specific Plan.
6. That all development within the Orchard Walk Specific Plan shall be required to comply with rustic, bucolic architectural requirements and all site design amenities as required by the Orchard Walk Specific Plan. Compliance with the Orchard Walk Specific Plan architectural requirements and all site design amenities shall be documented, noted, and reviewed by staff with all building plans submitted for plan check review and for a building permit.

7. That all other federal, state and city codes, ordinances and laws be met.

# Exhibit A



Gateway Entry (Example)



Trellis / Arbor Structure



Rail Fence with Stone Veneer Pilasters



Aerial Map



Location Map

Project Location

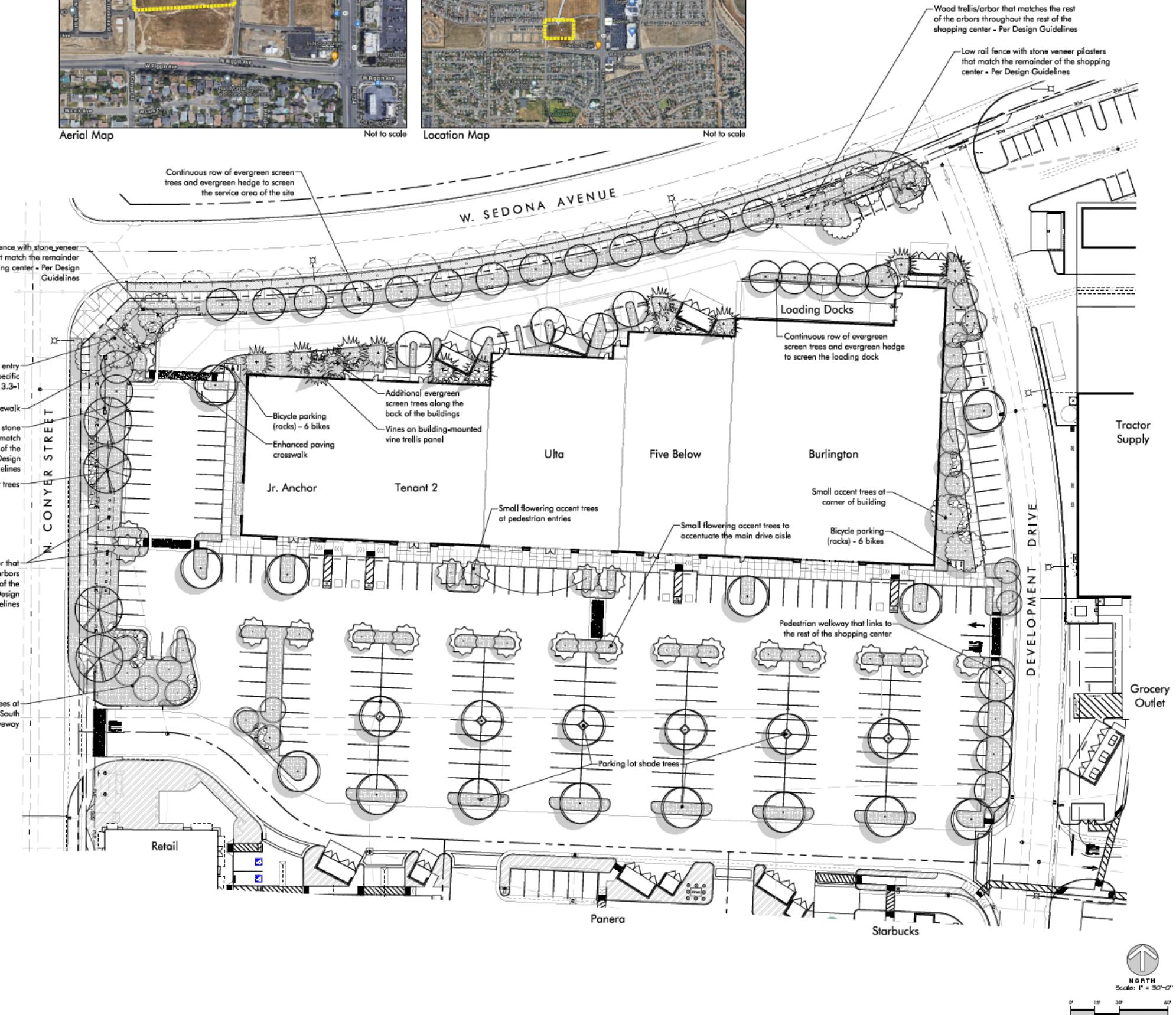


Exhibit B

**TWA**  
ARCHITECT

TOM WILSON ARCHITECT, INC.  
5055 Business Center Drive  
Suite 108 PMB 344  
Fairfield, CA 94534  
Tel: (707) 747-1231  
www.tw-architects.com

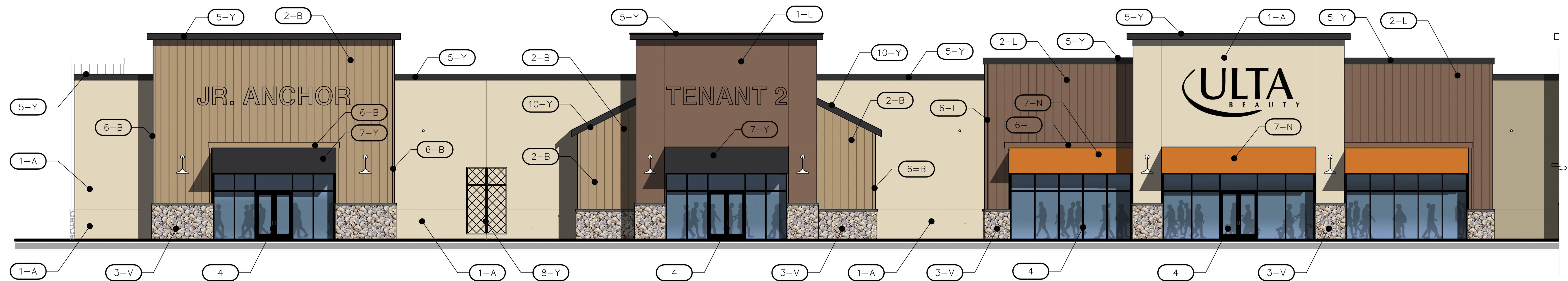
COPYRIGHT NOTICE: USE OF THESE DRAWINGS AND SPECIFICATIONS IS RESTRICTED TO THE DESIGN PROJECT SITE FOR WHICH THEY WERE INTENDED. USE OR REPRODUCTION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED, UNLESS AGREED CONTRACT WITH THE DESIGNER AND SPECIFICATIONS CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE REQUIREMENTS.

**ORCHARD WALK WEST**  
RETAIL CENTER  
WEST SEDONA AVENUE & NORTH CONYER STREET  
VISALIA, CA 93291



OVERALL EXTERIOR ELEVATION

SCALE: 1/16" = 1'-0"



PARTIAL EXTERIOR ELEVATION

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



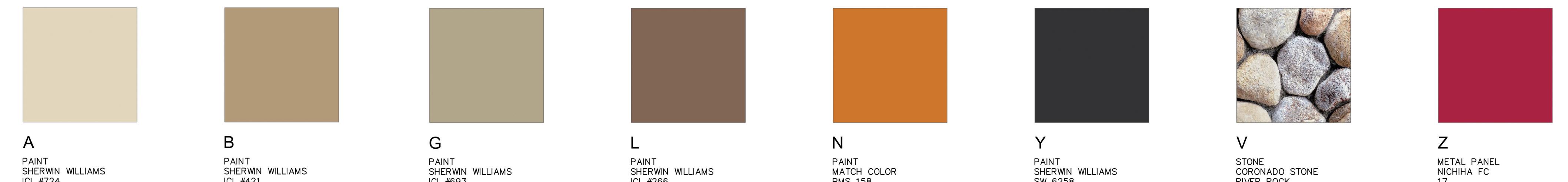
PARTIAL EXTERIOR ELEVATION

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

**SHEET NOTES**

- 1 EXTERIOR CEMENT PLASTER, PAINTED.
- 2 BOARD AND BATTEN SIDING, PAINTED.
- 3 STONE VENEER WAINSCOT.
- 4 ALUMINUM STOREFRONT - BLACK FINISH.
- 5 METAL PARAPET CAP / COPING.
- 6 TRIM, PAINTED TO MATCH ADJACENT SIDING.
- 7 CANOPY / AWNING.
- 8 DECORATIVE METAL TRELLIS.
- 9 NICHIAH METAL WALL PANEL.
- 10 FASCIA TRIM BOARD AT RAFTER EDGE, PAINTED TO MATCH ADJACENT SIDING.

**FINISH LEGEND**



DATE: 09-25-2024

REV. NO. REV. DATE

1

2

3

4

5

6

7

8

9

10

COLORED ELEVATIONS

**X - 8**

JOB NO.: CGD07

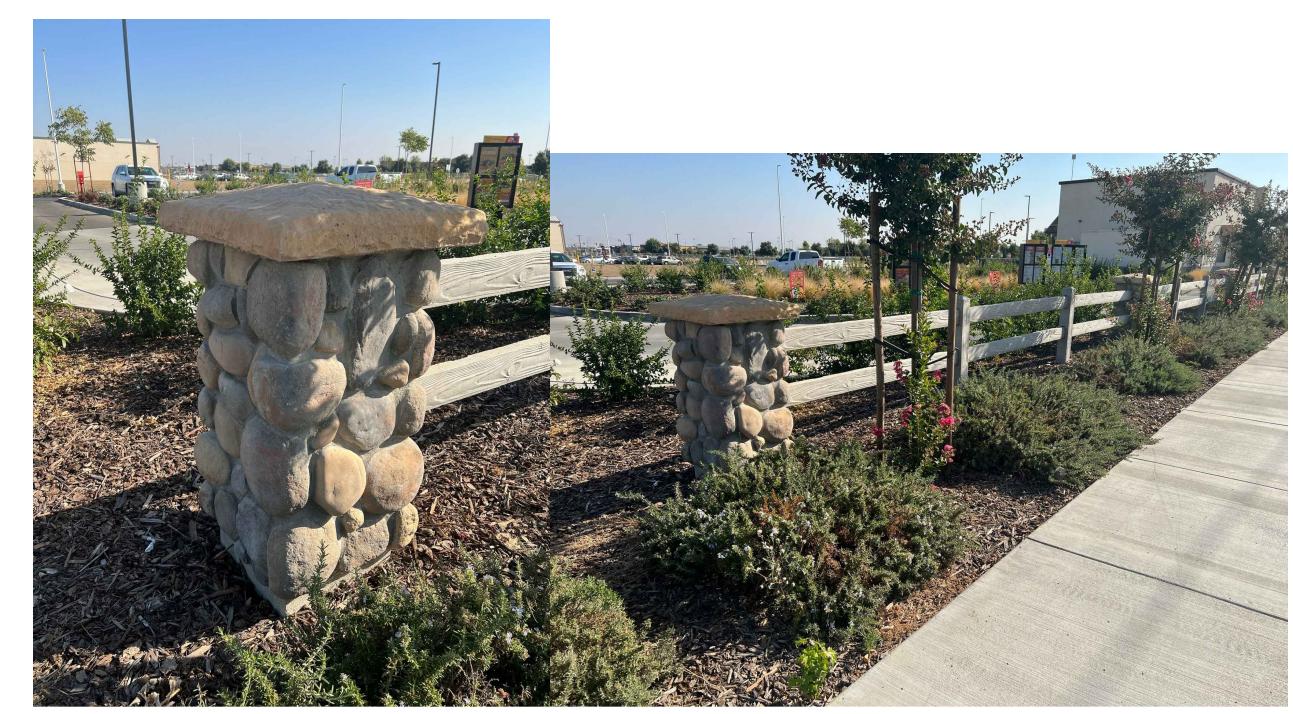
## Exhibit C



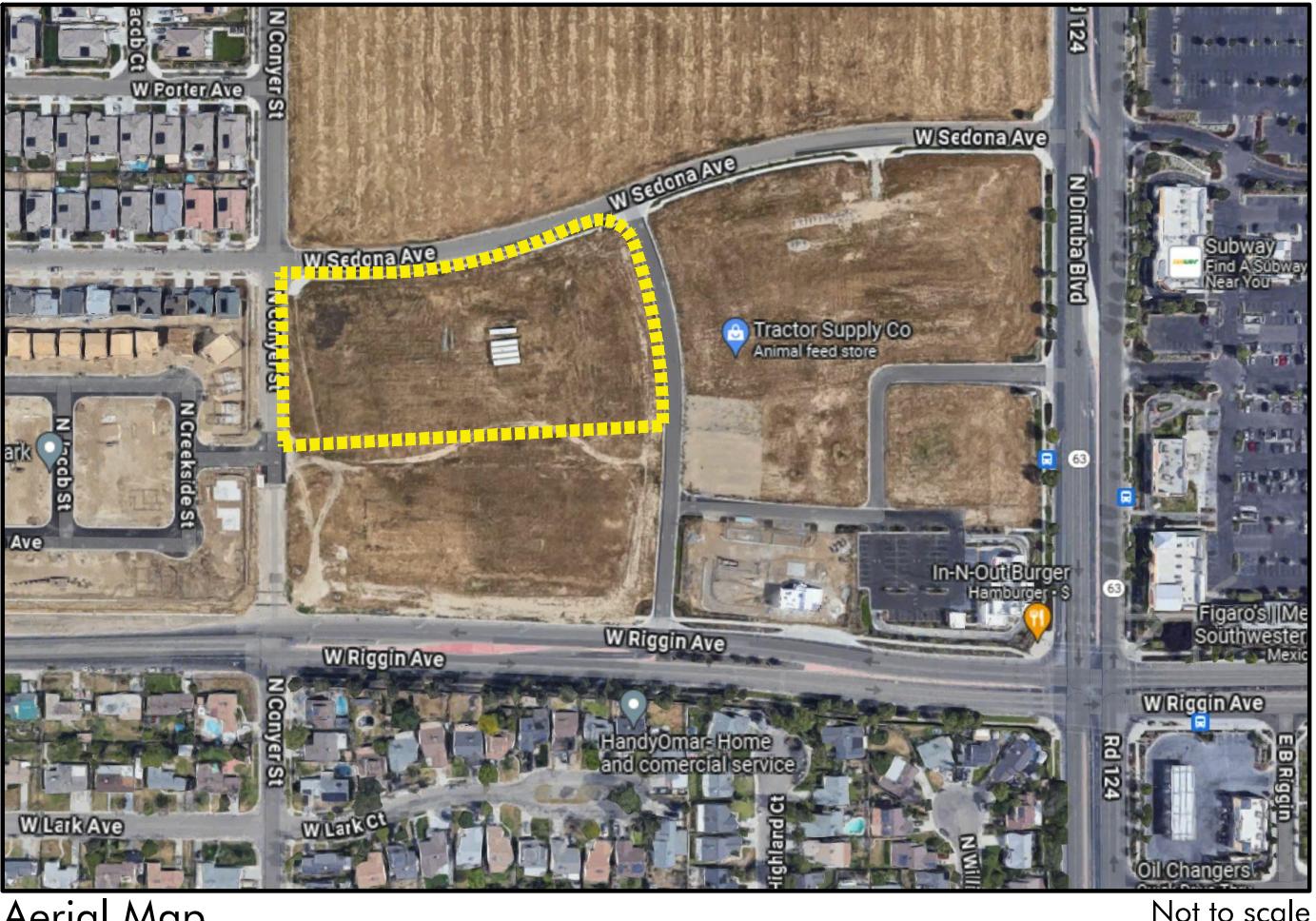
Gateway Entry (Example)



Trellis / Arbor Structure



Rail Fence with Stone Veneer Pilasters

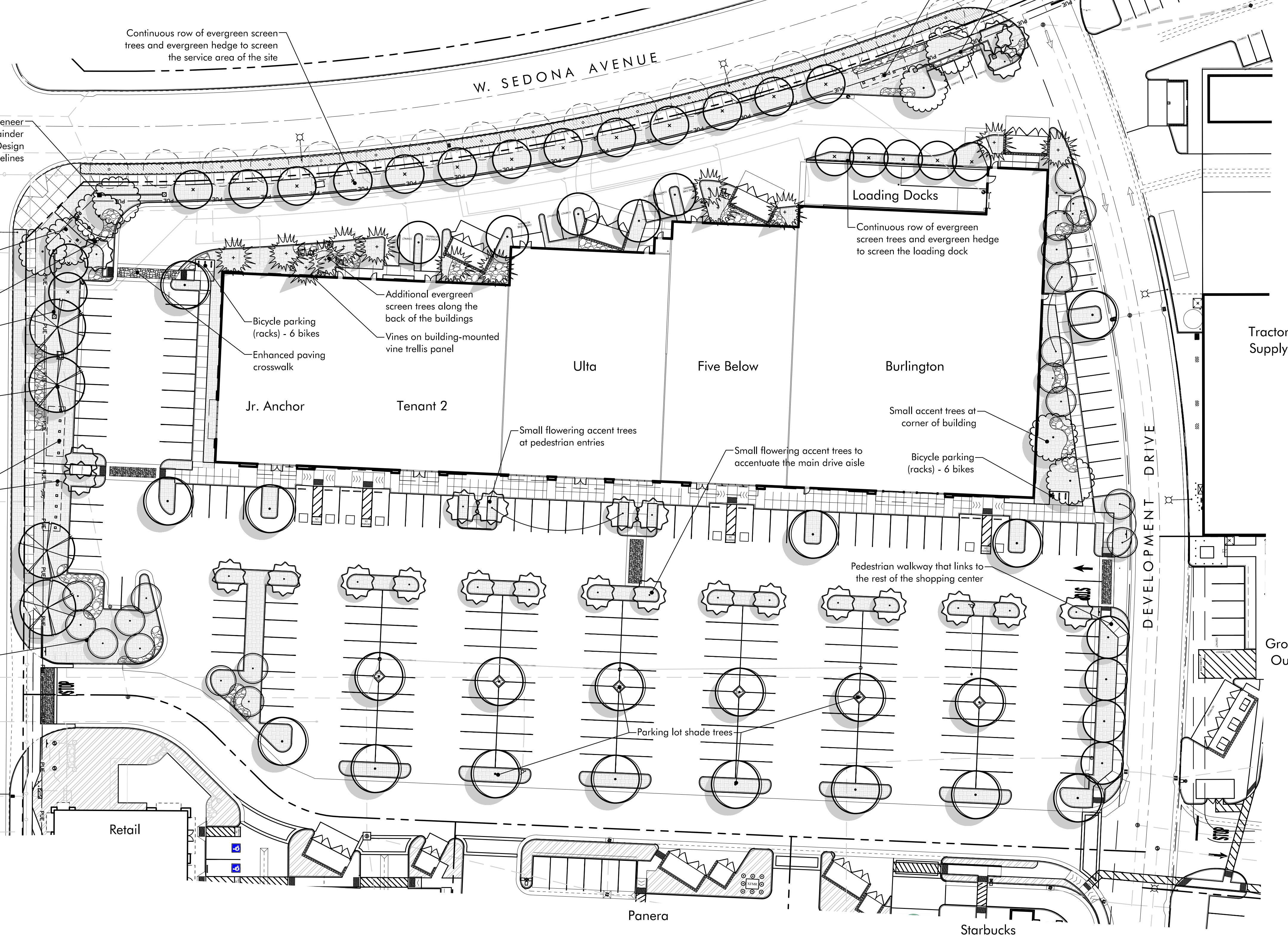


Aerial Map



Location Map

Project Location



www.kla-ca.com

151 N. Norlin St., Sonora, CA 95370  
(209)532-2856



Revisions  
Date  
Modification  
By

These plans are the property of KLA, Inc.; their use shall be restricted to the site for which they were prepared. Publication or use of these plans in whole or in part is not permitted without express consent in writing from KLA, Inc. Violation of these plans implies acceptance of the above restrictions.

© 2024

Orchard Walk  
West Retail North  
Visalia, CA

California Gold  
Development  
133 Olds Wards Ferry Rd.  
Sonora, CA 95370  
(209)533-3333

The original size of this drawing is 24" x 36". If the plan is a different size than 24x36 do not scale off of the drawing.

Preliminary  
Landscape Plan

Scale:  
1" = 30'-0"  
Date:  
October 4, 2024  
Drawn / Checked:  
NAB / TWH  
Project No:  
24-2537  
Sheet Number:

 NORTH  
Scale: 1" = 30'-0"

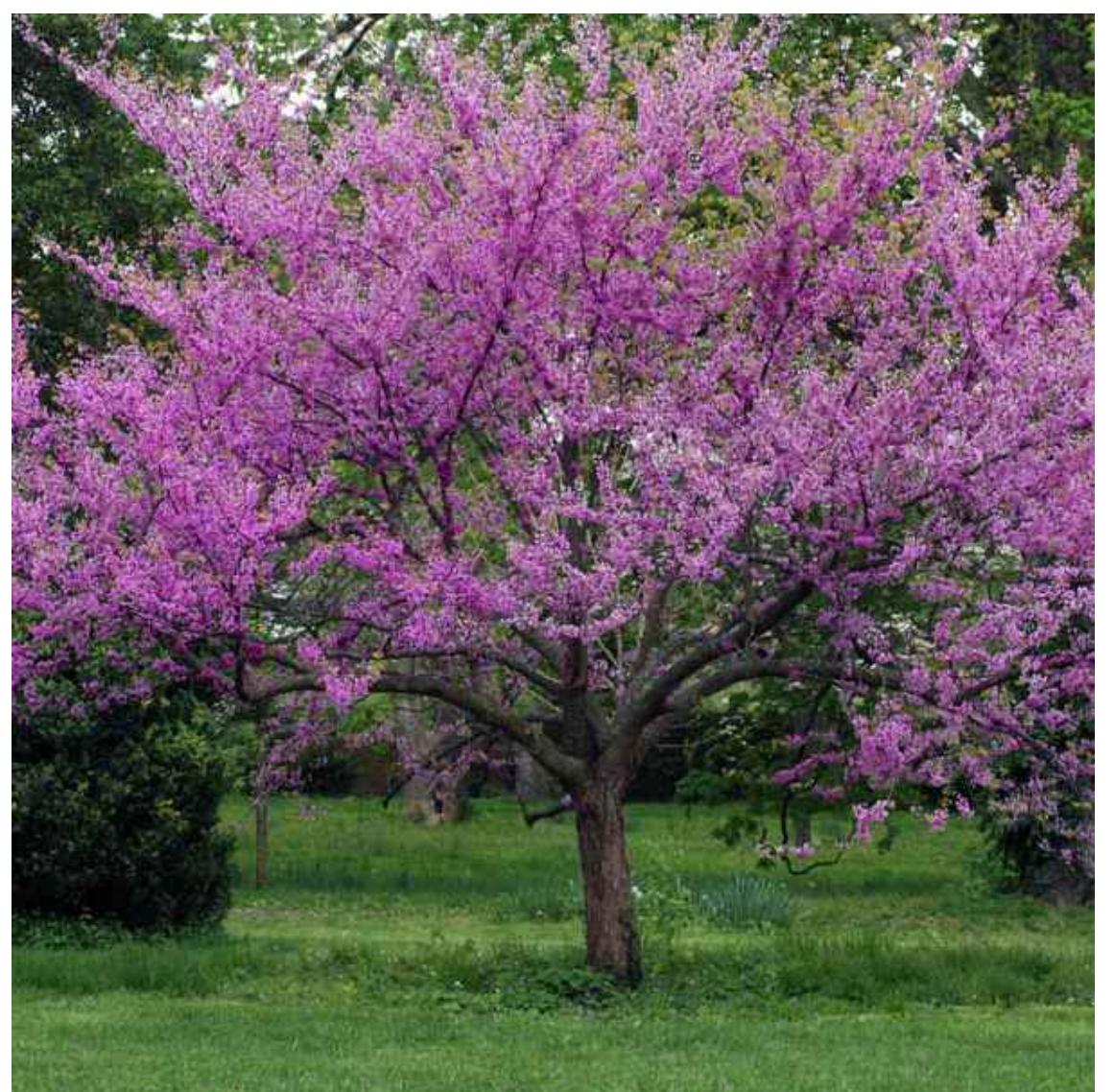
L0.1



# Plant Photos

## Exhibit C

### Trees



*Cercis canadensis 'Oklahoma'*



*Lagerstroemia indica x fauriei 'Tuscarora'*



*Magnolia grandiflora 'Samuel Sommer'*



*Olea europaea 'Swan Hill'*



*Pistacia chinensis 'Keith Davey'*



*Prunus cerasifera 'Krauter Vesuvius'*

### Shrubs



*Callistemon viminalis  
'Better John'*



*Callistemon viminalis  
'Little John'*



*Nerium oleander  
'Petite Pink'*



*Rhaphiolepis indica  
'Ballerina'*



*Rosmarinus officinalis  
'Blue Spires'*



*Xylosma congestum  
'Compacta'*

### Groundcover



*Cistus x pulverulentus  
'Sunset'*



*Hemerocallis x  
'Cranberry Baby'*



*Hemerocallis x  
'Pojo'*



*Lantana montevidensis*

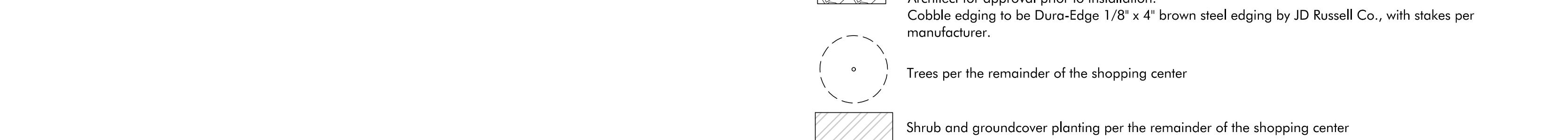
### Vines



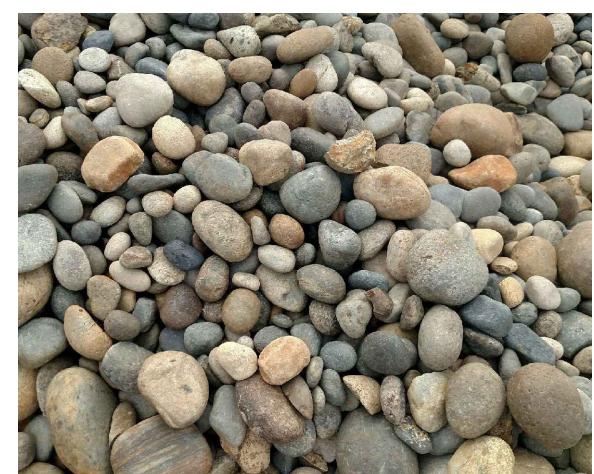
*Clytostoma callistegioides*



*Ficus pumila*



### Cobble



*Loose Cobble*



www.kla-ca.com

151 N. Norlin St., Sonora, CA 95370  
(209)532-2856



### Revisions

Date: \_\_\_\_\_ By: \_\_\_\_\_

These plans are the property of KLA, Inc.; their use shall be restricted to the site for which they were prepared. Publication or other use of these plans in whole or in part is not permitted without express consent of KLA, Inc. Visual use of these plans implies acceptance of the above restrictions.

© 2024

### PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	CONT	QTY	WATER USE
TREES					
GEI PAR	Geijera parviflora	Australian Willow	15 gal	9	Low
LAG TUS	Lagerstroemia indica x fauriei 'Tuscarora'	Tuscarora Crepe Myrtle	15 gal	25	Low
MAG SAM	Magnolia grandiflora 'Samuel Sommer'	Samuel Sommer Southern Magnolia	15 gal	20	Medium
OLE SH	Olea europaea 'Swan Hill'	Swan Hill Fruitless Olive	15 gal	8	Low
PIS KD	Pistacia chinensis 'Keith Davey'	Keith Davey Chinese Pistache	15 gal	20	Low
PLA BLO	Platanus x acerifolia 'Bloodgood'	Bloodgood London Plane Tree	15 gal	4	Low
PRU KV	Prunus cerasifera 'Krauter Vesuvius'	Krauter Vesuvius Purple-leaf Plum	15 gal	19	Medium
SEQ APT	Sequoia sempervirens 'Aptos Blue'	Coast Redwood	15 gal	13	High

### Preliminary Plant Palette

#### Shrubs

<input type="radio"/>	<input type="radio"/>	Large Screen and Background Shrubs - 5 gal.	Dwarf Oleander
<input type="radio"/>	<input type="radio"/>	Nerium oleander 'Petite Pink'	Red Tip Photinia
<input type="radio"/>	<input type="radio"/>	Photinia x fraseri	Blue Spire Photinia
<input type="radio"/>	<input type="radio"/>	Rosmarinus officinalis 'Blue Spires'	Shiny Rosemary
<input type="radio"/>	<input type="radio"/>	Xylosma congestum 'Compacta'	Shiny Xylosma

<input type="radio"/>	<input type="radio"/>	Middle Ground Infill and Flowering Shrubs - 5 gal.	Bottlebrush
<input type="radio"/>	<input type="radio"/>	Callistemon viminalis 'Little John'	Goodwin Creek Lavender
<input type="radio"/>	<input type="radio"/>	Lavendula 'Goodwin Creek Grey'	Wheeler's Dwarf Tobira
<input type="radio"/>	<input type="radio"/>	Pittosporum tobira 'Turner's Variegated Dwarf'	India Hawthorne
<input type="radio"/>	<input type="radio"/>	Rhaphiolepis indica 'Ballerina'	Groundcover Rose
<input type="radio"/>	<input type="radio"/>	Rosa 'Red Flower Carpet'	Texas Privet
<input type="radio"/>	<input type="radio"/>	Rosa 'Iceberg'	India Hawthorne
<input type="radio"/>	<input type="radio"/>	Rosa 'Iceburg'	Iceburg Rose

#### Groundcovers

<input type="radio"/>	Grass and Grass-like Accent Plants - 1 gal. or 5 gal.	Fortnight Lily
<input type="radio"/>	Diites vegeta	Blue Oat Grass
<input type="radio"/>	Helichrysum sempervirens	Deer Grass

<input type="radio"/>	Small Flowering/Accent Plants - 1 gal.	Blue Fescue
<input type="radio"/>	Festuca glauca	Day Lily
<input type="radio"/>	Hemerocallis hybrida	Lantana
<input type="radio"/>	Lantana montevidensis 'Purple'	Groundcover Rose
<input type="radio"/>	Rosa 'Red Flower Carpet'	

<input type="radio"/>	Spreading Groundcover - 1 gal.	Hedera
<input type="radio"/>	Hedera helix 'Minima'	Rhaphiolepis indica 'Ballerina'

<input type="radio"/>	Vines	Violet Trumpet Vine
<input type="radio"/>	Clytostoma callistegioides	Creeping Fig

This plan represents the design style and theme of the landscape design and planting. These plans are preliminary and may change through the design process. The final planting plan may not contain all of the above plants in the sizes as shown. Additionally some new plant species may be used in the final design. This plan does however indicate the quantity of trees and the overall level of landscape development that will be carried through with the final design.

Final landscape design shall meet City of Visalia codes and requirements as well as Project Specific Conditions of Approval. Final design is subject to approval through the building permit review process.

**Misc. Landscape Materials**  
All shrub and groundcover areas shall be top-dressed with a 3" layer of mulch to match the other portions of the shopping center that have been recently installed. Mulch shall be 2" minus in length and not greater than 3/8" in thickness, and shall be dark brown in color. Contractor shall provide sample for approval prior to installation. Shredded redwood or cedar bark ("Gorilla-Hair") is not acceptable.

Cobble - 6" layer of 2"-4" diameter Noiyo cobblestone. Contractor to submit sample to Landscape Architect for approval prior to installation.  
 Cobble edging to be Dura-Edge 1/8" x 4" brown steel edging by JD Russell Co., with stakes per manufacturer.

Trees per the remainder of the shopping center  
 Shrub and groundcover planting per the remainder of the shopping center

The original size of this drawing is 24" x 36". If the plan is a different size than 24x36 do not scale off of the drawing.

### Preliminary Landscape Images

Scale: \_\_\_\_\_

Date: \_\_\_\_\_  
October 4, 2024

Drawn / Checked:  
NAB / TWH

Project No:  
24-2537

Sheet Number:  
L0.3



## Exhibit D

October 6, 2024

Paul Bernal  
 Community Development Director  
 City of Visalia  
 315 E. Acequia Avenue  
 Visalia, CA 93291

RE: Orchard Walk West Shopping Center  
 Post-COVID Office Vacancy Rates

Paul:

### Background of Project

On June 18, 2007, the City of Visalia adopted the Orchard Walk Specific Plan. Under the Specific Plan, Orchard Walk West (OWW) was approved to develop up to 191,131sf of retail buildings and up to 24,212sf of office space. To date, approximately 72,462sf of retail buildings have been approved and developed. The final phase of development for the OWW Specific Plan proposed the addition of approximately 55,000sf of anchor tenants that will include Burlington, Ulta Beauty, Five-Below and ~15,000sf of future tenant space. (all permitted uses in a C-MU zoning district without requiring discretionary approvals) Once this final phase is built-out the OWW shopping center will have approximately 127,462sf of retail space. The office buildings contemplated in the Orchard Walk Specific Plan will not be added to the shopping center for the following reasons.

### Post-COVID Office Vacancy Rates

Office vacancy rates have reached unprecedented levels. As of Q4 2023, the national office vacancy rate surged to 19.6%, the highest level since at least 1979.<sup>1</sup> This trend continues to accelerate in the post-COVID-19 era due to remote work-from-home policies and the oversupply of office space.<sup>2</sup> Given office buildings' historically high vacancy rates, any new development of office space has a serious negative impact on local communities in cities all over the USA. Vacant buildings, whether

<sup>1</sup> Wall Street Journal "*Offices Around America Hit a New Vacancy Record*" by Konrad Putzier dated January 8, 2024

<sup>2</sup> Wall Street Journal "*The Office Market Had It Hard in 2023. Next Year Looks Worse*" by Peter Grant dated December 13, 2023





office, retail, industrial or residential, create a cascade of problems that affect the area's economic vitality, safety, and overall quality of life for citizens and are a blight upon the local community.<sup>3</sup>

### Economic Impact

When new development of office buildings are vacant, it creates a visible sign of economic decline. Empty storefronts and darkened windows signal a lack of business activity, which can deter new investments and visitors to the area. The vacancy often leads to a decrease in foot traffic, harming nearby businesses that rely on office workers as customers. As a result, surrounding shops, restaurants, and service providers may struggle to stay afloat, potentially creating more vacant spaces and exacerbating the problem.

### Attraction of Undesirable Activities

Empty office buildings often become magnets for illicit activities.<sup>4</sup> The lack of regular occupants makes these spaces attractive to individuals seeking shelter or engaging in criminal behavior. Vacant offices attract homeless individuals looking for temporary shelter, especially in harsh weather conditions.<sup>5</sup> The absence of regular activity in and around vacant buildings creates opportunities for various criminal activities, including, drug use and distribution, theft and property crimes, vandalism and squatting.

### Impact on Community Safety

The presence of vacant office buildings and the associated increase in criminal activity can significantly impact community safety and residents' quality of life.<sup>6</sup> This leads to increased fear and anxiety among local residents, reduced willingness to use public spaces, decreased social cohesion within the community and an unwillingness to shop at local businesses.

### Strain on Local Government Resources

Addressing the issues stemming from office vacancies places a significant burden on local government resources. The negative fiscal impact this has on a city's budget is due to increased police patrols to deter homelessness and criminal activity, more frequent fire department responses due to unsecured buildings, additional code enforcement efforts to address building deterioration and clean-up costs for litter and graffiti removal.

### Permitted Deviations to the Specific Plan

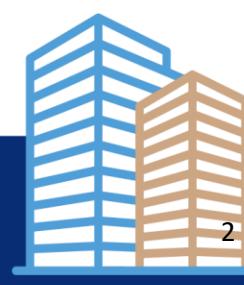
Orchard Walk Specific Plan states "Appendix G shows the buildable limit line for each building within the commercial portion of the Plan Area. This exhibit shows each building's envelope to allow

<sup>3</sup> International Economic Development Council "Case Studies in Addressing Neighborhood Vacancy and Blight" dated July 2014

<sup>4</sup> id

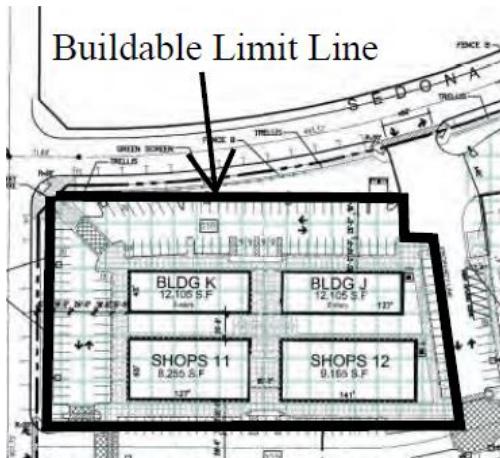
<sup>5</sup> id

<sup>6</sup> id





for deviations to the master site plan *without having to consider such changes as amendments for minor deviations.*" The specific plans expressly permits modifications to the conceptual location of buildings without requiring any discretionary approvals for a minor deviation. Under the OWW Specific Plan, building less than what was approved only requires administrative approval on staff level without a public hearing.



## Conclusion

The historically high vacancy rates of office buildings make any new development of them economically unviable. Any new development of office buildings will inevitably remain vacant due to a lack of demand in the current economic environment. The blight caused by office vacancies generally leads to a downward spiral for the entire community. To avoid this blight, this final phase of development for OWW will include the addition of approximately 55,000sf of national retail anchor tenants that will include Burlington, Ulta Beauty, Five-Below and ~15,000sf of future tenant space as permitted by the Specific Plan.

Sincerely,

Scot Patterson  
 Chief Executive Officer

Cc: Robert Toro



**DESCRIPTION OF PROJECT:**

**Conditional Use Permit No. 2024-40:** A request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing the establishment of 55,000 square feet of major and junior retail anchors upon the remaining northwest corner of the specific plan area. The site is zoned C-MU (Commercial Mixed-Use Zone).

**Location:** The project site is located at the northeast corner of West Riggan Avenue and North Conyer Street. (Addresses not assigned) (APN: 078-120-055).

**SUMMARY**

This document is an addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34 originally prepared for the development of the Orchard Walk Specific Plan and its related entitlements. The decision to prepare an addendum was based on the original document's adequate analysis with regard to the revised project description. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162 which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR have been met.

This addendum is being prepared to include Conditional Use Permit No. 2024-40 into the project description. These entitlements will allow the creation of additional parcels in the master-planned development. No changes will be made to the zoning or land use designation associated with the development plan, though the changes will allow for other land uses within the development that are allowed by zoning and consistent with the General Plan. The change to the Initial Study/Mitigated Negative Declaration's project description is minor and is supported by evidence in the record.

This addendum shall be attached to and considered with Initial Study / Mitigated Negative Declaration No. 2007-34, which was prepared for the Orchard Walk Specific Plan and its related entitlements, and was adopted by the Visalia City Council on May 29, 2007. The Initial Study / Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and disclosed that environmental impacts are determined to be not significant for the project if mitigation specified in the document is carried out.

**DECISION TO PREPARE AN ADDENDUM PURSUANT TO CEQA GUIDELINES, SECTION 15162**

According to CEQA Guidelines Section 15162, a subsequent Negative Declaration is required if one or more of three criterion have occurred. These criterion generally involve substantial changes proposed in the project or occurring with respect to the circumstances under which the project is taken that warrant major revisions to the Mitigated Negative Declaration due to new or increased significant environmental effects, or the revealing of new information of substantial importance that was not and could not have reasonably been known previously that show an increased significant impact from the project.

**City of Visalia - First Addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34**

The City's evaluation of the proposed project has determined that a further subdivision of land that was previously considered and approved for a master-planned development is not a substantial change that brings about a new significant environmental impact or significantly increases the severity of an environmental impact. Also, no new information has arisen since the approval of Mitigated Negative Declaration No. 2007-34 regarding the project or its site conditions that warrant a change in environmental effects.

Staff is making the following findings for the First Addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34:

**FINDINGS**

1. That the inclusion of (a) Conditional Use Permit No. 2024-40, A request by Rob Toro of Cal Gold Development to amend the approved uses and layout of the Orchard Walk Specific Plan site plan, proposing the establishment of 55,000 square feet of major and junior retail anchors upon the remaining northwest corner of the specific plan area. The site is zoned C-MU (Commercial Mixed-Use Zone), which constitutes a minor change to the project description and none of the conditions which would require the preparation of a Subsequent Mitigated Negative Declaration have occurred, Guidelines Section 15164(a).
2. That no changes have occurred since Initial Study/Negative Declaration No. 2007-34 was approved that would change the outcome of the previous Initial Study.

**Addendum to Initial Study/Mitigated Negative Declaration No. 2007-34 prepared by:**

---

Josh Dan  
Senior Planner  
City of Visalia Planning Division

---

Date

**SUPPORTING DOCUMENTATION**

The following documents are hereby incorporated into this Addendum by reference:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.

**City of Visalia - First Addendum to Initial Study/Mitigated Negative Declaration Document No. 2007-34**

- 2015 Urban Water Management Plan, Visalia District. California Water Service Company, June 2016.



October 31, 2024

### Site Plan Review No. 2024-119-1-1:

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

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

This is your Site Plan Review Permit; your Site Plan Review became effective **September 4, 2024**. 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,



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

#### Attachment(s):

- Site Plan Review Comments

# City of Visalia

315 E. Acequia Ave., Visalia, CA 93291



# Planning Division

Tel: (559) 713-4359; Fax: (559) 713-4814

MEETING DATE

September 4, 2024

SITE PLAN NO.

2024-119-1-1

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 7:30 a.m. and 5:00 p.m., Monday through Thursday, offices closed on Fridays.

Your plans must be reviewed by:

<input type="checkbox"/> CITY COUNCIL	<input type="checkbox"/> REDEVELOPMENT
<input checked="" type="checkbox"/> PLANNING COMMISSION	<input type="checkbox"/> PARK/RECREATION
<input checked="" type="checkbox"/> CUP	
<input type="checkbox"/> HISTORIC PRESERVATION	<input type="checkbox"/> OTHER:
<input type="checkbox"/> <b>ADDITIONAL COMMENTS:</b>	

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

# SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: September 4, 2024

SITE PLAN NO: 2024-119-1-1

PROJECT TITLE: Orchard Walk West – Phase 3

DESCRIPTION: Final phase of development of Orchard Walk West shopping center. Proposed project is for major/junior anchor tenant consisting of Burlington Coat Factory, Ulta Beauty, Five-Below, Daiso and another tenant TBD.

APPLICANT: Robert Toro

LOCATION: NEC of W. Riggin Ave. and N. Conyer St.

APN: 078-120-055

## Planning Division Recommendation:

- Revise and Proceed
- Resubmit

## Project Requirements

- Orchard Walk Specific Plan (OWSP) Compliance
- Conditional Use Permit to amend Orchard Walk Specific Plan
- Building Permit

### **PROJECT SPECIFIC INFORMATION:** September 4, 2024

1. The applicant shall work with staff to address building elevation conformance with the Orchard Walk Specific Plan.
2. Staff will review narrative regarding loss of office space by the applicant and will be included at time of entitlement.
3. Prior to scheduling entitlement, the applicant shall work with the Traffic Engineer to ensure conformance with traffic analysis and trip calculation with the center.
4. Comply with the requirements of all other reviewers
5. Other information as needed.

### **PROJECT SPECIFIC INFORMATION:** August 21, 2024

6. The project shall comply with the Orchard Walk Specific Plan (OWSP) and master sign program and previous comments.
7. Parking field shall be in accordance with the Specific Plan.
8. Provide rooflines consistent with the alternating rooflines of the Specific Plan.
9. Provide a narrative for the exchange of office space for additional retail uses.
10. Other information as needed.

### **PROJECT SPECIFIC INFORMATION:** June 12, 2024

11. The project shall comply with the Orchard Walk Specific Plan (OWSP) and master sign program.
12. The project shall comply with Conditional Use Permit No. 2023-36.
13. Applicant will need to address the lack of 2-story office building per Specific Plan.
14. A Conditional Use Permit shall be required to amend the Orchard Walk Specific Plan.
15. Elevations do not comply with the Orchard Walk Specific Plan (see 3.9.4 Architecture Policies and Standards), large areas of intense light, white colors should be avoided. The roofline at the top of structure on building frontages should not run in a continuous plane for more than 150 feet without an offset. Proposed color palette is not compatible with the OWSP (see figure 3.9-1)

16. The applicant is encouraged to provide colored exhibits which will need to proceed to the Planning Commission showing consistency with the approved Specific Plan.
17. Setbacks along Conyer Street are identified in Table 3.1-1 as requiring a 15-ft building setback and a minimum 12-ft landscaping setback.
18. The exhibit shall demonstrate stamped concrete at the Conyer Street Entrance point (see inset site plan below).
19. The exhibit shall callout an articulated Gateway feature at the corner of N Conyer Street and W Sedona Avenue (see figure 3.3-1), Gateways shall be prominently marked with signage, accent paving, lighting, landscaping, accent trees, and monument features consistent with the design guidelines/standards of the OWSP.
20. Not more than 10 consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more (parking spaces to the west of Jr. Anchor along Conyer St and parking spaces south and east of Burlington store front)
21. Site Plan shall demonstrate pedestrian connectivity near all drive aisles and plan for walking paths/connections to every street/section of the development, including businesses to the south (Starbucks, Panera, Retail store).
22. Per OWSP 3.4-C, the loading and unloading activities behind each major tenant building shall be conducted in an enclosed loading dock with a positive seal between the loading dock and trucks. The loading dock will include a wall of sufficient height (not to exceed 8-ft), and appearance as the remainder of the building, to minimize sound from trucks and have an appearance similar to that of the main building.
23. Lighting in Community Commercial centers shall be used to provide security and safety for all areas such as parking, loading, shipping, receiving, pathways and working areas. All building entrances shall be well lit and have architectural lighting treatment.
24. Per OWSP 3.9-3, landscaping shall be used to define the edge of the property, provide transition between neighboring properties, and provide screening for loading and equipment areas.
25. All signage shall require a separate Building Permit submittal.

**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 completion of a final building inspection for a project, a signed MWELO Certificate of Compliance shall be submitted indicating that all landscaping has been installed to MWELO standards.

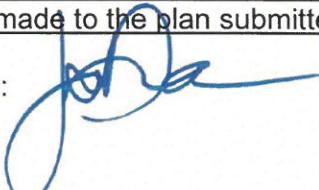
**Sections of the Municipal Code to review:**

- **17.19.060 Development standards in the C-MU zones outside the downtown area.**
- **17.30 Development Standards**
- **17.32.080 Maintenance of landscaped areas**
- **17.34 Off-street parking and loading facilities**
- **17.36 Fences Walls and Hedges**
- **17.34.020 – Off-Street Parking and Loading Facilities**

Accessible at <https://codelibrary.amlegal.com/codes/visalia/latest/overview>

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

Signature:





**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

Edelma Gonzalez 713-4364  
 Luqman Ragabi 713-4362  
 Sarah MacLennan 713-4271

**ITEM NO: 2 DATE: SEPTEMBER 4, 2024**

SITE PLAN NO.: 24-119-1-1  
PROJECT TITLE: ORCHARD WALK WEST- PHASE 3  
DESCRIPTION: 5 MAJOR/JUNIOR RETAIL TENANTS  
APPLICANT: ROBERT TORO  
PROP OWNER: RP INVEST PROP LP  
LOCATION: NEC OF W. RIGGIN & CONYER  
APN: 078-120-055

## **SITE PLAN REVIEW COMMENTS**

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

**Additional Comments:**

1. *Proposed multi-tenant building will incur development impact fees associated with building square footage and site acreage. Refer to page 4 for applicable fees and estimates.>>>Still applies.*
2. *There is an underlying master development plan for the site that will provide main access points and utility infrastructure - project shall connect to provided utilities onsite and match grade / utilize access roads. Refer to the approved CUP 2023-36 that amended the configuration of the site initially established with the adoption of the Orchard Walk Specific Plan No. 2007-02. >>>Still applies.*
3. *Master plan includes onsite pedestrian connectivity - project to adhere to and install any accessible paths of travel interconnecting onsite parcels and connections to City sidewalks. Coordinate at design stage. >>>Still applies.*
4. *Any remaining public improvements (ex. parkway landscaping with street trees) along Conyer Street will be required to be installed prior to building permit final.>>>Still applies.*
5. *The developer will be required to complete any necessary improvements and remove existing barricades on Conyer St. to the north of Riggin intersection and south of the future main commercial drive aisle.>>>Still applies.*
6. *Comply with City parking lot standards PK-1 through PK-5.>>>Still applies.*
7. *Proposed retail building did not identify two (2) of the future tenants. At time of tenant improvement, a grease interceptor may be required, depending on the final building user. >>>UPDATED.*
8. *A building permit is required, standard plan check and inspection fees will apply.>>>Still applies.*

**Additional comments (August 21, 2024):**

- 1. Project to install street trees at parkway area along Conyer St. frontage.**
- 2. Site plan to show internal pedestrian connectivity to south parcels.**
- 3. Enhanced paving crosswalk shall be outside of Conyer St. Public ROW and installed on-site. Enhanced paving crosswalk was approved under a site improvement permit through our building permit system. Applicant to provide a plan change that reflects typical City standard sidewalk along Conyer St.**

## SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 24-119-1-1  
Date: 09/04/2024

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

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

(Fee Schedule Date: 08/17/2024)

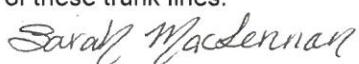
(Project type for fee rates: RETAIL )

Existing uses may qualify for credits on Development Impact Fees.

<b>FEE ITEM</b>	<b>FEE RATE</b>
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,663/AC X 5.33AC
<input checked="" type="checkbox"/> Transportation Impact Fee	\$18,735/1KSF
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$32/1KSF  WALK-UP: \$1,732/EACH  FAST FOOD: \$5,828/EACH
<input checked="" type="checkbox"/> Treatment Plant Fee	\$71/1KSF  WALKUP = \$7,605/EACH  FAST FOOD = \$25,558/EACH
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$55/LF
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$8,882/AC X 5.33AC
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$6,521/AC X 5.33AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$11,142/AC X 5.33AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$2,437/AC X 5.33AC
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$713/1KSF
<input type="checkbox"/> Parking In-Lieu	

### **Reimbursement:**

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



**Sarah MacLennan**

City of Visalia  
**Building: Site Plan**  
**Review Comments**

SPR/24119-1-1  
ORCHARD WALK WEST  
840 W RIGGSN

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone \_\_\_\_\_ \*  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. **COMMERCIAL: 70.78 PER SF**
- Park Development fee \$ \_\_\_\_\_ per unit collected with building permits.
- Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

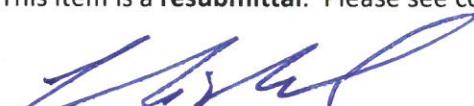
Additional comments: **BUILDING SHALL BE EQUIPPED WITH (PV) SOLAR AND BATTERY STORAGE SYSTEM, BIKE RACKS, (BY) PARKING PER GREEN STANDARD CODE. FIRE SPRINKLERS MAY BE REQUIRED BASED ON TYPE OF CONSTRUCTION AND SIZE OF FIRE AREAS. PROVIDE ACCESSIBLE ROUTE FROM ALL EXITS TO THE PUBLIC WAY.**



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

Date September 4, 2024  
Item # 2  
Site Plan # 24119-1-1  
APN: 078120055

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- This item is a **resubmittal**. Please see comments from previous submittals.

  
Corbin Reed  
Fire Marshal



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

Date: 09/04/24  
Item: 2  
Site Plan: SPR24119-1-1  
Name: Robert Avalos

#### Site Plan Review Comments

No Comment at this time.

Request opportunity to comment or make recommendations as to safety issues as plans are developed.

Public Safety Impact Fee:  
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code  
Effective date - August 17, 2001.

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure or improvement previously existed. \*Refer to Engineering Site Plan comments for fee estimation.

Not enough information provided. Please provide additional information pertaining to:

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

Access Controlled/ Restricted etc.

lighting Concerns:

Traffic Concerns:

Surveillance Issues:

Line of Sight Issues:

Other Concerns:

# **SITE PLAN REVIEW COMMENTS**

## **CITY OF VISALIA TRAFFIC SAFETY DIVISION**

**September 4, 2024**

ITEM NO: 2	Added to Agenda	MEETING TIME: 09:15
SITE PLAN NO:	<a href="#"><u>SPR24119-1-1</u></a>	ASSIGNED TO: Josh Dan <a href="mailto:Josh.Dan@visalia.city"><u>Josh.Dan@visalia.city</u></a>
PROJECT TITLE:	Orchase Walk West - Phase 3	
DESCRIPTION:	Final phase of development of Orchard Walk West shopping center. Proposed project is for major/junior anchor tenant consisting of Burlington Coat Factory, Ulta Beauty, Five-Below and another tenants TBD.	
APPLICANT:	Robert Toro - Applicant	
APN:	078120055	
ADDRESS:	840 W RIGGIN AVE	
LOCATION:	NEC of W. Riggin & Conyer	

**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 **see below**. 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:**

- Provide conformance with TIA previously performed for master plan of site. Depending on size of increase in projected trip generation (if any) additional traffic information may be required.

## **Susan Currier**

---

**From:** Jennifer Flores  
**Sent:** Tuesday, September 3, 2024 9:53 AM  
**To:** Susan Currier  
**Cc:** Josh Dan  
**Subject:** Site Plan review 09.04.24 Wastewater Comments  
**Attachments:** 09.04.24 SPR24177-1 BLANKENSHIP.pdf

Hello,

Below are my comments for this week's site plan review.

SPR24032-1-1-1 : No Comments

**SPR24119-1-1: No Comments**

SPR24014-1 : No Comments

SPR24177-1: Housing Subdivision – since subdivision will be using COV sewer and storm drains an Housing residential wastewater questionnaire is requested to be filled out

SPR24194- No Comments

SPR24195- No Comments

SPR24196- No Comments

SPR24198 – No Comments

SPR24199- No Comments

Please let me know if you have any questions.

*Sincerely,*

***Jennifer Flores***

Pretreatment Coordinator  
City of Visalia, Waste Water Reclamation  
7579 Ave 288, Visalia CA  
Office phone- (559)713-4463  
Work cell- (559) 972-9269



## CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive  
Visalia, CA 93292 Tel: (559) 624-1600

**Site Plan Review Comments From:**  
California Water Service  
Scott McNamara, Superintendent  
216 N Valley Oaks Dr.  
Visalia, CA 93292  
559-624-1622  
[smcnamara@calwater.com](mailto:smcnamara@calwater.com)

Date: 09/04/2024  
Item #: 2  
Site Plan #: 24-119-1-1  
Project: Orchard Walk West Shopping Center  
Description:  
Applicant: Robert Toro  
APN: 078-120-055  
Address: NWC of Riggin and Dinuba

**The following comments are applicable when checked:**

No New Comments  
 Pulled from agenda

**Water Mains**

*Comments:*

- Water main fronting your project on Riggin, Conyer, and Sedona.  
 - No existing water main fronting this project

**Water Services**

*Comments:*

- Existing service(s) at this location.  
 - Domestic/Commercial  
 - Irrigation  
 - Fire Protection

The following will be paid for by the property owner/developer:

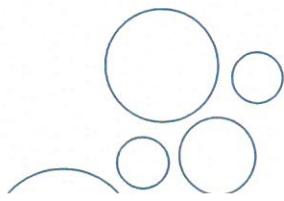
- Any additional services for the project.
- Relocation of any existing service that is to land within a new drive approach.
- Abandonment of any existing service that is not utilized.
- If the existing service(s) is not sufficient in size to meet the customer's demand:
  - Installation of the correct size service.
  - Abandonment of the insufficient size service.

- Service(s) will need to be installed for this project.

**Fire Hydrants**

*Comments:*

- Fire hydrants will be installed per the Visalia Fire Departments requirements.
- If new fire hydrants are required for your project off an existing water main:
  - Cal Water will utilize our own contractor (West Valley) for the installation.
  - This work is to be paid for by the property owner/developer.





## CALIFORNIA WATER SERVICE



### **Backflow Requirements**

#### **Comments:**

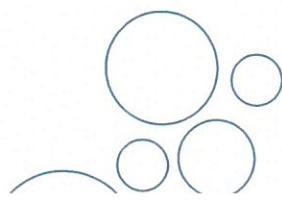
A backflow is required if any parcel meets any of the following parameters:

- Designated as multi-family
- Commercial building
- Has multiple dwellings (residential or commercial)
- Has multiple services
  - Any combination of the following:
    - Domestic/Commercial
    - Irrigation
    - Fire Protection

Please contact Cross Connection Control Specialist Juan Cisneros at 559-624-1670 or [visaliabackflow@calwater.com](mailto:visaliabackflow@calwater.com) for a backflow install packet.

#### **Additional Comments:**

- If your project requires the installation of Cal Water facilities, please contact New Business Superintendent Mike Andrada at 559-624-1689 or [mandrada@calwater.com](mailto:mandrada@calwater.com) to receive your new business packet to start your project with Cal Water.
- Cal Water may work with the developer to purchase a piece of property for a future tank site and/or a new source of water.
- If Cal Water infrastructure is to be installed on private property, a dedicated easement will be required for our infrastructure.
- If you need to request existing utility information, please contact Construction Superintendent Scott McNamara at [smcnamara@calwater.com](mailto:smcnamara@calwater.com) for the information and requirements needed to obtain this information.
- If a fire flow is needed for your project, please contact Distribution Superintendent Alex Cardoso at 559-624-1661 or [lcardoso@calwater.com](mailto:lcardoso@calwater.com) for information and requirements.
- If you need a construction meter for your project, please call our Operations Center at 559-624-1650.
- If you need to sign up for an existing service, please call 559-624-1600.



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

24119-1-1

September 4, 2024

No comments.

XX

See comments below

Revisions required prior to submitting final plans. See comments below.

Resubmittal required. See comments below.

XX

Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers

XX

ALL refuse enclosures must be city standard R-1 OR R-2 & R-3 OR R-4

Customer must provide combination or keys for access to locked gates/bins

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure insufficient to comply with state recycling mandates. See comments for suggestions.

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.

XX

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

XX

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

XX

Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.

XX

Area in front of refuse enclosure must be marked off indicating no parking

XX

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.

Customer will be required to roll container out to curb for service.

XX

Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

XX

City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

Customer is aware that all solid waste services are to be assigned to the Property Owner/Manager account if tenants will share services. Enclosure gates are required and must swing 180 degrees. If tenants will manage their own individual solid waste accounts, then multiple triple enclosures must be identified to house the required trash, recycle, and organics bins per the State of California's mandatory commercial recycling laws (AB-341 & AB-1826). Each enclosure must be set for STAB load collections. Customer to complete a City of Visalia "Concrete/Driveway Release of Liability Waiver Agreement".

Jason Serpa, Solid Waste Manager, 559-713-4533138  
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532



**Comment**

## Susan Currier

---

**From:** Rajput, Rosy@DOT <Rosy.Rajput@dot.ca.gov>  
**Sent:** Thursday, September 5, 2024 10:52 AM  
**To:** Susan Currier; Josh Dan  
**Cc:** Padilla, Dave@DOT; Deel, David@DOT; lorena.mendibles@dot.ca.gov  
**Subject:** Response from D6 Caltrans : SITE PLAN REVIEW for 09-04-2024

Hi Josh and Susan,

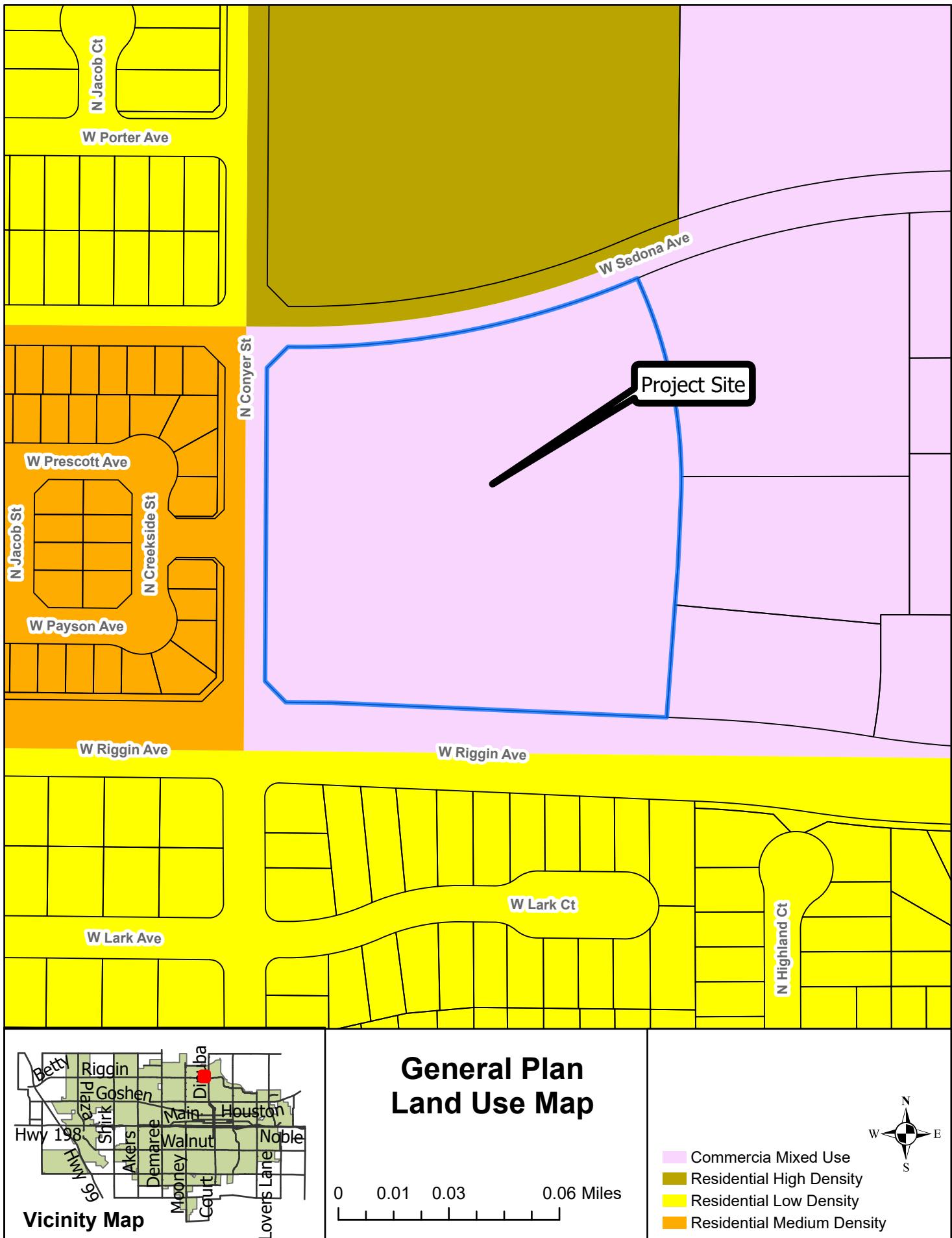
This email summarizes Caltrans response to the following site plans:

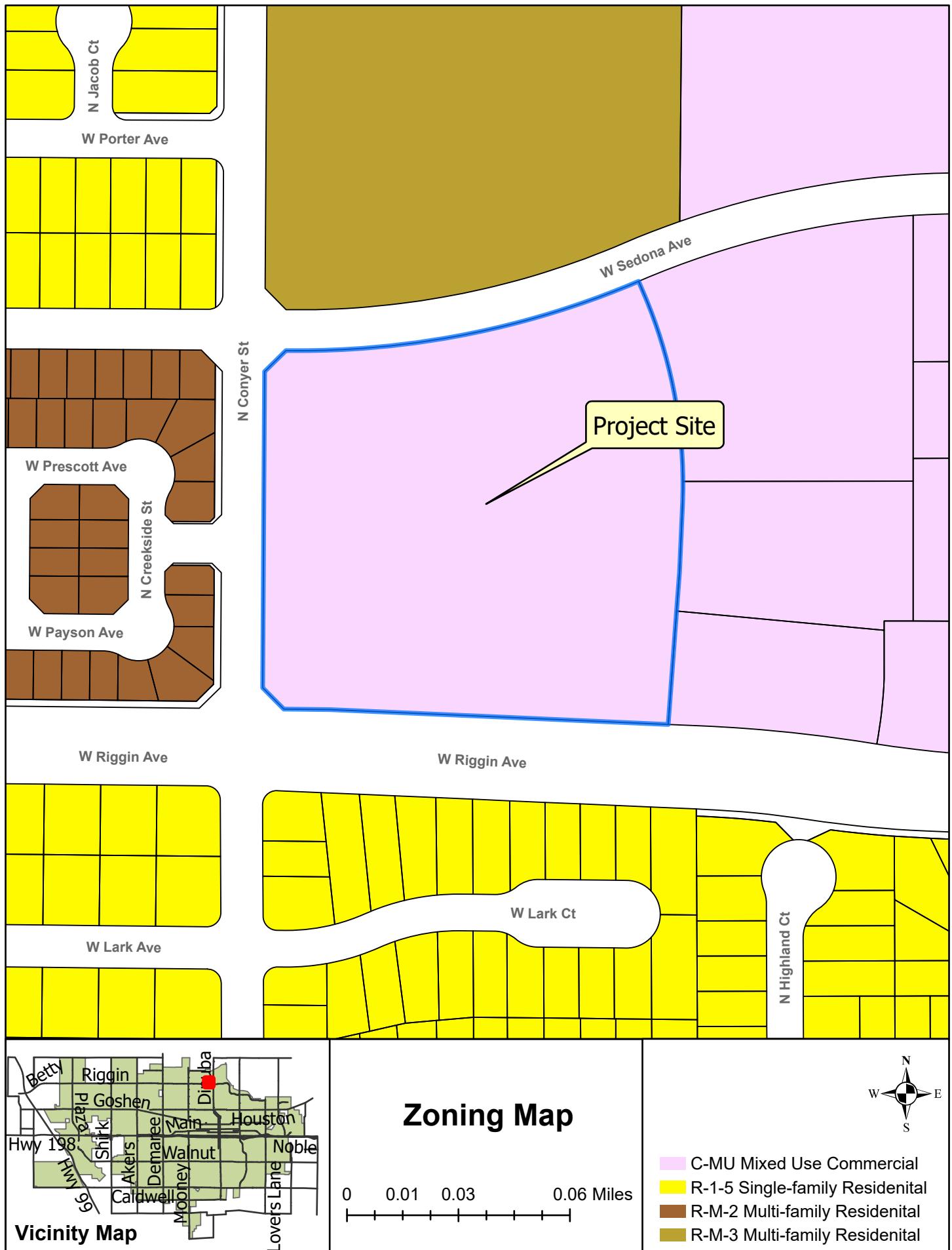
- **SPR24032-1-1-1 –David Parcel Map:** No comment
- **SPR24119-1-1 – Orchard Walk West - Phase 3:** Caltrans comments still apply from the previous letter provided on July 1<sup>st</sup>, 2024 (Please see the attached letter)
- **SPR24014-1 – FreshFill:** Routed for comments
- **SPR24177-1 – Blankenship:** No comment
- **SPR24194 – Parcel Map:** No comment for now. We would like to request to inform Caltrans of any future developments on Parcel 3. Any proposed plans or changes will need to be reviewed and routed accordingly.
- **SPR24195 – Parking Lot - Mercado Sol Del Valle:** No comment
- **SPR24196 – Zen Massage Therapy:** No comment
- **SPR24198 – Sakura Spa:** No comment
- **SPR24199 – Pickleball Court Development:** No comment

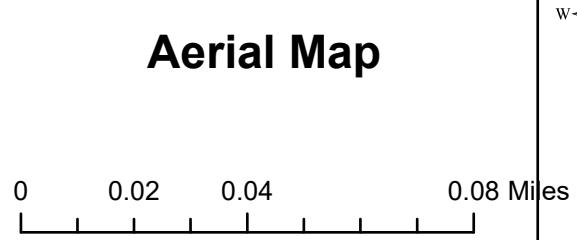
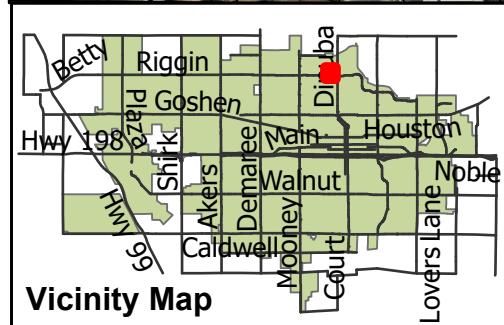
If you have any questions, please feel free to reach out to me.

Thank you,













## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** November 12, 2024

**PROJECT PLANNER:** Josh Dan, Senior Planner  
Phone: (559) 713-4003  
E-mail: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**SUBJECT:** **Zoning Text Amendment No. 2024-04:** A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), Chapter 17.32.166 Short-Term Rentals to add language requiring applicants to reapply annually and to include fines for non-compliance, Citywide.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2024-71, recommending that the City Council approve adoption of Zoning Text Amendment No. 2024-04, which amends Title 17, Chapter 17.32.166 Short-Term Rentals to add language requiring applicants to reapply annually and to include fines for non-compliance, citywide. This recommendation is based on the findings contained therein and summarized as follows:

- The Zoning Text Amendment is consistent with the goals, objectives, and policies of the City's General Plan.
- The Zoning Text Amendment amends established objective standards to adequately address operational standards for short-term rentals, consistent with the stated goals of the City of Visalia General Plan and Zoning Ordinance to preserve and promote the public health, safety, and welfare of the city.

### RECOMMENDED MOTION

I move to recommend that the City Council approve Zoning Ordinance Text Amendment No. 2024-04 based on the findings and conditions in Resolution No. 2024-71.

### BACKGROUND AND REASON FOR ZONING TEXT AMENDMENT

The City Council, in response to several inquiries regarding Short-term rentals, directed staff to explore potential options regarding the ability to regulate this use in residential zones. On October 16, 2023, the City Council introduced the first reading of a Zoning Text Amendment (i.e., ZTA No. 2023-01) that established codified performance standards regulating short-term rentals occurring in all residential zones (i.e., R-1 and R-M zones). During the public hearing, a majority of the Councilmembers expressed common agreement that the ordinance was a "good start" in establishing requirements to address STRs in the community. However, during the Council's deliberation on the adoption of the ordinance, Council provided direction on potential changes to the STR ordinance to be discussed at a future Council meeting. The City Council requested that staff return in 60 to 90 days after the STR ordinance took effect for further discussion on potential revisions to the ordinance.

On February 20, 2024, staff presented an update on the STR ordinance and included additional information that could be further considered to help in getting STR owners/operators legally permitted. The following items were presented to the City Council for consideration:

1. Requirement for the short-term rental permit to be reapplied annually.
2. Consideration of a buffer or spacing requirement between STRs.
3. Other limitations staff may find suitable that other agencies have applied.

During the discussion of this work session item, a majority of City Council concluded that due to the limited data provided on STR application submittals, staff should return in six months to update the Council on the Ordinance's implementation and to determine if additional measures would be merited to get STR owners/operators legally permitted.

On September 3, 2024, staff returned to the City Council with an update on the STR Ordinance "roll out" thus far. Staff presented the outreach performed to reach STR operators, how the implementation process returned only 45 applications by the time staff drafted the report, and lastly, presented alternative measures to ensure further compliance with the ordinance as Council had directed six-months prior.

Based on information received during the September 3<sup>rd</sup> meeting, Council directed staff to amend the STR Ordinance (Chapter 17.32.166) to address compliance fee assessment and incorporate annual permitting requirements, as well as approve staff to solicit software services that may help in capturing STRs that have not applied for the appropriate City permits and licenses. Zoning Text Amendment (ZTA) No. 2024-04 is the city-initiated request to address revisions as directed by the City Council.

## **PROJECT EVALUATION**

Based on direction received at the September 3<sup>rd</sup> meeting, the following revisions to Section 17.32.166 are outlined below.

### **Proposed Revisions to VMC Section 17.32.166 Short-Term Rentals:**

#### **Compliance Fee Assessment**

Section 17.32.166.E has been added to the STR Ordinance. This new section, in coordination with the Finance Department, identifies the need to include enforcement language that explicitly identifies the penalty fee to be assessed for owners/operators who fail to comply with the STR ordinance and/or fail to apply for all the necessary applications / permits.

Similar to the Solid Waste provisions of the municipal code, revisions to Section 17.32.166 Short-term rental permits will now explicitly list the penalty fines if a property owner/operator fail to comply with the STR ordinance. The penalty amounts noted in the STR Ordinance for noncompliance, after first notice, are \$100, \$200, and \$500.

Section 17.32.166 will be revised as follows:

#### **E. Enforcement:**

*The City, in its sole discretion, may take enforcement action pursuant to the administrative code procedure described in Chapters 1.12 and 1.13 of the Visalia Municipal Code.*

*Any person convicted of any infraction of this chapter shall be punished by:*

- 1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;*
- 2. A fine not exceeding two hundred dollars (\$200.00) for the second violation of this chapter within one year; and*
- 3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of this chapter within one year. Each day a violation continues shall be regarded as a new and separate offense.*

#### **Annual Renewal Requirement**

In addition to the inclusion of specifically noting the penalty fees in the STR ordinance, the ordinance will also include language informing property owners/operators that an annual renewal permit is required for all STR's operating in Visalia. Establishing an annual renewal STR permit

process ensures that operators of STRs are fully aware and in compliance with the adopted regulations. To determine how this process should be done, staff sought input from the City's Business Tax Division to identify potential regulatory timeframes that may best coincide with the Business Tax Certificate renewal process, which is done bi-annually, given that STRs are required to have both a Business Tax Certificate and STR permit issued by the Planning Division. However, due to the bi-annual Business Tax Certificate renewal timelines, requiring the annual STR permit to coincide with their timeframes does not work given the STR permit issued by the Planning Division will be an annual permit.

Staff has concluded that the Business Tax Division will continue to notify their customers regarding business tax bi-annual renewals as they currently do while the notification requirement of STR operators to reapply for their STR permit will fall on the Planning Division. The requirement for annual renewal will be one calendar year from the date the STR application is approved, with a 30-day deadline for applications to be submitted as detailed below:

**F. Annual renewal:**

1. *A Renewal Short-Term Rental Permit application accompanied by the Short-Term Rental Permit renewal fee and all supporting materials, verifications, and signatures required by said application, shall be submitted to the Planning and Community Preservation Department annually prior to expiration of the Short-Term Rental Permit. Renewal applications shall be submitted no earlier than the 60 calendar days prior to expiration and shall be accepted up to 30 calendar days after the date of expiration of the existing Short-Term Rental Permit.*
2. *If a Renewal Short-Term Rental Permit application is received prior to the expiration of the issued Short-Term Rental Permit, and in no case later than 30 calendar days after the expiration of the Permit, expiration of the issued Short-Term Rental Permit shall be stayed until the Renewal Short-Term Rental application is acted on by the Director. If the renewal application is approved, the issuance month and day for the Short-Term Rental Permit shall be the same as the issuance month and day of the previous Short-Term Rental Permit; for example, if the previous Short-Term Rental Permit was issued on January 1, 2025, the renewal Short-Term Rental Permit issuance date shall be January 1, 2026.*
3. *If a Renewal Short-Term Rental Permit application is not received prior to the expiration of an issued Short-Term Rental Permit, or in no case later than 30 calendar days after the expiration of the Permit, all short-term rental activities at the property must cease, and a New Short-Term Rental Permit shall be required for continued or future use of the unit as a Short-Term Rental, and all requirements of a New Short-Term Rental Permit shall apply.*

The fee to be assessed for the annual STR permit renewal will be the Home Occupation Permit-change of location fee, which is currently assessed at \$19.00 as identified in the City of Visalia August 2024 fee schedule. During the next fee update, staff will amend the fee schedule to specifically note both the "Short-term Rental permit fee-new" and the Short-term Rental permit fee-renewal" as their own fees in the fee schedule. Please note both of these fees will be the same fee used for Home Occupation permits, and will be subject to annual increases based on the Consumer Price Index.

**Environmental Review**

The requested action is considered exempt under Section 15061(b)(3), Per Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061 (b) (3) states that the project is exempted from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may

have a significant effect on the environment, the activity is not subject to CEQA. The proposed text amendment to establish performance standards for smoke shops will not have a significant effect on the environment.

## **RECOMMENDED FINDINGS**

1. That the proposed Zone Text Amendment is consistent with the intent of the General Plan, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed zoning amendment is crafted to address public concerns, process operator application requests, and regulate STRs via codified objective standards.
2. That the proposed Zone Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption).

## **APPEAL INFORMATION**

The Planning Commission's recommendation on Zoning Ordinance Text Amendment No. 2024-04 is advisory only and is automatically referred to the City Council for final action.

### Attachments:

- Related Plans and Policies
- Resolution No. 2024-71 - Amendment to Chapter 17.32.166 Short-Term Rentals
- Exhibit A – Council Staff Report (September 3, 2024)
- Exhibit B – Revision to Short-Term Rental Application

# Chapter 17.44

## ZONING AMENDMENTS

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### Sections:

- 17.44.010** Purpose.
- 17.44.020** Initiation.
- 17.44.030** Application procedures.
- 17.44.040** Public hearing—Notice.
- 17.44.050** Investigation and report.
- 17.44.060** Hearing.
- 17.44.070** Action of city planning commission.
- 17.44.090** Action of city council.
- 17.44.100** Change of zoning map.
- 17.44.110** New application.
- 17.44.120** Report by city planner.

### **17.44.010 Purpose.**

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

### **17.44.020 Initiation.**

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed.

### **17.44.030 Application procedures.**

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and that said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, 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. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

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

**17.44.040 Public hearing—Notice.**

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

**17.44.050 Investigation and report.**

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

**17.44.060 Hearing.**

- A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.
- B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents.

**17.44.070 Action of city planning commission.**

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission.

**17.44.080 [Reserved].**

**17.44.090 Action of city council.**

- A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal.

**17.44.100 Change of zoning map.**

A change in zone boundary shall be indicated on the zoning map.

**17.44.110 New application.**

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

**17.44.120 Report by city planner.**

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090.

RESOLUTION NO. 2024-71

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2024-04, A REQUEST BY THE CITY OF VISALIA TO AMEND VISALIA MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE), CHAPTER 17.32.166 SHORT-TERM RENTALS TO ADD LANGUAGE REQUIRING APPLICANTS TO REAPPLY ANNUALLY AND TO INCLUDE FINES FOR NON-COMPLIANCE, CITYWIDE.

**WHEREAS**, Zoning Text Amendment No. 2024-04 is request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), Chapter 17.32.166 Short-Term Rentals to add language requiring applicants to reapply annually and to include fines for non-compliance, Citywide. The specific amendments are specified in Attachment "A" of this Resolution; and

**WHEREAS**, the project is exempt under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on November 12, 2024; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the Zone Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council concur that the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption).

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Zone Text Amendment based on the following specific findings and evidence presented:

1. That the proposed Zone Text Amendment is consistent with the intent of the General Plan, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed zoning amendment is crafted to address public concerns, process operator application requests, and regulate STRs via codified objective standards.
2. That the proposed Zone Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption).

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the Zone Text Amendment described herein in Attachment "A", in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

**Resolution No. 2024-71**

**ATTACHMENT "A"**

**Zoning Text Amendment (ZTA) No. 2024-04**, amending Visalia Municipal Code Title 17 (Zoning Ordinance), Chapter 17.32.166 Short-Term Rentals to add language requiring applicants to reapply annually and to include fines for non-compliance, Citywide.

Changes to City of Visalia Municipal Code Title 17 – Zoning Ordinance, as specified by underline & italics for additions.

Section 17.32.166 Short-term rental permits.

- A. Short-term rental permits may be processed as an administrative matter by the city planner and no hearing shall be required.
- B. In addition to all other requirements of this chapter, and notwithstanding any contrary provisions in this Code, short-term rentals are subject to the following operational standards in all R-1 and R-M zones citywide:
  1. Definitions. The definitions in this subsection shall govern the construction, meaning, and application of the following words and phrases used in this chapter:
    - a. "Local contact person" shall mean a person designated by an owner or the owner's agent, who, if designated to act as such, shall be available to respond to notification of a complaint regarding the dwelling within forty-five (45) minutes, and take remedial action necessary, as required under subsection "4" of this section. A local contact person may be the owner or the owner's agent.
    - b. "Occupant" shall mean any person who is on or in a short-term rental property other than service providers or the owner, whether or not the person stays overnight.
    - c. "Operator" shall mean the owner or the designated agent of the owner who is responsible for compliance with this section.
    - d. "Owner" shall mean the person(s) or entity(ies) that holds legal or equitable title to a dwelling.
    - e. "Short-term rental" shall mean the rental of a dwelling or a portion thereof by the owner to another person or group of persons for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty (30) consecutive calendar days. The rental of units within City-approved hotels, motels, bed and breakfasts, and time-share projects shall not be considered to be a short-term rental.
  2. The owner of a short-term rental shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, regardless of whether such noncompliance was committed by the owner's agent, a local contact person or the occupants of the owner's short-term rental unit.
  3. The owner shall ensure that the short-term rental comply with all applicable codes regarding fire, building and safety, and all other relevant laws, regulations and ordinances, obtain all permits required, and pay all applicable fees.
  4. While a short-term rental is rented, the owner or a local contact person shall be available by telephone twenty-four (24) hours per day, seven (7) days per week to

respond to complaints regarding the use, condition, operation or conduct of occupants of a short-term rental. The owner or a local contact person must be on the premises of the short-term rental at the request of an enforcement officer of the City's Police Department within forty-five (45) minutes of contact to satisfactorily correct or take remedial action necessary to resolve any complaint, alleged nuisance or violation of this chapter by occupants occurring at the short-term rental property. Failure of the owner or a local contact person to respond to calls or complaints in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this chapter and/or Chapter 1.13 of Title 1.

5. Short-term rentals shall be used only for overnight lodging accommodations. At no time shall a short-term rental be used for activities in excess of the occupancy limits established in subsection 7 of this section, or for weddings, receptions, parties, commercial functions, advertised conferences, or other similar assemblies that are separate from the purpose of lodging.
6. All advertising appearing in any written publication or on any website that promotes the availability or existence of a short-term rental shall include the City-issued permit number as part of the rental offering. No person shall advertise the use of a dwelling as a short-term rental unless the City has approved a permit for short-term rental pursuant to this chapter.
7. The owner shall limit occupancy of a short-term rental property to a specific number of occupants. The following table sets forth the maximum number of occupants to two (2) per bedroom plus one (1):

Number of Bedrooms	Total Occupants
Studio – 1	3
2	5
3	7
4	9
5	11
6	13

8. Only the habitable interior portions of a primary dwelling shall be utilized as a short-term rental. Garages, tents, camper trailers, recreational vehicles, accessory dwelling units (ADUs), or other exterior structures or spaces are not permissible as short-term rentals or as bedrooms within short term rental units.
9. In any advertising concerning the availability of a dwelling as a short-term rental, the owner or a local contact person shall advertise the maximum number of occupants allowed to occupy the short-term rental.
10. No on-site exterior signs shall be posted advertising the availability of a short-term rental at the short-term rental property.

11. All vehicles of occupants of a short-term rental unit shall be parked only in an improved driveway or garage on the short-term rental property. The maximum number of vehicles allowed on a short-term rental property shall be limited to the number of available off-street parking spaces; however, such property must have a minimum of two (2) off-street parking spaces. The owner shall provide access to the garage of the dwelling if that area has been included in the determination of the number of available off-street parking spaces pursuant to this chapter. In no event shall off-street parking include the use of landscaped areas, any private or public sidewalk, parkway, walkway or alley (or any portion thereof) located on, at or adjacent to the short-term rental property, or the blocking of the driveway or street in front of said property. The term "sidewalk" shall include that portion of a driveway that is delineated for pedestrian travel or is in the public right-of-way.
12. If an enforcement officer has received a complaint concerning a suspected violation of this chapter or of this code or any applicable law, rule, or regulation pertaining to the use or occupancy of a short-term rental unit, or if the enforcement officer has reason to believe that such a violation has occurred, the enforcement officer may notify the owner or the local contact person of the complaint or suspected violation and the notified person shall cooperate in facilitating the investigation and the correction of the suspected violation.

Failure of the owner or the local contact person to affirmatively respond to the officer's request within forty-five (45) minutes by reasonably cooperating in facilitating the investigation and the correction of the suspected violation shall be deemed to be a violation of this chapter. Notwithstanding the foregoing, it is not intended that an owner or the local contact person act as a peace officer or place himself or herself in an at-risk situation.
13. Notwithstanding Visalia Municipal Code Section 9.32.040, no musical instrument, phonograph, loudspeaker, amplified or reproduced sound, or any machine or device for the production or reproduction of any sound shall be used outside or be audible from the outside of a short-term rental unit between the hours of 7:00 p.m. and 6:00 a.m.
14. Occupants shall not engage in outdoor activities on a short-term rental property between the hours of 10:00 p.m. and 6:00 a.m., such as the use of swimming pools, hot tubs, spas, tennis and paddleboard courts, play equipment and other similar and related improvements. The hours between 10:00 p.m. and 6:00 a.m. are considered to be "quiet time," where all activities at a short-term rental property shall be conducted inside of a short-term rental unit so that no outdoor activity will disturb the peace and quiet of the neighborhood adjacent to a short-term rental property or cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.
15. It is unlawful for any owner, occupant, renter, lessee, person present upon, or person having charge or possession of a short-term rental to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or violates any provision of Title 8 Health and Safety.

16. The owner and the local contact person shall ensure that the occupants of a short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners and local contact persons are expected to take any measures necessary to abate disturbances, including, but not limited to, directing the occupants of a short-term rental unit to cease the disturbing conduct, calling for law enforcement services or enforcement officers, removing the occupant(s), or taking any other action necessary to immediately abate the disturbance.
17. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler, as set forth in Chapter 8.28, which provides for containers to be placed at the curb on the day of pickup and removed by 7:00 p.m. on the day of collection. The owner of a short-term rental property shall provide sufficient trash collection containers and service to meet the demand of the occupants. The short-term rental property shall be free of debris both on site and in the adjacent portion of the street.
18. The owner shall post a sign at a conspicuous location within the short-term rental advising occupants of all rules and operational standards imposed upon occupants under this section.
19. All short-term rentals shall be subject to the City's transient occupancy tax, as required by Title 3 Revenue and Finance, Chapter 3.28 Transient Occupancy Tax. The owner shall also maintain, at all times, a valid City of Visalia business license.
20. Short-term rentals shall not exceed one unit per parcel in any residentially zoned district.

C. A short-term rental permit shall be revoked by the city planner upon violation of any condition or regulation, or any limitation of any permit issued, unless such violation is corrected within ten (10) days of notice of such violation. Any permit may be revoked if three or more violations occur within a one-year period or the required transient occupancy tax payments are not made to the City as required under Chapter 3.28.

D. In the event of denial or revocation, or objections to limitations placed thereon, an appeal may be made in writing to the planning commission. Such appeal shall be filed in writing with the city planner, in writing, within ten (10) business days after notification of the denial or revocation, with payment of appeal fees in the same amount as required for the appeal of a site plan review permit as provided in Chapter 17.28. The planning commission shall review and either uphold or deny the city planner decision. The decision of the planning commission shall be final unless appealed to the city council pursuant to Section 17.02.145.

**E. Enforcement:**

The City, in its sole discretion, may take enforcement action pursuant to the administrative code procedure described in Chapters 1.12 and 1.13 of the Visalia Municipal Code.

Any person convicted of any infraction of this chapter shall be punished by:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2. A fine not exceeding two hundred dollars (\$200.00) for the second violation of this chapter within one year; and
3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of this chapter within one year. Each day a violation continues shall be regarded as a new and separate offense.

**F. Annual renewal:**

1. A Renewal Short-Term Rental Permit application accompanied by the Short-Term Rental Permit renewal fee and all supporting materials, verifications, and signatures required by said application, shall be submitted to the Planning and Community Preservation Department annually prior to expiration of the Short-Term Rental Permit. Renewal applications shall be submitted no earlier than the 60 calendar days prior to expiration and shall be accepted up to 30 calendar days after the date of expiration of the existing Short-Term Rental Permit.
2. If a Renewal Short-Term Rental Permit application is received prior to the expiration of the issued Short-Term Rental Permit, and in no case later than 30 calendar days after the expiration of the Permit, expiration of the issued Short-Term Rental Permit shall be stayed until the Renewal Short-Term Rental application is acted on by the Director. If the renewal application is approved, the issuance month and day for the Short-Term Rental Permit shall be the same as the issuance month and day of the previous Short-Term Rental Permit; for example, if the previous Short-Term Rental Permit was issued on January 1, 2025, the renewal Short-Term Rental Permit issuance date shall be January 1, 2026.
3. If a Renewal Short-Term Rental Permit application is not received prior to the expiration of an issued Short-Term Rental Permit, or in no case later than 30 calendar days after the expiration of the Permit, all short-term rental activities at the property must cease, and a New Short-Term Rental Permit shall be required for continued or future use of the unit as a Short-Term Rental, and all requirements of a New Short-Term Rental Permit shall apply.



# Visalia City Council

Visalia City Council  
707 W. Acequia  
Visalia, CA 93291

## Legislation Text

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File #: 24-0322, Version: 1

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### **Agenda Item Wording:**

**Short-term Rental Ordinance Update** - Receive an update on the City's Short-term Rental Ordinance and permitting process per Section 17.32.166 Short-term rental (STR) ordinance and consider potential revisions to the STR Ordinance.

**Deadline for Action:** 9/3/2024

**Submitting Department:** Community Development

### **Contact Name and Phone Number:**

Josh Dan, Senior Planner, [josh.dan@visalia.city](mailto:josh.dan@visalia.city) <mailto:josh.dan@visalia.city>, (559) 713-4003

Paul Bernal, Planning and Community Preservation Director, [paul.bernal@visalia.city](mailto:paul.bernal@visalia.city) <mailto:paul.bernal@visalia.city>, (559) 713-4025

### **Department Recommendation:**

Staff recommends that the City Council receive the staff report, presentation, and take public comments. Based on the information received, the City Council may direct staff to initiate further zone text amendment changes to the recently adopted Short-term Rental ordinance (Section 17.32.166) based on the following:

Proceed with drafting ordinance language to address Item No. 1, to include an Enforcement Section, Item No. 2, to include language requiring the implementation of an annual renewal permit process, and Item No. 3, solicit software and services that may help in capturing short-term rental properties that have not applied for the appropriate City permits and licenses.

Any revisions to be considered as part of the Zone Text Amendment process related to Short-Term Rentals may be subject to a future work session discussion with the City Council based on staff's analysis of the potential changes. Should council elect to direct staff to proceed with a ZTA, staff will return in 90-days with amendments to the ordinance.

### **Executive Summary:**

On October 16, 2023, the City Council introduced the first reading of Zoning Text Amendment (ZTA) No. 2023-01. The ZTA ordinance established codified performance standards regulating short-term rentals occurring in all residential zones (i.e., R-1 and R-M zones). The ordinance took effect on December 6, 2023. During the introduction and first reading of Ordinance No. 2023-11 (STR Ordinance), a majority of the Councilmembers expressed common agreement that the ordinance was a "good start" in establishing requirements to address STRs in the community. However, during the Council's deliberation on the ordinance, additional statements were made, and Council direction given, that further consideration on potential changes to the STR ordinance be discussed at a future Council meeting. The City Council requested that staff return in 60 to 90 days after the STR ordinance took effect for further discussion on potential revisions to the ordinance.

On February 20, 2024, staff presented an update on the STR ordinance and included additional information that could be further considered to help in getting STR owners/operators legally permitted. The following items were presented to the City Council for consideration:

1. Requirement for the short-term rental permit to be reapplied annually.
2. Consideration of a buffer or spacing requirement between STRs.
3. Other limitations staff may find suitable that other agencies have applied.

During the discussion of this work session item, a majority of City Council concluded that due to the limited data provided on STR application submittals, staff should return in six months to update the Council on the Ordinance's implementation and to determine if additional measures would be merited to get STR owners/operators legally permitted.

### **Outreach:**

The process of getting operators into compliance was known to be a difficult endeavor as the online STR platforms do not provide addresses or contact information for operators until a reservation is secured. However, staff worked with the Communications Division to publish Public Service Announcements (PSAs) regarding the newly adopted STR ordinance via the City's various social media accounts. The Communications Division also included a one-page notice about the newly implemented STR ordinance and need of a permit in the Parks and Recreation Department - 2024 Spring Live & Play Guide (see Attachment 3).

Additionally, through the initial work sessions and implementation of the ordinance, staff was also contacted by an Airbnb representative. The Airbnb representative informed staff that any informational material issued by the City regarding STR permit process/requirements could be shared with STR owner/operators who use the Airbnb platform within the city. Staff provided the Airbnb representative with the information provided in the Spring Live & Play Guide and asked that the platform inform operators of their obligation to apply for a STR permit.

To gage if this information was being provided to STR owners/operators, staff asked applicants that submitted an STR application (when they've called or come to our front counter) how did they find out about Visalia's STR ordinance and permitting requirements. The majority identified that they saw the social media posts, while only one identified they decided to apply for their permit because of the Airbnb's platform notification of the City' of Visalia's permit process.

### **STR Permitting Implementation:**

STR permits are typically initiated by the applicant starting with the Business Tax Division, where the STR owner/operator will also fill out the business license application, which are then both routed to the Planning Division for review and subsequent approval. This process is similar to the Home Occupation Permit process which staff identified as the process both the Planning and Business Tax Division's would follow given the familiarity of this process between both divisions.

To date, staff has only received a total of 45 application submittals, with only 33 approvals being granted. Some applications were rejected for the simple fact that the ordinance does not allow multiple STRs on one site, others have code violation infractions that need remedying before a permit may be approved, while the majority of the others lacked the required grant deed which is required when submitting the STR application.

However, in FY 2023/24, Visalia received \$623,570 of transit occupancy tax (TOT) from short-term

rentals, which indicates over \$6 million in room receipts in that fiscal year. The majority of TOT remitted to Visalia is typically a lump sum payment received from AirBnB that collects TOT from those operators who have opted to have TOT collected through AirBnB platform. This is not the case for those owners/operators that opt out of having AirBnB collect TOT.

**Additional Outreach Notification:**

Although staff's approach for compliance, as noted above, has proven to not be the most effective in getting a larger number of STRs permitted, Planning staff has engaged the Finance Department to help in ascertaining ways of getting the City's STR regulations out to STR owners/operators that still may not be aware of the City's STR requirements. One tool that has been recently implemented is a purchased list of potential short-term rental properties that are advertising within the City. The list provides addresses to properties in Visalia that may be operating as short-term rentals. This list is currently being generated and will be provided to the City within 60-90 days. Once staff has the active list, letters will be mailed to all listed property addresses detailing the City's adopted requirements and informing STR owner/operators of the legal requirement to get their properties properly licensed. The letter informs these owners that they have 30 days to respond and failure to comply may result in fines if staff substantiates the property is operating an STR without proper approvals. A copy of the draft letter that will be mailed out has been provided as Attachment 4.

**Potential STR Updates for Council Consideration:**

Based on the number of potential STR's located in the community that have not submitted for their appropriate licenses and permits, the enactment of the STR ordinance to date has not resulted in the anticipated increase on getting STR owners/operators legally permitted in Visalia. To address additional methods for getting STR owners/operators into compliance, staff recommends the Council reconsider the discussed compliance measures with some additional options as follows:

**1. Addition of Enforcement Section to STR Ordinance**

In coordination with the Finance Department, staff identified the need to include enforcement metric language that explicitly identifies the penalty fee to be assessed for owners/operators who fail to comply with the STR ordinance and/or fail to apply for all the necessary permits. Staff recommends the City Council direct staff to amend Section 17.32.166 Short-term rental permits to explicitly list the penalty fines as stated in Section 8.28.220.B "Solid Waste Collection and Disposal". However, the penalty amounts noted in the STR Ordinance would be the fees identified in Section 1.12 "General Penalty" of the Municipal Code, which assesses fees for noncompliance, after first notice, in the amounts of \$100, \$200, and \$500.

**Staff Recommendation:** Staff recommends Council direct staff to incorporate this change to the current STR ordinance.

**2. Establishment of an Annual STR Permit Renewal Process:**

Implementation of an annual renewal permit process can be enacted and would be consistent with other permit types the City issues. Procedurally, language can be drafted that clarifies STR Permits are valid for one-year and the permits are automatically void upon expiration, unless renewed with City. Permits may be renewed subject to the provisions and restrictions that could be outlined in a revised STR ordinance. Proposed modifications to clarify the STR Permit annual renewal application process, requirements, and limits would need to be drafted for consideration.

Staff would seek input from the City's Business Tax Division to establish the regulatory timeframes that may best coincide with the Business Tax Certificate renewal process, which is done bi-annually,

given that STRs are required to have a Business Tax Certificate to operate and are required to submit their transit occupancy tax with the Finance Department. Establishing an annual renewal STR permit process ensures that operators of SRTs are fully aware and in compliance with the adopted regulations. Failure to comply with all adopted codified requirements may result in non-renewal of the STR permit.

If desired, the City Council may direct staff to incorporate revisions to the STR ordinance to codify duration of Short-Term Rental permits and draft language on annual renewal application processes, requirements, and limits.

Staff Recommendation: Staff recommends Council direct staff to incorporate changes to the current STR ordinance to establish annual permit processing requirements.

### **3. Use of Third-Party Compliance Software**

Council may also consider directing staff to solicit software and services that may help in capturing short-term rental properties that have not applied for the appropriate City permits and licenses.

Planning and Finance staff has recently been in contact with two vendors that offer software and services for tracking and enforcement. Information that can be provided by these services include the following:

1. Back-tracking at least 12-months to identify rental postings across multiple platforms (removing duplicates);
2. Identify addresses of rentals within the City;
3. Identify hosts and associated contact info;
4. Rental frequency;
5. Rental type [room(s), whole home, RV, etc.];
6. Identify compliance issues with established ordinances.

Finance Department staff is currently seeking software for Business License and several of these Companies offer a module for TOT collections, STR tracking, and other services as well. Initial fees for services can vary between \$5,000 to \$30,000, yearly, with cost escalating with additional service add-ons.

Staff Recommendation: Staff recommends the City Council direct staff to continue to explore options on increasing enforcement, tracking, and services.

### **4. Establishing an Overall Number of STR Permits Allowed**

Staff reached out to multiple local agencies in California and the most responsive and helpful has been the City of Santa Rosa. Staff found that the City of Santa Rosa, through multiple revisions of their STR ordinance, has similarly implemented STR regulations to address STRs in their community. Key features to their approach, which the City's current STR ordinance does not address are as follows:

1. Separate "Hosted" from "Non-Hosted" STR approvals.
  - a. Allow unlimited "Hosted" STRs.
    - i. A Hosted STR is defined as-a Short-Term Rental where, throughout the rental period, the host resides on-site. Hosted STRs may be limited to only the primary residence on any property containing more than one legal dwelling unit.

- b. Limit “Non-Hosted” STRs.
  - i. A Non-Hosted STR is defined as a Short-Term Rental where the Host does not reside on-site throughout the duration of the rental period.
2. Require permit renewals.
  - a. Provide a 60-day notice and 30-day deadline for STR application renewals.
3. Determine that Non-Hosted STRs not meeting the application deadline be eliminated from the overall permissible amount of Non-Hosted STRs permitted within the community.

**Staff Recommendation:** Staff is not opposed to this option as a means to get STR owners/operators into compliance with the risk of knowing that the City may limit the number of STR permits issued Citywide. Staff recommends this option be considered after letters have been mailed and an enforcement attempt has been made by City staff.

If the City Council directs staff to proceed with option limiting the number, staff will work on establishing the parameters of how the STR ordinance will need to be revised to account for the changes as noted above. In addition, Planning staff will work closely with other City divisions on how this will be implemented and tracked to ensure that STR owners/operators are in compliance. Prior to bringing a formal Zone Text Amendment for adoption, staff anticipates bringing the framework of the revised STR ordinance for Council’s input on the drafted language and procedural requirements through the work session format.

## **5. Consideration of Buffer / Spacing Requirements:**

As stated in previous work sessions, consideration of a buffer / spacing requirement could be considered. Similar to the City’s Smoke Shop establishment ordinance, an established buffer or spacing requirement (e.g. 500-ft., 1,000-ft.) could be further analyzed if directed to pursue this requirement. Please note this requirement would need to be supported in the record prior to adoption. Challenges to SRT regulation have compared the transitory nature of an SRT to allowed usage such as small group homes or transitional/supportive housing and argued that similar types of transitory uses should be permissible and constitutional protections for equal protection should apply. Given that over 80% of the City’s General Plan land uses are dedicated to residential land uses, establishing the necessary mapping and tracking mechanisms could be difficult to regulate if a buffer or spacing requirement were considered.

Furthermore, buffering requirements could be challenged if uses such as bed and breakfast inns or boutique hotels are not subject to spacing requirements from residential uses, under the argument that similar uses should be treated in the same manner under the zoning ordinance. Buffers, by their nature, must be tracked by staff, which would require additional internal review.

Staff, with the help of the GIS Division, conducted a mapping exercise implementing a 1,000-foot buffer within designated residential land use areas. Currently, there is a total residential land use area of approximately 820,234,917 square feet (18,830 acres). When applying the 1,000-foot buffer to the

total residential land area, it resulted in approximately 261 “lots”, or potentially only providing for approximately 261 short-term rental permits. *Please note this number should be considered hypothetical because it is not likely that each buffer’s center aligns perfectly with a residential land use.*

**Staff Recommendation:** Staff does not recommend this option be considered. As noted above, establishing the necessary mapping and tracking mechanisms could be difficult to regulate if a buffer or spacing requirement were considered. Staff concludes the options in the report where staff is supporting the direction on proceeding with the changes as noted in those sections gives staff the ability to establish the necessary framework language to get STR owners/operators into compliance based on limiting the number of STR’s permitted to operate in the City of Visalia.

## **6. Consideration of an Outright STR Ban:**

The City Council could also consider an outright ban on STRs. There have been numerous articles written that short-term reduce the availability of long-term rental properties, driving up housing costs, frequent turnover of short-term renters can disrupt the sense of community and lead to noise and safety concerns, and the difficulty on City staff to ensure at all times STR’s are complying with regulatory requirements.

Discussions with Santa Rosa City staff found that the impact to staffing workloads to regulate STRs lead to the decision makers implementing an attrition style ordinance which could eventually lead to a ban of certain STRs in their community.

Based on the State of California declaring a housing crisis, the Council could consider a ban on STRs. It should be noted that staff will not be recommending this option at this time as figures have shown STRs (867 spaces listed in Visalia) to only account for roughly one percent of the current housing stock.

**Staff Recommendation:** Staff does not support an outright ban on STRs. Rather, implementing the revisions to the STR ordinance as discussed in this report and presented during the work session will help in bringing STR owners/operators into compliance thereby ensuring that these owners/operators understand the City’s rules and regulations and if a STR is operated in a manner not consistent with these requirements, the owner/operator will be at risk of losing their ability to operate a STR in the City of Visalia.

**Fiscal Impact:** None.

## **Prior Council Action:**

- May 1, 2023, City Council Work Session: The City Council, on a 5-0 vote, directed staff to analyze potential operational standards for short-term rentals, and begin a Zoning Text Amendment.
- October 16, 2023: The City Council, on a 3-2 vote, approved the first reading of Zoning Text Amendment No. 2023-01 (Ordinance No. 2023-11), proposing to provide the framework for staff to implement a registration and permitting process for all short-term rentals occurring in all residential zones (i.e., R-1 and R-M zones) within the city.
- November 6, 2023: The City Council, on a 4-1 vote, approved the second reading of

Ordinance No. 2023-11 was held and served as the final action the City Council took in order for Zoning Text Amendment No. 2023-01 to take effect 30 days following adoption of the second reading.

- February 20, 2024: Staff presented an update on the STR ordinance and included additional information that could be further considered to help in getting STR owners/operators legally permitted. During the discussion of this work session item, a majority of City Council concluded that due to the limited data provided on STR application submittals, staff should return in six months to update the Council on the Ordinance's implementation and to determine if additional measures would be merited to get STR owners/operators legally permitted

**Other:**

- August 28, 2023: The Planning Commission received a presentation and informative report regarding short-term rentals which included a synopsis of staff's previous presentation to the City Council and explanation of directives received. The Planning Commission expressed agreement with Council's directives.
- September 25, 2023: The Planning Commission voted 5-0 to recommend approval of Zoning Text Amendment No. 2023-01, to the City Council.

**Alternatives:** The City Council may, in lieu of the recommended motion, consider any of the following alternatives:

1. Receive the staff report and take no further action at this time.
2. Continue the matter to a future City Council hearing for additional information.

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

I move to direct staff to begin drafting revisions to the STR Ordinance based on the City Council's desired options as follows:

1. Proceed with drafting ordinance language to address the items presented in Item No. 1, include Enforcement Section, Item No. 2, include language requiring the implementation of an annual renewal permit process, and Item No. 3, solicit software and services that may help in capturing short-term rental properties that have not applied for the appropriate City permits and licenses.

**Environmental Assessment Status:**

No environmental assessment required at this time. The adoption of any ordinance changes will require environmental documentation pursuant to the California Environmental Quality Act (CEQA) to be completed by City staff.

**CEQA Review:**

The adoption of any ordinance changes will require environmental documentation pursuant to the California Environmental Quality Act (CEQA) to be completed by City staff.

**Attachments:**

1. Ordinance No. 2023-11
2. Short-Term Rental FAQ

3. Parks and Recreation Department - 2024 Spring Live & Play Guide - Pg. 10
4. Compliance Letter



# SHORT-TERM RENTAL (STR) PERMIT APPLICATION

WWW.VISALIA.CITY 559-713-4359 315 E ACEQUIA AVE, VISALIA, CA 93292

**All applicants are subject to review and audits. Permits will be denied or revoked if the owner has knowingly made any false, misleading, or fraudulent statement of material fact in the application.**

In order to receive a short-term rental permit, you must be the owner of the property. To provide proof of ownership, applicants must submit a copy the Grant Deed and, if applicable, a notarized Agent Authorization demonstrating that you (the applicant) are an authorized agent of the legal entity named on the Grant Deed as part of your application. Be advised, permitting fees will be reassessed annually through the renewal process.

**A Business Tax Certificate is required at the time of filing a STR Permit Application**

## Property Owner Information (Please provide complete information):

NAME(S):			
ADDRESS:	CITY:	STATE:	ZIP:
EMAIL(S):	PHONE:		

All correspondence will be mailed to the address above. By submitting this application, you are agreeing to receive all citations, violations and penalties related to this application and permit this to address.

**Check box below and attach required proof of ownership.**

Copy of the Grant Deed enclosed (Notarized Agency Authorization if applicable)

Check if this is a Renewal (Grant Deed not required if this is a renewal)

## 24/7 Contact Information:

The owner or designated owner's agent must be available twenty-four (24) hours a day, seven (7) days a week, at the phone number provided below to answer any call from the City, an agent authorized by the City to make such calls and any guests staying at the property when the dwelling unit is being rented. The owner may designate an owner's agent with access to the dwelling unit and authority to fix any problems or violations of Visalia Municipal Code 17.32.166 and must be on the premises of the short-term rental at the request of an enforcement officer within forty-five (45) minutes of contact if needed. Any changes to the owner's or designated owner's agent 24/7 contact information must be submitted to the City to amend the application and be approved 1 week prior to the rental. The contact information will be made available to the public upon request.

NAME:	
PHONE:	

## Dwelling Unit Information:

ASSESSOR'S PARCEL NUMBER (APN)\*:  \*One application per parcel. If applying for multiple parcels, please complete an application for each one.

ADDRESS:

Please enter the number of bedrooms listed on City or County records:

The number of bedrooms is:

**OCCUPANCY LIMITS:** The owner shall limit occupancy of short-term rental property to 2 per bedroom/plus 1 persons (regardless of age).

**ATTENTION: Is this a renewal? Complete and submit Page 1 of this document.**



## SHORT-TERM RENTAL PERMIT APPLICATION AGENCY AUTHORIZATION

**Owner's Signature MUST be Notarized.**

**Attach acknowledgement of signature(s) by Notary Public.**

"Agent" shall be the person that the permit will be issued to. Provide a name and contact number for the "Property Owner" and the designated "Agent"

### Property Owner:

I, , declare as follows:

Owner's Name - Print

I am the owner of certain real property bearing assessor's parcel number\* (APN):

\*One application per parcel, if applying for multiple parcels, please complete an application for each one.

### Agent:

I designate , to act as my duly authorized agent for all

Agent's Name - Print

purposes necessary to file an application for, and obtain a permit to

Action Sought

relative to the property mentioned herein. I declare under penalty of perjury the foregoing is true and correct.

Executed this  day of , 20 .

### Signatures (MUST BE NOTARIZED):

#### OWNER

Signature of Owner

Owner Mailing Address

Owner Mailing Address (continued)

Owner Telephone

Owner Email (if applicable)

#### AGENT

Signature of Agent

Agent Mailing Address

Agent Mailing Address (continued)

Agent Telephone

Agent Email (if applicable)



## SHORT-TERM RENTAL PERMIT APPLICATION

WWW.VISALIA.CITY 559-713-4359

315 E ACEQUIA AVE, VISALIA, CA 93292

### Attestations and Acknowledgements

I attest, under perjury, the following statements are true (initial each item):

I am the owner of the property located at , I have read and understand the requirements of Visalia Municipal Code Chapter 17.32.166 "Short-Term Rental Permits" and will comply with its provisions. **INITALS:**

The short-term rental of the property is not prohibited by Covenants, Conditions and Restrictions (CC&Rs), or rules or restrictions of a homeowners association or similar association, and I have notified such association that I am applying for a short-term rental permit. I will retain proof of notification for the duration that I maintain a short-term rental permit for the property. **INITALS:**

I acknowledge that I will have to contact the Visalia Finance Department to obtain a transient occupancy certificate and will be in compliance with Visalia Municipal Code Chapter 3.28 "Transient Occupancy Tax," including its recordkeeping requirements. **INITALS:**

The information in this application is correct, including the number of bedrooms I have listed for the dwelling unit(s) (or portion thereof) that is to be rented on a short-term basis. **INITALS:**

The Property is not currently subject to code enforcement action, and any such action or citation has been cured and all fines paid. **INITALS:**

Fire extinguishers, smoke detectors, carbon monoxide detectors, and other basic health and safety features are provided at the Property and are fully charged, operational, and easily located, and will remain so during the duration of this permit's operation. **INITALS:**

I, or my designated Owner's Agent, will be available twenty-four (24) hours a day, seven (7) days a week, at the phone number provided in this application and will answer any call from the City, and guests staying at the Property and will be on the premises of the short-term rental at the request of enforcement officer of the City's Police Department within forty-five (45) minutes of contact if needed. **INITALS:**

I, or my designated Owner's Agent, will provide full access to the Property and documents related to compliance with this Chapter, during normal City Hall business hours or at any time the dwelling unit (or portion thereof) is rented, immediately upon request by the City Manager or her/his designee for purposes of inspection or audit in compliance with federal and state law. **INITALS:**

I acknowledge that I will post a sign at a conspicuous location within the short-term rental to advise occupants of the rules and operational standards imposed by Visalia Municipal Code section 17.32.166. **INITALS:**

I will ensure that all short-term rental activity at the Property complies with all applicable laws, including, but not limited to, the noise limitations, parking requirements, and trash and refuse set forth in Chapter 17.32 of the Visalia Municipal Code, and applicable codes regarding fire, building and safety. **INITALS:**

**By initialing below, I acknowledge I understand, accept, and will comply with the following:**

Occupancy shall not exceed the maximum number of individuals listed on the Permit. **INITALS:**

I am responsible for updating any information in my application that changes during the period that the Permit is valid. Such information must be updated before any short-term rental activity occurs, and in any case within 30 days of such changes, or immediately for any change in the Owner's Agent contact information. To update information in my application I understand I must use the City's amended short-term rental application form. **INITALS:**

## SHORT-TERM RENTAL PERMIT APPLICATION

WWW.VISALIA.CITY 559-713-4359 315 E ACEQUIA AVE, VISALIA, CA 93292

I understand that I cannot cure a violation of this Chapter by seeking to amend my short-term rental permit after a violation occurs; short-term rental of a property may only be conducted as specifically authorized by an active short-term rental permit. **INITIALS:**

I understand that an application to renew a short-term rental permit must be received by the City Planner not less than thirty days prior to the expiration of the short-term rental permit. Applications received after the deadline but before expiration of the permit may be accepted at the discretion of the City Manager or her/his designee. **INITIALS:**

**I understand and agree that I am responsible for any and all violations or illegal activity that occur on my property during a period where it is rented on a short-term basis, whether committed by myself, my agent, a guest, or any other person. Such violations may result in substantial fines, the loss of my short-term rental permit, criminal penalties, or other significant action. I have read Visalia Municipal Code Section 17.32.166 and accept the obligations imposed on me by that Section and will act so as to ensure that no violations occur on the Property. INITALS:**

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PROPERTY OWNER NAME (PRINT)

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PROPERTY OWNER SIGNATURE

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DATE

---

PROPERTY OWNER NAME (PRINT)

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PROPERTY OWNER SIGNATURE

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DATE

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PROPERTY OWNER NAME (PRINT)

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PROPERTY OWNER SIGNATURE

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DATE

---

PROPERTY OWNER NAME (PRINT)

---

PROPERTY OWNER SIGNATURE

---

DATE

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NAME OF LLC (IF APPLICABLE)

**DocuSign or electronic signatures will not be accepted.**

The Short-Term Rental Permit Fee effective December 6, 2023.  
Please submit a check payable to the City of Visalia along with your application.  
The Short-Term Rental Permit Fee is non-refundable.

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### CITY OF VISALIA - STAFF USE ONLY

By: \_\_\_\_\_  
Signature

Date: \_\_\_\_\_



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** November 12, 2024

**PROJECT PLANNER:** Brandon Smith, Principal Planner  
Phone: (559) 713-4636  
E-Mail: [brandon.smith@visalia.com](mailto:brandon.smith@visalia.com)

**SUBJECT:** **Zoning Text Amendment No. 2024-03:** A request by the City of Visalia to add to and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Accessory Dwelling Units and to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2024-03, recommending approval by the City Council of Zoning Text Amendment No. 2024-67. This recommendation is based on the findings contained therein and summarized as follows:

- The Zoning Text Amendment is consistent with the goals, objectives, and policies of the City's General Plan.
- The Zoning Text Amendment ensures consistency with state law related to accessory dwelling units and junior accessory dwelling units.

## RECOMMENDED MOTION

I move to recommend that the City Council approve Zoning Text Amendment No. 2024-03, based on the findings and conditions in Resolution No. 2024-67.

## PROJECT DESCRIPTION

Zoning Text Amendment (ZTA) No. 2024-03 is a city-initiated request to prepare updates to the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to development standards for residential uses, specifically applicable to accessory dwelling units and toward new single-family residential developments throughout the City.

The updates are needed for the City's Zoning Ordinance in response to new and significantly increased state legislation in recent years which have made the City's ordinances outdated in addressing emerging topics of both the addition of dwelling units on a parcel with new or existing residential uses and to the applicability of defined objective standards (as opposed to subjective standards) toward new residential uses.

The Accessory Dwelling Unit (ADU) Ordinance Update will amend the City's existing ordinance to ensure compliance with state law commencing in Government Code Section 66310. As proposed, this ordinance will meet the requirements for state law. The Update also provides the City with the opportunity to reconsider its own local standards in response to both state legislation that streamlines requirements for ADUs and the increased interest by property owners to construct additional housing units on their property. Legislation has greatly expanded upon various aspects of ADUs and their development standards, including the types and number of units allowed on a property. State law has also created provisions for a relatively new type of unit called Junior Accessory Dwelling Units (JADU) which is currently not addressed in

the City's ordinance. With the adoption of an updated ADU ordinance, together with other recent efforts such as the creation of permit-ready ADU plan sets, the City will be in an improved position to both encourage construction of new ADUs and ensure that such uses are compatible with other surrounding residential uses.

The Single-Family Residential Objective Design standards and Planned Residential Development standards largely responds to current growth trends where developers have been utilizing smaller lot sizes and new design techniques. As the City has had to respond to more forms of non-traditional single-family residential neighborhoods over the years, developers have desired a set of reliable codified objective design standards in keeping with the City's Single-Family Residential and Planned Residential Development objectives upon which developers can utilize to plan new neighborhoods and with City staff can comfortably support based on compliance with the Municipal Code. The standards address a range of topics that include appearance, landscaping, fences, off-street parking, and common open space areas within planned residential developments.

The Zoning Text Amendment is further being carried out in fulfillment of certain implementation programs in the City's Housing Element of the General Plan. Specifically, Program 3.15 (Promoting Accessory Dwelling Units) includes an action that requires the city to update its Ordinance to integrate changes in state housing law. Also, Program 2.7 (Missing Middle) includes an action to review and amend residential development standards for a mix of dwelling unit types (including various types of multi-family units, which will occur in 2025). Failure to make these changes may result in the state taking action to decertify the Housing Element.

## PROJECT ANALYSIS

### Accessory Dwelling Units

#### Background

An ADU, which refers to an accessory dwelling unit and can be also called a second dwelling unit or granny flat, is a secondary residential unit that shares a lot with an existing residence. A JADU or junior accessory dwelling unit is an ADU created within the walls of a proposed or existing single-family home and may be no larger than 500 square feet. JADUs have been introduced into state law only in recent years and are not currently addressed in Visalia's code.

In response to the state housing crisis, the California legislature in 2019 passed six bills (SB 13, AB 68, AB 587, AB 670, AB 671, AB 881) that collectively addressed state regulation toward ADUs. Additional bills, including AB 2221 and SB 897, both passed in 2022, further amended Government Code sections 65852.2 and 65852.22 and provided clarification on number of units allowed. These code sections have since been renumbered to begin at Government Code section 66310.

This new state legislation preempts all local ordinances that do not comply with the new standards. Cities are expected to update their local ordinances to comply with the state legislation. If cities fail to do so, the new state laws automatically apply, and applicants are permitted to develop ADUs and JADUs under the state legislation. Since the change in state law, Visalia has regulated ADUs and JADUs in accordance with state law despite its own ordinance not being consistent with the new requirements.

Visalia has not updated its ADU ordinance since legislation was passed in 2019. Its last amendment processed in 2017 pertained to parking standards that were also based on state legislation. Local jurisdictions now have very limited authority to adopt local regulations and restrictions for typical land development standards such as unit size, number, height, setback and parking. However, the city does retain limited discretion to apply land use regulations as it

deems appropriate, such as imposing a height limit at no less than 16 feet and imposing certain objective design standards to prevent impacts to historic resources.

### Proposed Amendments

This Zoning Text Amendment proposes to remove in its entirety the current City ordinance pertaining to ADUs that commences in Article 2 of Chapter 17.12 pertaining to the Single-family Residential Zone. A newly written code is proposed to be located as a new stand-alone chapter, Chapter 17.14, which is currently unused. The rationale behind moving the code away from the Single-family Residential Zone chapter is in recognition that ADUs in accordance with state law are now permitted in any residential or mixed-use zone, as well in zones where residential uses are conditionally allowed (ref. Section 17.14.040). The ZTA further updates references to the ADU ordinance that are found in other chapters of the ordinance.

The proposed amendments, which are consistent with Government Code section 66310, are provided in the attached Resolution and in Exhibit "A". Highlights of the proposed changes are as follows.

- Number of Units (17.14.070). In compliance with state law, lots that are zoned Single-Family Residential are permitted to have one ADU and one JADU within the space of an existing dwelling or accessory structure meeting specified requirements, plus one ADU that is detached new construction. This accounts for potentially four units on one lot, as required by state law, provided that the owner resides on the property. Only inclusion of the JADU requires the owner to reside on-site.

For newly created attached or detached units:

- Size (17.14.090(A)). An ADU may not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or more bedrooms. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.
- Height limitations (17.14.090(B)). For ADUs located within a rear yard setback which the City has limited to a 12-foot height limit, a 16 foot maximum height limit with allowance to 18 or 20 feet if located within a half-mile of a major transit stop or high-quality transit corridor.
- Front yard setback (17.14.090(D)). The City's code mandates that an ADU be subject to the same front yard setback requirement applicable to the primary dwelling unit, unless it precludes development of an accessory dwelling unit that is at least 800 square feet.
- Side and rear yard setback (17.14.090(D)). An ADU shall have a minimum setback of four feet from these property lines, consistent with the state's allowance of an ADU no larger than 800 square feet to be placed no closer than four feet from property line.
- Design standards for historic-designated properties (17.14.090(E)). Objective design standards have been added for properties located within the Historic Preservation District and/or the Local Register of Historic Structures. This is to ensure that such properties have defined parameters to maintain a character that is historic in nature, since state law prohibits jurisdictions from imposing subjective standards upon ADUs, even if imposed by a review committee.
- Standards for Junior Accessory Dwelling Units (17.14.110).

For additional information, Exhibit "D" provides a summary of the level of discretion that a city can apply to local land development standards on ADUs and JADUs and Exhibit "E" provides a

table summarizing the city's existing ADU requirements, state law requirements, and staff's recommended revisions to comply with state law.

The state legislature has made several modifications to ADU law to encourage more affordable housing development over the past several years, and more changes can be expected in the coming years. While such state-initiated modifications might further require regular updates to local ordinances, the City cannot simply defer to state law for all regulation toward ADUs and JADUs. Jurisdictions are expected to update their ordinances. This is good for local ordinances as it provides greater clarity to residents on the allowances and limitations. In addition, as addressed in Exhibit "D", a local ordinance can still exercise some level of discretion towards ADU regulation.

#### Consistency with State Law and General Plan Policies and Local Law

The proposed amendments are consistent with California Government Code sections 65852.2 and 65852.22 (now renumbered as Government Code section 66310) and the changes to state law that are now currently in effect.

The proposed amendments are consistent with the residential density ranges of the General Plan Land Use Element in that, pursuant to state law, an ADU or JADU shall not be considered to exceed the allowable density for the lot upon which it is located.

Additionally, the proposed amendments implement the following General Plan goals, policies, and programs:

LU-O-23 - Provide a range of housing types and prices within new neighborhoods to meet the needs of all segments of the community.

LU-P-50 - Provide development standards to ensure that a mix of detached and attached single-family and multi-family housing types can be compatible in a single development.

HE Policy 1.4 - The City shall encourage a mix of residential development types in the city, including single family homes, on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, accessory dwelling units, and multi-family housing.

HE Policy 3.11 - The City shall continue to support, facilitate the construction, and provide for the development of accessory dwelling units on parcels with single-family and multi-family units while protecting the character of neighborhoods and zoned parcels as a means of providing affordable housing.

HE Program 3.15 Promoting Accessory Dwelling Units. - The City shall promote the development of ADUs, prioritizing the higher resource areas. The City shall:

- By June 2024, compile and publish information regarding permit requirements, changes in State law, the Permit Ready ADU program, available incentives (such as fee waivers; see Program 3.12) and the benefits of accessory dwelling units; information shall be published on the City website, and advertised through City social media outlets and email lists at least twice a year.

To date, the changes in State law is the last major component of this program needing to be accomplished. Currently the Planning Division has websites dedicated to ADUs and to the Permit Ready ADUs. In the past year, the City has engaged the public through social media and email as it has sought to update its ADU ordinance, and has engaged with the public on ADUs at in-person events such as the twice-a-year Home Expo show.

#### Community Engagement

The City released a draft of the ADU ordinance together with the Single Family Residential Objective Design Standards ordinance for a public review period from August 30 to September

30, 2024 (32 days total). Announcement for the public review period was conducted via an email blast to stakeholders and interested people (signed up through [www.housevisalia.com](http://www.housevisalia.com)) and through multiple City of Visalia social media announcements.

One public comment was received during the public review period on behalf of the Historic Preservation Advisory Committee regarding the design requirements listed in Section 17.14.090. The comment sought to clarify terminology and add additional examples of window and door treatments.

## **Objective Performance Standards**

### Background

Staff led three City Council work sessions between 2020 and 2022 to discuss concerns regarding single-family residential subdivision design, particularly directed toward planned unit developments and the 5-pack / cluster design housing. The concerns led toward direction for the City to develop an ordinance that gives explicit codified standards on public open space, off-street parking, and structure design. Separately, the City applied for and received a State Housing and Community Development (HCD) grant to fund three development activities, including an update of the Planned Unit Residential Ordinance and the Accessory Dwelling Unit Ordinance. The grant allowed the City to request proposals for preparation of ordinance updates, which was awarded to Mintier Harnish in August 2022.

In February 2024, the City Council authorized expanding the scope of the contract with Mintier Harnish to prepare objective design standards for single-family residential development in the City. The desire to expand the scope of work was based upon the necessity to establish clear codified standards for traditional single-family residential development in response to state legislation allowing ministerial approvals of residential development (such as SB 9 adopted in 2021 and SB 35 adopted in 2017), and based upon a desire to have improved design standards toward traditional subdivisions, including those with lot sizes below 5,000 square feet.

Having a clear and dedicated set of objective design standards has become an urgent need for the City due to the increase of State mandates and regulations on permitting housing. Legislation such as SB 35 provides a ministerial process for facilitating housing development that removes any ability for a jurisdiction to impose conditions or a higher standard of construction, excepting when a jurisdiction has an adopted set of codified objective design standards applicable to all new development in a single-family zone district. In response to current State legislation and more that is expected to come in forthcoming years, many jurisdictions in California are moving towards adopting a set of objective design standards to retain control on the design of housing developments.

### Proposed Amendments

The resulting ordinance, now collectively referred to as the Single-Family Residential Objective Design (ODS) standards, is intended to apply toward all new single-family residential construction within the city boundaries on any lot regardless of parcel size, except ADUs and properties within the Historic District or Local Register of Historic Structures.

This Zoning Text Amendment proposes a newly written code commencing in Article 2 of Chapter 17.12 (Single-family Residential Zone Ordinance), which would be the former location of the ADU Ordinance.

The proposed ODS standards will work in tandem with other existing objective standards that address residential development standards (i.e. setbacks, height) in the review of eligible development applications. Such development standards for traditional single-family residential lots, found in Chapter 17.12 Article 1, and for lots below 5,000 square feet in size, found in Section 17.12.135(B), will remain in place. However, most objective design standards found in Section

17.12.135 that were intended to apply exclusively to lot sizes below 5,000 square feet are being replaced with the proposed ODS standards now applicable to all development in Single-family Residential zone districts (see Exhibit "C" for standards being removed from Section 17.12.135).

Additionally, the proposed ODS standards will work in tandem with the Planned Development Ordinance, found in Chapter 17.26, and will not necessitate any changes to this chapter. This is because the Planned Developed Ordinance provides more broad parameters on design considerations and provides the procedures for processing of planned developments, which in addition to residential developments can apply to commercial, industrial, or mixed-use developments. The proposed ODS standards that specifically apply to planned unit developments are off-street guest parking facilities, usable common open space areas, and sidewalks.

The objective design standards assist with expediting a development's ministerial review process. This is done by providing more narrowly defined expectations up-front to ensure that new single-family residential development is compatible with Visalia's existing community character while complying with both state and local regulations. Builders will have access to these regulations through the City's Municipal Code and can apply the regulations to development prior to any preliminary or formal review process conducted by the City. The implementation of the project will also satisfy the terms of the State HCD Grant that was awarded to the city to fund the Citywide Objective Design Standards project that will help accelerate housing development.

The proposed performance standards are provided in the attached Resolution and in Exhibit "B". Sections of the proposed ordinance are outlined below, *with general descriptions provided in italics*. These standards may be used as guidelines for the development of single-family dwellings in multi-family residential and non-residential zones.

#### 17.12.140 Purpose and Applicability

#### 17.12.150 Site Planning

##### A. Site Placement

*Developments with two or more structures shall be staggered with a minimum of two-foot variation measured from the front setback*

##### B. Site Development

*Front entryways on all units shall include one or more front windows, a covered porch, and a pedestrian walkway leading directly to the sidewalk.*

#### 17.12.160 Structure Design Standards

##### A. Massing

*Primary elevations wider than 25 feet shall incorporate at least one of the following massing elements for every 15 feet: Projection, Recession, Second Floor Step Back, Bay Window.*

##### B. Articulation

*Structures shall be vertically (height) and horizontally (depth) articulated along the primary elevations.*

##### C. Fenestration

*All windows and doors shall include a recess and/or a trim. Shutters if used shall be sized to the window shape.*

##### D. Balconies

*No portion of a second floor balcony shall be within 20 feet of the adjacent property line except when screening is incorporated.*

#### **E. Design Details**

*Regulations are provided for the use and number of Materials and Colors. Accessory Structures, when constructed simultaneously, shall match the details.*

##### **17.12.170 Landscaping**

*Regulations are provided which require landscaping, utilization of state or local Water Efficient Landscape Ordinance requirements, street trees, and limitation of pavement / hardscape.*

##### **17.12.180 Fences, Walls, and Hedges**

###### **A. Height**

*Restatement of existing City of Visalia fence standards.*

###### **B. Materials**

*Use of barbed wire, electric charged fencing, corrugated paneling, and chain link (except in street fronting setbacks) is prohibited.*

##### **17.12.190 Exterior Lighting**

*Entryways, porch areas, pedestrian pathways, and gates shall include lighting for safety and security, subject to standards.*

##### **17.12.200 Off-Street Parking Facilities**

*Regulations are specified for the use of garages as covered parking and limitations on uncovered parking areas. Regulations include off-street guest parking facilities for Planned Unit Developments.*

##### **17.12.210 Useable Common Open Space Areas for Planned Unit Developments**

*Requirements are specified for usable common open space, including passive and/or active recreational amenities, as required in Table 1 specified in the code.*

##### **17.12.220 Sidewalks for Planned Unit Developments**

*Sidewalks shall be a minimum of five feet width and shall implement City standards.*

#### **Applicability**

Should the City Council adopt an Ordinance which applies the proposed objective design standards, the new ordinance will apply to any new development project that are submitted for entitlement application following the effective date of the ordinance. The new standards will not apply to previously approved projects (i.e. projects having received tentative map approval) or projects have been submitted and are in process of being deemed for completeness or are being prepared for public hearing.

#### **Community Engagement**

Part of the engagement conducted early in the update process was City staff and the consultant conducting stakeholder interviews. In April 2023, one-on-one interviews were conducted with local stakeholders (e.g. developers, builders, architects, and planners) to gain feedback on the City's residential development regulations and review processes. A summary and key takeaways statement was prepared and is included as Exhibit "F".

The City released a draft of the ODS ordinance together with the ADU ordinance for a public review period from August 30 to September 30, 2024 (32 days total). Announcement for the public review period was conducted via an email blast to stakeholders and interested people (signed up through [www.housevisalia.com](http://www.housevisalia.com)) and through multiple City of Visalia social media announcements.

One public comment was received during the public review period on behalf of San Joaquin Valley Homes. In response to these comments, staff made the following changes to the Public Review Draft, which are now incorporated in the draft being proposed for adoption:

- 17.12.150.A.2.b – The term “front door” has replaced “primary entrance”.
- 17.12.150.A.2.c – The garage section’s description of its placement with regard to the primary elevation has been changed, and the maximum width of the primary elevation has been increased from 50% to 60%.
- 17.12.150.B.3.e – Clarification that an optional pedestrian pathway from the front entry to the driveway is also allowed in addition to the pathway from the front entry to the sidewalk.
- 17.12.200.B – Clarification of carport standards. In lieu of prohibiting carports, standard now reads that carports are allowed only if they do not serve as the required covered parking (e.g., porte cochères, carports in front of garages).
- 17.12.200.C – Clarification of uncovered parking areas, stating that such areas shall be paved with concrete or a permeable or impermeable surface.
- 17.12.210.B – Clarification made to recreational amenities, stating that they may be either passive or active.

#### Consistency with State Law and General Plan Policies and Local Law

The proposed amendments are consistent with California legislation that has been passed that facilitate for a streamlined review process subject to objective regulatory standards and affordable housing requirements, whether ministerial or discretionary. Specific legislation includes the Housing Accountability Act (1982, amended 2018; Government Code Section 65589.5), SB 35 a.k.a. Housing Accountability & Affordability Act (2017), and the Housing Crisis Act of 2019 a.k.a. SB 330 (2019) and SB 8 (2020).

Additionally, the proposed amendments implement the following General Plan goals, policies, and programs:

LU-O-21 - Preserve and enhance the character of residential neighborhoods while facilitating infill development.

LU-P-49 - Preserve established and distinctive neighborhoods throughout the City by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

LU-P-50 - Provide development standards to ensure that a mix of detached and attached single-family and multi-family housing types can be compatible in a single development.

HE Program 2.7 Missing Middle: The City will review and amend residential development standards to allow for and promote a mix of dwelling types and sizes, specifically missing middle-density housing types (e.g., duplexes, triplexes, courtyard buildings, townhomes) to encourage the development of housing types affordable to the local workforce.

Specifically, the City shall evaluate zoning standards related to minimum lot size and width, maximum lot coverage, required setbacks, open space and landscaping requirements, and

parking ratios, particularly in high resource, low-density, infill parcels. The City shall meet with local developers, property owners, and non-profits agencies to identify constraints and potential incentives to infill and missing middle development in 2024 and shall adopt revised standards for such projects in 2025.

## **Environmental Review**

The Zoning Ordinance amendment for the proposed ADU ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which specifically exempts the adoption of an updated ADU ordinance.

The Zoning Ordinance amendment for the proposed ODS ordinance is exempt from CEQA per the CEQA Common Sense Exemption Section 15061(b)(3) that applies to projects which clearly do not have the potential for causing a significant effect on the environment. The project, in itself, does not allow construction of any building or structure, but sets forth design regulations that shall be followed. The regulations do not change allowable uses or building intensities. It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, and thus is not subject to CEQA review.

## **RECOMMENDED FINDINGS**

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as described in the following Land Use and Housing Element Policies:

Land Use Element Policy LU-O-21 - Preserve and enhance the character of residential neighborhoods while facilitating infill development.

Land Use Element Policy LU-O-23 - Provide a range of housing types and prices within new neighborhoods to meet the needs of all segments of the community.

Land Use Element Policy LU-P-49 - Preserve established and distinctive neighborhoods throughout the City by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

Land Use Element Policy LU-P-50 - Provide development standards to ensure that a mix of detached and attached single-family and multi-family housing types can be compatible in a single development.

Housing Element Policy 1.4 - The City shall encourage a mix of residential development types in the city, including single family homes, on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, accessory dwelling units, and multi-family housing.

Housing Element Policy 3.11 - The City shall continue to support, facilitate the construction, and provide for the development of accessory dwelling units on parcels with single-family and multi-family units while protecting the character of neighborhoods and zoned parcels as a means of providing affordable housing.

HE Program 2.7 Missing Middle: The City will review and amend residential development standards to allow for and promote a mix of dwelling types and sizes, specifically missing middle-density housing types (e.g., duplexes, triplexes, courtyard buildings, townhomes) to encourage the development of housing types affordable to the local workforce.

Housing Element Program 3.15 Promoting Accessory Dwelling Units. - The City shall promote the development of ADUs, prioritizing the higher resource areas.

2. That applying the proposed Accessory Dwelling Unit standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia Housing Element Update (6<sup>th</sup> Cycle). These standards are designed to promote and ensure compatibility with adjacent land uses.
3. That applying the proposed Single-Family Residential Object Design standards to future housing and residential uses will reflect sound planning principles and will assist in enhancing the character of residential neighborhoods.
4. That the City has determined that the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which specifically exempts the adoption of an updated ADU ordinance, and pursuant to the CEQA Common Sense Exemption Section 15061(b)(3) since there would be no possibility of a significant effect on the environment.

## **APPEAL INFORMATION**

The Planning Commission's recommendation on the Zoning Text Amendment is advisory only and is automatically referred to the City Council for final action.

### Attachments:

- Related Plans and Policies
- Resolution No. 2024-67
- Exhibit "A" – Revised Public Review Draft, Accessory Dwelling Unit Ordinance
- Exhibit "B" – Revised Public Review Draft, Single-Family Residential Objective Design Standards Ordinance
- Exhibit "C" – Revisions to Section 17.12.135, (Standards for) Lot area less than 5,000 square feet
- Exhibit "D" – Table of State Accessory Dwelling Unit Law – Areas of local discretion
- Exhibit "E" – Summary of changes to existing ADU regulations
- Exhibit "F" – Stakeholder Interview Summary
- Categorical Exemption No. 2024-57

## RELATED PLANS AND POLICIES

### Zoning Ordinance [Title 17 of Visalia Municipal Code]

#### Chapter 17.12 SINGLE-FAMILY RESIDENTIAL ZONE

##### 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)

## **Article 2. Accessory Dwelling Units**

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

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

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

### **17.12.150 Definitions.**

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

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

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

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

#### **17.12.160 General provisions.**

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

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

#### **17.12.170 Process.**

The city planner shall approve or deny accessory dwelling unit requests based upon the specified requirements. The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner, in writing, within ten (10) days after notification of such decision. The appeal shall be placed on

the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(D))

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

The following development requirements shall apply to accessory dwelling units:

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

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

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

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

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

#### **17.12.190 Appeals.**

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

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

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

## **Chapter 17.26 PLANNED DEVELOPMENT**

### **17.26.010 Purpose and intent.**

The purpose and intent of the Planned Development regulations contained in this chapter is to provide for land development consisting of a related group of residential housing types or commercial uses, including but not limited to, attached or detached single-family housing, cluster housing, patio homes, town houses, apartments, condominiums or cooperatives or any combination thereof and including related open spaces and community services consisting of recreational, commercial and offices, infrastructure, maintenance and operational facilities essential to the development, all comprehensively planned. Such land development normally requires deviation from the normal zoning regulations and standards regarding lot size, yard requirements, bulk and structural coverage in an effort to maximize the benefits accruing to the citizens of Visalia. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7410)

### **17.26.020 Definitions.**

For the purposes of this chapter the following definitions shall apply:

"Density bonus" means dwelling unit increases based on project amenities provided as part of a planned development.

"Dwelling unit" means one or more habitable rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. Dwelling unit can include various types including, but not limited to, attached or detached single-family homes, cluster homes, patio homes, town houses, condominiums, apartments, or cooperatives.

"Environment, natural" means the physical condition of a proposed PD site prior to proposed development; including, but not limited to, natural features such as waterways, vegetation, topographical features, and animal life.

"Homeowner's association" means an incorporated entity formed under applicable laws and including all properties within a planned development. Such association normally maintains and administers the common open space associated with a planned development.

"Lot or parcel net area" means the land area contained within the boundary of a lot or parcel. Land within public or private streets or property held in common for a particular development amenity is not considered as "net lot area."

"Maintenance district" means an assessment district formed under applicable laws that pays for maintaining dedicated or private open space facilities.

"Neighborhood commercial center" means a convenience shopping complex providing services within a neighborhood and meeting applicable ordinance and general plan requirements.

"Open space" means the area within a planned development not occupied with structures, driveways or parking and storage areas.

"Open space, common" means the area within a planned development under the control and ownership of a homeowner's association. Common open space may include recreation facilities, access and parking, paths, and storage areas.

"Open space, usable" means the area within a planned development that is deemed suitable for use by the residents of the PD; not including parking areas, private patios, required building separations, parking and access, or storage areas.

"Parking, guest" means designated off-street parking areas within a planned development reserved for guest or visitor parking.

"Parking, required" means off-street parking areas within a planned development to be used for long-term storage of resident vehicles, recreational vehicles, boats and trailers.

"Planned development" means a development that includes a mix of land uses and that requires a deviation from normal zoning standards regarding lot size, yard requirements, bulk and structural coverage and is subject to provisions of this chapter.

"Planned residential development" means a planned development consisting of residential uses only and subject to the provisions of this chapter.

"Planned unit development" means a planned development including two, or more, of the following uses: residential, commercial, professional office, quasi-public, and industrial.

"Recreation facility" means an area within a planned development that includes recreational installations for common use. Such installations normally include such things as a swimming pool, recreation building, patio areas, tot lots, and exercise areas.

"Site area, gross" means the total horizontal area included within the property lines of a proposed planned development after dedication of required right-of-way and open space areas. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7411)

## **17.26.030 Location.**

A planned development may be located in residential, commercial or industrial zone upon approval of necessary permits required under this chapter. Planned residential developments and planned unit developments may be located only in appropriate zones as follows:

1. A planned residential development may be allowed in any residential zone.
2. A planned unit development with commercial/industrial uses may be located where those uses are allowed in the underlying zone. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7412)

## **17.26.040 Development standards.**

The following is a list of development standards considered to be necessary to achieve the purpose and intent of this chapter:

### **A. Site Area.**

1. The minimum site area for a planned residential development shall be one acre of gross site area.
2. The minimum site area for a planned unit development with residential uses shall be ten acres.

3. The minimum site area for a planned unit development without residential uses shall be five acres.
4. The minimum site area for a planned unit development with only industrial uses shall be twenty (20) acres.
5. Parcels smaller than the minimums stated above may be considered if the planning commission finds there are unique circumstances (shape, natural features, location, etc.) that would deprive the land owner of development potential consistent with other properties classified in the same underlying zone.

B. Density. The average number of dwelling units per net area shall not exceed the maximum density prescribed by the site area regulations or the site area per dwelling in which the planned unit development is located, subject to a density bonus that may be granted by the city council upon recommendation by the planning commission. A density bonus may be granted as part of a planned development based on the following guidelines:

Percent of Net Site in Usable Open Space	Area Percent of Density Bonus
6% to 10%	6%
11% to 20%	10%
21% to 25%	16%
Over 25%	20%

C. Usable Open Space. Usable open space shall be provided for all planned developments that include residential uses, except as provided in this section. Such open space shall include a minimum of five percent of the net site area of the residential portion of a planned development. The requirement for mandatory usable open space may be waived in developments wherein the net lot area of each lot meets or exceeds minimum standard in the underlying zone classification.

D. Site Design Criteria.

1. Location of proposed uses and their relationship to each other with a planned development shall be consistent with general plan policies and ordinance requirements.
2. The natural environment of a site is to be considered as part of the design criteria. Such features as natural ponding areas, waterways, natural habitats, and mature vegetation are to be considered.
3. If a planned development is located adjacent to a major arterial street, or other existing possible land use conflict, adequate buffering shall be included in the plan.

E. Landscaping and Structural Coverage. Landscaping provided within a planned development shall conform to the general standards imposed by the underlying zone. Additional landscaping may be required as part of a planned development due to unusual circumstances.

F. Circulation.

1. Vehicle circulation shall be based on a street pattern as outlined within the circulation element of the general plan. Use of private streets and variations to normal city street standards are encouraged.
2. There shall be no direct vehicle access from individual lots onto major arterial streets.
3. Pedestrian access and bicycle paths should be incorporated within planned developments. Such paths and bikeways to be separated from vehicle streets when possible.

G. Parking.

1. Required parking shall conform with the existing parking standards required under the zoning ordinance.
2. Guest parking and storage parking shall be encouraged and may be required in planned development.
3. All parking shall be screened from adjacent public right-of-way. Such screening may include dense plantings, fences, landscaped berms, or grade separation.
4. Parking clusters shall be provided rather than large (single) parking areas.

H. Trash Enclosures.

1. Trash enclosures shall be provided as specified by the city solid waste department.
2. Such enclosures shall be screened from view from adjacent structures and roadways and be provided with solid gates. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7413)

**17.26.050 Application procedures.**

The following procedures specify the process for review of a planned development.

A. Pre-Application Review. Pre-application review shall be a two-step process including a mandatory meeting with the planning department and submittal of a concept plan to the site plan review committee. Such pre-application review shall include, but is not limited to, the following elements:

1. Site area and location;
2. Land use relationships within and outside the proposed site;
3. Circulation and access;
4. Environmental features;
5. Open space and project amenities;
6. Available and needed public improvements and facilities.

B. Application Process. After completing the pre-application review process the owner, or agent, shall file an application for a planned development. Such application submittal shall be processed as a conditional use permit and shall require a site plan review permit. The city planner shall determine the extent of development detail required as part of the application submittal. Such details may include, but is not limited to, the following:

1. Legal description and boundary survey map of the exterior boundaries of land to be developed;
2. A topographic map indicating anticipated grading or fill areas, groupings of existing trees, and other natural features;
3. For residential development:
  - a. The number and type of dwelling units. This may be stated as a range of maximum and minimum number of units by type,
  - b. The approximate total population anticipated in the entire development,

c. The proposed standards of height, open space, structural coverage, pedestrian and traffic circulation, and density within use areas;

4. For nonresidential uses:

- a. Types of uses proposed within the entire area,
- b. Anticipated employment base which may be stated as a range,
- c. Methods proposed to control possible land use conflicts and environmental impacts,
- d. The proposed structure heights, open space buffering, circulation, and parking/loading,

e. Pertinent social or economic characteristics of the development such as school enrollment, residence, employment, etc.;

5. A preliminary utilities report;

6. The location, area, and type of sites proposed for open space, recreational facilities, and public facilities;

7. The anticipated timing for each phase, if any, of the development. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7414)

#### **17.26.060 Exceptions.**

Exceptions to the design criteria specified in Section [17.26.040](#) may be modified by the city council upon recommendation by the planning commission based on unique circumstances. Such exceptions shall be reviewed by the site plan committee for comment prior to planning commission recommendation. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7415)

#### **17.26.070 Amendments.**

Minor amendments to an approved planned development may be granted by the planning commission upon recommendation of the site plan committee. Major amendments shall be processed as an amendment to a conditional use permit with required public hearings. Major amendments include, but are not limited to, the following:

- A. Changes in residential density;
- B. Changes in land use relationships;
- C. Changes in the location and/or scope of open space;
- D. Changes in circulation patterns;

E. Other changes as determined by the planning commission upon request. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7416)

#### **17.26.080 Timing.**

Once granted, a planned development approval shall be valid for a period of two years. Extensions may be granted by the planning commission for one year periods, not to exceed three such extensions. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7417)

## **Chapter 17.44 ZONING AMENDMENTS**

### **17.44.010 Purpose.**

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Ord. 2017-01 (part), 2017: prior code § 7580)

### **17.44.020 Initiation.**

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections [17.44.040](#) and [17.44.090](#) shall be followed. (Ord. 2017-01 (part), 2017: prior code § 7581)

### **17.44.030 Application procedures.**

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and that said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, 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. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application. (Ord. 2017-01 (part), 2017: prior code § 7582)

### **17.44.040 Public hearing—Notice.**

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing. (Ord. 2017-01 (part), 2017: prior code § 7583)

### **17.44.050 Investigation and report.**

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission. (Ord. 2017-01 (part), 2017: prior code § 7584)

### **17.44.060 Hearing.**

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section [17.02.020](#).

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents. (Ord. 2017-01 (part), 2017: prior code § 7585)

#### **17.44.070 Action of city planning commission.**

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section [17.02.020](#). The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7586)

#### **17.44.080 [Reserved].**

#### **17.44.090 Action of city council.**

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section [17.02.020](#). If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal. (Ord. 2017-01 (part), 2017: prior code § 7587)

#### **17.44.100 Change of zoning map.**

A change in zone boundary shall be indicated on the zoning map. (Ord. 2017-01 (part), 2017: prior code § 7589)

#### **17.44.110 New application.**

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Ord. 2017-01 (part), 2017: prior code § 7590)

#### **17.44.120 Report by city planner.**

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections [17.44.060](#), [17.44.070](#) and [17.44.090](#). (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7591)

RESOLUTION NO. 2024-67

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA,  
RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2024-03, A  
REQUEST BY THE CITY OF VISALIA TO ADD TO AND AMEND REGULATIONS  
WITHIN THE VISALIA MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE)  
PERTAINING TO ACCESSORY DWELLING UNITS AND TO SINGLE-FAMILY  
RESIDENTIAL OBJECTIVE DESIGN STANDARDS AND PLANNED RESIDENTIAL  
DEVELOPMENT STANDARDS APPLICABLE TO NEW SINGLE-FAMILY RESIDENTIAL  
DEVELOPMENTS. THE REGULATIONS WILL APPLY CITYWIDE TO PROPERTIES  
WITHIN THE CITY LIMITS OF THE CITY OF VISALIA

**WHREAS**, Zoning Text Amendment No. 2024-03 is a request by the City of Visalia to add to and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Accessory Dwelling Units and to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments. The regulations will apply Citywide to properties within the city limits of the City of Visalia, as set forth in Attachment "A" of this resolution; and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on November 12, 2024; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the Zone Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing.

**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 under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and pursuant to the Code of Regulations Section 15061(b)(3).

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Zone Text Amendment based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as described in the following Land Use and Housing Element Policies:

Land Use Element Policy LU-O-21 - Preserve and enhance the character of residential neighborhoods while facilitating infill development.

Land Use Element Policy LU-O-23 - Provide a range of housing types and prices within new neighborhoods to meet the needs of all segments of the community.

Land Use Element Policy LU-P-49 - Preserve established and distinctive neighborhoods throughout the City by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

Land Use Element Policy LU-P-50 - Provide development standards to ensure that a mix of detached and attached single-family and multi-family housing types can be compatible in a single development.

Housing Element Policy 1.4 - The City shall encourage a mix of residential development types in the city, including single family homes, on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, accessory dwelling units, and multi-family housing.

Housing Element Policy 3.11 - The City shall continue to support, facilitate the construction, and provide for the development of accessory dwelling units on parcels with single-family and multi-family units while protecting the character of neighborhoods and zoned parcels as a means of providing affordable housing.

HE Program 2.7 Missing Middle: The City will review and amend residential development standards to allow for and promote a mix of dwelling types and sizes, specifically missing middle-density housing types (e.g., duplexes, triplexes, courtyard buildings, townhomes) to encourage the development of housing types affordable to the local workforce.

Housing Element Program 3.15 Promoting Accessory Dwelling Units. - The City shall promote the development of ADUs, prioritizing the higher resource areas.

2. That applying the proposed Accessory Dwelling Unit standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia Housing Element Update (6<sup>th</sup> Cycle). These standards are designed to promote and ensure compatibility with adjacent land uses.
3. That applying the proposed Single-Family Residential Object Design standards to future housing and residential uses will reflect sound planning principles and will assist in enhancing the character of residential neighborhoods.
4. That the City has determined that the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which specifically exempts the adoption of an updated ADU ordinance, and pursuant to the CEQA Common Sense Exemption Section 15061(b)(3) since there would be no possibility of a significant effect on the environment.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of Zone Text Amendment No. 2024-03 described herein in Attachment "A", in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

**Resolution No. 2024-67**

**ATTACHMENT "A"**

**Zoning Text Amendment (ZTA) No. 2024-03**, to add to and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Accessory Dwelling Units and to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments.

Changes to City of Visalia Municipal Code Title 17 – Zoning Ordinance, as specified by underline & italics for additions and ~~strikeout~~ for deletions.

**Title 17 ZONING**

**Chapters:**

**17.14 [Reserved] Accessory Dwelling Units**

**Chapter 17.08 Agriculture Zone**

**17.08.030 Accessory uses.**

The following accessory uses are allowed in conjunction with permitted uses:

**D. Accessory dwelling units as specified in ~~Sections 17.12.140 through 17.12.200~~  
Chapter 17.14.**

**Chapter 17.10 Open Space Zone**

**17.10.030 Accessory uses.**

**C. Accessory dwelling units as specified in Chapter 17.14.**

**Chapter 17.12 Single-family Residential Zone**

**17.12.060 ~~One Number of~~ dwelling units per site.**

**~~Article 2. Accessory Dwelling Units~~**

**~~17.12.140 Purpose and intent.~~**

**~~17.12.150 Definitions.~~**

**~~17.12.160 General provisions.~~**

**~~17.12.170 Process.~~**

**~~17.12.180 Development requirements.~~**

**~~17.12.190 Appeals.~~**

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

## Article 2. Single-Family Residential Objective Design Standards

### 17.12.140 Purpose and Applicability

### 17.12.150 Site Planning

### 17.12.160 Structure Design Standards

### 17.12.170 Landscaping

### 17.12.180 Fences, Walls, and Hedges

### 17.12.190 Exterior Lighting

### 17.12.200 Off-Street Parking Facilities

### 17.12.210 Useable Common Open Space Areas for Planned Unit Developments

### 17.12.220 Sidewalks for Planned Unit Developments

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

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

D. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200 Chapter 17.14.

#### **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:

—M. ~~Duplexes on corner lots;~~

[Note: All subsequent items in list shall be renumbered commencing with M.]

#### **17.12.060 One Number of dwelling units 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) notwithstanding Chapter 17.14 pertaining to accessory dwelling units, and notwithstanding California Government Code Section 65852.21(a) which allows two residential units on a site.~~

#### **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~~ Low Density Residential General Plan density range of two (2) to ten (10) dwelling units per gross acre.

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 development is consistent with all design standards established in Chapter 17.12 Article 2 (Single-Family Residential Objective Design Standards).*
- ~~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 minimum usable open space area of a minimum three hundred (300) square feet. The open space shall be have a minimum width of fifteen (15) feet-wide.

C. Lots less having a lot area of 3,600 square feet, or lots between 3,600 and 4,999 square feet that do not meet all the standards in this section Subsections A and B of Section 17.12.135 may be approved through the planned development permit process per Chapter 17.26. (Ord. 2017-01 (part), 2017)

## **Chapter 17.12 Article 2: Single-Family Residential Objective Design Standards**

### **17.12.140 Purpose and Applicability**

A. Purpose. The purpose of this Chapter is to establish objective design standards that provide developers with a clear understanding of the City's expectations for all residential project design and streamline the construction of housing units by reducing subjectivity in the entitlement process. All applicable development projects are required to comply with all design standards found in this Chapter in addition to all applicable Building Permit requirements, Zoning Ordinance requirements, City Engineering Division Design and Improvement Standards, and all other applicable City, County, and State provisions.

B. Applicability. The standards of this Chapter apply to all new single-family residential developments on lots regardless of parcel size, except as described below.

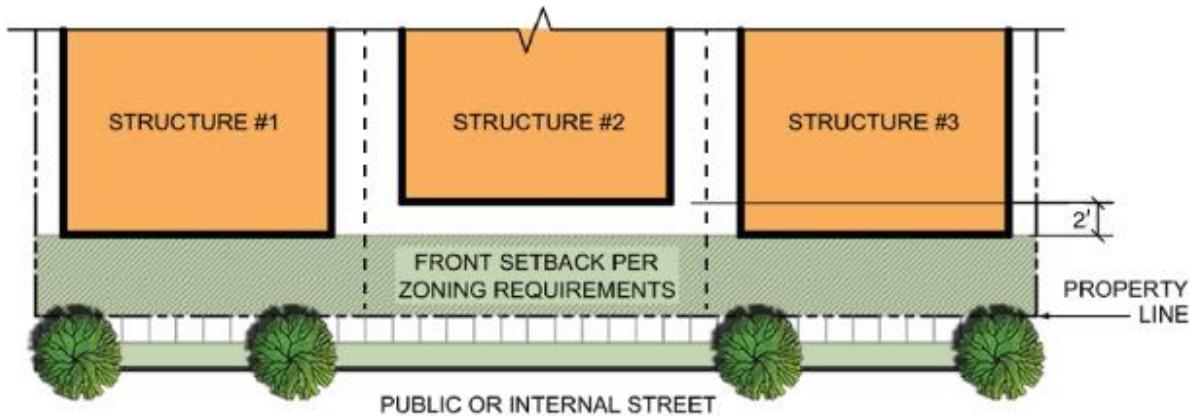
1. For the purposes of this Chapter, accessory dwelling units (ADUs) are considered accessory structures to a single-family residence and are subject to all applicable design standards for accessory structures established in this Chapter except where they interfere with State law or the City's ADU Ordinance.

2. Buildings and structures listed on the City's Local Register of Historic Structures are excluded from the requirements of this Chapter but are subject to committee review (see Chapter 17.56).

### **17.12.150 Site Planning**

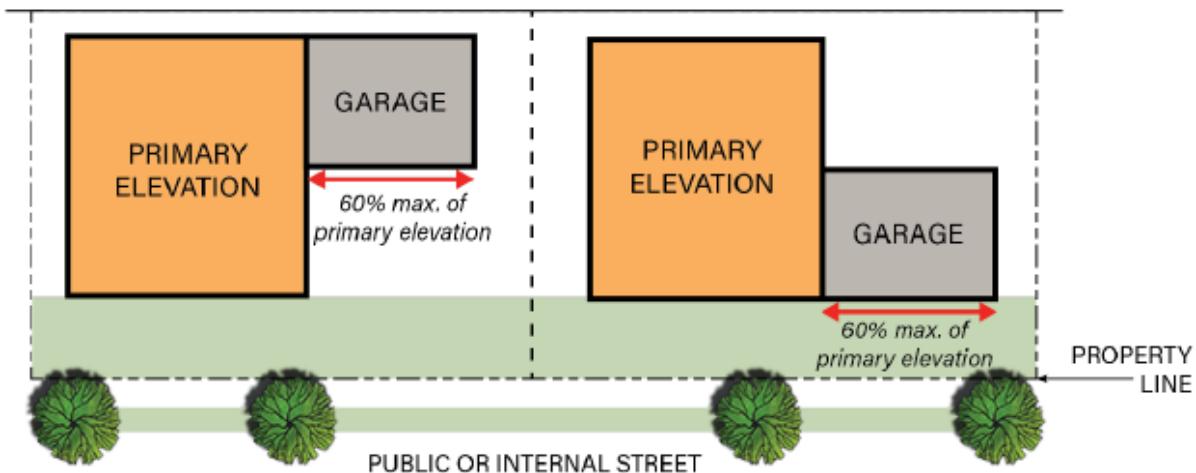
#### A. Site Placement

1. Site Area. Developments with two or more structures shall be staggered with a minimum of two-foot variation measured from the front setback with the intent of providing a varied street elevation so that front setbacks and structures on adjacent parcels differ by a minimum of two feet and a maximum of six feet.



## 2. Orientation

- a. The primary elevation of the residence shall face the primary public or private right-of-way on which the parcel is located. For the purposes of this Section the primary elevation is that in which the primary entrance is located.*
- b. On corner lots, the primary elevation is considered the elevation that is facing the street in which the residential address is associated with and front door is located. The applicant/developer/property owner may file for an address change if they would like to change what street the primary elevation is located.*
- c. Garages. Garages (attached or detached) shall be setback farther from or equal to the primary elevation and shall not exceed 60 percent of the width of the primary elevation.*



## B. Site Development.

- 1. Setbacks. Structure setbacks shall be subject to the provisions of the applicable zone of which the subject parcel is located in. For single-family provisions please see Chapter 17.12. For lots less than 5,000 square feet the setback requirements specified in Section 17.12.135 shall apply.*

2. Height. Structure height shall be subject to the provisions of the applicable zone of which the subject parcel is located in. For single-family provisions please see Chapter 17.12. For lots less than 5,000 square feet the height requirements specified in Section 17.12.135 shall apply.

3. Front Entryways.

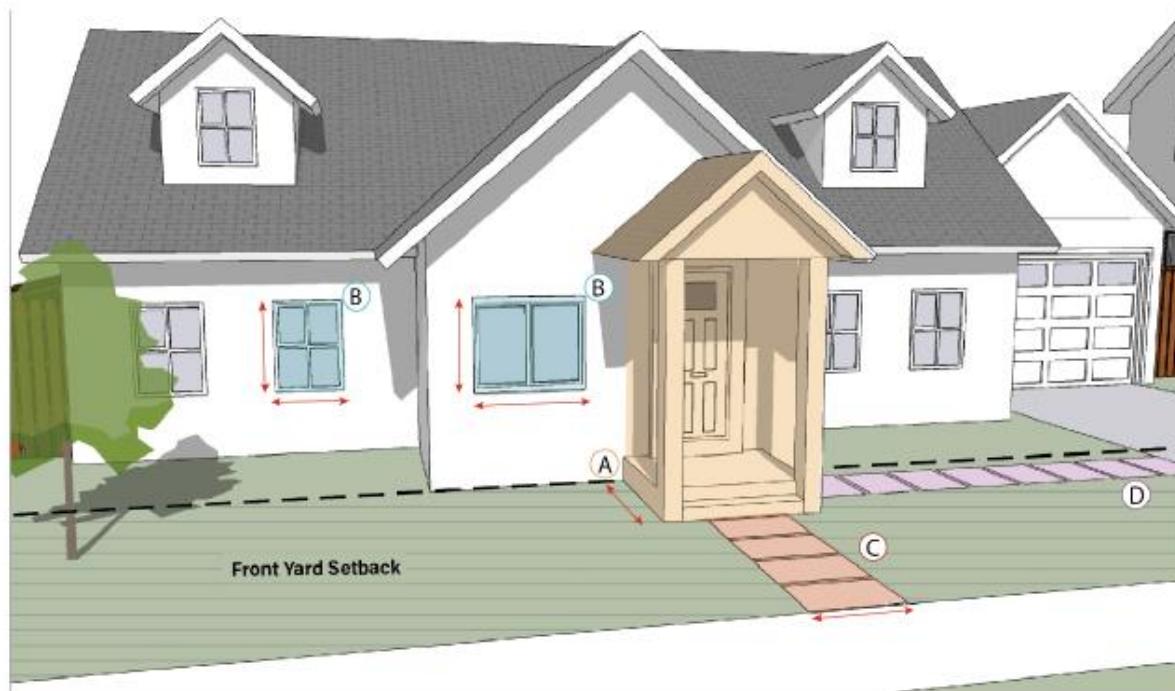
a. The main entry to the residence shall be located on the primary elevation.

b. The primary elevation shall include a minimum of one window that is at least three feet by four feet.

c. Front entries shall include a covered porch that complies with standards established in Section 17.32.090 of this Title. A porch can be recessed and/or projecting, however a canopy or awning alone cannot be utilized to fulfill this standard.

d. A minimum three-foot wide pedestrian walkway, other than the driveway, shall provide direct access to the front entryway of the residence from the primary sidewalk, or primary right-of-way if no sidewalk is present. Pedestrian walkways can be constructed with any materials (i.e., aggregate or natural stone or rock, brick, gravel, wood, poured concrete), except for dirt or topsoil.

e. In addition to the pedestrian walkway described in Subparagraph 3.d, a minimum three-foot pedestrian walkway may be provided to connect the front entry to the driveway. The walkway shall match the material as the pedestrian walkway from the front entry to the sidewalk.



- Ⓐ Covered porch on the front entry that may project up to 6 feet into the front yard setback.
- Ⓑ Primary elevation shall include at least one window measuring 3 foot (height/width) by 4 foot (height/width).
- Ⓒ Three foot wide pedestrian walkway from the front entry to the primary sidewalk/public right-of-way.
- Ⓓ Optional three-foot pedestrian walkway from the front entry to driveway.

### **17.12.160 Structure Design Standards.**

**A. Massing.** To provide for visually interesting structures, primary elevations wider than 25 feet shall incorporate at least one of the following massing elements for every 15 feet:

- 1. Projections.** A projection shall project at least two feet, but no more than six feet, from the main elevation plane and be at least eight feet wide. A projected area shall be capped with an eave or gable that matches the same materials and style as the main structure. A projection may extend into the required setback if it complies with Section 17.32.090 (Yard requirements – Exceptions) of this Title.
- 2. Recessions.** A recession shall be at least two feet deep, but no more than six feet deep, from the main elevation plane and be at least five feet wide.
- 3. Second Floor Stepbacks.** For two-story structures, the second floor may be stepped back by at least six feet, but no more than 12 feet, from the ground floor wall plane. The stepback shall extend along at least 50 percent of the length of the wall plane. The stepback may be continuous or composed of multiple segments that together total the required length.
- 4. Bay Window.** A protruding window that is at least two feet from wall plane.



**(A)** Projection or recession measuring between two to six feet from the wall plane.

**(B)** Second floor stepback measuring between six and 12 feet from first floor.

**B. Articulation.** Structures shall be vertically (height) and horizontally (depth) articulated along the primary elevations.

- 1. Vertical Articulations.** Vertical articulations shall include a change in total height of a minimum of two feet, or a change in roof pitch or form, or the inclusion of a gable or dormer, and such articulation shall occur at intervals of a maximum of 15 feet.

**2. Horizontal Articulation.** Horizontal articulations shall include a change of wall plane by a minimum depth of two feet at intervals of a maximum of 20 feet.

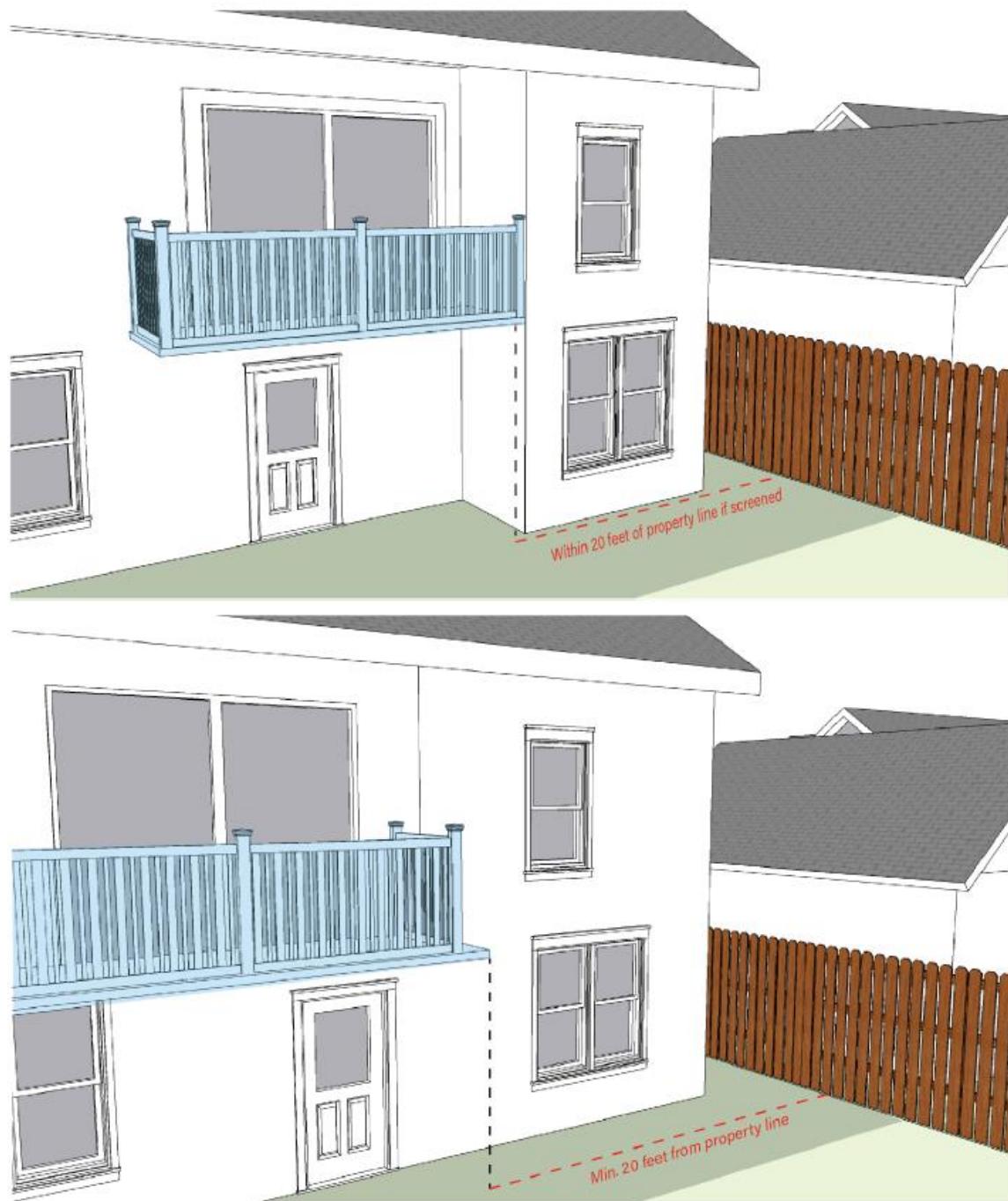


- Ⓐ Vertical Articulation through the inclusion of a dormer.
- Ⓑ Horizontal Articulation - Change of wall plane by a minimum of 2 feet.

**C. Fenestration.**

1. All windows and doors shall include one of the following exterior design details:
  - a. A recess of at least two inches from the wall plane.
  - b. Wood, metal, stucco covered foam, or engineered wood trim around the entire window or door with a minimum width of three inches and minimum depth of three-quarters of an inch.
2. If used, shutters shall be sized to cover 100 to 105 percent of the window and match the exact window shape.

**D. Balconies.** No portion of a second floor balcony shall be within 20 feet of the adjacent property line (except on the primary elevation), unless the side(s) of the balcony facing the adjacent property(ies) is screened from view.



## E. Design Details.

### 1. Materials

a. No more than four materials or finishes (not including roofing, door, or window materials) shall be used on each elevation, and no more than five materials or

finishes (not including roofing, door, or window materials) in total shall be used across all elevations.

b. The following materials are prohibited from use as exterior finishes (excluding windows and doors):

i. Vinyl siding

ii. Plastic

iii. Raw, non-treated/coated metal

2. Colors. A minimum of two, but no more than five, colors (or tints, shades, or tones of the same color) shall be used on the entire exterior of the building.

3. Accessory Structures. All accessory structures (i.e., accessory dwelling units, garages, workshops, storage sheds) visible from the primary street shall be constructed of the same materials, colors, roof type as the primary structure. This standard only applies to accessory structures constructed together with the primary dwelling unit.

#### **17.12.170 Landscaping.**

A. All areas not occupied by structures or pavement in the front yard area shall be landscaped. Landscaped areas shall consist of plantings, turf, mulch, or bark.

B. All landscape areas shall meet the requirements of the State Model Water Efficient Landscape Ordinance, or if applicable, the Water Efficient Landscape Ordinance of the City of Visalia. [Source: 17.30.015.C.1.a]

C. Trees. New developments shall plant a minimum of one tree along the street frontage. Trees shall be 15 gallons at the time of planting.

D. Pavement or hardscape shall not make up more than 50 percent of the front yard, unless necessary to meet other standards required by this Chapter.

#### **17.12.180 Fences, Walls, and Hedges.**

A. Height. Fences, walls, and hedges shall not exceed seven feet in height if on the side or rear yard setbacks, or three feet in height if in the front yard setback. A front yard fence or wall may be allowed to a height of up to four feet only if the portion exceeding three feet, at minimum, is constructed with a material that has a visibility percentage of at least 50 percent (i.e., lattice fencing). These standards also apply within five feet of the street side property line for corner lots.

B. Materials. The following materials are prohibited from use as fencing:

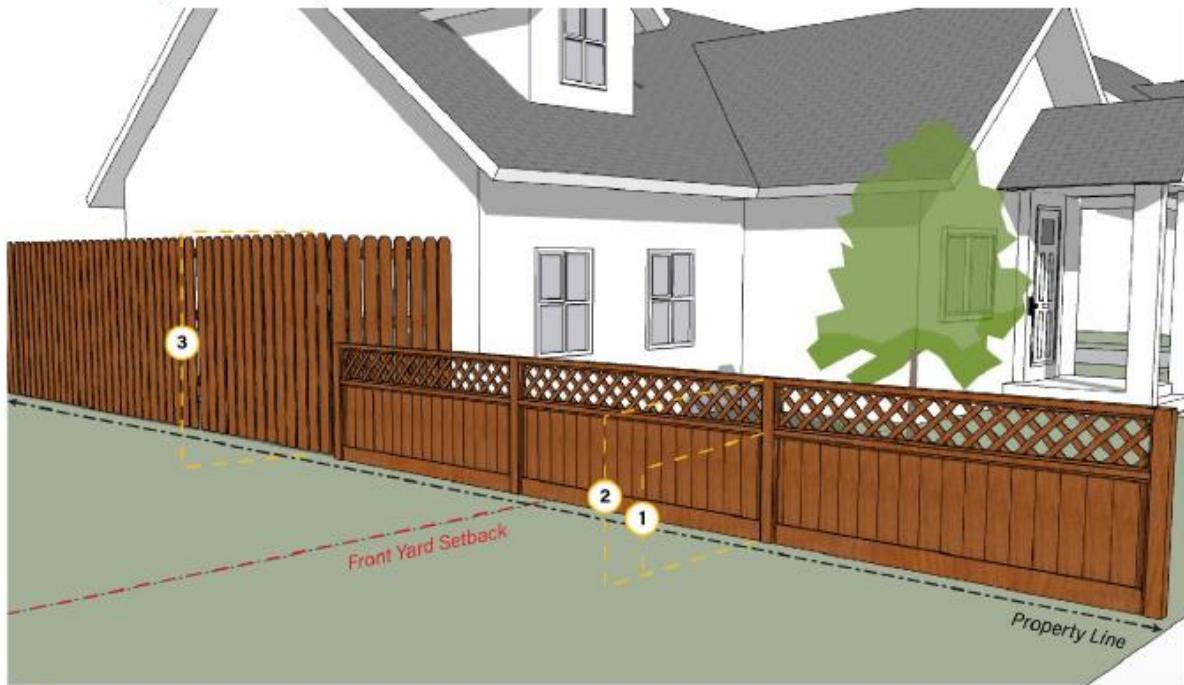
1. Barbed wire

2. Electric charged fencing

3. Corrugated Paneling

4. Chain link (except for three to four-foot height fences within the front yard and street side yard setback)

4. Chain link (except for three to four-foot height fences within the front yard and street side yard setback)



- 1 Maximum height of three feet in front yard setback.
- 2 Maximum height of four feet in front yard setback if top one foot of fence is at 50 percent visibility.
- 3 Maximum height of seven feet in on side and rear yard setback.

### **17.12.190 Exterior Lighting.**

**A. All entryways, porch areas, pedestrian pathways, and gates shall include lighting for safety and security. All exterior lighting fixtures shall comply with all of the following standards:**

- 1. Be fully shielded and directed downward (not above the horizontal plane) and shall not spill onto adjacent properties;**
- 2. Be no more than eight feet above the ground plane;**
- 3. Ground-mounted light fixtures to illuminate driveways, landscaped areas, or pedestrian pathways shall be no more than three feet in height; and**
- 4. Use light emitting diodes (LEDs) with a maximum temperature of 3000 kelvins.**

**B. Permanently installed light fixtures that blink, revolve or flash are prohibited.**

### **17.12.200 Off-Street Parking Facilities.**

**A. The number and type of off-street parking facilities for a single-family residential development shall comply with the requirements of the underlying zoning district as established in Chapter 17.34. In addition to the provisions in Chapter 17.34, all off-street parking facilities shall comply with the following standards:**

B. Covered parking areas shall be in garages. Carports are allowed only if they do not serve as the required covered parking (e.g., porte cochères, carports in front of garages). [Source: 17.12.135.A.7]

C. Uncovered parking areas (i.e., driveways) shall be paved with concrete or a permeable or impermeable surface. [Source: 17.34.030.P]

D. Off-Street Guest Parking Facilities for Planned Unit Developments. Planned unit developments with four or more dwelling units shall provide off-street guest parking spaces when on-street parking is not allowed on the streets within the development. Planned unit developments shall provide a minimum of one guest parking space per four dwelling units within the total project. If a fraction occurs based on the specified number of guest spaces, the project applicant shall round up to the next round number of guest spaces.

#### **17.12.210 Useable Common Open Space Areas for Planned Unit Developments.**

A. Useable Common Open Space. Planned unit developments shall provide usable outdoor passive/active open space with outdoor amenities as required in Table 1 (Outdoor Amenities). Useable common open space means an unobstructed area or areas, accessible to all occupants of the structure it serves, having no dimension less than 10 feet in any direction. Useable common open space excludes areas designated for parking, including surface parking, carports, or garages. A minimum of 60 percent of the common useable open space shall be provided as landscaped green area (not hardscaped).

B. Recreational Amenities. Recreation amenities as required in Table 1 (Outdoor Amenities) can be either passive or active as described below, or a combination of the two.

1. Passive Recreational Amenities. Passive recreation refers to recreational activities that require minimal to no facilities or development to perform such activities. Passive recreation amenities include, but are not limited to, community gardens, outdoor gathering/seating area, picnic/barbeque area, pet area/dog park, courtyard/plaza. All passive recreational amenity area shall be a minimum of 200 square feet unless otherwise stated.

2. Active Recreational Amenities. Active recreation refers to recreational activities that require specific facilities or equipment to perform such activities. Active recreational amenities include, but are not limited to, playground/tot lot, sports court/field, fitness area, swimming pool, clubhouse w/kitchen, community room. All active recreational amenity area shall be a minimum of 500 square feet unless otherwise stated.

C. Seating. Seating shall be provided for all common open space areas.

D. Playgrounds/tot lots shall be located in an area with direct visibility from a minimum of three dwelling units to allow for casual surveillance.

<p style="text-align: center;"><u>Table 1</u>  <u>Open Space and Recreational Requirements</u></p>		
<u>Number of Units in Project</u>	<u>Minimum Number of Amenities<sup>1</sup></u>	<u>Minimum Total Area<sup>2</sup></u>
<u>Less than 5</u>	<u>1</u>	<u>500 sq. ft.</u>
<u>5-10<sup>1</sup></u>	<u>1</u>	<u>500 sq. ft. plus 100 sq. ft per unit over 5 units</u>
<u>11-30</u>	<u>2</u>	<u>1,000 sq. ft. plus 150 sq. ft per unit over 10 units</u>
<u>31-60</u>	<u>2</u>	<u>4,000 sq. ft. plus 165 sq. ft per unit over 30 units</u>
<u>61-100</u>	<u>2</u>	<u>9,000 sq. ft. plus 200 sq. ft per unit over 60 units</u>
<u>101-150</u>	<u>3 plus 1 additional amenity for every 50 units over 200</u>	<u>17,000 sq. ft. plus 250 sq. ft per unit over 100 units</u>

1 – Minimum number of amenities can be passive or active amenities as described in Subsection 17.12.210.B

2 - Minimum Total Area means the combined area of all amenities. Each amenity must still meet all applicable standards established in this Section.

### **17.12.220 Sidewalks for Planned Unit Developments.**

*Sidewalks within a Planned Unit Development shall incorporate the following standards:*

*A. Shall be a minimum width of five feet; and*

*B. Shall implement the concrete specifications for sidewalks and ramps as determined by the City of Visalia City Engineering Division Design and Improvement Standards.*

### **Chapter 17.14: Accessory Dwelling Units**

17.14.010 Purpose and Intent.

17.14.020 Acknowledgement.

17.14.030 Applicability.

17.14.040 Where Allowed.

17.14.050 Permit Requirements and Processing Procedures.

17.14.060 Types of Accessory Dwelling Units.

17.14.070 Types and Number of Units Allowed.

17.14.080 Standards Applicable to All Accessory Dwelling Units.

17.14.090 Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.

17.14.100 Standards Applicable to Converted Accessory Dwelling Units.

17.14.110 Standards Applicable to Junior Accessory Dwelling Units.

**17.14.010 Purpose and Intent.**

The purpose and intent of this Chapter is as follows:

A. Purpose. The purpose of this Chapter is to provide regulations for the development of accessory dwelling units through a ministerial process consistent with California Government Code Section 66310 through 66342.

B. Intent. The regulations in this Chapter are intended to:

1. Implement the provisions of the General Plan Housing Element;
2. Assure compliance with California Government Code Section 66310 through 66342 and other relevant housing legislation;
3. Encourage the development of accessory dwelling units;
4. Streamline and minimize governmental constraints on residential development; and
5. Minimize potential adverse impacts on the public health, safety, and general welfare that may be associated with accessory dwelling units.

**17.14.020 Acknowledgement.**

The City recognizes the State of California is facing a housing crisis. The City acknowledges accessory dwelling units expand lower cost housing opportunities and are an essential component of the City's and State's housing supply.

**17.14.030 Applicability.**

The regulations established in this Chapter shall apply to all accessory dwelling units where allowed in compliance with Section 17.14.040 (Where Allowed) of this Chapter and State law. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this Chapter and the California Building Code. An accessory dwelling unit that conforms to the standards of this Chapter shall not be:

- A. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the accessory dwelling unit is located or proposed;
- B. Deemed to exceed the allowable density for the parcel on which the accessory dwelling unit is located or proposed;
- C. Considered in the application of any City ordinance, policy, or program to limit residential growth; and
- D. Required to correct a nonconforming zoning condition as defined in Chapter 17.04 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12.

#### **17.14.040 Where Allowed.**

In compliance with California Government Code Section 66314, accessory dwelling units shall be allowed by-right (ministerially permitted) in any zone which allows residential uses. Specifically, the City's Agriculture zone (A), Open Space zone (OS), Single-family residential zones (R-1-5, R-1-12.5, and R-1-20), and Multi-family residential zones (R-M-2 and R-M-3) shall allow accessory dwelling units by-right.

This Section also applies to mixed-use zoning districts which allow residential and zones which allow residential as a conditionally permitted use. Specifically, the City's Commercial zones (C-N, C-R, C-S, C-MU, and D-MU), Office zones (O-PA and O-C), and Industrial zones (BRP, I-L, and I) shall allow accessory dwelling units by-right.

#### **17.14.050 Permit Requirements and Processing Procedures.**

A. An application for an accessory dwelling unit that complies with all applicable requirements of this Chapter and California Government Code Section 66310 through 66342 shall be approved ministerially through the Building Permit process. A Building Permit application for an accessory dwelling unit on a parcel with an existing or proposed single-family or multi-family dwelling shall be approved or denied within 60 days of the Building Permit application being deemed complete. The Building Permit applicant may request a delay in the City processing of the Building Permit, which shall result in the suspension of the 60-day time period.

B. If a permit application for an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, including conditional use permits, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application for the primary single-family or multi-family dwelling, but the application to build the accessory dwelling unit or junior accessory dwelling unit shall be considered ministerially without discretionary review or hearing.

#### **17.14.060 Types of Accessory Dwelling Units.**

An accessory dwelling unit approved under this Chapter may be one of, or a combination of, the following types:

A. Attached. An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.

B. Detached. An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling.

C. Converted. An accessory dwelling unit that is entirely located within the existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to

studio, pool house, or other similar structure. See Section 17.14.100 (Standards Applicable to Converted Accessory Dwelling Units) of this Chapter.

D. Junior Accessory Dwelling Unit. A junior accessory dwelling unit is a unit that meets all the following (see Section 17.14.110 (Standards Applicable to Junior Accessory Dwelling Units) for additional regulations):

1. Shall only be allowed on parcels zoned Single-family Residential (R-1-5, R-1-12.5, or R-1-20) and that include an existing or proposed single-family dwelling.
2. Is entirely located within a proposed or existing primary single-family dwelling or its attached garage.
3. Has independent exterior access from the primary dwelling.
4. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.
5. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

#### **17.14.070 Types and Number of Units Allowed.**

A. Single-Family Residential Zones. One of each of the following types of accessory dwelling units are allowed on lots zoned Single-Family Residential:

1. One new construction accessory dwelling unit, attached or detached, as described in Government Code Section 66323(a)(2).
2. One conversion accessory dwelling unit, attached or detached, within the existing or proposed square footage of the primary single-family dwelling or accessory structure, as described in Government Code Section 66323(a)(1).
3. One junior accessory dwelling unit built fully within the existing square footage of the primary single-family dwelling unit as described in Government Code Section 66323(a)(1).

B. Multi-Family Residential Zones. Accessory dwelling units are allowed in Multi-Family Residential zones and shall comply with all of the following:

1. Converted Spaces within a Multi-Family Residential Structure. Multiple accessory dwelling units shall be allowed within an existing or proposed multi-family residential dwelling structure and shall comply with all of the following:

a. Accessory dwelling units are allowed within any multi-family residential dwelling structure in portions of such structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum State building standards for residential dwellings.

b. The number of accessory dwelling units allowed in converted spaces of multi-family residential dwelling structures is limited to a maximum of 25 percent of the number of multi-family dwellings within the existing or proposed structure (Example: If a multi-family structure has 10 units, a maximum of two accessory dwelling units in converted spaces is allowed.). In no case shall fewer than one accessory dwelling unit be allowed.

2. Detached Accessory Dwelling Units. No more than two detached accessory dwelling units on a parcel with an existing or proposed multi-family residential dwelling structure.

C. Mixed-Use Zones and Conditional Use. Accessory dwelling units are allowed by right in mixed use zones and zones where residential uses are allowed as a conditional use. The number and type of accessory dwelling units allowed in these zones shall be in accordance with Section 17.14.070(A) and 17.14.070(B) dependent on the type of existing or proposed residential use on the proposed lot.

D. Urban Lot Splits. Parcels that undergo a lot split in accordance with Government Code Section 65852.21 and 66411.7 are allowed a maximum of two dwelling units per lot. Accessory dwelling units and junior accessory dwelling units shall count towards this two-unit limit.

E. In no case shall more than four units be allowed on a single lot in any combination of primary dwelling units, accessory dwelling units, and junior accessory dwelling units.

#### **17.14.080 Standards Applicable to All Accessory Dwelling Units.**

The following standards apply to all accessory dwelling units, including junior accessory dwelling units.

A. Parcel Size and Width. No minimum parcel size or parcel width standards shall apply to the construction of an accessory dwelling unit.

B. Parcel Coverage. No parcel coverage standards shall apply to the construction of an accessory dwelling unit.

C. Open Space. An accessory dwelling unit shall comply with the minimum open space requirements of the applicable zoning district, except in the case where the minimum open space requirement would preclude an accessory dwelling unit, one attached or detached accessory dwelling unit with a maximum size of 800 square feet, regardless of the number of bedrooms, shall be allowed and shall comply with the requirements of this Chapter.

D. Owner Occupancy. The property owner is not required to occupy the accessory dwelling unit or primary dwelling located on the parcel.

E. Separate Access Required. An accessory dwelling unit shall have exterior access that is separate from the exterior access for the primary dwelling.

F. Fire Sprinklers. Fire sprinklers are required in an accessory dwelling unit if they are required in the primary dwelling per the California Building Code.

#### G. Permanent Foundation.

1. All accessory dwelling units shall be permanently attached to a permanent foundation as defined by the California Building Code.

2. The use of a recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, tiny house on wheels, boat, or other apparatus not designed for permanent human habitation is prohibited from use as an accessory dwelling unit.

H. Nonconforming Conditions. The correction of nonconforming zoning conditions is not required in order to establish an accessory dwelling unit on a parcel with a primary dwelling.

I. Illegal Units. This Chapter shall not validate any existing illegal accessory dwelling units or junior accessory dwelling units. The standards and requirements for the conversion of an illegal accessory unit to a legal conforming unit shall be the same as for a new accessory dwelling unit.

J. Separate Conveyance. Except as provided in Government Code Section 66340 through 66342, an accessory dwelling unit shall not be sold or otherwise conveyed separately from the parcel and the primary dwelling(s).

K. Rental Term. No accessory dwelling unit shall be rented for a term of less than 30 days.

L. Impact Fees. No impact fees (including school fees) shall be charged to an accessory dwelling unit that is less than 750 square feet in size. Any impact fee charged to an accessory dwelling unit 750 square feet or larger in size, including accessory dwelling units converting existing space, shall be charged proportionately in relation to the square footage of the primary dwelling.

1. Single Family Residential. For purposes of calculating the fees for an accessory dwelling unit on a lot with a single-family dwelling, the proportionality shall be based on the square footage of the primary dwelling unit (e.g. the floor area of the accessory dwelling unit, divided by the floor area of the primary dwelling unit, times the typical fee amount charged for a new dwelling).

Example impact fee calculation for an accessory dwelling unit on a single-family residential parcel:

<u>Public Facility Impact Fee for Single Family DU</u>	<u>\$692.00</u>
<u>Example Square Footage of Primary Dwelling</u>	<u>1,500</u>
<u>Example Square Footage of ADU</u>	<u>800</u>
<u>Public Facility Impact Fee for ADU</u>	<u>\$369.07</u>

This calculation is for example purposes only, actual impact fees are subject to change based on the City of Visalia Development Fee Schedule and will be calculated at time of permit application.

#### **17.14.090 Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.**

The following standards shall apply only to attached and detached accessory dwelling units.

A. Unit Size Requirements. Attached and detached accessory dwelling units shall comply with the following unit size requirement:

1. Attached Units. May not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or more bedrooms. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.

2. Detached Units. May not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or more bedrooms.

3. Unit Type Combinations. A detached, new construction accessory dwelling unit may be combined on the same parcel with one junior accessory dwelling unit. When combined with a junior accessory dwelling unit, the maximum size of the detached accessory dwelling unit is limited to 800 square feet, regardless of the number of bedrooms.

4. Measurement of Unit Size. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than seven feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.

B. Height. Accessory dwelling units are limited to a maximum height of 16 feet, except as established below:

1. Detached Units Located Adjacent Transit Services. If a detached accessory dwelling is located within a half-mile of a major transit stop or high-quality transit corridor, as defined in Chapter 17.04 (General Provisions and Definitions), the unit is limited to a maximum height of 18 feet, and may be up to two feet taller, for a maximum of 20 feet, if necessary to match the roof pitch of the primary dwelling unit.

2. Detached Units on Multi-Family Residential Dwelling Parcels. If a detached accessory dwelling is located on a parcel with a multistory multi-family dwelling structure, the detached accessory dwelling unit is limited to a maximum height of 18 feet.

3. Attached Units. An accessory dwelling attached to the primary dwelling is limited to 25 feet or the height allowed in the underlying zoning district, whichever is lower. In no case shall an accessory dwelling unit exceed two stories.

C. Parking. One off-street parking space is required for an accessory dwelling unit in addition to that required for the primary dwelling, except as established below.

1. No off-street parking shall be required for an accessory dwelling unit if any of the following circumstances exist:

a. The accessory dwelling unit is located within one-half mile of public transit.

b. The accessory dwelling unit is on a property located within the Historic Preservation District, or for properties with structures listed on the Local Register of Historic Structures.

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

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

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

2. The required off-street parking space may be covered or uncovered and shall be allowed in tandem and in setback areas, except as specified in Paragraph C.3 of this Subsection, unless the review authority makes specific findings that such parking is not feasible due to specific site topographical or fire and life safety conditions.

3. Covered parking shall not be allowed in setback areas.

4. If a garage, carport, or covered parking is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking is not required.

D. Setbacks. An accessory dwelling unit shall comply with the following setback requirements:

1. Attached Unit. An attached accessory dwelling unit shall be subject to the same front setback requirement applicable to the primary dwelling, unless it precludes development of an accessory dwelling unit that is at least 800 square feet. An attached accessory dwelling unit shall have a minimum setback of four feet from the side and rear lot lines.

2. Conversion of Existing Living Space or Existing Accessory Building. See Section 17.14.100.C.

3. New Detached Unit. A new construction detached accessory dwelling unit shall comply with the front setback of the underlying zoning district, unless it precludes development of an accessory dwelling unit that is at least 800 square feet. A detached accessory dwelling unit shall have a minimum setback of four feet from the side and rear lot lines.

E. Design. The following requirements apply only to accessory dwelling units located within the Historic Preservation District as provided in the City's Zoning Map or is located on a parcel where the primary structure is listed on the City's Local Register of Historic Structures.

1. Converted Structures. The conversion of an existing structure to an accessory dwelling unit shall not alter any exterior features of the existing structure except as necessary to comply with current Building Code, State law, and this Chapter to make the unit livable (e.g., addition of doors or windows, garage door removal, addition of air conditioning unit). Any exterior alterations shall comply with Subparagraphs 2 through 6 of this Subsection E.

2. Siding. Siding treatments of the accessory dwelling unit (e.g. clap board, board and batten, shingle) shall be an in-kind replication of the primary residence.

3. Vents. Vent features on the exterior of the accessory dwelling unit shall be an in-kind replication of the vent features of the primary residence.

4. Roof Features. Roof features (fascia, exposed rafter rails, corbels) and roof materials (asphalt shingles, wood shingles, tile) shall be an in-kind replication of the primary residence.

5. Windows and Doors. The window and door treatments (e.g., trim width, shutters, muntins, grilles, sills, mullions, lintels, etc.) of the accessory dwelling unit shall be an in-kind replication of the window and door features of the primary residence.

6. Exterior Lighting. Exterior light fixtures shall be an in-kind replication of the exterior lighting of the primary residence.

#### **17.14.100 Standards Applicable to Converted Accessory Dwelling Units.**

The following standards shall apply only to converted accessory dwelling units:

A. Limited Expansion. Conversions may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure. Limited expansion areas shall conform with accessory dwelling unit setback requirements.

B. Exterior Access Required. The converted space or structure shall have exterior access.

C. Setbacks. An accessory dwelling unit or portion of an accessory dwelling unit located within the existing space of an existing dwelling or within an existing detached accessory structure shall not require a setback from the rear, street side, or interior side property lines.

D. Parking. No additional off-street parking is required for the converted accessory dwelling unit. If replacement parking is provided, the replacement space(s) shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface.

E. Unit Size Requirements. The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to unit size requirements established in this Chapter. For example, if an existing 2,000 square-foot accessory structure was converted to an accessory dwelling unit, it would not be subject to the established unit size requirements.

#### **17.14.110 Standards Applicable to Junior Accessory Dwelling Units.**

The following standards shall apply only to junior accessory dwelling units.

A. Where Allowed. Junior accessory dwelling units shall only be allowed on parcels zoned for Single-Family Residential use and that include an existing or proposed single-family dwelling.

B. Location on Parcel. A junior accessory dwelling unit shall be allowed in the following locations:

1. Within the walls of an existing or proposed primary single-unit dwelling.

2. A conversion of an attached garage in the existing or proposed primary single-unit dwelling.

C. Number of Units Per Parcel. A maximum of one junior accessory dwelling unit shall be allowed on any parcel.

D. Unit Size Requirements. The total area of floor space for a junior accessory dwelling unit shall not exceed 500 square feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is provided solely for the purpose of accommodating ingress and egress.

E. Efficiency Kitchen. A junior accessory dwelling unit shall include an efficiency kitchen as described in Section 17.14.060(D)(5).

F. Parking. No off-street parking is required for the junior accessory dwelling unit.

G. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the existing or proposed single-family dwelling. If a bathroom facility is not shared with the single-unit dwelling, the junior accessory dwelling unit may, but is not required to, include an interior entry into the main living area, which may include a second interior doorway for sound attenuation.

H. Deed Restriction. Junior accessory dwelling units shall comply with the following deed restriction requirements:

1. Deed Restriction Required. Prior to issuance of a Building Permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the Tulare County Recorder's office and a copy filed with the City. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City and shall provide that:

a. The junior accessory dwelling unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law.

b. The junior accessory dwelling unit is restricted to the approved size and other attributes allowed by this Section.

c. The deed restriction runs with the land and shall be enforced against future property owners.

d. The property owner shall reside on the site of the primary dwelling in which the junior accessory dwelling unit will be permitted for a minimum of three years. The owner may reside in either the remaining portion of the primary dwelling or the newly created junior accessory dwelling unit. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

2. Deed Restriction Removal. The deed restriction may be removed if the property owner eliminates the junior accessory dwelling unit. To remove the deed restriction, a property owner shall make a written request to the City, providing evidence that the junior accessory dwelling unit is eliminated. The City shall determine the junior accessory dwelling unit has been eliminated. If the junior accessory dwelling unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a junior accessory dwelling unit removed, the remaining structure and improvements shall otherwise comply with all applicable development and building standards.

3. Enforcement. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

## **Chapter 17.16 Multi-family Residential Zones**

### **17.16.030 Accessory uses.**

In the R-M multi-family residential zone, accessory uses include:

D. Accessory dwelling units as specified in ~~Sections 17.12.140 through 17.12.200~~  
Chapter 17.14.

## **Chapter 17.42 Variances and Exceptions**

### **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~~Chapter 17.14, and downtown building design criteria pursuant to Sections 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

## **Chapter 17.14: Accessory Dwelling Unit (ADU) Ordinance**

- 17.14.010 Purpose and Intent.
- 17.14.020 Acknowledgement.
- 17.14.030 Applicability.
- 17.14.040 Where Allowed.
- 17.14.050 Permit Requirements and Processing Procedures.
- 17.14.060 Types of Accessory Dwelling Units.
- 17.14.070 Types and Number of Units Allowed.
- 17.14.080 Standards Applicable to All Accessory Dwelling Units.
- 17.14.090 Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.
- 17.14.100 Standards Applicable to Converted Accessory Dwelling Units.
- 17.14.110 Standards Applicable to Junior Accessory Dwelling Units.

### **17.14.010 Purpose and Intent.**

The purpose and intent of this Chapter is as follows:

- A. Purpose. The purpose of this Chapter is to provide regulations for the development of accessory dwelling units through a ministerial process consistent with California Government Code Section 66310 through 66342.
- B. Intent. The regulations in this Chapter are intended to:
  - 1. Implement the provisions of the General Plan Housing Element;
  - 2. Assure compliance with California Government Code Section 66310 through 66342 and other relevant housing legislation;
  - 3. Encourage the development of accessory dwelling units;
  - 4. Streamline and minimize governmental constraints on residential development; and
  - 5. Minimize potential adverse impacts on the public health, safety, and general welfare that may be associated with accessory dwelling units.

### **17.14.020 Acknowledgement.**

The City recognizes the State of California is facing a housing crisis. The City acknowledges accessory dwelling units expand lower cost housing opportunities and are an essential component of the City's and State's housing supply.

### **17.14.030 Applicability.**

The regulations established in this Chapter shall apply to all accessory dwelling units where allowed in compliance with Section 17.14.040 (Where Allowed) of this Chapter and State law. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the

requirements of this Chapter and the California Building Code. An accessory dwelling unit that conforms to the standards of this Chapter shall not be:

- A. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the accessory dwelling unit is located or proposed;
- B. Deemed to exceed the allowable density for the parcel on which the accessory dwelling unit is located or proposed;
- C. Considered in the application of any City ordinance, policy, or program to limit residential growth; and
- D. Required to correct a nonconforming zoning condition as defined in Chapter 17.04 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12.

#### **17.14.040 Where Allowed.**

In compliance with California Government Code Section 66314, accessory dwelling units shall be allowed by-right (ministerially permitted) in any zone which allows residential uses. Specifically, the City's Agriculture zone (A), Open Space zone (OS), Single-family residential zones (R-1-5, R-1-12.5, and R-1-20), and Multi-family residential zones (R-M-2 and R-M-3) shall allow accessory dwelling units by-right.

This Section also applies to mixed-use zoning districts which allow residential and zones which allow residential as a conditionally permitted use. Specifically, the City's Commercial zones (C-N, C-R, C-S, C-MU, and D-MU), Office zones (O-PA and O-C), and Industrial zones (BRP, I-L, and I) shall allow accessory dwelling units by-right.

#### **17.14.050 Permit Requirements and Processing Procedures.**

- A. An application for an accessory dwelling unit that complies with all applicable requirements of this Chapter and California Government Code Section 66310 through 66342 shall be approved ministerially through the Building Permit process. A Building Permit application for an accessory dwelling unit on a parcel with an existing or proposed single-family or multi-family dwelling shall be approved or denied within 60 days of the Building Permit application being deemed complete. The Building Permit applicant may request a delay in the City processing of the Building Permit, which shall result in the suspension of the 60-day time period.
- B. If a permit application for an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, including conditional use permits, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application for the primary single-family or multi-family dwelling, but the application to build the accessory dwelling unit or junior accessory dwelling unit shall be considered ministerially without discretionary review or hearing.

#### **17.14.060 Types of Accessory Dwelling Units.**

An accessory dwelling unit approved under this Chapter may be one of, or a combination of, the following types:

- A. Attached. An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.
- B. Detached. An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling.
- C. Converted. An accessory dwelling unit that is entirely located within the existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. See Section 17.14.100 (Standards Applicable to Converted Accessory Dwelling Units) of this Chapter.
- D. Junior Accessory Dwelling Unit. A junior accessory dwelling unit is a unit that meets all the following (see Section 17.14.110 (Standards Applicable to Junior Accessory Dwelling Units) for additional regulations):
  - 1. Shall only be allowed on parcels zoned Single-family Residential (R-1-5, R-1-12.5, or R-1-20) and that include an existing or proposed single-family dwelling.
  - 2. Is entirely located within a proposed or existing primary single-family dwelling or its attached garage.
  - 3. Has independent exterior access from the primary dwelling.
  - 4. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.
  - 5. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

#### **17.14.070 Types and Number of Units Allowed.**

- A. Single-Family Residential Zones. One of each of the following types of accessory dwelling units are allowed on lots zoned Single-Family Residential:
  - 1. One new construction accessory dwelling unit, attached or detached, as described in Government Code Section 66323(a)(2).
  - 2. One conversion accessory dwelling unit, attached or detached, within the existing or proposed square footage of the primary single-family dwelling or accessory structure, as described in Government Code Section 66323(a)(1).
  - 3. One junior accessory dwelling unit built fully within the existing square footage of the primary single-family dwelling unit as described in Government Code Section 66323(a)(1).
- B. Multi-Family Residential Zones. Accessory dwelling units are allowed in Multi-Family Residential zones and shall comply with all of the following:

1. Converted Spaces within a Multi-Family Residential Dwelling Structure. Multiple accessory dwelling units shall be allowed within an existing or proposed multi-family residential dwelling structure and shall comply with all of the following:
  - a. Accessory dwelling units are allowed within any multi-family residential dwelling structure in portions of such structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum State building standards for residential dwellings.
  - b. The number of accessory dwelling units allowed in converted spaces of multi-family residential dwelling structures is limited to a maximum of 25 percent of the number of multi-family dwellings within the existing or proposed structure (Example: If a multi-family structure has 10 units, a maximum of two accessory dwelling units in converted spaces is allowed.). In no case shall fewer than one accessory dwelling unit be allowed.
2. Detached Accessory Dwelling Units. No more than two detached accessory dwelling units on a parcel with an existing or proposed multi-family residential dwelling structure.

C. Mixed-Use Zones and Conditional Use. Accessory dwelling units are allowed by right in mixed use zones and zones where residential uses are allowed as a conditional use. The number and type of accessory dwelling units allowed in these zones shall be in accordance with Section 17.14.070(A) and 17.14.070(B) dependent on the type of existing or proposed residential use on the proposed lot.

D. Urban Lot Splits. Parcels that undergo a lot split in accordance with Government Code Section 65852.21 and 66411.7 are allowed a maximum of two dwelling units per lot. Accessory dwelling units and junior accessory dwelling units shall count towards this two-unit limit.

E. In no case shall more than four units be allowed on a single lot in any combination of primary dwelling units, accessory dwelling units, and junior accessory dwelling units.

#### **17.14.080 Standards Applicable to All Accessory Dwelling Units.**

The following standards apply to all accessory dwelling units, including junior accessory dwelling units.

- A. Parcel Size and Width. No minimum parcel size or parcel width standards shall apply to the construction of an accessory dwelling unit.
- B. Parcel Coverage. No parcel coverage standards shall apply to the construction of an accessory dwelling unit.
- C. Open Space. An accessory dwelling unit shall comply with the minimum open space requirements of the applicable zoning district, except in the case where the minimum open space requirement would preclude an accessory dwelling unit, one attached or detached accessory dwelling unit with a maximum size of 800 square feet, regardless of the number of bedrooms, shall be allowed and shall comply with the requirements of this Chapter.
- D. Owner Occupancy. The property owner is not required to occupy the accessory dwelling unit or primary dwelling located on the parcel.

- E. Separate Access Required. An accessory dwelling unit shall have exterior access that is separate from the exterior access for the primary dwelling.
- F. Fire Sprinklers. Fire sprinklers are required in an accessory dwelling unit if they are required in the primary dwelling per the California Building Code.
- G. Permanent Foundation.
  - 1. All accessory dwelling units shall be permanently attached to a permanent foundation as defined by the California Building Code.
  - 2. The use of a recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, tiny house on wheels, boat, or other apparatus not designed for permanent human habitation is prohibited from use as an accessory dwelling unit.
- H. Nonconforming Conditions. The correction of nonconforming zoning conditions is not required in order to establish an accessory dwelling unit on a parcel with a primary dwelling.
- I. Illegal Units. This Chapter shall not validate any existing illegal accessory dwelling units or junior accessory dwelling units. The standards and requirements for the conversion of an illegal accessory unit to a legal conforming unit shall be the same as for a new accessory dwelling unit.
- J. Separate Conveyance. Except as provided in Government Code Section 66340 through 66342, an accessory dwelling unit shall not be sold or otherwise conveyed separately from the parcel and the primary dwelling(s).
- K. Rental Term. No accessory dwelling unit shall be rented for a term of less than 30 days.
- L. Impact Fees. No impact fees (including school fees) shall be charged to an accessory dwelling unit that is less than 750 square feet in size. Any impact fee charged to an accessory dwelling unit 750 square feet or larger in size, including accessory dwelling units converting existing space, shall be charged proportionately in relation to the square footage of the primary dwelling.
  - 1. Single Family Residential. For purposes of calculating the fees for an accessory dwelling unit on a lot with a single-family dwelling, the proportionality shall be based on the square footage of the primary dwelling unit (e.g. the floor area of the accessory dwelling unit, divided by the floor area of the primary dwelling unit, times the typical fee amount charged for a new dwelling).

Example impact fee calculation for an accessory dwelling unit on a single-family residential parcel:

Public Facility Impact Fee for Single Family DU	\$692.00
Example Square Footage of Primary Dwelling	1,500
Example Square Footage of ADU	800
Public Facility Impact Fee for ADU	\$369.07
This calculation is for example purposes only, actual impact fees are subject to change based on the City of Visalia Development Fee Schedule and will be calculated at time of permit application.	

2. Multi-Family Residential. For purposes of calculating the fees for an accessory dwelling unit on a lot with a multi-family dwelling, the proportionality shall be based on the average square footage of the units within that multi-family dwelling structure. (e.g. the floor area of the accessory dwelling unit, divided by the average floor area of units, times the typical fee amount charged for a new dwelling unit).
3. Example impact fee calculation for an accessory dwelling unit on a multi-family residential parcel:

Public Facility Impact Fee for Multi Family DU	\$614.00
Example Average Square Footage of Unit in Multi-Family Dwelling	1,000
Example Square Footage of ADU	800
Public Facility Impact Fee for ADU	\$491.20
This calculation is for example purposes only, actual impact fees are subject to change based on the City of Visalia Development Fee Schedule and will be calculated at time of permit application.	

#### **17.14.090 Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.**

The following standards shall apply only to attached and detached accessory dwelling units.

- A. Unit Size Requirements. Attached and detached accessory dwelling units shall comply with the following unit size requirement:
  1. Attached Units. May not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or more bedrooms. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.
  2. Detached Units. May not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or more bedrooms.
  3. Unit Type Combinations. A detached, new construction accessory dwelling unit may be combined on the same parcel with one junior accessory dwelling unit. When combined with a junior accessory dwelling unit, the maximum size of the detached accessory dwelling unit is limited to 800 square feet, regardless of the number of bedrooms.
  4. Measurement of Unit Size. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than seven feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.
- B. Height. Accessory dwelling units are limited to a maximum height of 16 feet, except as established below:

1. Detached Units Located Adjacent Transit Services. If a detached accessory dwelling is located within a half-mile of a major transit stop or high-quality transit corridor, as defined in Chapter 17.04 (General Provisions and Definitions), the unit is limited to a maximum height of 18 feet, and may be up to two feet taller, for a maximum of 20 feet, if necessary to match the roof pitch of the primary dwelling unit.
2. Detached Units on Multi-Family Residential Dwelling Parcels. If a detached accessory dwelling is located on a parcel with a multistory multi-family dwelling structure, the detached accessory dwelling unit is limited to a maximum height of 18 feet.
3. Attached Units. An accessory dwelling attached to the primary dwelling is limited to 25 feet or the height allowed in the underlying zoning district, whichever is lower. In no case shall an accessory dwelling unit exceed two stories.

C. Parking. One off-street parking space is required for an accessory dwelling unit in addition to that required for the primary dwelling, except as established below.

1. No off-street parking shall be required for an accessory dwelling unit if any of the following circumstances exist:
  - a. The accessory dwelling unit is located within one-half mile of public transit.
  - b. The accessory dwelling unit is on a property located within the Historic Preservation District, or for properties with structures listed on the Local Register of Historic Structures.
  - c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - e. Where there is a car share vehicle located within one block of the accessory dwelling unit.
2. The required off-street parking space may be covered or uncovered and shall be allowed in tandem and in setback areas, except as specified in Paragraph C.3 of this Subsection, unless the review authority makes specific findings that such parking is not feasible due to specific site topographical or fire and life safety conditions.
3. Covered parking shall not be allowed in setback areas.
4. If a garage, carport, or covered parking is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking is not required.

D. Setbacks. An accessory dwelling unit shall comply with the following setback requirements:

1. Attached Unit. An attached accessory dwelling unit shall be subject to the same front setback requirement applicable to the primary dwelling, unless it precludes development of an accessory dwelling unit that is at least 800 square feet. An attached accessory dwelling unit shall have a minimum setback of four feet from the side and rear lot lines.

2. Conversion of Existing Living Space or Existing Accessory Building. See Section 17.14.100.C.
3. New Detached Unit. A new construction detached accessory dwelling unit shall comply with the front setback of the underlying zoning district, unless it precludes development of an accessory dwelling unit that is at least 800 square feet. A detached accessory dwelling unit shall have a minimum setback of four feet from the side and rear lot lines.

E. Design. The following requirements apply only to accessory dwelling units located within the Historic Preservation District as provided in the City's Zoning Map or is located on a parcel where the primary structure is listed on the City's Local Register of Historic Structures.

1. Converted Structures. The conversion of an existing structure to an accessory dwelling unit shall not alter any exterior features of the existing structure except as necessary to comply with current Building Code, State law, and this Chapter to make the unit livable (e.g., addition of doors or windows, garage door removal, addition of air conditioning unit). Any exterior alterations shall comply with Subparagraphs 2 through 6 of this Subsection E.
2. Siding. Siding treatments of the accessory dwelling unit (e.g. clap board, board and batten, shingle) shall be an in-kind replication of the primary residence.
3. Vents. Vent features on the exterior of the accessory dwelling unit shall be an in-kind replication of the vent features of the primary residence.
4. Roof Features. Roof features (fascia, exposed rafter rails, corbels) and roof materials (asphalt shingles, wood shingles, tile) shall be an in-kind replication of the primary residence.
5. Windows and Doors. The window and door treatments (e.g., trim width, shutters, muntins, grilles, sills, mullions, lintels, etc.) of the accessory dwelling unit shall be an in-kind replication of the window and door features of the primary residence.
6. Exterior Lighting. Exterior light fixtures shall be an in-kind replication of the exterior lighting of the primary residence.

#### **17.14.100 Standards Applicable to Converted Accessory Dwelling Units.**

The following standards shall apply only to converted accessory dwelling units:

- A. Limited Expansion. Conversions may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure. Limited expansion areas shall conform with accessory dwelling unit setback requirements.
- B. Exterior Access Required. The converted space or structure shall have exterior access.
- C. Setbacks. An accessory dwelling unit or portion of an accessory dwelling unit located within the existing space of an existing dwelling or within an existing detached accessory structure shall not require a setback from the rear, street side, or interior side property lines.
- D. Parking. No additional off-street parking is required for the converted accessory dwelling unit. If replacement parking is provided, the replacement space(s) shall be located in any configuration on

the same parcel as the accessory dwelling unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface.

E. Unit Size Requirements. The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to unit size requirements established in this Chapter. For example, if an existing 2,000 square-foot accessory structure was converted to an accessory dwelling unit, it would not be subject to the established unit size requirements.

#### **17.14.110 Standards Applicable to Junior Accessory Dwelling Units.**

The following standards shall apply only to junior accessory dwelling units.

A. Where Allowed. Junior accessory dwelling units shall only be allowed on parcels zoned for Single-Family Residential use and that include an existing or proposed single-family dwelling.

B. Location on Parcel. A junior accessory dwelling unit shall be allowed in the following locations:

1. Within the walls of an existing or proposed primary single-unit dwelling.
2. A conversion of an attached garage in the existing or proposed primary single-unit dwelling.

C. Number of Units Per Parcel. A maximum of one junior accessory dwelling unit shall be allowed on any parcel.

D. Unit Size Requirements. The total area of floor space for a junior accessory dwelling unit shall not exceed 500 square feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is provided solely for the purpose of accommodating ingress and egress.

E. Efficiency Kitchen. A junior accessory dwelling unit shall include an efficiency kitchen as described in Section 17.14.060(D)(5).

F. Parking. No off-street parking is required for the junior accessory dwelling unit.

G. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the existing or proposed single-family dwelling. If a bathroom facility is not shared with the single-unit dwelling, the junior accessory dwelling unit may, but is not required to, include an interior entry into the main living area, which may include a second interior doorway for sound attenuation.

H. Deed Restriction. Junior accessory dwelling units shall comply with the following deed restriction requirements:

1. Deed Restriction Required. Prior to issuance of a Building Permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the Tulare County Recorder's office and a copy filed with the City. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City and shall provide that:
  - a. The junior accessory dwelling unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law.

- b. The junior accessory dwelling unit is restricted to the approved size and other attributes allowed by this Section.
  - c. The deed restriction runs with the land and shall be enforced against future property owners.
  - d. The property owner shall reside on the site of the primary dwelling in which the junior accessory dwelling unit will be permitted for a minimum of three years. The owner may reside in either the remaining portion of the primary dwelling or the newly created junior accessory dwelling unit. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
2. Deed Restriction Removal. The deed restriction may be removed if the property owner eliminates the junior accessory dwelling unit. To remove the deed restriction, a property owner shall make a written request to the City, providing evidence that the junior accessory dwelling unit is eliminated. The City shall determine the junior accessory dwelling unit has been eliminated. If the junior accessory dwelling unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a junior accessory dwelling unit removed, the remaining structure and improvements shall otherwise comply with all applicable development and building standards.
3. Enforcement. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

17 – Zoning Code  
Single-Family Residential  
Objective Design Standards

REVISED PUBLIC REVIEW DRAFT  
OCTOBER 2024

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# Chapter 17.12 – Article 2

## Single-Family Residential Objective Design Standards



## Chapter 17.12 Article 2: Single-Family Residential Objective Design Standards

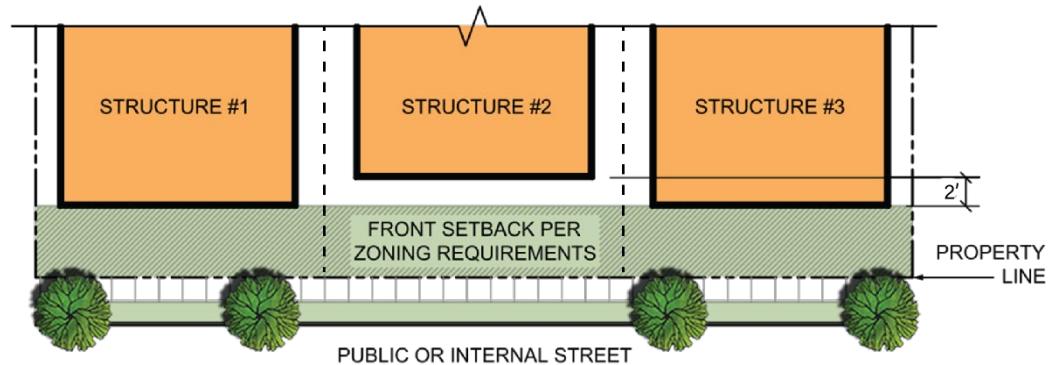
### 17.12.140 Purpose and Applicability

- A. Purpose. The purpose of this Chapter is to establish objective design standards that provide developers with a clear understanding of the City's expectations for all residential project design and streamline the construction of housing units by reducing subjectivity in the entitlement process. All applicable development projects are required to comply with all design standards found in this Chapter in addition to all applicable Building Permit requirements, Zoning Ordinance requirements, City Engineering Division Design and Improvement Standards, and all other applicable City, County, and State provisions.
- B. Applicability. The standards of this Chapter apply to all new single-family residential developments on lots regardless of parcel size, except as described below.
  - 1. For the purposes of this Chapter, accessory dwelling units (ADUs) are considered accessory structures to a single-family residence and are subject to all applicable design standards for accessory structures established in this Chapter except where they interfere with State law or the City's ADU Ordinance.
  - 2. Buildings and structures listed on the City's Local Register of Historic Structures are excluded from the requirements of this Chapter but are subject to committee review (see Chapter 17.56).

### 17.12.150 Site Planning

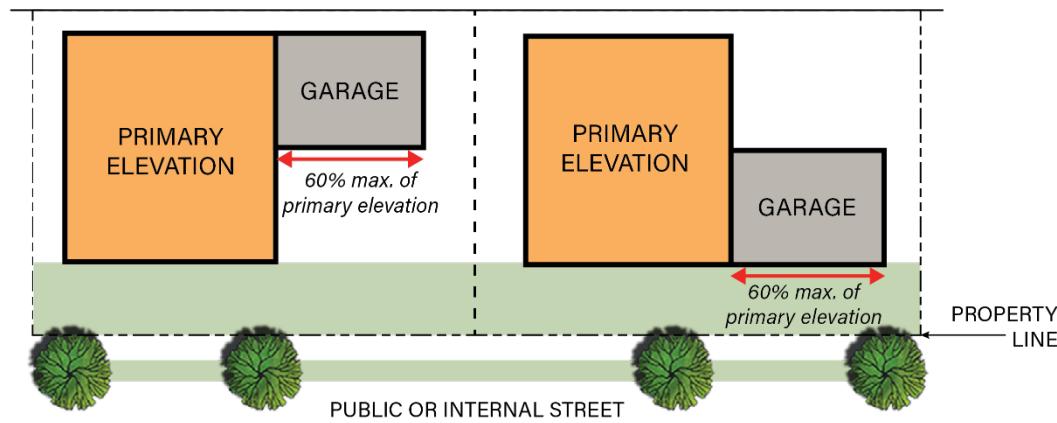
- A. Site Placement
  - 1. Site Area. Developments with two or more structures shall be staggered with a minimum of two-foot variation measured from the front setback with the intent of providing a varied street elevation so that front setbacks and structures on adjacent parcels differ by a minimum of two feet and a maximum of six feet.





2. Orientation

- a. The primary elevation of the residence shall face the primary public or private right-of-way on which the parcel is located. For the purposes of this Section the primary elevation is that in which the primary entrance is located.
- b. On corner lots, the primary elevation is considered the elevation that is facing the street in which the residential address is associated with and front door is located. The applicant/developer/property owner may file for an address change if they would like to change what street the primary elevation is located.
- c. Garages. Garages (attached or detached) shall be setback farther from or equal to the primary elevation and shall not exceed 60 percent of the width of the primary elevation.

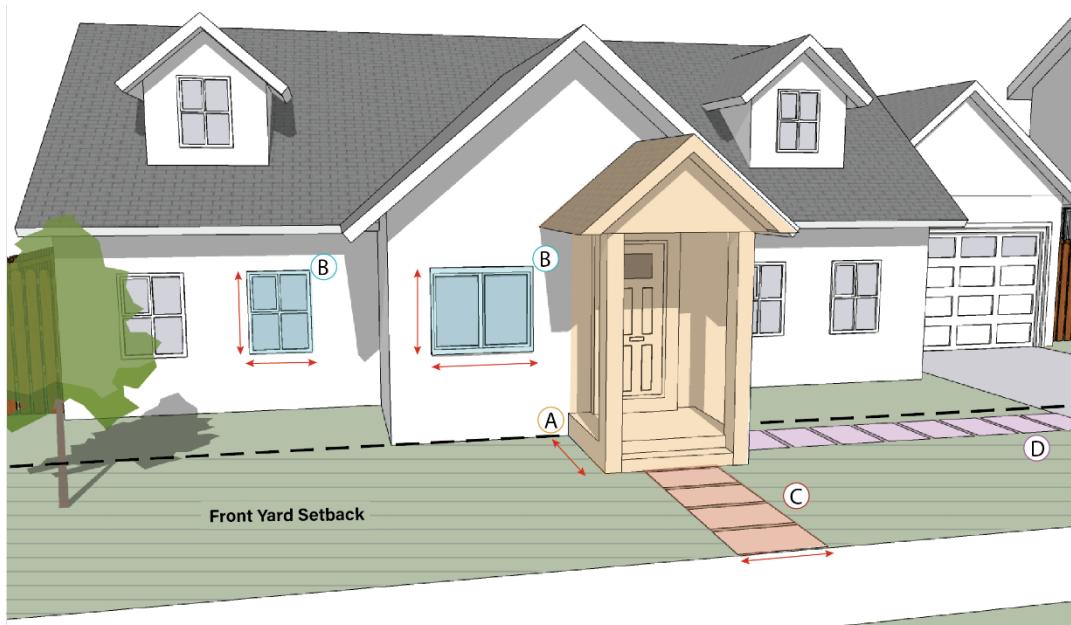


B. Site Development.

- 1. Setbacks. Structure setbacks shall be subject to the provisions of the applicable zone of which the subject parcel is located in. For single-family provisions please see Chapter 17.12. For lots less than 5,000 square feet the setback requirements specified in Section 17.12.135 shall apply.



2. Height. Structure height shall be subject to the provisions of the applicable zone of which the subject parcel is located in. For single-family provisions please see Chapter 17.12. For lots less than 5,000 square feet the height requirements specified in Section 17.12.135 shall apply.
3. Front Entryways.
  - a. The main entry to the residence shall be located on the primary elevation.
  - b. The primary elevation shall include a minimum of one window that is at least three feet by four feet.
  - c. Front entries shall include a covered porch that complies with standards established in Section 17.32.090 of this Title. A porch can be recessed and/or projecting, however a canopy or awning alone cannot be utilized to fulfill this standard.
  - d. A minimum three-foot wide pedestrian walkway, other than the driveway, shall provide direct access to the front entryway of the residence from the primary sidewalk, or primary right-of-way if no sidewalk is present. Pedestrian walkways can be constructed with any materials (i.e., aggregate or natural stone or rock, brick, gravel, wood, poured concrete), except for dirt or topsoil.
  - e. In addition to the pedestrian walkway described in Subparagraph 3.d, a minimum three-foot pedestrian walkway may be provided to connect the front



- (A) Covered porch on the front entry that may project up to 6 feet into the front yard setback.
- (B) Primary elevation shall include at least one window measuring 3 foot (height/width) by 4 foot (height/width).
- (C) Three foot wide pedestrian walkway from the front entry to the primary sidewalk/public right-of-way.
- (D) Optional three-foot pedestrian walkway from the front entry to driveway.



entry to the driveway. The walkway shall match the material as the pedestrian walkway from the front entry to the sidewalk.

### **17.12.160 Structure Design Standards.**

A. Massing. To provide for visually interesting structures, primary elevations wider than 25 feet shall incorporate at least one of the following massing elements for every 15 feet:

1. Projections. A projection shall project at least two feet, but no more than six feet, from the main elevation plane and be at least eight feet wide. A projected area shall be capped with an eave or gable that matches the same materials and style as the main structure. A projection may extend into the required setback if it complies with Section 17.32.090 (Yard requirements – Exceptions) of this Title.
2. Recessions. A recession shall be at least two feet deep, but no more than six feet deep, from the main elevation plane and be at least five feet wide.
3. Second Floor Stepbacks. For two-story structures, the second floor may be stepped back by at least six feet, but no more than 12 feet, from the ground floor wall plane. The stepback shall extend along at least 50 percent of the length of the wall plane. The stepback may be continuous or composed of multiple segments that together total the required length.
4. Bay Window. A protruding window that is at least two feet from wall plane.





(A) Projection or recession measuring between two to six feet from the wall plane.

(B) Second floor stepback measuring between six and 12 feet from first floor.

B. Articulation. Structures shall be vertically (height) and horizontally (depth) articulated along the primary elevations.

1. Vertical Articulations. Vertical articulations shall include a change in total height of a minimum of two feet, or a change in roof pitch or form, or the inclusion of a gable or dormer, and such articulation shall occur at intervals of a maximum of 15 feet.



2. Horizontal Articulation. Horizontal articulations shall include a change of wall plane by a minimum depth of two feet at intervals of a maximum of 20 feet.

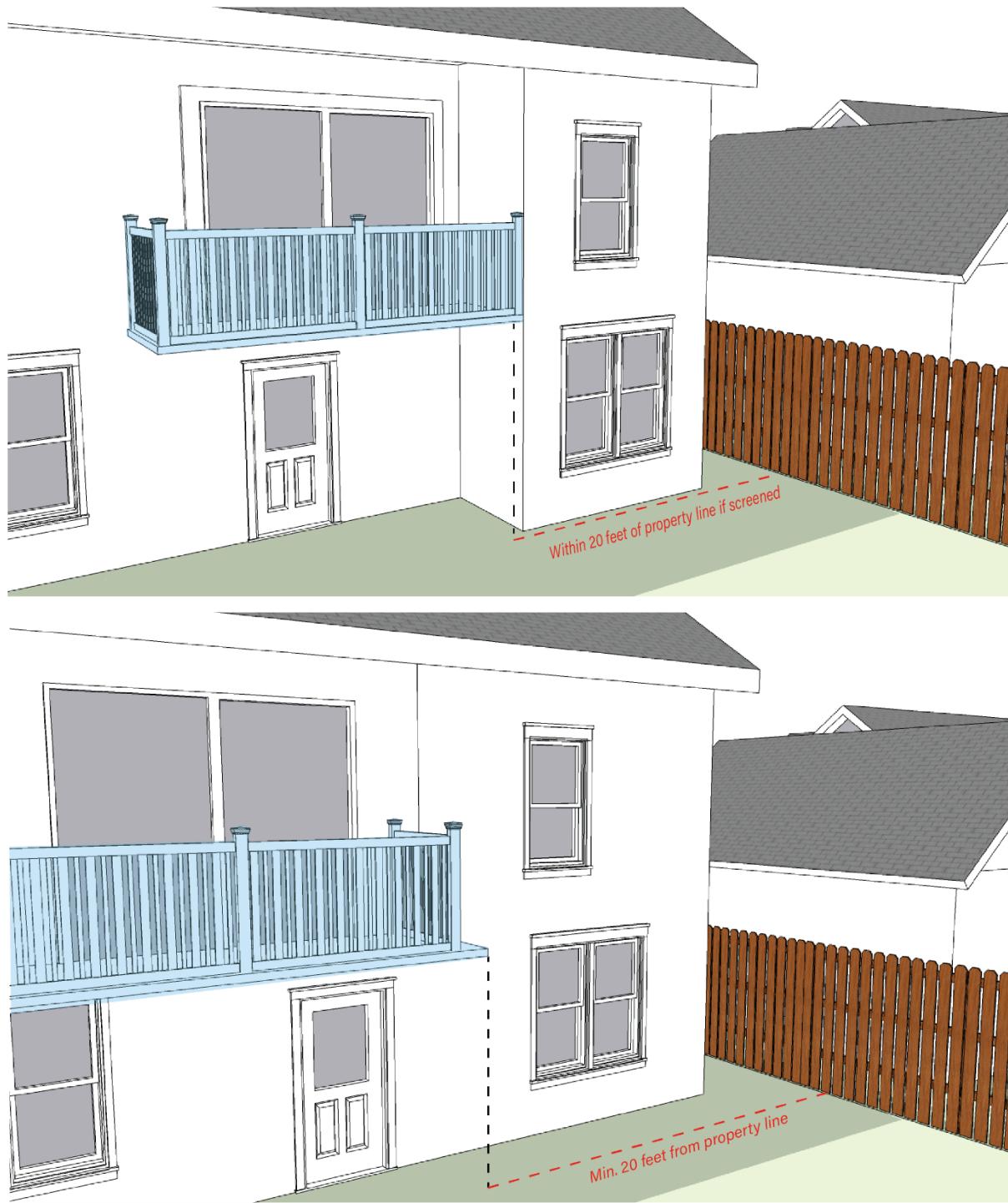


(A) Vertical Articulation through the inclusion of a dormer.  
 (B) Horizontal Articulation - Change of wall plane by a minimum of 2 feet.

C. Fenestration.

1. All windows and doors shall include one of the following exterior design details:
  - a. A recess of at least two inches from the wall plane.
  - b. Wood, metal, stucco covered foam, or engineered wood trim around the entire window or door with a minimum width of three inches and minimum depth of three-quarters of an inch.
2. If used, shutters shall be sized to cover 100 to 105 percent of the window and match the exact window shape.

D. Balconies. No portion of a second floor balcony shall be within 20 feet of the adjacent property line (except on the primary elevation), unless the side(s) of the balcony facing the adjacent property(ies) is screened from view.



E. Design Details.

1. Materials

- a. No more than four materials or finishes (not including roofing, door, or window materials) shall be used on each elevation, and no more than five materials or



finishes (not including roofing, door, or window materials) in total shall be used across all elevations.

b. The following materials are prohibited from use as exterior finishes (excluding windows and doors):

- i. Vinyl siding
- ii. Plastic
- iii. Raw, non-treated/coated metal

2. Colors. A minimum of two, but no more than five, colors (or tints, shades, or tones of the same color) shall be used on the entire exterior of the building.

3. Accessory Structures. All accessory structures (i.e., accessory dwelling units, garages, workshops, storage sheds) visible from the primary street shall be constructed of the same materials, colors, roof type as the primary structure. This standard only applies to accessory structures constructed together with the primary dwelling unit.

#### **17.12.170 Landscaping.**

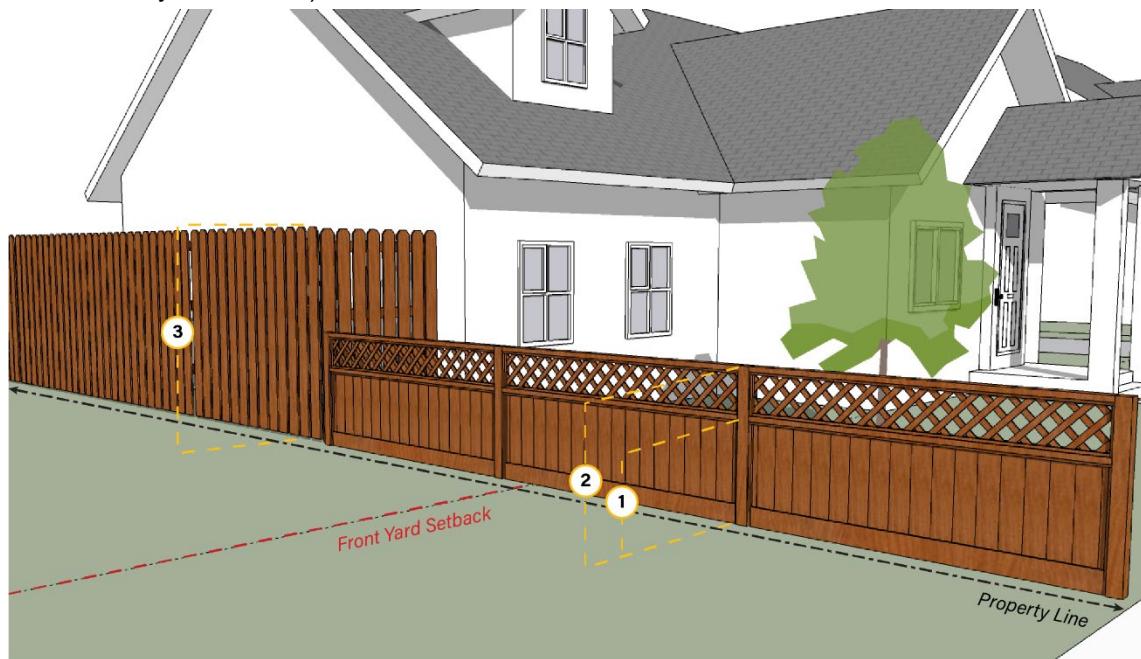
- A. All areas not occupied by structures or pavement in the front yard area shall be landscaped. Landscaped areas shall consist of plantings, turf, mulch, or bark.
- B. All landscape areas shall meet the requirements of the State Model Water Efficient Landscape Ordinance, or if applicable, the Water Efficient Landscape Ordinance of the City of Visalia. [Source: 17.30.015.C.1.a]
- C. Trees. New developments shall plant a minimum of one tree along the street frontage. Trees shall be 15 gallons at the time of planting.
- D. Pavement or hardscape shall not make up more than 50 percent of the front yard, unless necessary to meet other standards required by this Chapter.

#### **17.12.180 Fences, Walls, and Hedges.**

- A. Height. Fences, walls, and hedges shall not exceed seven feet in height if on the side or rear yard setbacks, or three feet in height if in the front yard setback. A front yard fence or wall may be allowed to a height of up to four feet only if the portion exceeding three feet, at minimum, is constructed with a material that has a visibility percentage of at least 50 percent (i.e., lattice fencing). These standards also apply within five feet of the street side property line for corner lots.
- B. Materials. The following materials are prohibited from use as fencing:
  1. Barbed wire
  2. Electric charged fencing
  3. Corrugated Paneling



4. Chain link (except for three to four-foot height fences within the front yard and street side yard setback)



- 1 Maximum height of three feet in front yard setback.
- 2 Maximum height of four feet in front yard setback if top one foot of fence is at 50 percent visibility.
- 3 Maximum height of seven feet in on side and rear yard setback.

### 17.12.190 Exterior Lighting.

A. All entryways, porch areas, pedestrian pathways, and gates shall include lighting for safety and security. All exterior lighting fixtures shall comply with all of the following standards:

1. Be fully shielded and directed downward (not above the horizontal plane) and shall not spill onto adjacent properties;
2. Be no more than eight feet above the ground plane;
3. Ground-mounted light fixtures to illuminate driveways, landscaped areas, or pedestrian pathways shall be no more than three feet in height; and
4. Use light emitting diodes (LEDs) with a maximum temperature of 3000 kelvins.

B. Permanently installed light fixtures that blink, revolve or flash are prohibited.

### 17.12.200 Off-Street Parking Facilities.

A. The number and type of off-street parking facilities for a single-family residential development shall comply with the requirements of the underlying zoning district as established in Chapter 17.34. In addition to the provisions in Chapter 17.34, all off-street parking facilities shall comply with the following standards:



- B. Covered parking areas shall be in garages. Carports are allowed only if they do not serve as the required covered parking (e.g., porte cochères, carports in front of garages). [Source: 17.12.135.A.7]
- C. Uncovered parking areas (i.e., driveways) shall be paved with concrete or a permeable or impermeable surface. [Source: 17.34.030.P]
- D. Off-Street Guest Parking Facilities for Planned Unit Developments. Planned unit developments with four or more dwelling units shall provide off-street guest parking spaces when on-street parking is not allowed on the streets within the development. Planned unit developments shall provide a minimum of one guest parking space per four dwelling units within the total project. If a fraction occurs based on the specified number of guest spaces, the project applicant shall round up to the next round number of guest spaces.

#### **17.12.210 Useable Common Open Space Areas for Planned Unit Developments.**

- A. Useable Common Open Space. Planned unit developments shall provide usable outdoor passive/active open space with outdoor amenities as required in Table 1 (Outdoor Amenities). Useable common open space means an unobstructed area or areas, accessible to all occupants of the structure it serves, having no dimension less than 10 feet in any direction. Useable common open space excludes areas designated for parking, including surface parking, carports, or garages. A minimum of 60 percent of the common useable open space shall be provided as landscaped green area (not hardscaped).
- B. Recreational Amenities. Recreation amenities as required in Table 1 (Outdoor Amenities) can be either passive or active as described below, or a combination of the two.
  - 1. Passive Recreational Amenities. Passive recreation refers to recreational activities that require minimal to no facilities or development to perform such activities. Passive recreation amenities include, but are not limited to, community gardens, outdoor gathering/seating area, picnic/barbeque area, pet area/dog park, courtyard/plaza. All passive recreational amenity area shall be a minimum of 200 square feet unless otherwise stated.
  - 2. Active Recreational Amenities. Active recreation refers to recreational activities that require specific facilities or equipment to perform such activities. Active recreational amenities include, but are not limited to, playground/tot lot, sports court/field, fitness area, swimming pool, clubhouse w/kitchen, community room. All active recreational amenity area shall be a minimum of 500 square feet unless otherwise stated.
- C. Seating. Seating shall be provided for all common open space areas.
- D. Playgrounds/tot lots shall be located in an area with direct visibility from a minimum of three dwelling units to allow for casual surveillance.



**Table 1**  
**Open Space and Recreational Requirements**

Number of Units in Project	Minimum Number of Amenities <sup>1</sup>	Minimum Total Area <sup>2</sup>
Less than 5	1	500 sq. ft.
5-10 <sup>1</sup>	1	500 sq. ft. plus 100 sq. ft per unit over 5 units
11-30	2	1,000 sq. ft. plus 150 sq. ft per unit over 10 units
31-60	2	4,000 sq. ft. plus 165 sq. ft per unit over 30 units
61-100	2	9,000 sq. ft. plus 200 sq. ft per unit over 60 units
101-150	3 plus 1 additional amenity for every 50 units over 200	17,000 sq. ft. plus 250 sq. ft per unit over 100 units

*1 – Minimum number of amenities can be passive or active amenities as described in Subsection 17.12.210.B*

*2 - Minimum Total Area means the combined area of all amenities. Each amenity must still meet all applicable standards established in this Section.*

### **17.12.220 Sidewalks for Planned Unit Developments.**

Sidewalks within a Planned Unit Development shall incorporate the following standards:

- A. Shall be a minimum width of five feet; and
- B. Shall implement the concrete specifications for sidewalks and ramps as determined by the City of Visalia City Engineering Division Design and Improvement Standards.



## Exhibit "C"

# Revisions to Section 17.12.135

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### **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~~Low Density Residential General Plan density range of two (2) to ten (10) dwelling units per gross acre.
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.
- 4.5. The development is consistent with all design standards established in Chapter 17.12 Article 2 (Single-Family Residential Objective Design Standards).
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 minimum~~ usable open space area of ~~a minimum~~ three hundred (300) square feet. The open space shall ~~be have~~ a minimum ~~width of~~ fifteen (15) feet ~~wide~~.

C. Lots less having a lot area of 3,600 square feet, or lots ~~between 3,600 and 4,999 square feet~~ that do not meet ~~all~~ the standards in ~~this section~~ Subsections A and B of Section 17.12.135 may be approved through the planned development permit process per Chapter 17.26. (Ord. 2017-01 (part), 2017)

## Exhibit D

### State ADU Law – Areas of Local Discretion

State law gives jurisdictions limited authority to establish local standards for ADUs, including but not limited to unit size, parking, height, setbacks, landscape, architecture, and to prevent adverse impacts on property that is listed in the California Register of Historic Resources. The table below provides a summary of the level of discretion that a jurisdiction can apply to local land development standards on accessory dwelling units.

Topic	City Discretion	Description
Unit size	Limited	<p>Local agencies may establish size limits for ADUs, provided the limits are within the range allowed by state law as shown below:</p> <p><b>Maximum:</b></p> <ul style="list-style-type: none"><li>Attached Unit: 50% of main dwelling, not less than 800 square feet</li><li>Detached Unit: 1,200 square feet</li></ul> <p><b>Minimum (Maximum):</b></p> <ul style="list-style-type: none"><li>ADU Studio and 1-bedroom: 850 square feet</li><li>ADU 2-Bedroom+: 1,000 square feet</li></ul>
Parking	Limited	<p>Local agencies may impose off-street parking standards on ADUs provided the parking rate does not exceed one space per unit or one space per bedroom, whichever is less. There are exceptions:</p> <p>A local agency cannot require parking if the ADU meets any one of the following:</p> <ul style="list-style-type: none"><li>Located within ½ mile walking distance of public transit</li><li>Located within an architecturally and historically significant historic district</li><li>A part of the proposed or existing primary residence, or an accessory structure</li><li>Located where on-street parking permits are required, but when the ADU occupant is not offered such a permit</li><li>Located within one block of a car share vehicle</li><li>When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.</li></ul> <p>Additionally, a local agency cannot require replacement parking if a garage, carport or covered parking structure is converted into an ADU.</p>

Height	Limited	<p>Local agencies may impose a height limit for detached ADUs provided it is not less than 16 feet.</p> <p>Additional height is allowed for the following:</p> <p>Max 18 feet for a detached accessory dwelling unit that is within one-half mile walking distance of a major transit stop/corridor. An additional two feet in height is allowed (20 feet max.) to accommodate the ADU's roof pitch to align with the roof pitch of the primary dwelling unit.</p> <p>Max 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily (two-family or multiple-family dwelling), multistory dwelling.</p> <p>Max 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, for an accessory dwelling unit that is attached to a primary dwelling but not to exceed two stories.</p>
Roof decks	Full	State law is silent on roof decks.
Setbacks	Limited	<p>Local agencies may impose side and rear yard setbacks provided they are consistent with the following:</p> <ul style="list-style-type: none"> <li>• For ADUs that involve new construction (attached or detached), a setback of no more than four feet from the side and rear lot lines can be required.</li> <li>• For ADUs that are conversions of existing space, or involve rebuilding a structure in the same location and with the same dimensions as an existing structure, no setback can be required.</li> <li>• For mandatory (by-right) ADUs that are maximum 800 square feet and meet the four feet side and rear setback and all other required development standards- Front yard setback requirements cannot prevent the by-right ADU from being built.</li> </ul> <p>Local agencies may impose front yard setbacks and have limited discretion to impose additional setbacks for safety or compliance with other state laws such as required habitat buffers.</p>
Building separation	Full	State law is silent on building separation requirements between detached structures on the same lot.
Landscape	Full	State law gives local agencies discretion on landscape requirements.
Architecture	Full	Local agencies may impose architectural requirements provided that the standards can be imposed through a building permit application process (ministerial process).
Standards to prevent adverse impacts to property listed in the California Register of Historic Resources	Full	Local agencies may establish standards that prevent impacts to historic resources.

## Exhibit E

### Changes to Existing ADU Regulations Table

Topic	City's Existing Regulation	State ADU Law	Staff Recommended Regulation Updates
Height	<p>An attached ADU shall be limited to the zone designation's underlying height limit, which for the R-1 zone is 35 feet.</p> <p>A detached ADU that is fully within a residential zone designation's rear yard setback is limited to 12 feet in height. Outside of the rear yard setback, it shall be limited to the zone designation's underlying height limit.</p>	<p>State law provides additional height requirements listed below:</p> <ol style="list-style-type: none"> <li>1. Max 18 feet for a detached accessory dwelling unit that is within one-half mile walking distance of a major transit stop/corridor. An additional two feet in height is allowed (20 feet max.) to accommodate the ADU's roof pitch to align with the roof pitch of the primary dwelling unit.</li> <li>2. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.</li> <li>3. A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, for an accessory dwelling unit that is attached to a primary dwelling but not to exceed two stories.</li> </ol> <p>All other ADUs will be regulated by the existing 16 foot standard.</p>	<p>Staff recommends adding the new height requirements as reflected in State law, regardless of the ADU's placement in the buildable area or in the rear yard.</p> <p>See Section 17.14.090(B).</p>
Setbacks	<p>An attached ADU shall be limited to the zone designation's underlying setbacks, which for the R-1-5 zone is 5 feet on the side yard and 25 feet on the rear.</p> <p>A detached ADU that is fully within a residential zone designation's rear yard setback may have a 3 foot setback on the</p>	<p>Local agencies may impose side and rear yard setbacks provided they are consistent with the following:</p> <ul style="list-style-type: none"> <li>• For ADUs that involve new construction (attached or detached), a setback of no more than four feet from the side and rear lot lines can be required.</li> <li>• For ADUs that are conversions of existing</li> </ul>	<p>Staff recommends adding the new setback requirements as reflected in State law, which allow a minimum 4 feet on the side and the rear. The City recommendation would no longer allow for ADUs to utilize a minimum 3-foot setback that is</p>

	<p>side and rear. Outside of the rear yard setback, it shall be the same as the zone designation's setbacks.</p>	<p>space, or involve rebuilding a structure in the same location and with the same dimensions as an existing structure, no setback can be required.</p> <ul style="list-style-type: none"> <li>• For mandatory (by-right) ADUs that are maximum 800 square feet and meet the four feet side and rear setback and all other required development standards- Front yard setback requirements cannot prevent the by-right ADU from being built.</li> </ul>	<p>offered to accessory structures.</p> <p>See Section 17.14.090(D).</p>
Mandatory 800 sq. ft. ADU (attached or detached) – Front yard setback protrusion	<p>The City has no specific regulation for ADUs in the front yard setback. Therefore, ADUs are subject to the front yard setback requirement, which is 15 feet minimum.</p>	<p>State law now requires local agencies to not restrict the by-right ADUs due to front yard setback requirements if it meets all other local development standards.</p>	<p>Staff recommends that both attached and detached ADUs shall be subject to the same front setback requirement applicable to the primary dwelling, unless it precludes development of an accessory dwelling unit that is at least 800 square feet</p> <p>See Section 17.14.090(D)(1) and (D)(3).</p>
Permitting ADUs or a JADUs that involve nonconforming uses, building code violations or unpermitted structures	<p>This topic is not addressed in the current regulations as Section 17.12.200, wherein no enlargement of habitable space shall be allowed unless the standards and criteria of Chapter 17.12 are met.</p> <p>Also, Section 17.40.060 states that additional development on a lot with a nonconforming uses may be developed, provided that the new</p>	<p>A local agency shall not deny an application for a permit to create an ADU or a JADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU.</p>	<p>Staff recommends adding the state's ADU permitting requirement.</p> <p>See Section 17.14.080(H) and (I).</p>

	development is consistent with applicable city regulations.		
Parking Requirements & Exemptions	An ADU shall provide off-street parking in compliance with Section 17.12.180(B).	The parking requirements and exemptions provided by the state are still applicable.	Staff recommends carrying over the same parking requirements, with an added clarification that any covered parking shall not be allowed in the setback areas.  See Section 17.14.090(C).
Architecture	The City has a regulation for all ADUs stating that its scale, appearance, and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences.  The City does not have existing ADU regulations specifically applicable to properties located within a historic district or on the local register of historic structures.	ADUs shall not be subject to design and development standards except for those that are noted in state law. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials.  With an adopted ADU ordinance in compliance with State ADU Law, a local government may apply development and design standards that include, but are not limited to, architectural review and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. However, these standards should be objective to allow ministerial review of an ADU.	Staff recommends the adoption of design standards that have been prepared specifically for use with properties located within a historic district or on the local register of historic structures, to ensure that a higher level of standards may be applied universally to these properties without requiring discretionary review.  No architecture standards are being recommended for properties outside of the historic district.  See Section 17.14.090(E).



# City of Visalia

## Stakeholder Interviews Summary

In February 2023, the City of Visalia initiated a technical update to the City's Zoning Ordinance to support residential development. This update focuses on:

- Developing additional standards for residential development.
- Amending current regulations for accessory dwelling units and junior accessory dwelling units.
- Incorporating targeted zoning amendments to ensure consistency between State land use legislation and the Zoning Ordinance.

The success of this planning effort depends in large part on input from the community to fully identify the community's needs and expectations for residential design and development. One of these community engagement efforts includes stakeholder interviews. The input provided during these interviews will help guide the project team in updating the Zoning Ordinance.

From March 31, 2023, through April 28, 2023, the project team conducted one-on-one interviews with community stakeholders to get their feedback on issues and opportunities related to the City's residential development regulations and review processes. Stakeholders included developers, builders, architects, planners, and City staff. A summary of the feedback received during these interviews is provided below.

### Summary and Key Takeaways

- 1) **Architectural Elements.** What types of architectural elements result in poor design (e.g., windows flush with walls, use of blank walls, visible accessways, faux window shutters, garage recessed behind front building façade)?  
What type of architectural elements result in good design?
  - **Poor design:**
    - One stakeholder stated blank walls should be discouraged.
    - Another stakeholder expressed concern over current private development roads. This stakeholder stated many new development roads are too narrow to adequately handle normal wear and tear of waste disposal trucks and emergency service vehicles.
    - The same stakeholder expressed a dislike for "cookie cutter" neighborhoods and encouraged variation in architecture and structure articulation.
  - **Good design:**
    - Some stakeholders stated the city should not be "too specific" about how residences look aesthetically (e.g., exterior color, façade treatments) and that the developer and builder can choose what is best for the project and parcel. These stakeholders agreed design standards which are not too prescriptive could encourage developers to work in Visalia.



- A few stakeholders supported the incorporation of patio and pop-out requirements to add variation to what would otherwise be blank walls in developments. These same stakeholders expressed support for “360 degree architecture” standards in which all structure facades are treated equally.
- Stakeholders encouraged the planting of mature landscaping in new subdivisions, as complaints about young landscaping in subdivisions have been an issue in the past.
- Another stakeholder expressed the incorporation of drought tolerant landscaping standards for new residential development for the purpose of water conservation and neighborhood aesthetics.
- Stakeholders agreed the city should encourage placemaking by requiring developers to study the surrounding neighborhood culture and history.
- A few stakeholders heavily focused on meshing together the “old and the new” structures through adaptive reuse, incorporating existing historical features into developments, creating visual compatibility between existing and new development through urban design (in the form of building articulation, scale and proportion, detailing, etc.), and exploring how contemporary architectural design can be used to evolve neighborhood design.
- Another stakeholder expressed support for design standards which facilitate solid waste collection, such as ensuring the size of residential side gates is adequate to fit waste bins or allowing bins to be stored outside of garage spaces.

2) **Roof Types.** Are there roof types that do not represent or should not be included in Visalia?

- Overall, stakeholders were not concerned about roof type standards.
- One stakeholder expressed dislike of tile roofs as they are difficult to attach solar panels onto. Composition roofs were identified as a better solution for solar paneling on roofs and a cheaper alternative to other roof materials.

3) **Garage Orientation.** Some single-family developments include varying garage orientations (e.g., front facing, alley loaded, side garage, split garage). Should such standards be applied to new single-family residential development in Visalia?

- Stakeholders agreed the city should not dictate garage orientation and felt it should be left up to the developer to propose what is best for the project and site.
- Some stakeholders agreed if the city were to include garage orientation standards, they would prefer recessed, forward-facing garages or staggered setbacks instead.

4) **Fence Standards.** Visalia typically uses a six-foot wooden fence for enclosing single-family developments. Are there any issues with this standard, and if so, what types of screening and/or fencing are the most appropriate for Visalia?

- Overall, stakeholders were not concerned about current fence requirements.
- One stakeholder expressed having no issues with current fencing standards but supported requirements for developers to install consistent fencing throughout projects to create a cohesive development and design.
- Another stakeholder did not support the current wooden fencing used in residential developments, stating that something more robust like walls would be preferable as wooden fences have a much shorter lifespan.



5) **Setback Requirements.** The 20-to-25-foot rear setback has been found to cause issues on some parcels (i.e., small lots, shallow pie-shaped lots on corners, cul-de-sacs). Is there any aspect of Visalia's setback requirements that are overly restrictive or do not offer enough flexibility?

- Most stakeholders expressed support in reducing the rear setback standard to 20 feet if there was increased flexibility with this standard regarding irregularly shaped parcels and smaller backyards (specifically 1,500 square foot yards). These stakeholders dislike the 22-foot front setback, and would prefer a reduction to 20 feet, which would provide more space in the backyard.
- A couple stakeholders expressed caution in reducing setback requirements, stating that in some neighborhoods, the setbacks are "too close" to the street and inhibits the visibility of drivers pulling out from driveways.

6) **Lighting Issues.** Are there lighting issues within/related to single-family developments?

- Overall, stakeholders did not know of any issues with the current lighting standards and expressed no need to change the existing standards.
- One stakeholder expressed support to improve residential lighting standards, particularly as it related to poorly lit neighborhoods and parks throughout the city.
- The same stakeholder expressed concern that being too specific in lighting standards could harm the small-scale feel of Visalia; given examples of overly specific lighting standards include requirements on specific light colors or scheduled on-off times.

7) **Pedestrian Safety.** Are there issues with pedestrian safety within large single-family developments/subdivisions (e.g., lack of lighting, poorly defined entryways, lack of visibility from residences and common areas)?

- Most stakeholders expressed concern regarding homeowners parking cars on the street instead of in their garage. These stakeholders explained many households have more cars than the street was intended for.
- Stakeholders emphasized the importance of flow and continuity between neighborhoods. These stakeholders felt this has not been successfully implemented by newer housing developments. A potential solution would be to create development standards that set requirements for continuity between neighborhoods.
- Another stakeholder stated residents preferred cul-de-sac style street design over through-streets and cautioned the city's restriction of cul-de-sacs in proposed developments.
- A few stakeholders expressed support in reducing street widths to 56 feet to allow adequate room for fire engine access.

8) **Solid Waste Pickup.** Many additional comments by stakeholders were concerning issues related to trash pickup in the city. Below is a summary of these responses:

- Most stakeholders expressed concern about the unavailability of frontage space for both trash bins and parked cars along residential and commercial streets. They expressed the city should stop offering three trash bins per house, as many residents tend to leave the bins along the street all week long (and not only on trash pickup day). Particularly in newer, denser neighborhoods, the lack of frontage space to accommodate both trash and parked cars is an issue. A possible solution could be to require no on-street parking on trash pickup days or reduce the maximum number of bins down to two bins.



- One stakeholder expressed the need for larger waste enclosures in non-residential developments, stating current standards are too small to account for the addition of organic waste bins.
- Another stakeholder expressed concern about street width as it relates to trash pickup, as 40 feet is the minimum street width to accommodate side load residential waste trucks. This stakeholder stated there needs to be enough space for trucks to be able to always move in a forward direction, as moving backwards is dangerous. Additionally, this stakeholder mentioned alley-loaded units are no longer being serviced by solid waste collection.

**9) Summary of Other Questions.** All other questions received either no response or a limited response from stakeholders. Below is a summary of the responses received for these topics:

- **Single-family residential compatibility with other land uses.** One stakeholder found the existing zoning regulations to be satisfactory at ensuring compatibility and creating appropriate buffers between residences and other land uses.
- **Pocket Parks.** One stakeholder supported the development of pocket parks but stipulated pocket parks should receive the same perks as neighborhood parks.
- **Utility Infrastructure Placement.** One stakeholder found no concerns with utility placement. Another stakeholder stated a preference towards subterranean utilities, as it would make single-family homes more appealing.

**10) Below are some additional comments from stakeholders.**

- **Agriculture mitigation fee.** One stakeholder expressed support of an agriculture mitigation fee for developers.
- **Improved Permit Process.** One stakeholder expressed a desire for improving the permit process for proposed developments in town to encourage developers to move to Visalia. This could be done through streamlining the online approval process to make it more efficient.