## **EVALUATIONS**

16 – Valley Oak Trees

for

Fistolera Construction

"Ouglity Isn't Expensive... It's Priceless"

3310 S. Cedar Visalia, Ca. 93292 \*License #778845 \*Insured PL&PD/Workers Comp. Certified Arborist #WE-5787A Phone (\$59) 733-8713 Fax: (\$59) 429-4013

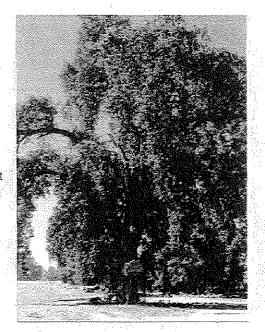
July 24, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-23-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 1 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



Subject is a Valley Oak. It is estimated to be between 100 and 150 years old. It is approximately 85 feet high with a canopy width of about 81 feet and a DBH of 55 inches. Overall condition of this tree is FAIR-POOR.

On July 23, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The first fork is at 14 feet high. The tree was topped down to this height years ago. There are 9 large branches growing out of the tree at this point, (14 feet high).

Over the years, the tree has shed 4 of the

suckers. These suckers ranged in diameter from 14 inches to 20 inches. The forks on the east and west sides of the canopy have severe bark inclusion and are therefore very weak! Two of the main stems have suffered damage from woodpeckers.

CANOPY: The tree is pretty well balanced. Its foliage appears fairly healthy. Excessive topping has deformed the tree. There are 4 very large broken stubs in the canopy.

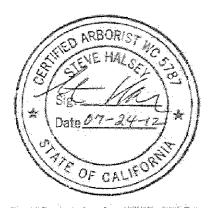
ROOT CROWN: I performed a complete root crown excavation. All of the buttress roots were drilled with the resistograph to check for soundness. All of the roots exhibit good downward angles for anchoring. I found no decay, dry rot or borers. The root crown is healthy.

**RECOMMENDATIONS:** This tree has a healthy root crown, however, excessive topping has deformed it. The resulting sucker growth has caused multiple past failures. The remaining sucker limbs have bark inclusion and very weak attachments, making it likely that it will suffer future failures as well.

#### I am recommending 2 options.

If you prefer to keep the tree, it should be trimmed to clean up the broken stubs. If you prefer to remove it, I feel it would be justified.

Steve Halsey,



Certified Arborist #WE-5787A Halseys Tree Service

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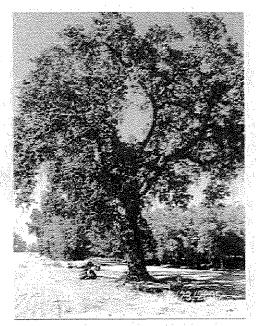
July 24, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-23-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 2 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



Subject is a Valley Oak. It is estimated to be between 100 and 125 years old. It is approximately 65 feet high with a canopy width of about 68 feet and a DBH of 53 inches. Overall condition of this tree is FAIR.

On July 23, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The first fork is at 17 feet high. The trunk exhibits a lean to the south. There are 2 large limbs on the north side of the tree, below the main fork. These limbs are approximately 12 inches in diameter. The forks all have good attachments. The

only damage I see is from woodpeckers and it is minor.

CANOPY: The canopy appears healthy and green, although, it displays very little new shoot tip growth. The tree leans to the south at a ratio of 65/35. There are no apparent pests in the canopy.

ROOT CROWN: I performed a complete root crown excavation. I tested the trunk and root system with the resistograph. The only decay I found was at a large blister on the trunks west side. This blister contained decay ranging from 25% to 40%. I saw no further evidence of dry rot. There is no other loose bark.

I did see evidence of a minor borer infestation.

RECOMMENDATIONS: This tree is in Fair condition. I am recommending that it be trimmed.

Steve Halsey,



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July 24, 2012

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CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree #3 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.

Subject is a Valley Oak, It is estimated to be between 100 and 150 years old. It is approximately 48 feet high with a canopy width of about 29 feet and a DBH of 46 inches.

Overall condition of this tree is VERY POOR (DEAD)

On July 23, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The main fork of this tree is at 18 feet high. The tree has been lightening struck at some time in the past. There is a very deep scar starting in the northern top of



the tree and running all the way down to ground level. As a result of this severe damage, all of the trees main limbs are now hollow and have collapsed.

CANOPY: The canopy is 90% DEAD, with only a little green in the bottom portion.

**ROOT CROWN:** A complete root crown excavation was performed, using the resistograph. The trunk proved to be 70% hollow. The root system is also hollow, with roots varying in hollowness from 20% to 70%.

RECOMMENDATIONS: This tree is DEAD. I recommend REMOVAL.

Steve Halsey,



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July 24, 2012

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CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree #4 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



Subject is a Valley Oak. It is estimated to be between 75 and 125 years old. It is approximately 60 feet high with a canopy width of about 39 feet and a DBH of 42 inches. Overall condition of this tree is VERY POOR.

On July 23, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The main fork of this tree is at 17 feet high. The tree has shed all of its main tops. There are only 4 green branches remaining. All of these green branches are in the lower portion of the

tree. All of the old breaks are displaying hollows. There is a lot of dead and or broken wood hanging up in the canopy. Several of the limbs have suffered woodpecker damage.

CANOPY: The canopy is <u>VERY unstable!</u> The tree is completely one-sided. It has lost all of its tops and limbs from its northern side. It has also lost the main top from its center. The foliage in the lower half of the canopy is green, but not vibrant. There is very little new shoot tip growth. The trunk is leaking sap in several places.

ROOT CROWN: A complete root crown excavation was performed, using the resistograph. There is minor decay at a rate of 20-30% in 2 of the eastern buttress roots. The root crown is loaded with woodborers.

#### RECOMMENDATIONS:

This tree is in Very Poor condition. I recommend REMOVAL.

Steve Halsey,



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July 24, 2012

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CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 5 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



\*The wank is the only thing remaining of this tree.

Subject is a Valley Oak. It is estimated to be between 125 and 200 years old. It is approximately 40 feet high with a canopy width of about 40 feet and a DBH of 61 inches. Overall condition of this tree is VERY POOR.

On July 23, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The trunk is all that is remaining of this tree. It is hollow and completely rotten from the top, all the way down to the ground.

CANOPY: The canopy has only 2 green limbs remaining. The rest is completely <u>DEAD</u>.

ROOT CROWN: I excavated only % of the root crown. I found the trunk to be 80-90% hollow. I believe this tree may have been struck by lightening at some time in the past. That would be the only logical explanation for the condition it is in.

#### RECOMMENDATIONS:

This tree is in Very Poor condition. I recommend REMOVAL. It is a HAZARD.

Steve Halsey,



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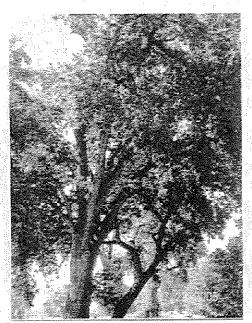
July 25, 2012

\*The dates on the photos are incorrect due to a malifunction of the camera. The correct date should be 07-23-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 6 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



\*The tree is in Fair Condition.

Subject is a Valley Oak, It is estimated to be between 150 and 200 years old. It is approximately 95 feet high with a canopy width of about 91 feet and a DBH of 67 inches. Overall condition of this tree is FAIR.

On July 23, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The tree displays a lean to the south at a ratio of 65 – 35. The main fork is at 17 feet high. The sides are equal, with good attachments in the main fork. The tree exhibits 3 forks down low, which

have bark inclusion. It's not severe though. The lower 2/3 of the tree shows no visible open wounds or hollows. There have been some limb failures in the past. These were large limbs ranging in diameter from 16 – 24 inches. The 2 largest were from the trees north side.

CANOPY: The canopy appears healthy, with dark green foliage and good shoot tip growth all around. There are however, 10-12 large DEAD limbs in the canopy. This amount of dead wood can be normal for a tree of this age. I saw some ants in the canopy, which were feeding on the dead wood.

ROOT CROWN: I excavated the complete root crown. The resistograph was implemented on the 5 main buttress roots. I found only minor decay in the one to the west, (10-20%). I found 5 exit holes from borers. This indicates a minor borer infestation.

#### RECOMMENDATIONS:

This tree is Fair condition. I recommend it be <u>trimmed</u> to alleviate excessive weight on its south side. It should also be treated for borers.

Steve Halsey,



Certified Arborist #WE-5787A Halseys Tree Service

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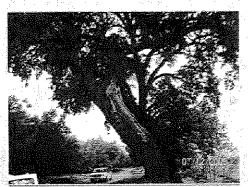
July 26, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-24-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree #7 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @. the n/w corner of the property and run south along the western property line, then go east along the southern border.



\*Photo shows the lean to the west.

Subject is a Valley Oak. It is estimated to be between 100 and 125 years old. It is approximately 53 feet high with a canopy width of about 45 feet and a DBH of 47 inches. Overall condition of this tree is FAIR.

On July 24, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:



\*Healthy root grown.

STRUCTURE: The trunk exhibits a heavy lean to the west (approx. 20% lean). The tree first forks at a height of 16 feet. The main stem is angled to the west. There is a 13-foot scar caused by an old limb failure, which runs from the first fork down to within 4 inches of ground level. There is very little callous wood formed on the rim of the old wound.

CANOPY: The canopy has suffered 4 separate failures; the largest of those being on the trunk's south side. This old wound is 13 feet x 18 inches.

The foliage is green and healthy, but does not appear vibrant. It had only 6 inches of shoot tip growth last season.

There is minor woodpecker damage on the 3 lower branches. This has no structural effect on the tree.

ROOT CROWN: I performed a complete root crown excavation. The roots all display a nice downward angle. I found all roots to be solid, with no decay or scars. Only I borer hole was found and that was just above ground level on the north side.

The root crown is in good shape!

RECOMMENDATIONS: I recommend pruning on this tree.

Steve Halsey,



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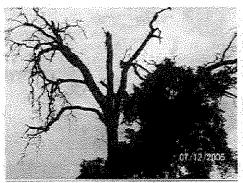
July 26, 2012

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CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

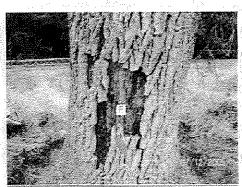
LOCATION: This is tree #8 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



\*Entire canopy is DEAD.

Subject is a Valley Oak. It is estimated to be between 100 and 150 years old. It is approximately 60 feet high with a canopy width of about 42 feet and a DBH of 50 inches. Overall condition of this tree is **DEAD**.

On July 24, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:



\*Picture shows peeling bark. Tree is DEAD.

STRUCTURE: The first fork is at 17 feet high. The tree had good balance, however, the entire canopy is DEAD.

CANOPY: The canopy is completely DEAD.

**ROOT CROWN:** I performed a complete root crown excavation. All of the roots were solid, but the tree is completely DEAD.

RECOMMENDATIONS: I recommend REMOVAL.

Steve Halsey,



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July 26, 2012

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CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

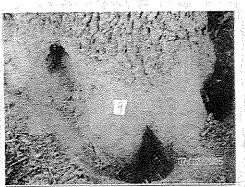
LOCATION: This is tree # 9 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



\*Canopy is engulfed with grapevine, which is killing it.

Subject is a Valley Oak. It is estimated to be between 100 and 150 years old. It is approximately 95 feet high with a canopy width of about 72 feet and a DBH of 47 inches. Overall condition of this tree is FAIR-POOR.

On July 24, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:



\*Picture shows excavated root crown. Roots are solid.

STRUCTURE: The first fork is at 17 feet high. It exhibits a slight lean to the north at a ratio of 55/45. At approximately 7 feet high, on the trunk's north side, there is a 23- inch scar. This scar contains dry rot, which extends into the trunk. This dry rot accounts for about 15% decay on the trunks

north side. The first large limb to the south has a large scar on it and is 70% hollow. The tree has suffered from 5 past limb failures. None of the old wounds are healing well.

CANOPY: The canopy is unhealthy. The lower 2/3 of the tree is engulfed with grape vines. The vines have choked out most of the foliage in that area. It (the vines) also contributed to the trees past limb failures.

Since the old wounds have not healed well, there is very little new shoot tip growth displayed.

About 20 feet below the hollow limb to the south, I observed blisters about midstem.

**ROOT CROWN:** I performed a complete root crown excavation. The 4 main buttress roots were tested using the resistograph. All of the roots were solid, with no decay. Only 5 borer holes were found, indicating only a minor woodborer infestation.

**RECOMMENDATIONS:** In my opinion, removal could be justifiable for this tree. However, should you choose to keep it, I would recommend pruning, vine removal and treatment for the borers.

Steve Halsey,

Certified Arborist #WE-5787A

OF CALIS

Halseys Tree Service

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July 26, 2012

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CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

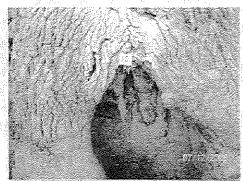
LOCATION: This is tree # 10 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



\*Large scar on trunk from recent failure

Subject is a Valley Oak. It is estimated to be between 150 and 200 years old. It is approximately 85 feet high with a canopy width of about 78 feet and a DBH of 70 inches. Overall condition of this tree is **FAIR-POOR**.

On July 25, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:



\*Root crown is more than 80% hollow.

STRUCTURE: The first fork is at 12 feet high, where a large branch (28 inches in diameter) has formed. The main fork is at 23 feet high and is comprised of 5 main scaffolding branches of fairly equal size. At 8 feet high, on the south side of the trunk,

there is a 4-1/2 foot x 26-inch scar. This scar is due to a recent failure and so far, does not permeate into the trunk. All branches throughout the canopy show good attachments. I did however; find 3 borer exit holes at the first crotch.

CANOPY: The canopy is well balanced. There is minor dead wood throughout. The foliage appears healthy but not vibrant. It is somewhat sparse. There are 3 old failures in the canopy. Besides the more recent one on the trunk, there are 2 on a scaffolding branch.

ROOT CROWN: I performed a complete root crown excavation. The resistograph was implemented to do core drilling. There is a large scar (30 inches x 30 inches) on the east side of the trunk at ground level. This scar is completely hollow. The taproot is rotten and gone. The tree's trunk is 80% hollow. The roots are 70-80% hollow on the east side and 20-50% hollow on the west side.

**RECOMMENDATIONS:** This tree is more than 80% hollow. Since anything over 30% is considered unsafe, I am recommending <u>REMOVAL</u>.

Steve Halsey.

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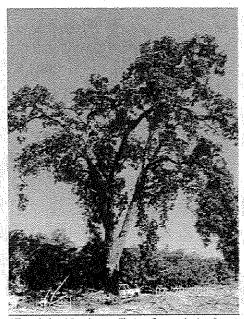
July 26, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-25-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 11 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border.



\*Tree is healthy, but suffering from a lack of water,

Subject is a Valley Oak. It is estimated to be between 70 and 110 years old. It is approximately 70 feet high with a canopy width of about 70 feet and a DBH of 55 inches. Overall condition of this tree is **FAIR**.

On July 25, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:



\*Root crown is solid;

STRUCTURE: The first fork is at 16 feet high. The canopy is pretty well balanced. All attachments are good throughout. A 15-inch diameter scaffold branch, located about 10 feet above the western fork, shows moderate damage from

woodpeckers.
This limb needs to be lightened.

**CANOPY:** The canopy has 6 medium sized DEAD branches. These branches range from 6 inches to 14 inches in diameter. The foliage is sparse and the canopy appears to be in slow decline, possibly due to a lack of water. There is small dead wood throughout the entire canopy. I saw evidence of woodpeckers and ants, but no signs of borers.

ROOT CROWN: I performed a complete root crown excavation. The resistograph was implemented to do core drilling. All roots proved to be solid. The 5 main buttress roots have good downward angles. I saw no evidence of borers and no loose bark.

RECOMMENDATIONS: This tree is healthy. It just needs water.

Steve Halsey,

SIR Date 07/24/12

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July 27, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-26-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 12 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border. This is the last tree to the south, before they start heading east.



Subject is a Valley Oak. It is estimated to be between 80 and 110 years old. It is approximately 57 feet high with a canopy width of about 54 feet and a DBH of 44 inches. Overall condition of this tree is **POOR**.

On July 26, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: This tree displays a 100% lean to the west. The first main fork, which is 22 inches in diameter, has a scar that runs the entire length of the branch. This scar is due to fire damage. There is a burn pile underneath the tree. At least 50% of the trees limbs have been damaged severely

by fire. They are missing all of the bark from their undersides. When trees are in distress, they put out chemicals that attract pests. As a result of these injuries, woodpeckers and borers have infested these areas.

CANOPY: The foliage is healthy in spots. However, this tree is located under a larger healthier tree and as a result, is being choked out by the larger tree. There is a hanger in the canopy approximately 16 inches in diameter and 22 feet long. This would need to come out as well as approximately  $\frac{1}{2} - \frac{2}{3}$  of the trees entire branches.

ROOT CROWN: I performed a complete root crown excavation. The resistograph was implemented to do core drilling. There is an old scar on the s/w side of the trunk, which measures 14 inches x 17 inches. This scar has a pocket of decay, which encompasses approximately 10-30% of the trunk.

I saw no evidence of borers, armallaria or ants in the root crown.

RECOMMENDATIONS: I am giving 2 options for this tree.

If you decide to have it <u>trimmed</u>, after taking out all of the damaged limbs, there will not be much left. Also, since it is growing underneath a larger healthier tree, it may not do well anyway. You would need to treat it for borers too. Once the dead areas are cleaned up, it may not attract as many ants and woodpeckers.

If you decide you want to remove it, I feel it could be justified.

Steve Halsey,

Sig.
Date 03/22/12 \*

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July 30, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-27-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 13 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border. This is the second tree along the southern border, running from west to east.



\*Tree has co-dominant stems

Subject is a Valley Oak. It is estimated to be between 100 and 150 years old. It is approximately 85 feet high with a canopy width of about 74 feet and a DBH of 56 inches. Overall condition of this tree is FAIR.

On July 27, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:



\*Tree is in FAIR condition.

STRUCTURE: This tree displays a lean to the south at a ratio of 60/40. At 9 feet high, it forks into co-dominant stems. The main fork is solid. At waist height on the south side of the trunk, there is a cavity, which houses an active beehive. The center top shows moderate damage from woodpeckers. There are 5 medium sized DEAD stubs within the tree.

CANOPY: The canopy exhibits healthy foliage. There is small dead wood throughout. The tree has never been trimmed, only elevated. The canopy displays good attachments.

ROOT CROWN: I performed a complete root crown excavation. The resistograph was implemented to do core drilling. The 14- inch x 28- inch scar, which houses an active beehive, is of course, a hollow. This hollow penetrates 8-12 inches into the trunks south side. The roots have very good downward angles.

I saw no evidence of armallaria.

I discovered 14 exit holes from borers in the trunk as well as the lower root zone.

**RECOMMENDATIONS:** All in all, this tree is in FAIR condition. I recommend trimming, dead wooding and treating for borers.

Steve Halsey,



"Ouality Isn't Expensive ... It's Priceless"

3310 S. Cedar Visalia, Ca. 93292 \*License #778845 \*Insured PL&PD/Workers Comp. Certified Arborist #WE-5787A Phone (559) 733-8713 Fax; (559) 429-4013

July 30, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-27-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 14 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border. This is the third tree along the southern border, running from west to east.

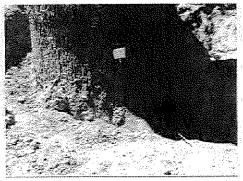
Subject is a Valley Oak. It is estimated to be between 80 and 110 years old. It is approximately 70 feet high with a canopy width of about 40 feet and a DBH of 50 inches. Overall condition of this tree is **POOR**.

On July 27, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: At 14 feet high, this tree forks into 3 main tops. Due to failure, there is only one of these main tops remaining. Two large tops that measured 22 inches in diameter and 29 inches in diameter, are now gone. One of the broken tops exhibits 65% hollow. The other has torn the bark



\*Tree has lost 70% of its canopy.



\*Tree is unstable.

down to the main fork and shows minor decay. The remaining top is the smallest of the three and displays 2 open wounds at the base of the limb. These wounds are open and hollow.

CANOPY: What remains of the foliage appears healthy, however, the tree has lost at least 70% of its canopy due to limb failure.

ROOT CROWN: I performed a complete root crown excavation. The resistograph was used to check the roots. I found only minor decay in the southern buttress root (5-10%). I saw no evidence of borer damage and no significant ant population.

**RECOMMENDATIONS:** Unfortunately, due to multiple failures, this tree has lost 70% of its canopy and what's remaining is unstable. Therefore, I am recommending **REMOVAL.** 

Steve Halsey,



Certified Arborist #WE-5787A Halseys Tree Service

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July 30, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-27-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 15 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border. This is the fourth tree along the southern border, running from west to east.

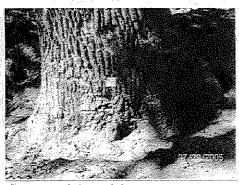


\*Tree is in Fair condition.

Subject is a Valley Oak. It is estimated to be between 80 and 110 years old. It is approximately 80 feet high with a canopy width of about 77 feet and a DBH of 51 inches. Overall condition of this tree is FAIR.

On July 27, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The first fork is at 21 feet high. The main stem grows to the southwest. At approximately 4 feet above the main fork, on the main stem, there is an old failure scar which measures 34 inches x 19 inches. It appears to have failed within



\*Root crown is in good shape:

the past 5 years or so. There is not much decay at this site as of yet and it is beginning to callous over. The loss of this big limb has caused the tree to be off balance. It is now 65/35 to the south. There is also an old tear scar 10 feet above this large scar, which is minor in comparison.

CANOPY: The canopy is healthy and vibrant. There is some fire damage on the undersides of 2 branches, which are 14 inches in diameter. These are at the north side of the tree. I only see minor dead wood throughout.

ROOT CROWN: I performed a complete root crown excavation. The resistograph was used to check the roots, which are in very good condition. I found no evidence of decay, armallaria or borers; only a very minor colony of ants.

RECOMMENDATIONS: This tree is in Fair condition. I recommend it be trimmed.

Steve Halsey,



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3310 S. Cedar Visalia, Ca. 93292 \*License #778845 \*Insured PL&PD/Workers Comp. Certified Arborist #WE-5787A Phone (559) 733-8713 Fax: (559) 429-4013

July 31, 2012

\*The dates on the photos are incorrect due to a malfunction of the camera. The correct date should be 07-27-12.

CUSTOMER: Kevin Fistolera

SUBJECT: In-depth visual examination, root crown excavation, core drilling with the resistograph, photos and written report with recommendations.

LOCATION: This is tree # 16 of 16 trees, located in a vacant field at the s/w corner of Caldwell and Ben Maddox Way. The trees start @ the n/w corner of the property and run south along the western property line, then go east along the southern border. This is the fifth tree along the southern border, running from west to east.

Subject is a Valley Oak. It is estimated to be between 125 and 180 years old. It is approximately 80 feet high with a canopy width of about 82 feet and a DBH of 68 inches. Overall condition of this tree is FAIR-POOR.

On July 27, 2012, I performed an evaluation on this tree. The results of that evaluation are as follows:

STRUCTURE: The tree exhibits a lean to the north at a ratio of 55/45. The first fork is at 13 feet high, where it branches into 6 stems. The largest of these stems is 40 inches in diameter and grows a little towards the south. The main fork shows no signs of defects or leaking. There are only



\*Tree is in decline due to armallaria (root rot).

2 dead stubs in the tree. The lower half of the canopy displays very nice attachments. I saw evidence of 2 past failures. One was a 24- inch limb which broke mid-stem on the trees south side and the other was a 12- inch break on the north side. I see no woodpecker damage and no leaking sap.

CANOPY: The foliage is very healthy and green on the west side, however, as you move around to the east, it starts to thin out. The tree exhibits early stages of armallaria. This is affecting the entire eastern side of the canopy. The 3 buttress roots on the trunks east side are infected with armallaria. They are feeding the east side of the tree, making it sick.

ROOT CROWN: I performed a complete root crown excavation. The resistograph was used to check the roots. The taproot is gone as the result of dry rot. The 4 largest roots on the east side are infected with armallaria and crown rot. These roots are slowly deteriorating. All 4 roots have severe dry rot. The taproot is rotted out and you can see the underside of the stump. There is loose bark going up the east side of the trunk from ground level to 3 feet.

RECOMMENDATIONS: This tree is in decline due to armallaria (root disease). I believe it will be very short-lived (1-3 years) before it is completely dead. I Recommend REMOVAL, however, if you want to trim it, you may be able to get a few more years out of it.

Steve Halsey,



Certified Arborist #WE-5787A Halseys Tree Service

## CITY OF VISALIA 315 E. ACEQUIA STREET VISALIA, CA 93291

Clerk Recorder

AUG 2.9 2013

Received

# NOTICE OF A PROPOSED MITIGATED NEGATIVE DECLARATION

Project Title: Diamond Oaks Vesting Tentative Subdivision Map 5547

Project Description: Diamond Oaks Vesting Tentative Subdivision Map 5547 and Conditional Use Permit No. 2013-17 is a request by Diamond Oaks LP., to subdivide 55.9 acres into a 180 lot Planned Residential Development (PRD). The PRD consists of 168 single-family residential lots, 12 multi-family lots and six out-lots used for Landscaping and Lighting Lots. The project will include the construction of 168 single-family residential homes, the construction of eight triplex units (24 total units) on eight lots and the future construction of the four large parcels to be developed with multi-family units. The entire project will be constructed over four phases. The entire 55.9 gross acres has three zoning designations on the property, which are zoned R-1-6 (Single-Family Residential, 6,000 square foot minimum site area per lot), R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit). In addition, there are six Landscaping and Lighting Outlots. The six outlots are used intended for landscaping lots along the major streets (Caldwell and Ben Maddox) and the north side of the Tulare Irrigation District canal just south of the future Reese Avenue street alignment.

The development of the PRD subdivision affords the developer flexibility on creating varying lot sizes to achieve higher density in the single-family residential portion of this subdivision development. Single-family lots range from 5,150 square feet to 10,736 square feet while the multi-family residential lots range in size from 14,924 square feet to 124,405 square feet. The PRD will allow deviations for the rear yard setbacks for the single-family residential lots and the triplex lots. The rear yard setbacks range from 23-feet to 19-feet for the single-family residential lots, and 18-feet to 13-feet for the five of the triplex lots.

This project also includes construction of streets, extension of sewer lines and laterals, future connection to the storm drainage system and extension of other utilities and services (electricity, gas, water). Curb, gutter, sidewalk and a bus turnout are to be constructed along Caldwell Avenue with the first phase of this development. The developer will also do some improvements to the future Ben Maddox Way alignment south of Caldwell Avenue. These improvements include curb, gutter, sidewalk, park strip and dedication for the future roadway. To facilitate storm water discharge, a temporary storm drainage basin will be installed along the southeast corner of the project area. In addition to these improvements, the intersection of East Caldwell Avenue and South Burke Street will be signalized.

The site will require grading and removal of agricultural related uses currently on-site. Furthermore, the applicant has identified the removal of seven valley oak trees. The applicant has provided a report on 16 of the oak trees located throughout the site. The remaining valley oak trees are to be preserved and incorporated into the overall design of the subdivision.

The proposed project area is in area referred to as the South East Area Master Plan (SEAMP). The City Council amended the Pre-Annexation Agreement No. 2004-11 relieving the property owner from the Pre-Annexation condition that required development of the 55.9 acres to adhere to the requirements of the Southeast Area Plan, which has not adopted. The Council concluded due to the length of time that has lapsed, and no adoption of the Southeast Area Plan, the site should proceed with development and not be encumbered by a plan that has not been adopted.

The SEAMP has been underway for several years. Since submittal of the "initial" draft EIR in October 2009, City staff management of the Plan and EIR has changed, and renewed emphasis to make the Plan and EIR internally consistent and technically sound has been given a high priority. In addition, renewed outreach to the property owners was undertaken with the primary goal of identifying desirable and mutually agreeable aspects of the Plan. A report to the City Council on June 21, 2010, provided an update on progress and discussion on a revised approach for the SEAMP and EIR. The report identified several recommendations that were mutually agreed upon based on input and consensus with property owners and other development community stakeholders.

Major changes to the revised approach include changing the "Plan" from a specific plan to a master plan. This changes the document from a "regulatory" document to an "incentive-based" document. Other noted changes include early development projects along Caldwell Avenue may precede using existing infrastructure capacities. Drafts of the EIR and Plan are in staff's possession but neither is programmed to go to public review.

<u>Project Location</u>: The site is located on the south side of East Caldwell Avenue between the future Burke Street and Ben Maddox Way alignments (APN: 126-100-012).

Contact Person: Paul Bernal, Senior Planner

Phone: (559) 713-4025

<u>Time and Place of Public Hearing</u>: A public hearing will be held before the Planning Commission on September 23, 2013 at 7:00 p.m. in the City Hall Council Chambers located at 707 W. Acequia Avenue, Visalia, California.

Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the proposed project described herein and has found that the project will not result in any significant effect upon the environment because of the reasons listed below:

Reasons for Mitigated Negative Declaration: Initial Study No. 2013-59 has identified certain significant, adverse environmental impact(s) that may occur because of the project, though with mitigation these impact(s) will be reduced to a level that is less than significant. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 E. Acequia Ave., Visalia, CA.

Comments on this proposed Negative Declaration will be accepted from August 29, 2013 to September 18, 2013.

Date: 5. 22-/3

Paul Scheibel, AICP

Environmental Coordinator

City of Visalia

Major changes to the revised approach include changing the "Plan" from a specific plan to a master plan. This changes the document from a "regulatory" document to an "incentive-based" document. Other noted changes include early development projects along Caldwell Avenue may precede using existing infrastructure capacities. Drafts of the EIR and Plan are in staff's possession but neither is programmed to go to public review.

**Project Location:** The site is located on the south side of East Caldwell Avenue between the future Burke Street and Ben Maddox Way alignments (APN: 126-100-012).

**Project Facts:** Refer to Initial Study for project facts, plans and policies, and discussion of environmental effects.

#### Attachments:

Initial Study	(X)
Environmental Checklist	(X)
Maps	(X)
Mitigation Measures	(X)
Traffic Impact Study	(X)
Biotic Survey	( )
Greenhouse Gas Analysis	(X)

#### **DECLARATION OF NO SIGNIFICANT EFFECT:**

This project will not have a significant effect on the environment for the following reasons:

- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Mitigated Negative Declaration has been prepared by the City of Visalia Planning Division in accordance with the California Environmental Quality Act of 1970, as amended. A copy may be obtained from the City of Visalia Planning Division Staff during normal business hours.

APPROVED
Paul Scheibel, AICP
Environmental Coordinator

Date Approved: August 27,2013

Review Period: 20 days

## MITIGATED NEGATIVE DECLARATION

Project Title: <u>Diamond Oaks Vesting Tentative Subdivision Map 5547 and Conditional Use Permit</u> No. 2013-17

Project Description: Diamond Oaks Vesting Tentative Subdivision Map 5547 and Conditional Use Permit No. 2013-17 is a request by Diamond Oaks LP., to subdivide 55.9 acres into a 180 lot Planned Residential Development (PRD). The PRD consists of 168 single-family residential lots, 12 multi-family lots and six out-lots used for Landscaping and Lighting Lots. The project will include the construction of 168 single-family residential homes, the construction of eight triplex units (24 total units) on eight lots and the future construction of the four large parcels to be developed with multi-family units. The entire project will be constructed over four phases. The entire 55.9 gross acres has three zoning designations on the property, which are zoned R-1-6 (Single-Family Residential, 6,000 square foot minimum site area per lot), R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit). In addition, there are six Landscaping and Lighting Outlots. The six outlots are used intended for landscaping lots along the major streets (Caldwell and Ben Maddox) and the north side of the Tulare Irrigation District canal just south of the future Reese Avenue street alignment.

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The proposed project area is in area referred to as the South East Area Master Plan (SEAMP). The City Council amended the Pre-Annexation Agreement No. 2004-11 relieving the property owner from the Pre-Annexation condition that required development of the 55.9 acres to adhere to the requirements of the Southeast Area Plan, which has not adopted. The Council concluded due to the length of time that has lapsed, and no adoption of the Southeast Area Plan, the site should proceed with development and not be encumbered by a plan that has not been adopted.

The SEAMP has been underway for several years. Since submittal of the "initial" draft EIR in October 2009, City staff management of the Plan and EIR has changed, and renewed emphasis to make the Plan and EIR internally consistent and technically sound has been given a high priority. In addition, renewed outreach to the property owners was undertaken with the primary goal of identifying desirable and mutually agreeable aspects of the Plan. A report to the City Council on June 21, 2010, provided an update on progress and discussion on a revised approach for the SEASP and EIR. The report identified several recommendations that were mutually agreed upon based on input and consensus with property owners and other development community stakeholders.

#### INITIAL STUDY

## I. GENERAL

A. Description of the Project: Diamond Oaks Vesting Tentative Subdivision Map 5547 and Conditional Use Permit No. 2013-17 is a request by Diamond Oaks LP., to subdivide 55.9 acres into a 180 lot Planned Residential Development (PRD). The PRD consists of 168 single-family residential lots, 12 multi-family lots and six out-lots used for Landscaping and Lighting Lots. The project will include the construction of 168 single-family residential homes, the construction of eight triplex units (24 total units) on eight lots and the future construction of the four large parcels to be developed with multi-family units. The entire project will be constructed over four phases. The entire 55.9 gross acres has three zoning designations on the property, which are zoned R-1-6 (Single-Family Residential, 6,000 square foot minimum site area per lot), R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit). In addition, there are six Landscaping and Lighting Outlots. The six outlots are used intended for landscaping lots along the major streets (Caldwell and Ben Maddox) and the north side of the Tulare Irrigation District canal just south of the future Reese Avenue street alignment.

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## B. Identification of the Environmental Setting:

The project is located south of Caldwell Avenue between the future Burke Street and Ben Maddox Way street alignments in the southeast area of the community. No agriculture operations are currently taking place on the site. The site is bounded by Caldwell Avenue to the north, future Burke Street and Ben Maddox Way street alignments to the east and west, and a Tulare Irrigation District canal to the south. The surrounding zoning and land uses are as follows:

The surrounding uses, Zoning, and General Plan are as follows:

North: Caldwell Avenue / R-1-6 (Single-Family Residential 6,000 sq. ft. min. site

area) / Residential Low Density

South: Agricultural Crops / County / Residential Low Density & Park

East: Agricultural Crops / County / Residential Low Density
West: Agricultural Crops / County / Residential Low Density

Fire and police protection services, street maintenance of public streets, refuse collection, and wastewater treatment will be provided by the City of Visalia upon the development of the area.

C. Plans and Policies: The General Plan Land Use Element (LUE) designates the site as Residential Low Density, Residential Medium and Residential High Densities. The site is zoned R-1-6 (Single-family Residential, 6,000 square foot lot size), R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit). The proposed project is consistent with the Land Use Element of the General Plan 4.1.3 for planned unit residential developments and the standards for single-family residential subdivisions pursuant to the Visalia Municipal Code 17.26.

#### II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project. The City of Visalia Land Use Element and Zoning Ordinance contain land use mitigation measures that are designed to reduce/eliminate impacts to a level of non-significance.

## **III. MITIGATION MEASURES**

The following mitigation measures will reduce environmental impacts related to **Transportation / Traffic and** to a less than significant impact:

Transportation / Traffic – A Transportation Impact Analysis prepared for the proposed project (ref.: Diamond Oaks Transportation Impact Analysis Report in the City of Visalia, Final Report. August 9, 2013, Omni-Means) has concluded that roadway operating conditions for intersections and roadways in the vicinity of the project area either are or will be significantly impacted with the addition of the proposed project. To ensure that intersections and roadways will operate at acceptable LOS "D" or better through the year 2035, the Analysis Report recommends mitigation to be incorporated into the project.

Therefore, to ensure that there will not be significant impacts to transportation / traffic in association with the project, the project shall be developed with the Mitigation Measures 1.1 through 1.2 as described in the "Recommended Mitigation Measures" section (page 19) of the above-referenced Transportation Impact Analysis. The mitigation is included as an attachment to the Mitigated Negative Declaration.

The City of Visalia Zoning Ordinance contains guidelines, criteria, and requirements for the mitigation of potential impacts related to light/glare, visibility screening, noise, and traffic/parking to eliminate and/or reduce potential impacts to a level of non-significance.

City Council Resolution 91-105 adopted and certified the Visalia Land Use Element Update EIR and contained mitigation measures to eliminate or substantially lessen the impacts of growth in the community. Those mitigation measures are included herein by reference. In addition, the Visalia Zoning Ordinance contains guidelines, criteria, and requirements for the mitigation of potential impacts related to light/glare, visibility screening, noise, and traffic/parking to eliminate and/or reduce potential impacts to a level of non-significance. The City's impact fee programs for public safety, public services, groundwater preservation, stormwater management, and others, adequately mitigate public service and infrastructure impacts of the proposed project.

## IV. MITIGATION MONITORING PROGRAM

Mitigation Measure	Responsible Party	Timeline
Traffic Impact Mitigation Measure 1.1: Caldwell Avenue/Burke Street: The installation of traffic signals at this intersection would result in acceptable Levels of Service (LOS) during existing peak hour conditions. The traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements.	-	Mitigation shall be enforced and carried out during the project's construction, and shall be completed with Phase 1 of this project.
Traffic Impact Mitigation Measure 1.2: Project Driveway intersections: The future intersections of Russell Avenue/Burke Street and Cameron Avenue/Burke Street shall operate as a stop controlled intersection on the westbound approach with shared turning movements.	Applicant	Mitigation shall be enforced and carried out during the project's construction, and shall be completed with Phase 1 of this project.

## V. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

The project is compatible with the General Plan and Zoning Ordinance as the project relates to surrounding properties.

## VI. SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Negative Declaration and Initial Study by reference:

- City of Visalia General Plan Land Use Element. City of Visalia. September 1991, revised June 1996.
- City of Visalia General Plan Land Use Element Final Environmental Impact Report (SCH EIR No. 90020160). City of Visalia, September 3, 1991.
- Visalia City Council Resolution 91-105 (Certifying the EIR for the City of Visalia General Plan Land Use Element Update), passed and adopted September 3, 1991.
- City of Visalia General Plan Circulation Element. City of Visalia. April 2001.
- City of Visalia General Plan Circulation Element Final Environmental Impact Report (SCH EIR No. 95032056). VRPA Technologies, February 26, 2001.
- Visalia City Council Resolution 2001-19 (Certifying the EIR for the City of Visalia General Plan Circulation Element Update), passed and adopted April 2, 2001.
- City of Visalia General Plan Conservation, Open Space, Recreation & Parks Element. City of Visalia.
   June 1989.
- Visalia Municipal Code, Title 17 (Zoning Ordinance)
- California Environmental Quality Act Guidelines
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- Southeast Area Master Plan Un-adopted, City of Visalia, January 9, 2009
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.
- Diamond Oaks Transportation Impact Analysis Report in the City of Visalia, Final Report. August 9, 2013, Omni-Means, LTD.
- Greenhouse Gas Analysis Report Diamond Oaks Subdivision Map City of Visalia, July 19, 2013, First Carbon Solutions

V. NAME OF PERSON WHO PREPARED INITIAL STUDY

Paul Bernal C

Paul Scheibel, AICP

Environmental Coordinator

## INITIAL STUDY ENVIRONMENTAL CHECKLIST

Name of Proposal	Diamond Oaks Vesting Tentative Subdivision Map 5547 & Conditional Use Permit No. 2013-17			
NAME OF PROPONENT;	Diamond Oaks, LP	NAME OF AGENT:	DR Mata Consulting - Darlene Mata	
Address of Proponent:	210 South Mooney Blvd.	Address of Agent:	PO Box 7354	
	Visalia, CA 93291		Visalia, CA 93290	
Telephone Number:	(559) 625-8372	Telephone Number:	(559) 799-2942	
Date of Review	August 20, 2013	Lead Agency:	City of Visalia	

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact 2 = Less Than Significant Impact 3 = Less Than Significant Impact with Mitigation Incorporated 4 = Potenti

4 = Potentially Significant Impact

#### 1. AESTHETICS

#### Would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- \_2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

#### II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- \_\_\_ d) Result in the loss of forest land or conversion of forest land to non-forest use?
- \_1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

## III. ÁÍR QUÁLITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 2 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- \_2 c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- <u>1</u> d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

## IV. BIOLOGICAL RESOURCES

#### Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- \_1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

## V. CULTURAL RESOURCES

#### Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- \_1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- \_\_\_\_\_\_ c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

#### VI. GEOLOGY AND SOILS

#### Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
- 1 ii) Strong selsmic ground shaking?
- 1 iii) Seismic-related ground fallure, including liquefaction?
- \_1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

## VII. GREENHOUSE GAS EMISSIONS

## Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2 b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

#### VIII. HAZARDS AND HAZARDOUS MATERIALS

#### Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within onequarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

#### IX. HYDROLOGY AND WATER QUALITY

#### Would the project:

- 2 a) Violate any water quality standards of waste discharge requirements?
- 2 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- 2 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- 1 f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 2 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

#### X. LAND USE AND PLANNING

#### Would the project:

- 1 a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- \_\_\_\_\_ c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

## XI. MINERAL RESOURCES

#### Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

#### XII. NOISE

#### Would the project:

- 2 a) Cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 2 c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- \_1 f) For a project within the vicinity of a private airstrip, would the project expose people residing or working the in the project area to excessive noise levels?

#### XIII. POPULATION AND HOUSING

#### Would the project:

- 2 a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- \_1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- \_1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

## XIV. PUBLIC SERVICES

#### Would the project:

 a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- 1 i) Fire protection?
- 1 ii) Police protection?
- 2 iii) Schools?
- 1 iv) Parks?
- \_1 v) Other public facilities?

#### XV. RECREATION

#### Would the project:

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

## XVI. TRANSPORTATION / TRAFFIC

#### Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- 3 b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- \_1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

## XVII. UTILITIES AND SERVICE SYSTEMS

## Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- <u>2</u> b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 2 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?

- \_\_\_\_\_\_\_e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- \_\_\_\_ f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- \_\_\_\_\_ g) Comply with federal, state, and local statutes and regulations related to solid waste?

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

#### Would the project:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- \_2\_ b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- \_2 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino,(1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

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#### DISCUSSION OF ENVIRONMENTAL EVALUATION

## I. <u>AESTHETICS</u>

 The proposed project is new subdivided residential construction which will meet City standards for setbacks, landscaping and height restrictions.

This project will not adversely affect the view of any scenic vistas. The Sierra Nevada mountain range may be considered a scenic vista and the view will not be adversely impacted by the project.

- b. There are no scenic resources on the site.
- c. The proposed project includes residences that will be aesthetically consistent with surrounding development and with General Plan policies. Furthermore, the City has development standards related to landscaping and other amenities that will ensure that the visual character of the area is enhanced and not degraded. Thus, the project would not substantially degrade the existing visual character of the site and its surroundings.
- d. The project will create new sources of light that are typical of residential development. The City has development standards that require that light be directed and/or shielded so it does not fall upon adjacent properties.

#### II. AGRICULTURAL RESOURCES

- a. The project site is not zoned for agricultural use. All agricultural related uses have ceased on the property and the site has remained fallow for several years. The project is bordered by agricultural development to the East, West and South, and Caldwell Avenue, an arterial roadway, to the North. The project does not involve con
- b. version of farmland and therefore will not have an effect on any agricultural resources.
- c. The project will not conflict with an existing zoning for agricultural use, as there are no properties in the project area with an Agriculture zoning. There are no known Williamson Act contracts on any properties within the project area.
- There is no forest or timber land currently located on the site.
- e. There is no forest or timber land currently located on the site.
- f. The project will not involve any changes that would promote or result in the conversion of farmland to nonagriculture use. The property within the project area is currently designated for an urban, rather than agricultural, land use. Properties that are vacant may develop in a way that is consistent with their zoning and land use designated at any time.

#### III. AIR QUALITY

 The project site is located in an area that is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project in itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.

The project could result in short-term air quality impacts related to dust generation and exhaust due to construction and grading activities. The project is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's grading regulations. Compliance with the SJVAPCD's rules and regulations will reduce potential impacts associated with air quality standard violations to a less than significant level.

In addition, development of the project will be subject to the SJVAPCD Indirect Source Review (Rule 9510) procedures that became effective on March 1, 2006. The Applicant will be required to obtain permits demonstrating compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD.

c. The San Joaquin Valley region is at non-attainment for air quality. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion into urban development. The City adopted urban development boundaries as mitigation measures for air quality.

The project could result in short-term air quality impacts related to dust generation and exhaust due to construction and grading activities. The project is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's grading regulations. Compliance with the SJVAPCD's rules and regulations will reduce potential impacts associated with air quality standard violations to a less than significant level.

In addition, development of the project will be subject to the SJVAPCD Indirect Source Review (Rule 9510) procedures that became effective on March 1, 2006. The Applicant will be required to obtain permits demonstrating compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD.

- d. Residences located near the proposed project may be exposed to pollutant concentrations due to construction activities. The use of construction equipment will be temporary and is subject to SJVAPCD rules and regulations. The impact is considered as less than significant.
- The proposed project will not involve the generation of objectionable odors that would affect a substantial number of people.

## IV. <u>BIOLOGICAL RESOURCES</u>

a. As described in the Identification of the Environmental Setting contained within the Initial Study, the project site has been vacant for several years and has not been cultivated during this time. The project site is undeveloped land that has been left fallow (including weed removal and periodic disking). Agricultural related uses to the east, west and south and a major arterial roadway to the north surround the site. This area has been designated for future development including the construction of a major arterial, Ben Maddox Way, along the east side of the residential subdivision.

City-wide biological resources were evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. In addition, staff had conducted an on-site visit to the site in April 2012 to observe biological conditions and did not observe any evidence or symptoms that would suggest the presence of a sensitive, candidate, or special species.

In conclusion, the site has no known species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The project would therefore not have a substantial adverse effect on a sensitive, candidate, or special species.

- The project is not located within or adjacent to an identified sensitive riparian habitat or other natural community.
- The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d. This development would not act as a barrier to animal movement. This site was evaluated in the General Plan EIR for the City of Visalia Land Use Element Update for conversion to urban use.
- e. The City has a municipal ordinance in place to protect valley oak trees. All existing valley oak trees on the project site will be under the jurisdiction of this ordinance. Any oak trees to be removed from the site are subject to the jurisdiction of the municipal ordinance. The applicant has provided an Oak Tree elevation of 16 valley oak trees that bound the project site along the south and west property lines. The Oak Tree evaluation was reviewed by the City's Arborist and concluded that seven of the valley oak trees are to be removed due to the trees being dead or in very poor health.

Per the Visalia Oak Tree ordinance, trees determined to be dead or in poor health, may be removed if they are deemed to be detrimental to the public's safety and welfare. The project must adhere to the mitigation procedures listed is section 12.24.035 of the Visalia Municipal Code.

Based on the information contained in the Oak Tree Evaluation, oak tree removal has been deemed necessary and meets the requirements as determined in the Visalia Municipal Code. The removal of these dead or unhealthy trees is a less than significant impact on the local ordinance protecting the valley oak trees.

 There are no local or regional habitat conservation plans for the area.

#### V. CULTURAL RESOURCES

a. There are no known historical resources located within the project area. If some potentially historical or cultural resource is unearthed during development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.

- b. There are no known archaeological resources located within the project area. If some archaeological resource is unearthed during development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- There are no known unique paleontological resources or geologic features located within the project area.
- d. There are no known human remains buried in the project vicinity. If human remains are unearthed during development all work should cease until the proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations.

#### VI. GEOLOGY AND SOILS

- a. The State Geologist has not issued an Alquist-Priolo Earthquake Fault Map for Tulare County. The project area is not located on or near any known earthquake fault lines. Therefore, the project will not expose people or structures to potential substantial adverse impacts involving earthquakes.
- b. The development of this site will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.
- c. The project area is relatively flat and the underlying soil is not known to be unstable. Soils in the Visalia area have few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area have low expansion characteristics.
- d. Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.
- The project does not involve the use of septic tanks or alternative waste water disposal systems since sanitary sewer lines are used for the disposal of waste water at this location.

## VII. GREENHOUSE GAS EMISSIONS

a. The project is expected to generate Greenhouse Gas (GHG) emissions in the short-term as a result of the construction of residences within the subdivision lot and long-term as a result of day-to-day operation of the proposed residences. Estimated GHG emissions calculations are contained within the California Emissions Estimator Model (CalEEMod) report prepared for the project by First Carbon Solutions dated July 19, 2013.

AB 32 outlines a scoping plan, which entails reducing the projected GHG emissions by 29% from the business as usual operational emissions. According to the report, the construction of the project would generate a total of 1,607 metric tons of carbon dioxide equivalents (MTCO2e). However, because the construction is taking place prior to the year 2020, when the state is required to reduce its emissions levels to the levels of 1990, the short-term emissions from construction can be deemed as less than significant.

When applying the 29% reduction technique to the operational long-term GHG emissions, the project must operate within regulations as enacted in AB 32 and

standard measures required by California Code, the City of Visalia, and the San Joaquin Valley Air Pollution Control District (SJVAPCD). These measures, including green building standards, increased energy efficiency standards, pedestrian infrastructure, wood burning prohibitions, and water conservation can reduce the significance threshold from 5,628 MTCO2e with business as usual to 4,004 MTCO2e. This constitutes a 29% reduction which is under the threshold of significance for GHG emissions.

A 12% reduction from business as usual is achieved through reduction in electricity and natural gas emissions because of compliance with the 2013 Title 24 energy efficiency standards and the implementation of electricity standards with the renewable portfolio standard. The total energy emissions were reduced from 1,102 MTCO2e to 912 MTCO2e using regulation and standard measures.

A 50% reduction (included in waste reductions of 114 MTCO2e to 57 MTCO2e) from business as usual is achieved through wood burning device prohibition and California building standards that require electrical outlets to be provided on the exterior of dwelling units to discourage the use of polluting landscaping equipment.

Mobile emissions were reduced by 67% due to close proximity to retail uses and downtown Visalia (reduced vehicle trips), improved walkability design and pedestrian network, and improved transit accessibility (stop located on Caldwell Avenue on the northwesterly edge of project). Another 32% of reductions occurs due to the Pavely and Low Carbon Fuel Standard.

When analyzing the project operational greenhouse gases (as shown in the Frist Carbon Solutions CalEEMod report, Table 6) the business as usual emissions estimates from area (621 MTCO2e), energy (1,102 MTCO2e), mobile (3,722 MTCO2e), waste (114 MTCO2e) and water (69 MTCO2e) add up to a total 5,628 MTCO2e. The project operational greenhouse gases including the regulation and standard measures that are applied to this project, reduce impacts in the area (446 MTCO2e), energy (912 MTCO2e), mobile (2,532 MTCO2e), waste (57 MTCO2e), and water (57 MTCO2e) which adds up to a reduced 4,004 MTCO2e which accounts for the 29% reduction.

This 29% reduction is within the significance threshold of GHG emissions from business as usual and meets the 29% reduction technique. Therefore, the long-term operational GHG emissions of the project are at a less than significant level. These measures are represented in the CalEEMod as mitigation measures; however, they are not considered mitigation under the California Environmental Quality Act because they arise as a result of the projects location and regulation requirements of state, regional, and local governments. The impact is considered marginal based on ongoing Federal and Statewide efforts to minimize emissions and the project-specific regulations discussed below.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has released a document entitled *Guidance* for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, which provides draft guidance for the determination of significant effects.

Greenhouse Gas emissions associated with new projects are found to have a cumulative effect rather than a direct

impact on climate change. Because climate change is a global phenomenon, a direct impact cannot be associated for an individual land development project.

The California Global Warming Solutions Act of 2006, also known as Assembly Bill 32 or AB 32, required that the California Air Resources Board (CARB) design and implement emission limits, regulations, and other measures designed to reduce GHG to 1990 levels by 2020 representing a 29% reduction. Following this reduction target set in CARB's AB 32 Scoping Plan, the District evaluates GHG emission significance and finds that a project can avoid a significant impact by either:

- Using any combination of District approved GHG emission reduction measures to meet Best Performance Standards,
- Complying with an approved GHG plan or mitigation program, or
- Reducing GHG emissions by 29% from Business-As-Usual levels.

The proposed project will utilize a combination of District approved measures and existing State, Regional, and City regulations that will reduce the significance of the impact of GHG emissions.

The following regulations already in effect will assist in reducing the cumulative impact associated with GHG emissions:

- Compliance with the California Building Code of 2013 including Title 24 requirements,
- Compliance with the City of Visalia's water efficient landscape standards,
- Applicability of the SJVAPCD's Indirect Source Rule 9510 to the project,
- Compliance with the City of Visalia Development Standards (Chapter 17.30 of the Municipal Code), which requires the placement of parking lot shade trees and street trees along public streets;

The project will also be in compliance with certain measures approved by the SJVAPCD that are designated as an effective means of reducing the project's GHG emissions to meet Best Performance Standards and would provide a reduction of GHG emissions.

The following SJVAPCD-approved measures are presently incorporated into the site's environs:

- Proximity to existing Class I and Class II bicycle lanes located on Caldwell Avenue;
- Transit service abutting the site on Caldwell Avenue;
- Proximity of suburban mixed uses (residential development, retail development, park and open space) within ½ mile.
- b. The State of California has enacted the Global Warming Solutions Act of 2006 (AB 32), which included provisions for reducing the GHG emission levels to 1990 "baseline" levels by 2020.

The proposed project will not impede the State's ability to meet the GHG emission reduction targets under AB 32. Current and probable future state and local GHG reduction measures will continue to reduce the project's contribution to climate change. As a result, the project will not contribute significantly, either individually or cumulatively, to GAG emissions.

#### VIII. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. Construction activities associated with development of the project may include maintenance of on-site construction equipment which could lead to minor fuel and oil spills. The use and handling of any hazardous materials during construction activities would occur in accordance with applicable federal, state, regional, and local laws. Therefore, impacts are considered to be less than significant.
- c. There is one school site located within one-half mile from the project site. However, there is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites or areas within one-quarter mile of school sites.
- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- e. The City's adopted Airport Master Plan shows the project area is located outside of all Airport Zones. There are no restrictions for the proposed project related to Airport Zone requirements.

The project area is not located within 2 miles of a public airport.

- f. The project area is not within the vicinity of any private airstrip.
- g. The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- h. There are no wild lands within or near the project area.

#### IX. HYDROLOGY AND WATER QUALITY

- a. The project will not violate any water quality standards of waste discharge requirements. The site is a proposed residential development, which will meet the City's improvement standards for directing storm water runoff to the existing City storm water drainage system; consistent with the City's adopted City Storm Drain Master Plan.
- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project site will be served by a water lateral for domestic, irrigation, and fire protection use.
- c. The project will not result in substantial erosion on- or off-
- d. The project will not substantially alter the existing drainage pattern of the site or area, alter the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
- e. The project will not create or contribute runoff water which would exceed the capacity of existing or planned storm

water drainage systems or provide substantial additional sources of polluted runoff. The site is a proposed residential development which will meet the City's improvement standards for directing storm water runoff to the existing City storm water drainage system, consistent with the City's adopted City Storm Drain Master Plan.

- f. There are no reasonably foreseeable reasons why the project would result in the degradation of water quality.
- g. The project area is located within Zone X02, which indicates an area that is not within flood hazard area.
- h. The project area is located within Zone X02, which indicates an area that is not within flood hazard area.
- The project would not expose people or structures to risks from failure of levee or dam. The project is located downstream from the Terminus Damn; in the case of dam failure, there will be 4 hours of warning to evacuate the site.
- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, which will contribute to the lack of impacts by mudflow occurrence.

## X. LAND USE AND PLANNING

a. The project will not physically divide an established community. The proposed project is to be developed on vacant fallow land. The project site is surrounded on three sides by agricultural related uses (i.e., row crops) and is bordered by a major arterial roadway, Caldwell Avenue, to the north. The area shares the arterial street St. John's with residential development in the area but does not contain distinct characteristics that would qualify the area as an established community.

The proposed project area is in area referred to as the South East Area Master Plan (SEAMP). The City Council amended the Pre-Annexation Agreement No. 2004-11 relieving the property owner from the Pre-Annexation condition that required development of the 55.9 acres to adhere to the requirements of the Southeast Area Plan, which has not adopted. The Council concluded due to the length of time that has lapsed, and no adoption of the Southeast Area Plan, the site should proceed with development and not be encumbered by a plan that has not been adopted.

The SEAMP has been underway for several years. Since submittal of the "initial" draft EIR in October 2009, City staff management of the Plan and EIR has changed, and renewed emphasis to make the Plan and EIR internally consistent and technically sound has been given a high priority. In addition, renewed outreach to the property owners was undertaken with the primary goal of identifying desirable and mutually agreeable aspects of the Plan. A report to the City Council on June 21, 2010, provided an update on progress and discussion on a revised approach for the SEASP and EIR. The report identified several recommendations that were mutually agreed upon based on input and consensus with property owners and other development community stakeholders.

Major changes to the revised approach include changing the "Plan" from a specific plan to a master plan. This changes the document from a "regulatory" document to an "incentive-based" document. Other noted changes include early development projects along Caldwell Avenue may

- precede using existing infrastructure capacities. Drafts of the EIR and Plan are in staff's procession but neither is programmed to go to public review.
- b. The project does not conflict with any land use plan, policy or regulation of the City of Visalia. The project seeks to create a single and multi-family residential subdivision in both the single-family and multi-family residential zones. The project will also be developed to meet the density requirements as outlined in the General Plan.

The site is within the current Urban Development Boundary (129,000 Population) of the City of Visalia. The City of Visalia designates the area for urban development. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted urban development boundaries as mitigation measures for conversion to urban development.

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c. The project does not conflict with any applicable habitat conservation plan or natural community conservation plan as it is located on a vacant dirt lot with no significant natural habitat present.

#### XI. MINERAL RESOURCES

- No mineral areas of regional or statewide importance exist within the Visalia area.
- There are no mineral resource recovery sites defineated in the Visalia area.

#### XII. NOISE

- a. The project will result in noise generation typical of urban development, but not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. Traffic and related noise impacts from the proposed project will occur along Caldwell Avenue, an existing arterial roadway, and the future Ben Maddox Way roadway alignment that abut the project site. The City's standards for setbacks and/or construction of walls along major streets will reduce noise levels to a level that is less than significant. Noise levels will also increase temporarily during the construction of the project but shall remain within the noise limits and restricted to the allowed hours of construction defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.
- b. Ground-borne vibration or ground-borne noise levels may occur as part of construction activities associated with the project. Construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. Ambient noise levels will increase beyond current levels as a result of the project, however these levels will be typical of noise levels associated with urban development and not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. The City's standards for setbacks and/or construction of walls along major streets and adjacent to residential uses reduce noise levels to a level that is less than significant. Noise associated with the establishment of new urban uses was previously evaluated with the General Plan for the conversion of land to urban uses.
- d. Noise levels will increase during the construction of the project but shall remain within the limits defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.
- e. The project area is not within 2 miles of a public airport. The project will not expose people residing or working in the project area to excessive noise levels.
- f. There is no private airstrip near the project area.

#### XIII. POPULATION AND HOUSING

- The project will not directly induce substantial population growth that is in excess of that planned in the General Plan.
- Development of the site will not displace any housing on the site.
- Development of the site will not displace any people on the site.

#### XIV. PUBLIC SERVICES

a.

- Current fire protection facilities are located at the Visalia Station 56 and can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
- ii. Current police protection facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
- iii. The project will generate new students for which existing schools in the area may accommodate. In addition, to address direct impacts, the project will be required to pay residential impact fees. These fees are considered to be conclusive mitigation for direct impacts. The project includes residential units that will create a need for park facilities.
- iv. Other public facilities can adequately serve the site without a need for alteration.

#### XV. RECREATION

- a. The project will directly generate new residents and will therefore directly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Residential developments will pay impact fees to mitigate impacts.
- b. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

## XVI. TRANSPORTATION AND TRAFFIC

- a. Development and operation of the project is not anticipated to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness of the City's circulation system. The project will result in an increase in traffic levels on arterial and collector roadways, although the City of Visalia's Circulation Element has been prepared to address this increase in traffic.
  - b. Development of the site will result in increased traffic in the area, but will not cause a substantial increase in traffic on the city's existing circulation pattern. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for urban use.

A Traffic Impact Analysis Report was conducted for the project by Omni-Means, dated August 9, 2013, which studied key roadways and intersections in the vicinity of the project site. The analysis considered existing roadway conditions and year 2035 base conditions, with and without the project conditions. The analysis identified recommended roadway and intersection improvements to the vicinity of the project to ensure that the project will operate at acceptable LOS "D" conditions or better through 2035.

Among the recommended mitigation measures in the Analysis were measures that address existing roadway conditions where operating conditions are below acceptable standards.

The intersection of Caldwell Avenue and Burke Street, which abuts the northwest corner of the project site, is recommended for the installation of traffic signals for all northbound / southbound and eastbound / westbound traffic. This intersection is noted by the Report to currently operate at LOS "E" conditions during the PM peak hour. The improvements required at this intersection are vital to the project given it is the only controlled intersection that would facilitate left turn movements onto Caldwell Avenue from the subdivision. Caldwell Avenue, when designed to its ultimate configuration, will be a four-lane arterial street with a median island constructed in the centerline of the roadway. Based on this arterial roadway design, vehicles using Edison Street will only be allowed to make a right turn movement onto Caldwell Avenue. Based on the Report, staff will require that the intersection of Burke Street and Caldwell Avenue be signalized and designed to accommodate the ultimate widening of the intersection. Furthermore, the Report identified future intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.

The installation of traffic signals and stop signs at the local streets identified in the report are required mitigation measures with the construction of Phase 1 of the project, and is further described in the Mitigation Measures section of the Initial Study. This mitigation will assist in improving safety at the major intersection, and will provide for left-turn movements from the subdivision onto Caldwell Avenue...

- The project will not result in nor require a need to change air traffic patterns.
- d. There are no planned designs that are considered hazardous.
- e. The project will not result in inadequate emergency access.
- f. The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

#### XVII. UTILITIES AND SERVICE SYSTEMS

- a. The project will be connecting to existing City sanitary sewer lines, consistent with the City Sewer Master Plan. The Visalia wastewater treatment plant has a current rated capacity of 22 million gallons per day, but currently treats an average daily maximum month flow of 12.5 million gallons per day. With the completed project, the plant has more than sufficient capacity to accommodate impacts associated with the proposed project. The proposed project will therefore not cause significant environmental impacts.
- b. The project will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The project site will be required to install storm drainage lines and will retain storm water run-off onsite. Retention of onsite storm water runoff will be accomplished with installation of a retention basin located at the southeast corner of the project site. The onsite basin will

accommodate water runoff for the entire subdivision until a master regional basin is established for this future growth area. These improvements will not cause significant environmental impacts.

- d. California Water Service Company has determined that there are sufficient water supplies to support the site, and that service can be extended to the site.
- e. The City has determined that there is adequate capacity existing to serve the site's projected wastewater treatment demands at the City wastewater treatment plant.
- f. Current solid waste disposal facilities can adequately serve the site without a need for alteration.
- g. The project will be able to meet the applicable regulations for solid waste. Removal of debris from construction will be subject to the City's waste disposal requirements.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

 The project will not affect the habitat of a fish or wildlife species or a plant or animal community. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

- b. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for the area's conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- c. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

## DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of	this initial evaluation:
**************************************	I find that the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION WILL BE PREPARED.
<u>X</u>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.
ener terrenden	I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
-canada-gran	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 90020160). The Environmental Impact Report prepared for the City of Visalia Land Use Element (Amendment No. 90-04) was certified by Resolution NO 91-105 adopted on September 3, 1991. THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.

Paul Scheibel, AICP Environmental Coordinator August 20, 2013

Date

Environmental Document No. 2013-59 for Development and subdivision of the Diamond Oaks Subdivision consisting of Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17

# **Vicinity Map**

