

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

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

MONDAY, OCTOBER 28, 2019; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA –
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - Time Extension for Vesting Tentative Parcel Map No. 2003-10
 - Time Extension for Highland Park Estates Tentative Subdivision Map No. 5510
 - Time Extension for Highland Park at Shannon Ranch Tentative Subdivision Map No. 5509 and Conditional Use Permit No. 2012-27
 - Finding of Consistency for Lance Lane Estates Tentative Subdivision Map No. 5499
5. PUBLIC HEARING – Josh Dan
Staff request to withdraw Conditional Use Permit No. 2019-33 and Variance No. 2019-07
6. PUBLIC HEARING – Josh Dan
Conditional Use Permit No. 2019-34: A request by Jerry L. Lanier, DDS. to permit medical and dental practice offices within an existing 7,769 square foot building. The site is zoned C-N (Neighborhood Commercial) and is located at 1814 N. Dinuba Blvd. (APN: 091-171-023). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-65.
7. PUBLIC HEARING – Josh Dan
Conditional Use Permit No. 2019-35: A request by Ibrahim Nusir to establish a Smoke Shop in a 960 square foot tenant space located at 1108 North Ben Maddox Way in the C-MU (Mixed Use Commercial) Zone (APN: 098-250-005). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-66.

8. PUBLIC HEARING – Brandon Smith

- General Plan Amendment No. 2019-08: A request by Ted Caldwell to change the general plan land use designation on nine parcels and four out lots totaling 9.2 acres from Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Residential Low Density. A Mitigated Negative Declaration (MND No. 2019-61) has been prepared for the project.
- Change of Zone No. 2019-09: A request by Ted Caldwell to change the zoning designation on nine parcels and four out lots totaling 9.2 acres from O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size). A Mitigated Negative Declaration (MND No. 2019-61) has been prepared for the project.
- Conditional Zoning Agreement No. 2019-10: A request by Ted Caldwell for the second amendment to recorded Conditional Zoning Agreement No. 2005-02, to revise certain conditions of the Agreement pertaining to land uses, phasing, and improvement requirements that apply over the entire site. The intent of the amendment is to facilitate development of three single-family residential parcels on 0.8 acres and covered recreational vehicle storage and a future mini storage facility on 8.4 acres. The Agreement pertains to 40.4 acres which is divided into an office component consisting of 9.2 acres and a developed residential component consisting of 31.2 acres. These revisions pertain to only the office component. A Mitigated Negative Declaration (MND No. 2019-61) has been prepared for the project.

Location: The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002)

9. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- Planning Commission Meeting November 12, 2019 is on Tuesday due to Monday being Veterans Day.
- Housing Element.
- In-N-Out Burger.

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

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

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

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, NOVEMBER 07, 2019 BEFORE 5 PM

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

THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY, NOVEMBER, 2019



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: October 28, 2019

PROJECT PLANNER: Brandon Smith
Phone: (559) 713-4636
E-Mail: brandon.smith@visalia.com

SUBJECT: General Plan Amendment No. 2019-08: A request by Ted Caldwell to change the general plan land use designation on nine parcels and four out lots totaling 9.2 acres from Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Residential Low Density.

Change of Zone No. 2019-09: A request by Ted Caldwell to change the zoning designation on nine parcels and four out lots totaling 9.2 acres from O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size).

Conditional Zoning Agreement No. 2019-10: A request by Ted Caldwell for the second amendment to recorded Conditional Zoning Agreement No. 2005-02, to revise certain conditions of the Agreement pertaining to land uses, phasing, and improvement requirements that apply over the entire site. The intent of the amendment is to facilitate development of three single-family residential parcels on 0.8 acres and covered recreational vehicle storage and a future mini storage facility on 8.4 acres. The Agreement pertains to 40.4 acres which is divided into an office component consisting of 9.2 acres and a developed residential component consisting of 31.2 acres. These revisions pertain to only the office component.

Location: The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002)

STAFF RECOMMENDATION

General Plan Amendment No. 2019-08: Staff recommends that the Planning Commission recommend that the City Council approve General Plan Amendment No. 2019-08, based on the findings in Resolution No. 2019-56. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Change of Zone No. 2019-09: Staff recommends that the Planning Commission recommend that the City Council approve Change of Zone No. 2019-09, based on the findings in Resolution No. 2019-57. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Conditional Zoning Agreement No. 2019-10: Staff recommends that the Planning Commission recommend that the City Council approve Conditional Zoning Agreement No. 2019-10, based on the findings and conditions in Resolution No. 2019-58. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance, and specifically that the request facilitates land use compatibility by limiting the allowed uses within the C-S zoning designation on the property to a covered recreational vehicle and self-storage facility that provides a compatible land use adjacent to the residential zoning designations of R-1-5 and R-M-2.

RECOMMENDED MOTION

I move to recommend approval of General Plan Amendment No. 2019-08, based on the findings in Resolution No. 2019-56.

I move to recommend approval of Change of Zone No. 2019-09, based on the findings in Resolution No. 2019-57.

I move to recommend approval of Conditional Zoning Agreement No. 2019-10, based on the findings and conditions in Resolution No. 2019-58.

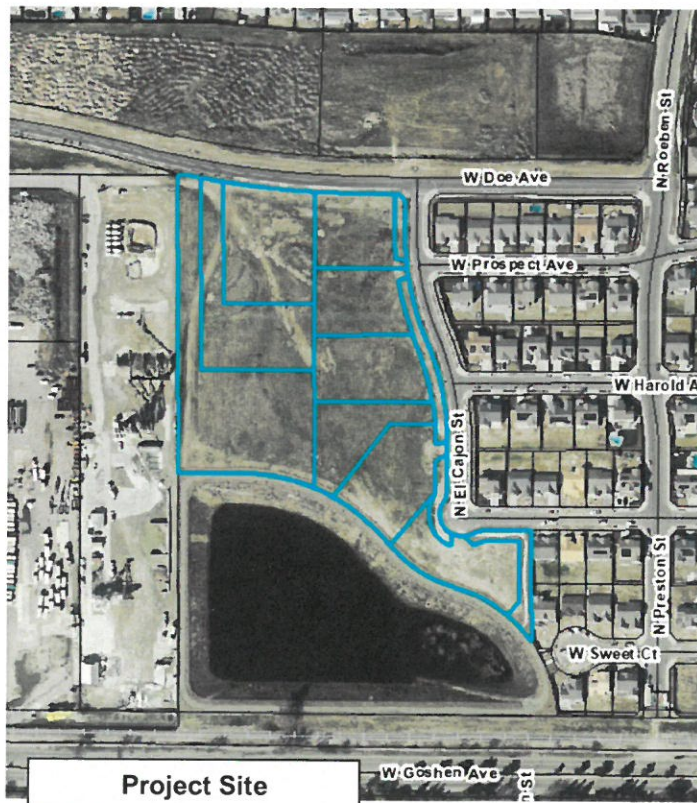
PROJECT DESCRIPTION

General Plan Amendment (GPA) No. 2019-08

General Plan Amendment No. 2019-08 is a request to change the subject property's land use designation from 9.2 acres of Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Low Density Residential (refer to land use map attached as Exhibit "G"). The Low Density Residential designation is intended to provide for the development of three single-family dwelling units on lots of approximately 12,000 square feet each on a local street that is already developed with single-family residential uses (see Exhibit "B"). The Low Density Residential designation allows a density ranging from 2 to 10 units per acre or lot sizes ranging from 5,000 sq. ft. to 20,000 sq. ft. The Service Commercial designation is intended to provide for a covered recreational vehicle storage facility and a future mini storage facility, both of which are low-intensity service uses that are intended primarily for the Service Commercial designation (see Exhibit "A").

Change of Zone (COZ) No. 2019-09

Change of Zone No. 2019-09 is a request to change the subject property's zoning designation from 9.2 acres of Professional / Administrative Office (O-PA) to 8.4 acres of Service Commercial (C-S) and 0.8 acres of Single-family Residential, 5,000 square foot minimum lot size (R-1-5) (refer to land use map attached as Exhibit "G"). The R-1-5 zoning will allow the applicant to develop the site with three single-family dwelling units with a future tentative parcel map, as shown in Exhibit "B". Under the R-1-5 zone, the 0.8 acres site would yield three lots on an existing local street. The proposed Service Commercial designation is intended to provide for a covered recreational vehicle storage facility and a future mini storage facility as shown in Exhibit "A". The development of the site with a gated recreational vehicle storage and future mini storage facility is a permitted by right use in the Service Commercial zoning designation.



Conditional Zoning Agreement (CZA) No. 2019-10

The applicant is proposing to change the planned use for the office portion of the master planned development originally established by Conditional Zoning Agreement No. 2005-02. This master-planned development is commonly referred to as "Di Mello Toscana", which refers to the name of the residential subdivision within the development. Specifically, the applicant desires to replace the master-planned office development on the site with a covered recreational vehicle storage facility, a mini storage facility, and three residences.

The new master plan, shown in Exhibits "A" and "B", provides a detailed development plan consisting of a gated 157-stall RV storage facility on 5.7 acres and a 2.7-acre space designated for future self-storage buildings. Both storage facilities are gated will be located behind block walls along the Doe Avenue and El Cajon Street frontages as illustrated on the exhibits. Both uses are permitted by right in the C-S zone and are not allowed uses in the current O-PA zone. The development plan also shows three residential parcels to be located on the south side of Elowin Avenue. A pedestrian access to a basin trail currently located on the easternmost residential site will be moved and reconstructed to the west between the residential sites and the storage facility.

CZA No. 2005-02 originally established conditions tied to the residential and office uses proposed for development by a single entity, including a condition that established and required conformance to a master development plan. At the time, development of the 116-unit residential portion was dependent upon the 89,520 sq. ft. two-story office portion developing first so that the office buildings would function as physical barriers attenuating the noise from established industrial uses to the west.

In 2015, CZA No. 2005-02 was amended to take into account the bifurcated ownership of the project site wherein the office and residential portions were under separate ownership. The amended conditions of the Agreement enabled the residential subdivision portion to proceed with developing using an alternative means for sound attenuation in the form of masonry unit sound walls ranging in height from 8'-0" to 11'-6", rather than relying on the office development. The use of the masonry unit walls as suitable mitigation was justified by an acoustical analysis supplied by the proponent of the residential subdivision. The residential subdivision portion of the site has since developed with 116 single-family dwelling units.

The current amendment (i.e. CZA No. 2019-10) will be the second amendment to the original CZA No. 2005-02. The primary purpose of this amendment will be to require that the office portion of the site be developed specifically with the two storage facilities as depicted in Exhibit "A", and prohibit any other C-S use listed in Section 17.25.030 of the Zoning Ordinance from locating and operating on this site. This is to ensure that development of the office portion being re-zoned to Service Commercial will facilitate and "lock in" the site plan exhibits provided per Exhibits "A" and "B" that are compatible with the existing residential uses to the east and the future multi-family development to the north. The applicant contends that the proposed land uses and development pattern are an appropriate transition from the industrial uses to the west to the residential uses to the north and east.

Once a CZA is approved, the CZA is recorded against the property and may only be amended and/or modified by the City Council. Any proposed change to an approved CZA requires a public hearing process starting at the Planning Commission with their recommendation carried onto the City Council.

BACKGROUND INFORMATION

Existing General Plan Land Use:	Professional / Administrative Office
Proposed General Plan Land Use:	Service Commercial and Low Density Residential
Existing Zoning:	O-PA (Office Professional / Administrative)
Proposed Zoning:	C-S (Service Commercial) and R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot size)
Surrounding Zoning and Land Uses:	North: R-M-2 (Multi-family residential) / Doe Avenue, vacant land with pending approval for apartments South: QP (Quasi-Public) / Ponding basin (Piano Basin), railroad line, Goshen Avenue East: R-1-5 (Single-family residential) / El Cajon Street & Elwin Avenue, single-family residential subdivision West: I (Industrial) / Concrete batch plant
Environmental Review:	Mitigated Negative Declaration No. 2019-61
Special Districts:	N/A
Site Plan Review No:	2018-156

RELATED PLANS & POLICIES

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

RELATED PROJECTS

Prior to 2006, the entire site was designated as Business Research Park land use and zoning designation.

Change of Zone (COZ) No. 2004-32 and the associated Conditional Zoning Agreement (CZA) 2005-02, approved on March 26, 2006, changed the zoning on the project site to a mix of Professional / Administrative Office, Single-family Residential, and Quasi-Public. The approval included the establishment of a master development plan that included a planned office development and a residential subdivision.

The Planning Commission subsequently approved the following specific entitlements within the project area on June 26, 2006:

- Di Mello Toscana Tentative Subdivision Map No. 5516, to divide the 30-acre residential portion into 116 residential lots. The tentative map recorded in 2016 and the property has since fully developed.
- Parcel Map No. 2006-09, to divide the office portion of the project area into nine lots. The final parcel map was subsequently recorded in 2007, creating the legal lots on that portion of the project area.

- Conditional Use Permit No. 2006-18, to allow a planned office development with nine buildings totaling 89,520 square feet and a parking structure. The site development has not subsequently occurred.

City Council Ordinance No. 2016-03 authorizing the first amendment to Conditional Zoning Agreement No. 2005-02, was approved on January 19, 2016, enabling the residential portion to proceed with developing using an alternative means for sound attenuation in the form of masonry unit sound walls.

PROJECT EVALUATION

Staff supports the General Plan Amendment, Change of Zone, and Conditional Zoning Agreement, as conditioned, based on the project's consistency with the Land Use Element of the General Plan, and the Zoning and Subdivision Ordinances. Specifically, the entitlements will allow for an alternative land use plan on the undeveloped office portion of the site that will still provide for a low-intensity land use based on limiting the development of the site to only a private gated storage facility and three residential single-family dwelling units that are a suitable buffer between the existing residential neighborhood and industrial land uses.

General Plan Consistency

Project compatibility with the City's General Plan must be made as a finding for each of the entitlements. Staff has found that the proposed project is consistent with the City's General Plan, particularly as it pertains to development in the Low Density Residential and Service Commercial land use designations, subject to the CZA limiting the C-S portion of the development to only a recreational vehicle and self-storage facility and the residential land use area to three residential single-family dwelling units, as depicted per Exhibit "A".

Land Use Element Policy LU-P-55 specifies that the Low Density Residential land use designation shall allow for residential development at 2 to 10 dwelling units per acre, facilitating new planned neighborhoods and infill development in established areas. The corresponding Change of Zone to expand the R-1-5 designation to the south and west of the Di Mello Toscana subdivision will maintain the single-family residential character of that subdivision.

Land Use Element Policy LU-P-70 specifies that the Service Commercial land use designation shall allow for a range of retail and service uses, including storage facilities, which meet local and regional demand. Through Conditional Zoning Agreement No. 2019-10, the site will be limited to only one specific use (i.e., recreational vehicle and self-storage facility) which staff finds will have minimal adverse impacts on the adjacent residential uses.

Land Use Compatibility

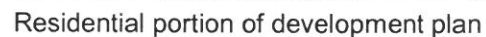
Staff has determined that the proposed Low Density Residential and Service Commercial designations, in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02 limiting the allowed uses of the Service Commercial designation to only a recreational vehicle and self-storage facility, would be consistent with the land uses of the surrounding area, which include low density residential, medium density residential, and industrial uses.

Wherein the proposed Service Commercial area was previously planned for office development as a means to "soften" the land use transition between industrial and residential, and as a means to provide a physical barrier to noise intrusion, the proposed land use change from office to service commercial with the incorporation of a master-planned development will serve the same purpose as the office designation. Additionally, the recreational vehicle and self-storage facilities will have less daily traffic levels than those associated with the office

Based on the Amendment to the Conditional Zoning Agreement, staff finds the proposed land use designations of Residential Low Density and Service Commercial, subject to the CZA, are consistent with the existing surrounding land uses and meet the intent of the General Plan.

Staff supports the proposed General Plan Amendment from Professional / Administrative Office to Service Commercial and Low Density Residential and the corresponding Change of Zone from O-PA to C-S and R-1-5 based on the proposed land uses, which are compatible with adjacent development, subject to the CZA that “locks” the development plan as depicted per Exhibit “A”.

To ensure that the Service Commercial-designated area is developed with land uses that are compatible with the existing residential uses in the surrounding area, Conditional Zoning Agreement No. 2019-10 requires that the site be limited to a covered RV storage facility and a self-storage facility as illustrated in Exhibit "A". Any further request to change the land uses on the property requires amending the CZA through the public hearing process, subject to City Council approval.



The approval and development of residential uses on the residential portions of the Di Mello Toscana property has relied upon the preparation of two separate acoustical analyses to assess the noise impact of existing industrial uses upon residential uses in the project area. The latter analysis, prepared in 2015, recommended the use of sound walls along El Cajon Street to mitigate noise impacts from existing industrial uses upon residential uses.

For the proposed single-family residential uses in the applicant's request, a new acoustical analysis was prepared (ref.: Acoustical Analysis, Caldwell RV Storage. Precision Civil

Engineering, Inc., June 20, 2019). The purpose of the study was to determine if existing noise levels associated with the nearby industrial uses to the west and the railway to the south will comply with the City's applicable noise level standards upon the residences.

The analysis concluded that community noise standards could be achieved if the project site incorporated two mitigation measures into the final design – one of which is a sound wall located on the west and south sides of the proposed residential uses as shown in Exhibits "B" and "E" (see also inset image). The analysis concluded that a 7-foot wooden courtesy fence with ½" thick wood slats on both sides and staggered would be adequate for reducing the sound levels to the 55 dB threshold. The analysis further stated that as an alternative for further sound reduction a 7-foot stone or masonry wall could also be used.

As a condition of the proposed Conditional Zoning Agreement, staff recommends Condition 3a (see Recommended Conditions of Approval section) that requires a concrete masonry unit block wall be utilized for on the west and south sides of the proposed residential uses in lieu of the wooden fence. Staff's recommendation is based on conformance with the block wall improvements of the adjoining subdivision and the City's practice of utilizing block walls in close proximity to arterial streets and rail lines. The block walls are already shown on Exhibits "A" and "B".

Conditions of Second Amended and Restated CZA No. 2005-02

The Second Amended and Restated CZA No. 2005-02 (2nd Amendment to CZA; attached as Exhibit "D") proposes to revise the set of conditions contained in the first amended CZA that was recorded in 2015 (attached as Exhibit "F"). The proposed revisions are based on the new proposed land uses and the fulfillment of several of the existing conditions with the completion of the Di Mello Toscana residential subdivision.

Staff recommends approval of this Second Amendment to the CZA, which was reviewed and approved by both the applicant and the City Attorney, based on the conditions adequately addressing the known outstanding land compatibility and improvement issues associated with the property.

The following summarization contrasts the current and proposed "additional" conditions, which are listed in subsection (e) of Exhibit "I" of the CZA.

Condition No. 1: Noise Attenuating Feature Requirement

Current Condition: Outlines locations and heights of sound walls to be developed with the Di Mello Toscana Subdivision, to address noise impacts upon the residences.

Revised Condition: The requirements in this condition were fulfilled with the completion of the Di Mello Toscana Subdivision. In response to the proposed project, Condition No. 1 of Exhibit "I" of the CZA is revised to address the required noise mitigation for the proposed additional residential parcels and identifies the location, material, and block wall height. Specifically, the applicant is responsible for installing a seven (7) foot tall concrete masonry unit block wall along the western and southern boundaries of the residential area (see Exhibit "B").

Condition No. 2: Final Occupancy

Current Condition: States that no final occupancy of building permits will be granted until the required noise mitigation has been satisfactorily completed.

Revised Condition: The requirements in this condition were fulfilled with the completion of the Di Mello Toscana Subdivision. Condition No. 2 of Exhibit "I" of the CZA is revised to address final occupancy for the proposed additional residential parcels.

Condition No. 3: Vehicular Railroad Crossing

Current Condition: States that the property owner and City shall make a good faith effort to pursue a public vehicular crossing connecting Roeben Street to Goshen Avenue. Although San Joaquin Valley Railroad denied the request, the subdivision has the ability to accommodate a crossing in the future.

Revised Condition: The requirements in this condition were fulfilled and remain in effect. This is noted in Condition No. 3 of Exhibit "I" of the CZA.

Condition No. 4: Doe Avenue Improvements

Current Condition: Outlines the requirements and owner responsibilities for the construction of Doe Avenue between Shirk Street and the office and residential portions of the project area.

Revised Condition: The requirements in this condition were fulfilled with the completion of the Di Mello Toscana Subdivision. This is now noted in Condition No. 3 of Exhibit "I" of the CZA.

Condition No. 5: Planned Office Development Requirement

Current Condition: States that the project area with Professional / Administrative Office zoning shall contain a planned office development with thematic building design.

Revised Condition: In response to the proposed project, the condition is revised to limit the allowed uses on the proposed Service Commercial area to the covered RV storage facility and self-storage facility in Exhibit "A". This is now noted in Condition No. 4 of Exhibit "I" of the CZA.

Condition No. 6: Trail Dedication & Construction

Current Condition: Outlines the requirements and owner responsibilities for: a) the construction of a public pedestrian trail around the City storm basin (Piano Basin) with the recording of the tentative subdivision map, and b) the requirement for the dedication and construction of a public pedestrian trail along Doe Avenue and Ethan Street (now El Cajon Street).

Revised Condition: The requirements in this condition for the public pedestrian trail around the basin (item a) were fulfilled with the completion of the Di Mello Toscana Subdivision. The condition is revised to address the requirements and owner responsibilities for the relocation of the trail access path to accommodate the proposed additional residential parcels shown in Exhibit "B". This is now noted in Condition No. 5 of Exhibit "I" of the CZA.

The requirements in this condition for the public pedestrian trail along Doe Avenue and El Cajon Street (item b) are updated and explained in Condition No. 6.

Condition No. 7: Public Infrastructure

Current Condition: Outlines the requirements and owner responsibilities for the completion of public infrastructure in association with the development of the planned office development.

Revised Condition: The requirements in this condition are updated and explained in Condition No. 7 of Exhibit "I" of the CZA.

Condition No. 8: Residential Property Parcelization

Current Condition: N/A

New Condition: See discussion below under Residential Property Parcelization and Development Standards.

Residential Property Parcelization and Development Standards

The future development of the residential portion of the property with three single-family residences will require the filling and approval of either a Tentative Parcel Map by the Planning Commission or Lot Line Adjustment that can be approved administratively.. To date, no such applications have been formally filed with the City of Visalia.

As part of the development of the residential uses, the pedestrian access to a basin trail that is located on the west end of Elowin Street inside of a parcel map landscape lot will be removed. A new landscape lot will be established and a new access will be constructed between the new residential sites and the storage facility as shown on Exhibit "B". The future entitlement that creates the residential lots will also reconfigure the location of the landscape lot.

As a condition of the proposed Conditional Zoning Agreement, staff recommends Condition 3b (see Recommended Conditions of Approval section) that require either an entitlement creating the three residential lots and relocated basin access as shown in Exhibit "B" shall be approved and recorded with the Tulare County Recorder prior to any final certificate of occupancy being issued for the proposed covered RV storage facility. This condition is included to hold the applicant accountable for creating the residential lots in accordance with the new R-1-5 zoning as shown on the master site plan, being that the primary objective of this application is to revise the master plan for this site and propose the RV storage facility.

The three residential units appear to conform to the City's development standards for single-family residential standards that include lot size and width. Each unit would have a minimum lot width of 60 feet and a minimum depth of 100 feet. The lots will be required to meet R-1-5 zone setback standards, which are outlined on Exhibits "A" and "B".

Walls and Fences

The proposed service commercial land uses will have a seven-foot high block wall along the two street frontages of Doe Avenue and El Cajon Street. The use of a block wall is consistent with the development standard in Zoning Ordinance Code Section 17.30.015(F)(3), which states that a use not conducted entirely within a completely enclosed structure, on a site across a street from an R-1 or R-M district shall be screened by a concrete block or masonry wall to a height to be determined by the site plan review committee. An elevation of the block wall and the storage facility improvements behind the block wall is shown in Exhibit "B".

The proposed residential land uses will have a seven-foot high concrete masonry unit block wall located along the western and southern boundaries of the residential uses, as shown in Exhibit "B". The use of a concrete masonry unit block wall, as opposed to a wooden fence of similar height, is preferred and recommended by staff based on conformance with the block wall improvements of the adjoining subdivision and City's practice of utilizing block walls in close proximity to arterial streets and railroad lines. Interior fencing or walls is by developer's choice since there are no required fencing standards between the single-family residential parcels.

Applicant Outreach to Surrounding Neighborhood

Following the filing of the project's entitlement application by the applicant, and prior to the circulation of the project's public hearing notices, the applicant voluntarily conducted outreach to the surrounding neighborhood regarding the proposed project. According to the applicant, the owner of Security Self-Storage and applicant (Ted Caldwell) together with the manager of Security Self-Storage (Kim Rumbaugh) went door-to-door on September 17th and 18th to 71 residences located in the Di Mello Toscana Subdivision to the east. Occupants were given a brochure containing plans and illustrations of the storage facility and were provided opportunity

for questions and comments. Contact was made with 45 occupants in the 71 residences visited, with one of the 45 occupants expressing concern over the project and the remaining expressing no concern.

Environmental Review

An Initial Study and Mitigated Negative Declaration were prepared for the proposed project. Initial Study and Mitigated Negative Declaration No. 2019-61 disclosed that environmental impacts are determined to be not significant with the incorporation of mitigation to address significant impacts to noise. The mitigation measures require that a sound wall be located west and south of the residential component of the project with the wall material being ½" thick wood slats (though concrete masonry units or other solid material can be substituted for the wood), together with mechanical ventilation or air condition being included with all residential units. With the mitigation incorporated into the project, staff concludes that Initial Study and Mitigated Negative Declaration No. 2019-61 adequately analyzes and addresses the proposed project.

RECOMMENDED FINDINGS

General Plan Amendment No. 2019-08

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from 9.2 acres of Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Low Density Residential, in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the proposed land use designations under the proposed General Plan Amendment, in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02, results in land uses that suitably buffer and provide an efficient transition between the existing industrial and residential uses surrounding the site.
4. That Conditional Zoning Agreement No. 2019-10 will limit the allowed uses of the Service Commercial designation to only a recreational vehicle and self-storage facility, which provides a compatible land use adjacent to the residential land uses of Low Density Residential and Medium Density Residential.
5. That an Initial Study was prepared for the project including the General Plan Amendment, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-61 be adopted for this project.

Change of Zone No. 2019-09

1. That the proposed Change of Zone is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Change of Zone from 9.2 acres of O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential), in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.

3. That the proposed zoning designations under the proposed Change of Zone, in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02, results in zoning and land uses that suitably buffer and provide an efficient transition between the existing industrial and residential zoning and uses surrounding the site.
4. That Conditional Zoning Agreement No. 2019-10 will limit the allowed uses of the Service Commercial designation to only a recreational vehicle and self-storage facility, which provides a compatible land use adjacent to the residential zoning designations of Single-family Residential (R-1-5) and Multi-family Residential (R-M-2).
5. That an Initial Study was prepared for the project including the General Plan Amendment, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-61 be adopted for this project.

Conditional Zoning Agreement No. 2019-10

1. That Conditional Zoning Agreement No. 2019-10 will facilitate land use compatibility by limiting the allowed uses within the Service Commercial zoning designation on the property to a covered recreational vehicle and self-storage facility, which provides a compatible land use adjacent to the residential zoning designations of Single-family Residential (R-1-5) and Multi-family Residential (R-M-2).
2. That Conditional Zoning Agreement No. 2019-10 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for the project including the General Plan Amendment, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-61 be adopted for this project.

RECOMMENDED CONDITIONS OF APPROVAL

General Plan Amendment No. 2019-08

There are no recommended conditions for General Plan Amendment No. 2019-08, though note that conditions pertaining to Change of Zone No. 2019-09 are included in Conditional Zoning Agreement No. 2019-10.

Change of Zone No. 2019-09

There are recommended conditions for Change of Zone No. 2019-09 that have been included in Conditional Zoning Agreement No. 2019-10.

Conditional Zoning Agreement No. 2019-10

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2018-156, incorporated herein by reference.
2. That Conditional Zoning Agreement No. 2019-10 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits of any portion of the area previously designated as Professional / Administrative Office.
3. That Conditional Zoning Agreement No. 2019-10 shall be conditioned with the following:

- a. That the noise attenuation feature to be located along the western and southern boundaries of the proposed residential designation, as referenced in the mitigation measures of the project's mitigated negative declaration and as shown in Exhibit "B", shall consist of a 7-foot high concrete masonry unit block wall rather than a ½" thick wooden fence.
- b. That a parcel map entitlement or lot line adjustment creating the three residential lots and relocated basin access as shown in Exhibit "B" shall be submitted, approved and recorded with the Tulare County Recorder prior to any final certificate of occupancy being issued for the proposed covered RV storage facility.

APPEAL INFORMATION

For the General Plan, Change of Zone, and Amendment to Conditional Zoning Agreement, the Planning Commission's recommendations on these matters are advisory only. The final decisions will be by the Visalia City Council following a public hearing. Therefore, the Planning Commission's recommendations in these matters are not appealable.

Attachments:

- Related Plans and Policies
- Resolution No. 2019-56 – General Plan Amendment No. 2019-08
- Resolution No. 2019-57 – Change of Zone No. 2019-09
- Resolution No. 2019-58 – Conditional Zoning Agreement No. 2019-10
- Exhibit "A" – Overall Site Plan & Building Elevations
- Exhibit "B" – Residential Site Plan; Cross Section; Wall Elevations
- Exhibit "C" – Conceptual Landscape Plan
- Exhibit "D" – Proposed Amended Conditional Zoning Agreement No. 2005-02
- Exhibit "E" – Sound Wall Exhibit (Exhibit "1" of Proposed CZA)
- Exhibit "F" – Current Amended Conditional Zoning Agreement No. 2005-02
- Exhibit "G" – Existing and Proposed Land Use Map
- Mitigated Negative Declaration No. 2019-61
- Acoustical Analysis
- Photometric Plan
- Site Plan Review Comments No. 2018-156
- Existing General Plan Land Use Map
- Existing Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

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

Zoning Ordinance Chapter 17 - RESIDENTIAL ZONE

17.12.010 Purpose and intent.

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

17.12.015 Applicability.

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

17.12.020 Permitted uses.

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

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.
- N. Transitional or supportive housing for six (6) or fewer resident/clients.
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

17.12.030 Accessory uses.

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

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.12.100(B).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

17.12.040 Conditional uses.

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

- A. Planned development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

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

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

17.12.060 One dwelling unit per site.

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

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Sections 17.12.020 legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.

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

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

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

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

F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

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

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

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

17.12.090 Side yards.

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

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

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

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

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

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

17.12.100 Rear yard.

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

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

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

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

17.12.110 Height of structures.

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

17.12.120 Off-street parking.

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

17.12.130 Fences, walls and hedges.

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

Chapter 17.44 - ZONING AMENDMENTS

17.44.010 Purpose.

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

17.44.020 Initiation.

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

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

17.44.030 Application procedures.

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

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

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

17.44.040 Public hearing—Notice.

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

17.44.050 Investigation and report.

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

17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents.

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application,

resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission.

17.44.080 [Reserved].

17.44.090 Action of city council.

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

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

17.44.100 Change of zoning map.

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

17.44.110 New application.

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

17.44.120 Report by city planner.

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

Chapter 17.54

GENERAL PLAN AMENDMENTS

17.54.010 Purpose.

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

17.54.020 Initiation.

A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.

B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention.

17.54.030 Application procedures.

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission. Said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
3. Address and legal description of the subject property, if applicable;
4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.

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

17.54.040 Public hearing—Notice.

Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area under consideration if an amendment to the land use element is under consideration.

17.54.050 Investigation and report.

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

17.54.060 Hearing.

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment.

17.54.070 Action of city planning commission.

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff.

17.54.080 Action of the city council.

A. Upon receipt of the resolution and report of the city planning commission, the city council shall hold at least one public hearing with public notice as prescribed in Section 17.54.040. Following the noticed public hearing, the city council shall approve, deny or modify the city planning commission recommendation.

B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

C. The adoption of a general plan element, or amendment, shall be by resolution of the city council.

RELATED PLANS AND POLICIES

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

Zoning Ordinance Chapter 17 - RESIDENTIAL ZONE

17.12.010 Purpose and intent.

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

17.12.015 Applicability.

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

17.12.020 Permitted uses.

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

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.
- N. Transitional or supportive housing for six (6) or fewer resident/clients.
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

17.12.030 Accessory uses.

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

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.12.100(B).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

17.12.040 Conditional uses.

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

- A. Planned development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

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

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

17.12.060 One dwelling unit per site.

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

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Sections 17.12.020 legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.

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

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

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

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

F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
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R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
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R-1-12.5	Thirty (30) feet
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R-1-20	Thirty-five (35) feet
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B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

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

17.12.090 Side yards.

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

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

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

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

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

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

17.12.100 Rear yard.

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

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

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

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

17.12.110 Height of structures.

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

17.12.120 Off-street parking.

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

17.12.130 Fences, walls and hedges.

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

Chapter 17.44 - ZONING AMENDMENTS

17.44.010 Purpose.

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

17.44.020 Initiation.

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

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

17.44.030 Application procedures.

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

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

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

17.44.040 Public hearing—Notice.

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

17.44.050 Investigation and report.

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

17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents.

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application,

resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission.

17.44.080 [Reserved].

17.44.090 Action of city council.

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

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

17.44.100 Change of zoning map.

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

17.44.110 New application.

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

17.44.120 Report by city planner.

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

Chapter 17.54

GENERAL PLAN AMENDMENTS

17.54.010 Purpose.

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

17.54.020 Initiation.

A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.

B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention.

17.54.030 Application procedures.

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission. Said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
3. Address and legal description of the subject property, if applicable;
4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.

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

17.54.040 Public hearing—Notice.

Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area under consideration if an amendment to the land use element is under consideration.

17.54.050 Investigation and report.

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

17.54.060 Hearing.

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment.

17.54.070 Action of city planning commission.

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff.

17.54.080 Action of the city council.

A. Upon receipt of the resolution and report of the city planning commission, the city council shall hold at least one public hearing with public notice as prescribed in Section 17.54.040.

Following the noticed public hearing, the city council shall approve, deny or modify the city planning commission recommendation.

B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

C. The adoption of a general plan element, or amendment, shall be by resolution of the city council.

RESOLUTION NO. 2019-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2019-08: A REQUEST BY TED CALDWELL TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION ON NINE PARCELS AND FOUR OUT LOTS TOTALING 9.2 ACRES FROM PROFESSIONAL / ADMINISTRATIVE OFFICE TO 8.4 ACRES OF SERVICE COMMERCIAL AND 0.8 ACRES OF RESIDENTIAL LOW DENSITY. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF DOE AVENUE AND EL CAJON STREET. (APN: 077-720-001 THROUGH -007; 077-730-001 AND -002)

WHEREAS, General Plan Amendment No. 2019-08 is a request by Ted Caldwell to change the general plan land use designation on nine parcels and four out lots totaling 9.2 acres from Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Residential Low Density. The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on October 28, 2019; and,

WHEREAS, the Planning Commission of the City of Visalia finds that General Plan Amendment No. 2019-08, to be in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project with the incorporation of mitigation measures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt Mitigated Negative Declaration No. 2019-61 for General Plan Amendment No. 2019-08 that was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2019-08 on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia, based on the following specific findings and evidence presented:

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from 9.2 acres of Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Low Density Residential, in conjunction with the revisions proposed by the Second

Amendment to Conditional Zoning Agreement No. 2005-02, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.

3. That the proposed land use designations under the proposed General Plan Amendment, in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02, results in land uses that suitably buffer and provide an efficient transition between the existing industrial and residential uses surrounding the site.
4. That Conditional Zoning Agreement No. 2019-10 will limit the allowed uses of the Service Commercial designation to only a recreational vehicle and self-storage facility, which provides a compatible land use adjacent to the residential land uses of Low Density Residential and Medium Density Residential.
5. That an Initial Study was prepared for the project including the General Plan Amendment, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-61 be adopted for this project.

RESOLUTION NO. 2019-57

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2019-09: A REQUEST BY TED CALDWELL TO CHANGE THE ZONING DESIGNATION ON NINE PARCELS AND FOUR OUT LOTS TOTALING 9.2 ACRES FROM O-PA (PROFESSIONAL / ADMINISTRATIVE OFFICE) TO 8.4 ACRES OF C-S (SERVICE COMMERCIAL) AND 0.8 ACRES OF R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM LOT SIZE). THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF DOE AVENUE AND EL CAJON STREET. (APN: 077-720-001 THROUGH -007; 077-730-001 AND -002)

WHEREAS, Change of Zone No. 2019-09 is a request by Ted Caldwell to change the zoning designation on nine parcels and four out lots totaling 9.2 acres from O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size). The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on October 28, 2019; and

WHEREAS, the Planning Commission of the City of Visalia considered the change of zone in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project with the incorporation of mitigation measures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt Mitigated Negative Declaration No. 2019-61 for Change of Zone No. 2019-09 that was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Change of Zone No. 2019-09 on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia, based on the following specific findings and evidence presented:

1. That the proposed Change of Zone is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Change of Zone from 9.2 acres of O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of

R-1-5 (Single-family Residential), in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.

3. That the proposed zoning designations under the proposed Change of Zone, in conjunction with the revisions proposed by the Second Amendment to Conditional Zoning Agreement No. 2005-02, results in zoning and land uses that suitably buffer and provide an efficient transition between the existing industrial and residential zoning and uses surrounding the site.
4. That Conditional Zoning Agreement No. 2019-10 will limit the allowed uses of the Service Commercial designation to only a recreational vehicle and self-storage facility, which provides a compatible land use adjacent to the residential zoning designations of Single-family Residential (R-1-5) and Multi-family Residential (R-M-2).
5. That an Initial Study was prepared for the project including the General Plan Amendment, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-61 be adopted for this project.

RESOLUTION NO. 2019-58

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CONDITIONAL ZONING AGREEMENT NO. 2019-10: A REQUEST BY TED CALDWELL FOR THE SECOND AMENDMENT TO RECORDED CONDITIONAL ZONING AGREEMENT NO. 2005-02, TO REVISE CERTAIN CONDITIONS OF THE AGREEMENT PERTAINING TO LAND USES, PHASING, AND IMPROVEMENT REQUIREMENTS THAT APPLY OVER THE ENTIRE SITE. THE INTENT OF THE AMENDMENT IS TO FACILITATE DEVELOPMENT OF THREE SINGLE-FAMILY RESIDENTIAL PARCELS ON 0.8 ACRES AND COVERED RECREATIONAL VEHICLE STORAGE AND A FUTURE MINI STORAGE FACILITY ON 8.4 ACRES. THE AGREEMENT PERTAINS TO 40.4 ACRES WHICH IS DIVIDED INTO AN OFFICE COMPONENT CONSISTING OF 9.2 ACRES AND A DEVELOPED RESIDENTIAL COMPONENT CONSISTING OF 31.2 ACRES. THESE REVISIONS PERTAIN TO ONLY THE OFFICE COMPONENT. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF DOE AVENUE AND EL CAJON STREET. (APN: 077-720-001 THROUGH -007; 077-730-001 AND -002)

WHEREAS, Conditional Zoning Agreement No. 2019-10 is a request by Ted Caldwell for the second amendment to recorded Conditional Zoning Agreement No. 2005-02, to revise certain conditions of the Agreement pertaining to land uses, phasing, and improvement requirements that apply over the entire site. The intent of the amendment is to facilitate development of three single-family residential parcels on 0.8 acres and covered recreational vehicle storage and a future mini storage facility on 8.4 acres. The Agreement pertains to 40.4 acres which is divided into an office component consisting of 9.2 acres and a developed residential component consisting of 31.2 acres. These revisions pertain to only the office component. The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on October 28, 2019; and,

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

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project with the incorporation of mitigation measures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt Mitigated Negative Declaration No. 2019-61 for Conditional Zoning Agreement No. 2019-10 that was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2019-10

on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia, based on the following specific findings and evidence presented:

1. That Conditional Zoning Agreement No. 2019-10 will facilitate land use compatibility by limiting the allowed uses within the Service Commercial zoning designation on the property to a covered recreational vehicle and self-storage facility, which provides a compatible land use adjacent to the residential zoning designations of Single-family Residential (R-1-5) and Multi-family Residential (R-M-2).
2. That Conditional Zoning Agreement No. 2019-10 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for the project including the General Plan Amendment, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-61 be adopted for this project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2019-10, as shown in Exhibit "D" on the real property as described within, in accordance with the terms of this resolution and under the provisions of Chapter 17.44 of the Ordinance Code of the City of Visalia, based upon the following conditions:

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2018-156, incorporated herein by reference.
2. That Conditional Zoning Agreement No. 2019-10 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits of any portion of the area previously designated as Professional / Administrative Office.
3. That Conditional Zoning Agreement No. 2019-10 shall be conditioned with the following:
 - a. That the noise attenuation feature to be located along the western and southern boundaries of the proposed residential designation, as referenced in the mitigation measures of the project's mitigated negative declaration and as shown in Exhibit "B", shall consist of a 7-foot high concrete masonry unit block wall rather than a ½" thick wooden fence.
 - b. That a parcel map entitlement or lot line adjustment creating the three residential lots and relocated basin access as shown in Exhibit "B" shall be submitted, approved and recorded with the Tulare County Recorder prior to any final certificate of occupancy being issued for the proposed covered RV storage facility.

DATE
 07-23-19
 08-15-19

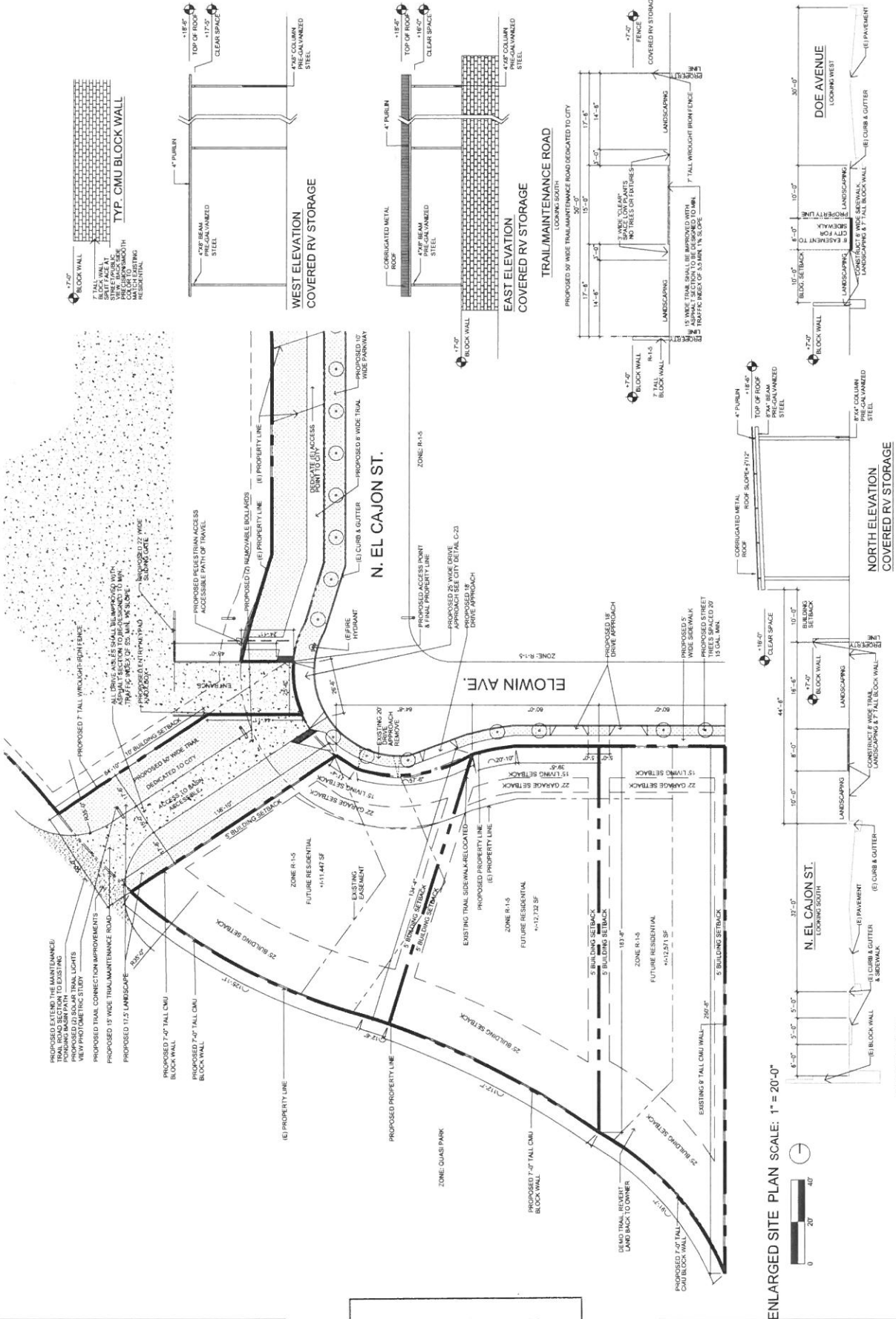


Exhibit "B"

[illegible]

EXHIBIT ____

**SECOND AMENDED AND RESTATED CONDITIONAL ZONING AGREEMENT
NO. 2005-02**

THIS SECOND AMENDED AND RESTATED AGREEMENT is made this ____ day of ____ 2019, by DIMELLO TOSCANA, LLC, hereinafter called “DiMello”, and THEODORE CALDWELL, hereinafter called “Caldwell”, and collectively referred to as the “First Parties” and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called the “City” or the “Second Party.”

WITNESSETH

WHEREAS, on March 14, 2006, Fred Machado and the City entered into Conditional Zoning Agreement No. 2005-02 (“CZA No. 2005-02”) which required certain conditions to the rezoning of certain property situated in the City of Visalia, hereinafter referred to as “the Property” which is more particularly described in Exhibit I of this Agreement; and

WHEREAS, prior to CZA No. 2005-02, the Property was zoned as specified in Item (a) of Exhibit I; and

WHEREAS, as part of the approval process and adoption of CZA No. 2005-02, the Property was rezoned to the classifications further specified in Item (a) of Exhibit I; and

WHEREAS, during the hearings held before the City Council of the City of Visalia, State of California, and after having considered the matter presented, certain conditions were imposed and included in CZA No. 2005-02 so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents; and

WHEREAS, CZA No. 2005-02 was entered into between Fred Machado and the City of Visalia, and recorded with the Tulare County Recorder on March 21, 2006, as Document No. 2016-0029745; and

WHEREAS, subsequent to the adoption of CZA No. 2005-02, title to the commercial component of the Property was transferred to DiMello (“DiMello Property”) and title to the residential component of the Property was acquired by Wathen Castanos Visalia 5516, LLC, (“Wathen Castanos”) (“Wathen Castanos Property”); and

WHEREAS, in response to a development application submitted by Wathen Castanos to proceed with development of the Wathen Castanos Property, on May 13, 2016, CZA No. 2005-02 was required to be amended and restated in its entirety and all of the parties in interest entered into Amended And Restated Conditional Zoning Agreement No. 2005-02 (“Amended CZA 2005-02”) in order to reflect then existing legal ownership of the separate Property components as well as address and revise certain conditions to accommodate Wathen Castanos and allow development of the Wathen Castanos Property to move forward; and

WHEREAS, the Amended CZA 2005-02 was entered into between DiMello Tuscana, LLC [sic], Wathen Castanos Visalia 5516, LLC, and the City of Visalia, and recorded with the Tulare County Recorder on May 20, 2016, as Document No. 2016-0028860; and

WHEREAS, development of the Wathen Castanos Property is now fully completed, sold and all obligations and conditions required by Amended CZA No. 2005-02 pertaining to Wathen Castanos and the Wathen Castanos Property have been satisfied and met; and

WHEREAS, with the completion of its development and transfer of all its interests in the Wathen Castanos Property, Wathen Castanos is no longer a party in interest to the Amended CZA No. 2005-02, and therefore no longer responsible for any further development of the Property; and

WHEREAS, DiMello, through its designated agent Caldwell, wishes to complete the remaining development of the Property and has submitted an application to revise certain conditions of Amended CZA No. 2005-02, including specific land uses, phasing and improvement requirements as set forth in Exhibit I, together with a request for a rezoning of the DiMello Property from its present classification to the classifications specified in Item (b) of Exhibit I; and

WHEREAS, as part of its application, DiMello has submitted a specific Development Plan for City review and approval in order to satisfy Item (e)(3) of Exhibit I, as illustrated in Exhibit "2" (site plan exhibit); and

WHEREAS, it is deemed necessary to execute this "Second Amended and Restated Conditional Zoning Agreement No. 2005-02" in order to properly reflect current ownership, conditions and remaining obligations for completing development of the Property, and more properly the DiMello Property.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the rezoning specified in Item (b) of Exhibit I has been granted subject to the conditions specified in the following paragraphs:

1. That this "Second Amended and Restated Conditional Zoning Agreement No. 2005-02 shall replace and supersede those portions of the Amended CZA No. 2005-02 dealing with the DiMello Property, and that those portions of the prior Amendment concerning the land identified as "Granville Property" in that prior Amendment are not intended to be altered or modified by this further Amendment.
2. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
3. That First Parties shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
4. In the event First Parties, or any successor in interest to First Parties, or any person in lawful possession of the Property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within, thirty (30) days after notice thereof has been provided in accordance with Section 5, the City Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.
5. Notice of violation of provisions of this Agreement shall be sent to First Parties at the addresses specified in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in

possession of the Property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.

6. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
7. Zoning of the Property as indicated in Item (b) of Exhibit I will be consummated when this "Second Amended and Restated Conditional Zoning Agreement No. 2005-02" is recorded in the office of the Tulare County Recorder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

DIMELLO TOSCANA, LLC

THEODORE CALDWELL

BY: _____

BY: _____

CITY OF VISALIA, A political
subdivision of the State of California

ATTEST: _____
Chief Deputy City Clerk

BY: _____
City Manager

EXHIBIT I

SECOND AMENDED AND RESTATED CONDITIONAL ZONING AGREEMENT NO. 2005-02

- (a) The property described in Exhibit "A," was originally zoned Business Research Park prior to the entering of CZA No. 2005-02. Upon the entering into of CZA No. 2005-02, the zoning changed to Quasi-Public (QP), Professional / Administrative Office (PA) and Single-Family Residential, minimum 6,000 square-foot lot size (R-1-6).
- (b) The zoning reclassifications for a portion of property described in Exhibit "A," known herein as the DiMello Property, is from its present zoning to Service Commercial (C-S) and Single-Family Residential, minimum 5,000 square-foot lot size (R-1-5), in association with Change of Zone No. 2019-09.
- (c) Notice to First Parties shall be addressed to:

DiMello Toscana
Attn: Kevin McGurty
14002 San Antonio Road
Atascadero, California 93422

Theodore Caldwell
P.O. Box 38
Davis, California 95617

- (d) "Property" or "DiMello Property" as used in this Agreement, includes:

Land located on the north side of Goshen Avenue approximately 850 feet east of Shirk Street in the City of Visalia, County of Tulare, State of California, with the DiMello Property identified by Assessor Parcel Numbers (APNs) of 077-720-001 through 007, and 077-730-001 and 002, and also identified as the entire area associated with recorded Parcel Map No. 4869 (P.M. 49-74).

- (e) The additional conditions with which First Parties shall comply are as follows:

- 1) All noise attenuation features specified in Item (e)(1) of Amended CZA No. 2005-02, recorded with the Tulare County Recorder on May 20, 2016, as Document No. 2016-0028860, have been completed and accepted by the City, and shall remain in effect. In conjunction with First Parties' application for additional residential parcels, First Parties shall be responsible for noise mitigation features in the form of the following:
 - A 7-foot high concrete masonry unit block wall located along the western and southern boundaries of the proposed residential parcels, as illustrated in Exhibit "1" (block wall exhibit) and located on Parcel 9 and Lot D of recorded Parcel Map No. 4869 (P.M. 49-74).
- 2) No final occupancies for residences on the DiMello Property may be issued until the newly required noise features in Item 1) have been constructed, or until it can be demonstrated that exterior noise levels for any residential units for which a building permit is requested meet the Community Noise Standards enforced by Chapter 8.36 of the Visalia Municipal Code.
- 3) All requirements specified in Items (e)(3) and (e)(4) of Amended CZA No. 2005-02, recorded with the Tulare County Recorder on May 20, 2016, as Document No. 2016-0028860, have been completed and accepted by the City, and shall remain in effect.
- 4) The requirement for a public pedestrian trail circumnavigating Piano Basin specified in Item (e)(6) of Amended CZA No. 2005-02, recorded with the Tulare County Recorder on May 20,

2016, as Document No. 2016-0028860, has been completed and accepted by the City, and shall remain in effect. The portion of property rezoned as Service Commercial shall have a covered recreational vehicle (RV) storage facility and a self-storage facility as illustrated in Exhibit "2" (site plan exhibit) and no other Service Commercial-zoned uses, and the site shall develop in substantial conformance with the site plan illustrated in Exhibit "2" and conceptual landscape plan illustrated in Exhibit "3".

- 5) DiMello Toscana was required to dedicate to the City, at no cost, a public pedestrian trail with the recording of Parcel Map No. 4869 (P.M. 49-74). The existing trail access path located west of the constructed residence on Lot 58 of the recorded Di Mello Toscana Subdivision Map shall be relocated to the proposed maintenance/trail road between the proposed residential parcels & proposed covered RV storage facility as illustrated in Exhibit "2" (site plan exhibit). First Parties shall be responsible for constructing the relocated trail access path and dedicating the access path to the city.
- 6) First Parties shall be responsible for final construction of the public pedestrian trail located on the west side of El Cajon Street between Doe and Elowin Avenues, as specified in Item (e)(6) of Amended CZA No. 2005-02, prior to issuance of a certificate of occupancy on any portion of the proposed covered RV storage facility portion of the project area. The trail, along with all improvements within the dedicated area such as trees, landscaping, and irrigation, shall be constructed and maintained under a Landscape and Lighting Assessment District.
- 7) First Parties shall pay for the development and cost of and shall complete all public infrastructure affiliated with said covered RV storage facility, self-storage facility, and single family residential development on the DiMello Property. Public infrastructure shall include grading and drainage, underground public utilities (sanitary sewer and storm drain), private streets, and all improved parking surfaces located on the area that will contain the covered RV storage facility, self-storage facility, and single family residential development.
- 8) First Parties shall be responsible for procuring and finalizing an entitlement creating the three residential lots and relocated basin access as shown in Exhibit "2" (site plan exhibit). Such entitlement shall be approved and recorded with the Tulare County Recorder prior to any final certificate of occupancy being issued for the proposed covered RV storage facility.

Attachments:

Exhibit "1": Block wall exhibit

Exhibit "2": Site plan exhibit

Exhibit "3": Conceptual landscape plan exhibit

SOUND WALL - EXHIBIT 1

LEGEND:

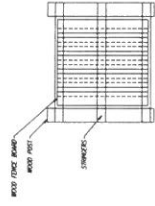
(A) 7" TALL COURTESY FENCE WITH 1/2" WOOD PANELS ON EACH SIDE WITH THE CAPS STAGGERED. (SEE DETAIL)

----- PROPOSED WOOD FENCE LINE

----- EXISTING BLOCK WALL

NOTE:

AS AN ALTERNATIVE TO A 7" WOODEN FENCE, A 7" STONE OR MASONRY WALL WOULD ALSO FULFILL THE SOUND MITIGATION REQUIREMENTS



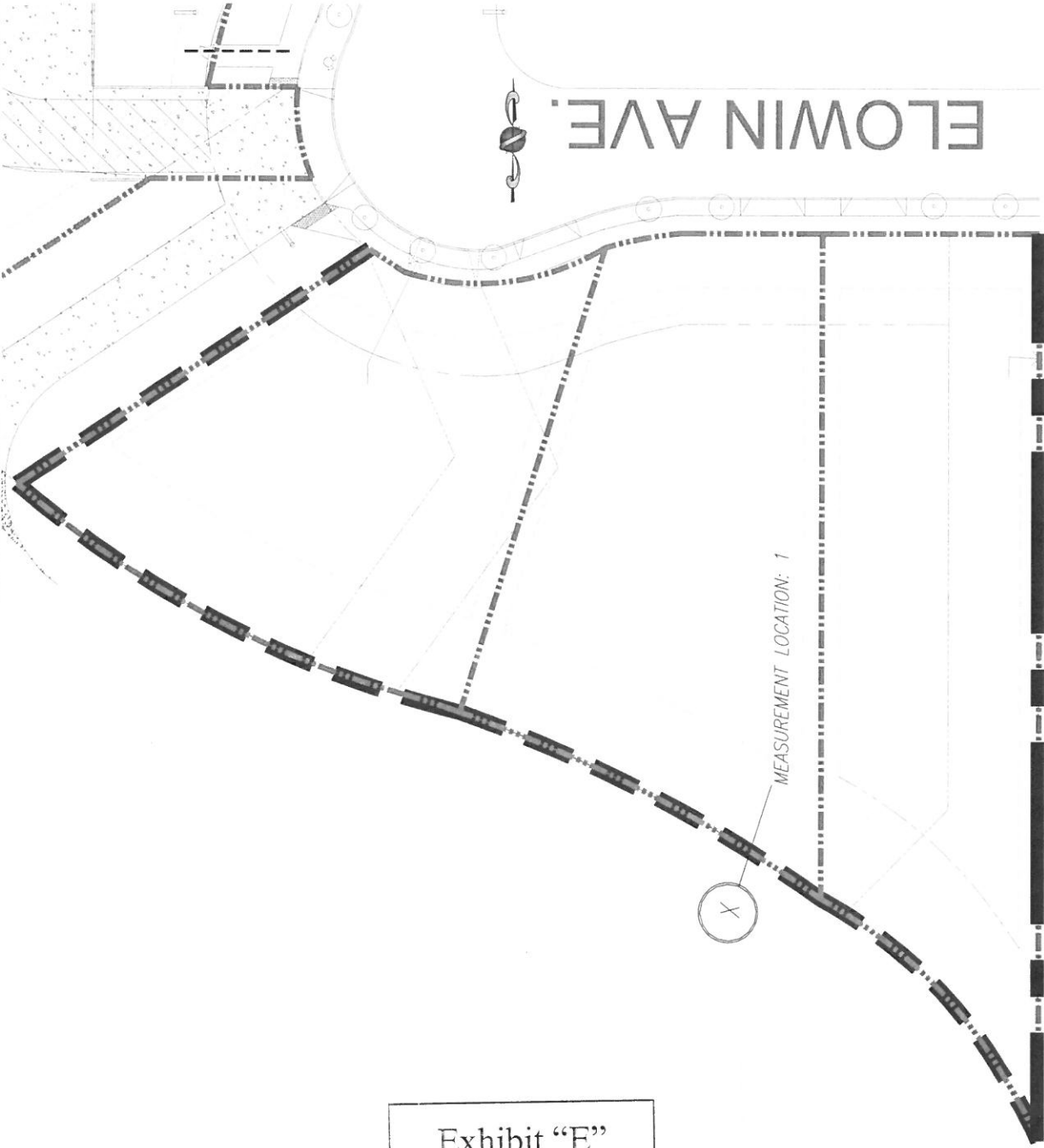
COURTESY WOOD FENCE PROFILE VIEW
NOT TO SCALE



COURTESY WOOD FENCE PLAN VIEW
NOT TO SCALE



NOT DRAWN TO SCALE



FLOWIN AVE.

MEASUREMENT LOCATION: 1

Exhibit "E"

PLANNING & ENGINEERING
1324 O STREET, FRESNO, CALIFORNIA 93703
TEL: 559-498-4300 FAX: 559-498-4315
WWW.PRECISIONENGINEERING.NET



PROJECT TITLE
STORAGE FACILITY
SOUND WALL EXHIBIT
SHEET DESCRIPTION
VISUAL A
COUNTY OF
TULARE

PROJECT NO.
M ARCHITECTURE & DESIGN
10100 KINGS RIVER ROAD
REEDLEY, CA 93654
559-408-4200

DATE
3/20/10
CHECKED BY
RHW
DRAWN BY
MAC

SHEET NUMBER
1 OF 1
JOB NUMBER
15-038

COPY of Document Recorded
20-May-2016 2016-0028868
Has not been compared with
original
TULARE COUNTY RECORDER

NO FEE REQUIRED PURSUANT
TO CODE SECTION 6107
RECORDING REQUESTED BY
AND MAIL RESPONSE TO:

City of Visalia
Planning Division
315 East Acequia Avenue
Visalia, CA 93291

**AMENDED AND RESTATED
CONDITIONAL ZONING AGREEMENT NO. 2005-02**

THIS AMENDED AND RESTATED AGREEMENT is made this 13 day of May 2016, by DIMELLO TUSCANA, LLC and Wathen Castanos Visalia 5516, LLC, hereinafter called "DiMello" and "Wathen Castanos," respectively, and collectively referred to as the "First Parties" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, the "City" or the "Second Party."

WITNESSETH

WHEREAS, on March 14, 2006, Fred Machado ("Machado") and the City entered into "Conditional Zoning Agreement No. 2005-02" requiring certain conditions to the rezoning of certain property situated in the City of Visalia, hereinafter referred to as the "DiMello Property" and the "Wathen Castanos Property," and collectively referred to as the "Property," which Property is more particularly described in Item () of Exhibit I of this Agreement; and

WHEREAS, the Property was zoned as specified in Item (a) of Exhibit I; and

WHEREAS, Machado applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present in to the classification or classifications specified in Item (b) of Exhibit I; and

WHEREAS, hearings were held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it was determined that certain conditions to the rezoning of said real property must be imposed so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents; and

WHEREAS, the First Parties are the current owners of the Property, and therefore are the successors in interest to the rights and obligations of the First Party as identified in Conditional Zoning Agreement No. 2005-02; and

WHEREAS, since the Property is no longer under common ownership, the City and the First Parties desire to amend and restate their respective rights and obligations so that DiMello and Wathen Castanos are able to comply with the City's conditions for rezoning while they proceed with their individual development plans.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the rezoning specified in Item (b) of Exhibit I has been granted subject to the conditions specified in the following paragraphs:

ing Agreement No. 2005-02

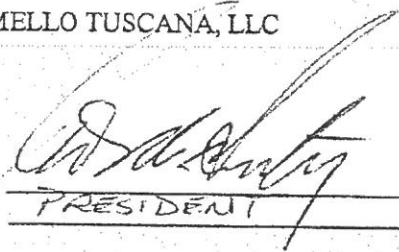
Exhibit "F"

1. That this "Amended and Restated Conditional Zoning Agreement No. 2005-02" shall replace and supersede "Conditional Zoning Agreement No. 2005-02" in its entirety.
2. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
3. That First Parties shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
4. In the event DiMello or Wathen Castanos, or any successor in interest to DiMello or Wathen Castanos, or any person in lawful possession of the Property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within, thirty (30) days after notice thereof has been provided in accordance with Section 5, the City Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.
5. Notice of violation of provisions of this Agreement shall be sent to DiMello or Wathen Castanos at the addresses specified in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
6. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
7. Zoning of the Property as indicated in Item (b) of Exhibit I was consummated when "Conditional Zoning Agreement No. 2005-02" was recorded in the office of the Tulare County Recorder on March 21, 2006.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.


DIMELLO TUSCANA, LLC

BY:


PRESIDENT

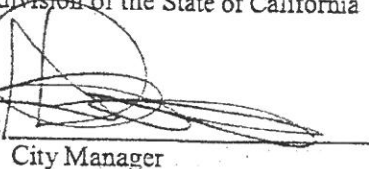
WATHEN CASTANOS VISALIA
5516, LLC

BY:

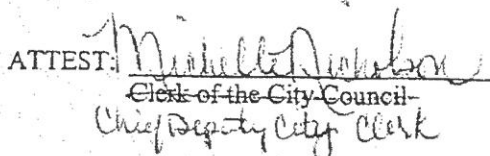


CITY OF VISALIA, A political
subdivision of the State of California

BY:


City Manager

ATTEST:


Clerk of the City Council
Chief Deputy City Clerk

Amended and Restated Conditional Zoning Agreement No. 2005-02

EXHIBIT I
AMENDED AND RESTATED CONDITIONAL ZONING AGREEMENT NO. 2005-02

(a) The property described in Exhibit "A," was zoned:

Business Research Park

(b) The zoning reclassification of a portion property described in Exhibit "A," is from its present zoning to:

Quasi-Public (QP), Professional / Administrative Office (PA), Single-Family Residential, minimum 6,000 square-foot lot size (R-1-6)

(c) Notice to DiMello or Wathen Castanos pursuant to Paragraph No. 4, shall be addressed to:

DiMello Tuscana, LLC
Attn: Kevin McGurty
14002 San Antonio Road
Atascadero, California 93422

Wathen Castanos Homes, Inc.
Attn: _____
1396 W. Herndon, Suite 101
Fresno, CA 93711

(d) "Property" as used in this Agreement, includes:

Land located on the north side of Goshen Avenue approximately 850 feet east of Shirk Street in the City of Visalia, County of Tulare, State of California, with the DiMello Property identified by Assessor Parcel Numbers (APNs) of 077-100-019, 077-100-027, 077-100-028, and the Wathen Castanos Property identified by APN 077-100-034.

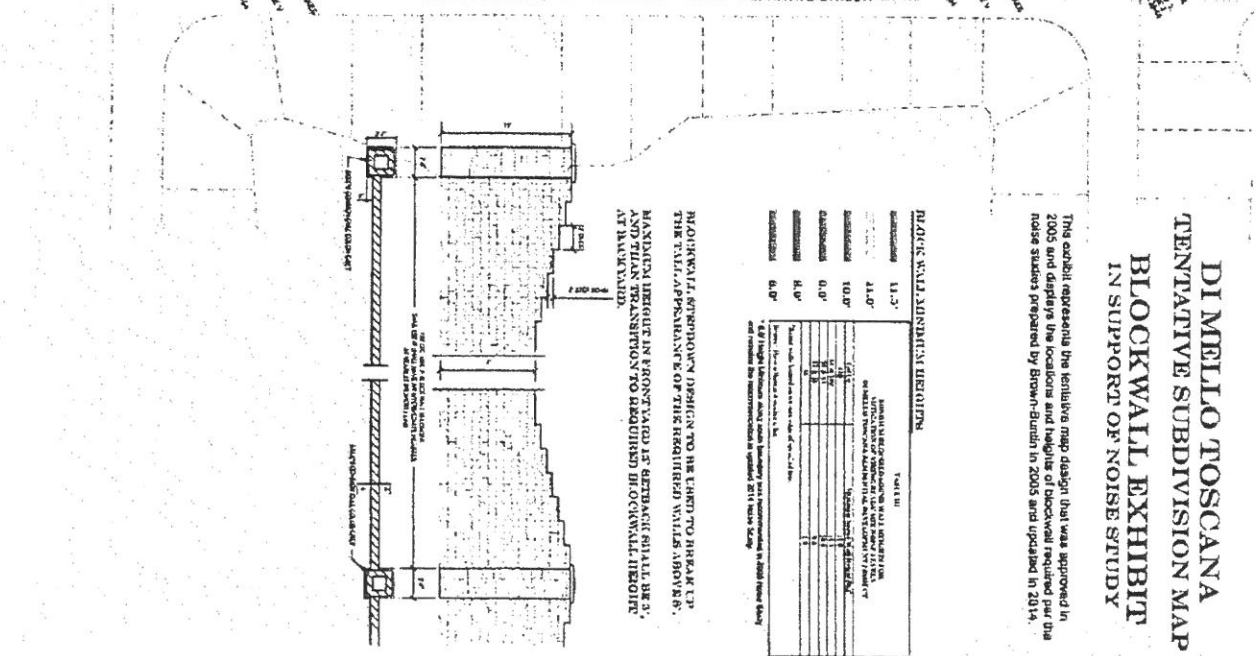
(e) The additional conditions with which First Parties shall comply, pursuant to Paragraph No. 2, of this Agreement, are as follows:

- 1) The noise attenuation / mitigating feature required by Mitigated Negative Declaration No. 2005-71 has been superseded by Mitigated Negative Declaration No. 2015-76, including the Acoustical Analysis BB Report 14-011, prepared by Brown and Buntin and dated February 6, 2014, and further updated to analyze the modification of several road segments within Tentative Tract Map 5516 from cul-de-sac roads to through streets with the Acoustical Review prepared by WJV Acoustics and dated November 2, 2015, and November 17, 2015. As such, Wathen Castanos shall be responsible for noise mitigation features in the form of the following, and subject to the review and approval of the City Planner:
 - (i) Sound walls on the western edge of the residential subdivision ranging in height from 6 foot to 11 foot 6 inches, which are illustrated in Exhibit "B" (block wall exhibit) and located on the Wathen Castanos Property.
 - (ii) An 11 foot 6 inch high masonry sound wall shall be located along side-yard property lines of lots 84 and 109 on the east side of Ethan Street located on the Wathen Castanos Property.
 - (iii) An 11 foot high masonry sound wall shall be located along the side-yard property lines of lot 110 on the east side of Ethan Street located on the Wathen Castanos Property.
 - (iv) A 10 foot high masonry sound wall shall be located along side-yard property lines of lots 83 and 59 on the east side of Ethan Street located on the Wathen Castanos Property.
 - (v) A 9 foot high masonry sound wall shall be located along the side-yard property lines of lots 37 and 58 on the east side of Ethan Street located on the Wathen Castanos Property.

- (vi) An 8 foot high masonry sound wall shall be located along the side-yard property lines of lot 36 on the east side of Ethan Street located on the Wathen Castanos Property.
- (vii) Wall segments 10 feet or more in height shall also include a stem wall with a minimum 2.5 foot-wide landscape planter area between the stem wall and sound wall.
- These features shall be arranged as to create a continuous noise barrier, located on the Wathen Castanos Property, to attenuate noise from the existing Heavy Industrial (I-H) to the west of the Property.
- 2) No final occupancies for residences on the Wathen Castanos Property may be issued until said noise attenuation features have been constructed, or until it can be demonstrated that exterior noise levels for any residential units for which a building permit is requested in the area rezoned to R-1-6 meet the Community Noise Standards enforced by Chapter 8.36 of the Visalia Municipal Code.
- 3) Machado and the City were required, pursuant to Conditional Zoning Agreement No. 2005-02, to make a good faith effort to work with the San Joaquin Valley Railroad ("SJVR") and the California Public Utilities Commission ("CPUC") to pursue a public vehicular crossing connecting Roeben Street to Goshen Avenue, which was depicted on the tentative subdivision map submittal which creates buildable lots for single-family residences in the area rezoned for R-1-6. Wathen Castanos and the City requested approval of the crossing from SJVR. SJVR denied the request, and indicated that it would oppose any such request made to the CPUC. The City and Wathen Castanos have mutually agreed that the condition that Wathen Castanos pursue the aforesaid vehicular railroad crossing has been satisfied by modification of the Subdivision Map No. 5516, as follows:
- (i). El Cajon Street shall incorporate a modified right-of-way design with 49-foot pavement section between curbs, and five-foot sidewalks on both sides of said right-of-way.
- (ii). Subdivision perimeter block wall to wrap along the street frontages affecting Lots 33 and 34 of Subdivision Map No. 5516.
- 4) Public vehicular access shall be provided via Doe Avenue from the eastern most boundary of the Property extending westerly and ultimately connecting with Shirk Road, and for Ethan Street (the street separating the R-1-6 and PA zones) extending south from its intersection with Doe Avenue along the area rezoned for PA, before a Certificate of Occupancy is issued for any office building constructed within this zone. The public vehicular access shall be constructed and paved at a minimum two-thirds (2/3) width of the ultimate planned right-of-way for these streets. Whichever of the First Parties that first applies to the City for a building permit shall be responsible for constructing the vehicular access described by this Item (e)(4). The First Parties shall make all necessary property right dedications necessary to complete construction of the vehicular access described by this Item (e)(4).
- 5) The DiMello Property rezoned as PA shall contain a planned office development containing a thematic building design and landscape plan throughout the project's development.
- 6) The First Party was required to dedicate to the City, at no cost, a public pedestrian trail with recording of a tentative subdivision map which creates buildable lots for single-family residences in the area re-zoned for R-1-6. The condition specified that the trail shall circumnavigate the City Storm Basin (Piano Basin). Since recordation of the CZA, said trail segment has been funded for construction largely by a grant from the State of California. The City's match contribution for the grant award has been calculated to be \$22,091. Therefore, the obligation of the developer of the tentative subdivision map to construct and dedicate the portion of said trail circumnavigating Piano Basin shall be considered satisfied upon the payment not to exceed \$22,091 prior to recordation of the tentative subdivision map. This is in addition to all other applicable requirements pertaining to the public pedestrian trail contained in this Condition No. 6. Machado previously dedicated to the City, at no cost, a public pedestrian trail with the recording of a Parcel

Map No. 4869 that creates buildable lots on the area rezoned for PA. The required trail shall extend southerly from the existing trail on Roeben Street located north of Property, shall be located adjacent to Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street) in a design approved by the City Engineer. In the event the residential subdivision develops first, the trail may consist of the sidewalk extending to Elowin Avenue, and shall connect to the dedicated trail right-of-way south of Elowin Avenue. The residential developer shall provide water and electrical stubouts to the detention basin property line in a manner approved by the City Engineer. The office developer shall be responsible for final construction of the trail within the dedicated trail right-of-way on the west side of Ethan Street prior to issuance of a certificate of occupancy on any portion of the office portion of the project area. The trail, along with all improvements within the dedicated area such as trees, landscaping, and irrigation, shall be constructed and maintained under a Landscape and Lighting Assessment District by whichever of the Parties constructs their respective portions of the trail within the dedicated trail right-of-way.

- 7) DiMello shall pay for the development and cost of and shall complete all public infrastructure affiliated with said planned office development on the DiMello Property. Public infrastructure shall include grading and drainage, underground public utilities (sanitary sewer and storm drain), private streets, and all improved parking surfaces located on the area that will contain the planned office development.



This exhibit represents the tentative map design that was approved in 2005 and displays the locations and heights of blockwall required per the noise studies prepared by Brown-Burton in 2005 and updated in 2014.

[illegible]

MOCKING, WITHOUT DESIGN TO BE USED TO BREAK UP THE FILL, APPEARANCE OF THE REQUIRED WALLS ABOVE, MAXIMUM HEIGHT IN FRONT OF IT, BEHIND SHALL BE 3', AND THEN TRANSITION TO REQUIRED BLOCK WALL HEIGHT AS REQUIRED.

Existing Land Use
PA Professional
Admin. Office

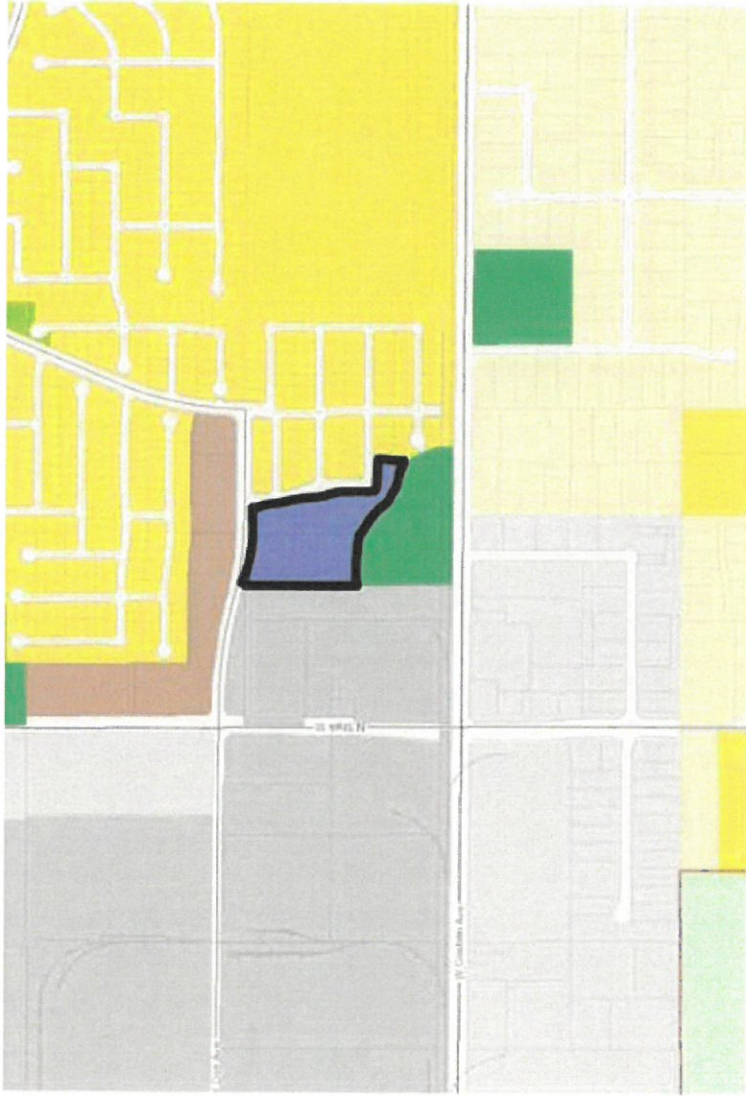
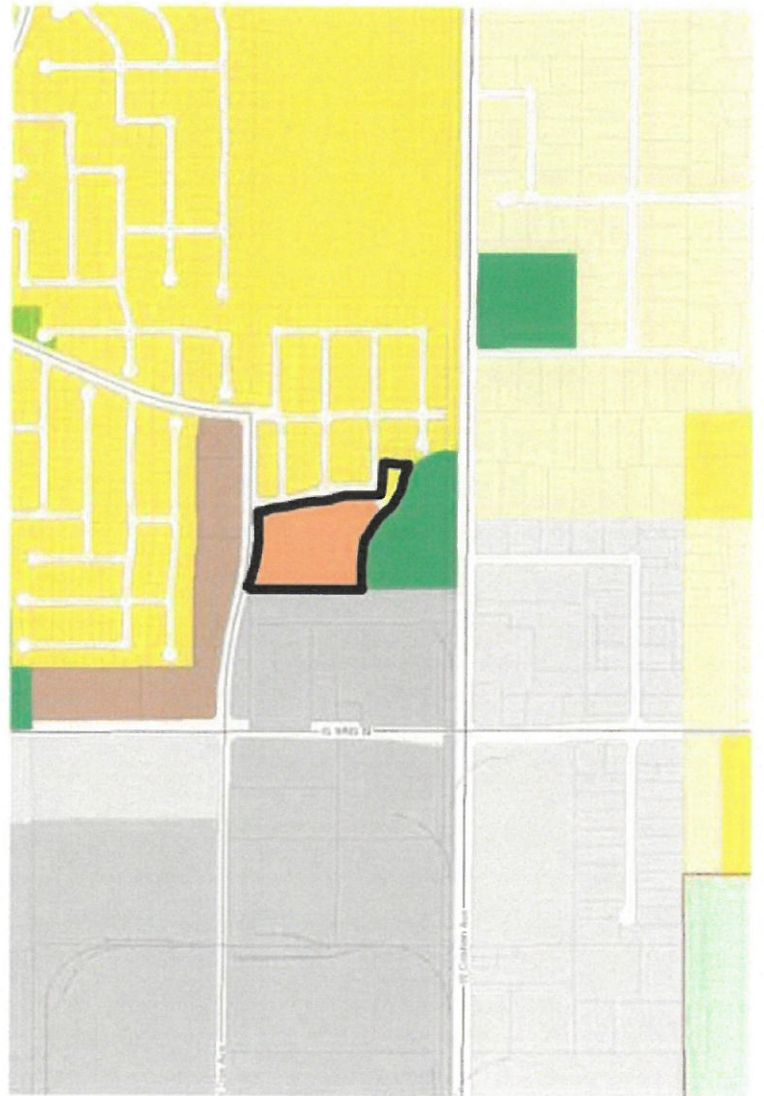


Exhibit "G"

Proposed Land Use
CS Service
Commercial &
R-1-5 Residential
Low Density



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

NOTICE OF A PROPOSED
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Project Title: General Plan Amendment No. 2019-08, Change of Zone No. 2019-09, and Conditional Zoning Agreement No. 2019-10

Project Description: **General Plan Amendment No. 2019-08** is a request to change the general plan land use designation on nine parcels and four out lots totaling 9.2 acres from Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Residential Low Density. **Change of Zone No. 2019-09** is a request to change the zoning designation on nine parcels and four out lots totaling 9.2 acres from O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size). **Conditional Zoning Agreement No. 2019-10** is a request for the second amendment to recorded Conditional Zoning Agreement No. 2005-02, to revise certain conditions of the Agreement pertaining to land uses, phasing, and improvement requirements that apply over the entire site. The intent of the amendment is to facilitate development of three single-family residential parcels on 0.8 acres and covered recreational vehicle storage and a future mini storage facility on 8.4 acres. The Agreement pertains to 40.4 acres which is divided into an office component consisting of 9.2 acres and a developed residential component consisting of 31.2 acres. These revisions pertain to the office component.

In addition to the above entitlements, the project includes on and off-site improvements pertaining to the development of permitted by-right uses in the underlying zoning designation, namely a covered recreational vehicle storage facility, mini storage facility, and the three single-family residences. The three residences will be subdivided into separate parcels, though a tentative map had not been submitted at the time of this document's preparation. The improvements include but not limited to the installation of access drives, parking lots, landscaping, utilities, curbs, gutters, and sidewalks, and the City acquisition of land for and development of a public pedestrian trail and access path located between Piano Basin and Roeben Street.

Project Location: The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002), within the City of Visalia, situated in Tulare County.

Contact Person: Brandon Smith, Senior Planner. Phone: (559) 713-4636 . Email: brandon.smith@visalia.city


Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on October 28, 2019 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, with mitigation measures, will not result in any significant effect upon the environment because of the reasons listed below:

Reasons for Mitigated Negative Declaration: Initial Study No. 2019-61 has identified environmental impact(s) that may occur because of the project; however, with the implementation of mitigation measures identified, 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 East Acequia Avenue, Visalia, CA.

Comments on this proposed Negative Declaration will be accepted from October 3, 2019 to October 23, 2019.

Date: 10-1-19

Signed: 
Paul Scheibel, AICP
Environmental Coordinator
City of Visalia



MITIGATED NEGATIVE DECLARATION

Project Title: General Plan Amendment No. 2019-08, Change of Zone No. 2019-09, and Conditional Zoning Agreement No. 2019-10

Project Description: **General Plan Amendment No. 2019-08** is a request to change the general plan land use designation on nine parcels and four out lots totaling 9.2 acres from Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Residential Low Density. **Change of Zone No. 2019-09** is a request to change the zoning designation on nine parcels and four out lots totaling 9.2 acres from O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size). **Conditional Zoning Agreement No. 2019-10** is a request for the second amendment to recorded Conditional Zoning Agreement No. 2005-02, to revise certain conditions of the Agreement pertaining to land uses, phasing, and improvement requirements that apply over the entire site. The intent of the amendment is to facilitate development of three single-family residential parcels on 0.8 acres and covered recreational vehicle storage and a future mini storage facility on 8.4 acres. The Agreement pertains to 40.4 acres which is divided into an office component consisting of 9.2 acres and a developed residential component consisting of 31.2 acres. These revisions pertain to the office component.

In addition to the above entitlements, the project includes on and off-site improvements pertaining to the development of permitted by-right uses in the underlying zoning designation, namely a covered recreational vehicle storage facility, mini storage facility, and the three single-family residences. The three residences will be subdivided into separate parcels, though a tentative map had not been submitted at the time of this document's preparation. The improvements include but not limited to the installation of access drives, parking lots, landscaping, utilities, curbs, gutters, and sidewalks, and the City acquisition of land for and development of a public pedestrian trail and access path located between Piano Basin and Roeben Street.

Project Location: The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002), within the City of Visalia, situated in Tulare County.

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

Attachments:

Initial Study	(X)
Environmental Checklist	(X)
Location Map	(X)
Traffic Impact Analysis	(X)
Noise Study	(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

By: 

Date Approved: 10-1-19

Review Period: 20 days

INITIAL STUDY

I. GENERAL

A. Project Name and Description:

General Plan Amendment No. 2019-08 is a request to change the general plan land use designation on nine parcels and four out lots totaling 9.2 acres from Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Residential Low Density.

Change of Zone No. 2019-09 is a request to change the zoning designation on nine parcels and four out lots totaling 9.2 acres from O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size).

Conditional Zoning Agreement No. 2019-10 is a request for the second amendment to recorded Conditional Zoning Agreement No. 2005-02, to revise certain conditions of the Agreement pertaining to land uses, phasing, and improvement requirements that apply over the entire site. The intent of the amendment is to facilitate development of three single-family residential parcels on 0.8 acres and covered recreational vehicle storage and a future mini storage facility on 8.4 acres. The Agreement pertains to 40.4 acres which is divided into an office component consisting of 9.2 acres and a developed residential component consisting of 31.2 acres. These revisions pertain to the office component.

In addition to the above entitlements, the project includes on and off-site improvements pertaining to the development of permitted by-right uses in the underlying zoning designation, namely a covered recreational vehicle storage facility, mini storage facility, and the three single-family residences. The three residences will be subdivided into separate parcels, though a tentative map had not been submitted at the time of this document's preparation. The improvements include but not limited to the installation of access drives, parking lots, landscaping, utilities, curbs, gutters, and sidewalks, and the City acquisition of land for and development of a public pedestrian trail and access path located between Piano Basin and Roeben Street.

The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002), within the City of Visalia, situated in Tulare County.

B. Identification of the Environmental Setting:

The project site had previously contained a landscaping business (Jardin Landscaping) wherein the majority of the grounds were used for the storage of landscaping materials. The land use and all improvements ceased sometime around 2007.

The project site is currently vacant and has no improvements excepting a single driveway and pathway, is an infill site bounded by existing streets and development. Doe Avenue, bordering the north side of the site, is a collector street designated currently improved with two through lanes and improved with curbing on the south side. El Cajon Street and Elowin Avenue, bordering the east side of the site, are local streets currently improved with two through lanes and improvements. The south side of the site is bordered by a ponding basin, which takes access through an existing paved driveway and path located at the southeast corner of the site. The west side of the site is directly bordered by heavy industrial uses. A small portion of the east side of the site is directly bordered by single-family residential uses.

The commercial development improvements will include on-site improvements of sidewalks and landscaping along the street frontages. The sidewalk improvements are part of a planned multi-use path that will connect Roeben Avenue to the walkway around the ponding basin.

The property is directly adjacent to urban development on the west and east sides. Fully urbanized development exists further on all sides of the property. The surrounding uses, Zoning, and General Plan are as follows:

	General Plan (2014 Land Use)	Zoning (2017)	Existing uses
North:	Residential Medium Density	R-M-2 (Multi-family residential, one unit per 3,000 sq. ft. site area)	Doe Avenue, vacant land with pending approval for apartments
South:	Parks/Recreation	QP (Quasi-Public)	Ponding basin (Piano Basin), railroad line, Goshen Avenue
East:	Residential Low Density	R-1-5 (Single-family residential, 5,000 sq. ft. min. site area)	El Cajon Street & Elwin Avenue, single-family residential subdivision
West:	Industrial	I (Industrial)	Concrete batch plant

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 Diagram designates the site as Office and the Zoning Map designates the site as O-PA (Office Professional / Administrative). The proposed project is consistent with the Land Use Element of the General Plan.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project that cannot be mitigated to a *less than significant impact*. The City of Visalia General Plan and Zoning Ordinance contains policies and regulations that are designed to mitigate impacts to a level of non-significance.

III. MITIGATION MEASURES

The following mitigation measures, which are listed below, will reduce potential environmental impacts related to Transportation / Traffic Impacts to a less than significant level as shown below:

Noise – An Acoustical Analysis prepared for the proposed project (ref.: Acoustical Analysis, Caldwell RV Storage, SWC Doe & El Canjon [sic], Visalia, California, June 20, 2019) has concluded that an exterior noise level in excess of the 65 dB DNL standard for noise-sensitive land uses, specified in the City's Noise Element, exists on the project site. To ensure that community noise standards are met for the planned residential noise-sensitive land uses on the site, the project developer has proposed the placement of a sound wall located on the west and south sides of the residential component. The acoustical analysis has concluded that the placement of the wall will allow for the residences on the site to be developed in compliance with the standards contained in the City's Noise Element and Ordinance.

Therefore, to ensure that community noise standards are met for the proposed project, the project site shall be developed in substantial compliance with the mitigation contained in the "Conclusions and Recommendations" section (pages 7 and 8) of the above-referenced Acoustical Analysis. As described in the analysis, the project shall contain the following features:

- 1) A sound wall located west and south of the residential component of the project. The wall shall be a minimum height of 7 feet located along the outer property lines of the residential uses.

The analysis describes the wall material as a wooden fence with ½" thick wood slats, staggered so that there is no direct view through the fence and with gaps as small as possible.

2) Mechanical ventilation or air conditioning for all homes so that windows and doors may remain closed for the required acoustical insulation.

Staff has incorporated these recommendations as required mitigation measures. Therefore, to ensure that noise requirements are met for the proposed project, the project shall be developed and shall operate in substantial compliance with the Mitigation Measures 1.1 and 1.2. These mitigation measures are included in Section IV below as part of this Initial Study.

The City of Visalia Zoning Ordinance also 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.

IV. MITIGATION MONITORING PROGRAM

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
Noise Impact Mitigation Measure 1.1: A sound wall located west and south of the residential component of the project. The wall shall be a minimum height of 7 feet located along the outer perimeter of the residential portion of the development. The wall material may be a wooden fence with ½" thick wood slats, staggered so that there is no direct view through the fence and with gaps as small as possible, but concrete masonry units or other solid wall material with thickness exceeding 1" may be substituted for the wood material.	Project Applicant	The sound wall shall be constructed with the development of the residential component of the project, and shall be completed prior to the occupation of any residences on the site.
Noise Impact Mitigation Measure 1.2: Mechanical ventilation or air conditioning shall be included with all homes so that windows and doors may remain closed for the required acoustical insulation.	Project Applicant	The mechanical equipment shall be included with the development of the residential component of the project, and shall be completed prior to the occupation of any residences on the site.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

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


V. SUPPORTING DOCUMENTATION

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

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.

- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.
- Acoustical Analysis, Caldwell RV Storage. Precision Civil Engineering, Inc., June 20, 2019.
- Photometric Calculation Plan, Visalia RV Storage. Chen Engineers, Inc., June 12, 2019.

VI. NAME OF PERSON WHO PREPARED INITIAL STUDY



Brandon Smith, AICP
Senior Planner



Paul Scheibel, AICP
Environmental Coordinator

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST**

Name of Proposal	General Plan Amendment No. 2019-08, Change of Zone No. 2019-09, and Conditional Zoning Agreement No. 2019-10		
NAME OF PROPONENT:	<u>Theodore C. Caldwell</u>	NAME OF AGENT:	<u>M Architecture and Design</u>
Address of Proponent:	<u>P.O. Box 38</u>	Address of Agent:	<u>10100 Kings River Road</u>
	<u>Davis, Ca 95617</u>		<u>Reedley, CA 93654</u>
Telephone Number:	<u>(530) 383-2233</u>	Telephone Number:	<u>(559) 408-4200</u>
Date of Review	<u>September 16, 2019</u>	Lead Agency:	<u>City of Visalia</u>

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 = Potentially Significant Impact

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 1 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 public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 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:

- 1 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?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- 1 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. AIR QUALITY

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) 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?
- 2 c) Expose sensitive receptors to substantial pollutant concentrations?
- 1 d) Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 2 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?
- 2 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?
- 2 c) Have a substantial adverse effect on federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 2 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?
- 1 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:

- 1 a) Cause a substantial adverse change in the significance of a historical resource pursuant to 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?
- 1 c) Disturb any human remains, including those interred outside of formal cemeteries?

VI. ENERGY

Would the project:

- 2 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 2 b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- 1 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? Refer to Division of Mines and Geology Special Publication 42.
- 1 ii) Strong seismic ground shaking?
- 1 iii) Seismic-related ground failure, including liquefaction?
- 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 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?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. 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?

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 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?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 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?
- 1 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?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards of waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 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 or through the addition of impervious surfaces, in a manner which would:
- 2 i) result in substantial erosion or siltation on- or off-site;
- 2 ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
- 2 iii) 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?
- 2 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 2 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. MINERAL RESOURCES

Would the project:

- 1 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?
- 1 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?

XIII. NOISE

Would the project result in:

- 3 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 1 b) Generation of excessive groundborne vibration or groundborne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or 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?

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?

XV. PUBLIC SERVICES

Would the project:

- 1 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?
 - 1 iii) Schools?
 - 1 iv) Parks?
 - 1 v) Other public facilities?

XVI. RECREATION

Would the project:

- 1 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?
- 1 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?

XVII. TRANSPORTATION / TRAFFIC

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 2 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) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- 1 a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- 1 b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 2 b) Have sufficient water supplies available to service the project and reasonable foreseeable future development during normal, dry, and multiple dry years?
- 1 c) 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?
- 1 d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to,

pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

- 1 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Does the project have the potential to substantially 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, substantially 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.

Revised 2019

Authority: Public Resources Code sections 21083 and 21083.09

Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3/21084.2 and 21084.3

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

- a. This project will not adversely affect the view of any scenic vistas. The Sierra Nevada mountain range may be considered a scenic vista, but views of the range will not be adversely impacted or significantly by the project.

Storage facilities are considered compatible low-impact uses within commercial areas and adjacent to residential uses. City zoning regulations require that all storage uses, including outdoor storage, be screened from public view. The City's General Plan Land Use and Zoning Maps, upon the proposed re-designation, will designate the site as Service Commercial with uses limited by the Amendment to the Conditional Zoning Agreement. Staff believes that the proposed service commercial land use and zoning designations, together with the limited uses as specified in the Conditional Zoning Agreement, are consistent in nature and character with existing and future uses surrounding the project site, subject to the inclusion of mitigation measures and the conditions contained in the Conditional Zoning Agreement.

The Visalia General Plan contains multiple policies that together work to reduce the potential for impacts to the development of land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

- b. There are no scenic resources on the site and no state scenic highway designations within the project vicinity.
- c. The proposed project includes commercial development 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 facilitate the future development of recreational vehicle storage and mini-storage facilities. New sources of light would be created on the site's future development that is typical of urban development. The City's existing development standards require that light be directed and/or shielded so it does not fall upon adjacent properties upon the site's future development as required under Section 17.30.015.H of the Zoning Ordinance.

The recreational storage land use will utilize full-coverage lighting throughout the site in order to maintain security and lighting for evening use of the facility. The applicant has submitted a photometric plan and lighting specs demonstrating the lighting fixtures installed throughout and directed toward the interior of the site. The on-site lighting for the storage use is directed and focused so as to avoid direct illumination spilling beyond the site boundaries into the adjacent residential uses, as required under Section 17.30.015.H of the Zoning Ordinance. The photometric

plan demonstrates that the use's lighting along the east and north property lines do not exceed the 0.5 lumens.

Potentially sensitive receptors to unwanted illumination and glare from the project primarily include the existing residences on the east side of the project site and future residential uses on the north and east sides of the project. Given the general urbanized character of the project vicinity, these residences are currently subject to night lighting from existing street / traffic lights, and vehicle headlights.

The project will add night lighting, which would introduce a new source of illumination to the area. However, direct illumination of the off-site residences would be avoided by focusing lighting away from the site perimeter. In addition, the landscape trees to be planted along the site perimeter will help in providing screening from parking lot lighting, particularly to the residences near the project site.

The City requirements and project design would ensure sufficient lighting for security and safety proposes, and would minimize the potential for unnecessary illumination and glare resulting from the project. Therefore, the potential lighting and glare effects associated with the proposed project would result in a less-than-significant land use impact.

II. AGRICULTURAL RESOURCES

- a. The project is located on property that is not identified as any type of important farmland based on maps prepared by the California Department of Conservation and contained within the Visalia General Plan, Figure 6-4

The Visalia General Plan Update Environmental Impact Report (EIR) has already considered the environmental impacts of the conversion of properties within the Planning Area into non-agriculture uses. Overall, the General Plan results in the conversion of over 14,000 acres of Important Farmland to urban uses, which is considered significant and unavoidable. Aside from preventing development altogether the conversion of Important Farmland to urban uses cannot be directly mitigated, through the use of agricultural conservation easements or by other means. However, the General Plan contains multiple policies that together work to limit conversion only to the extent needed to accommodate long-term growth. The General Plan policies identified under Impact 3.5-1 of the EIR serve as the mitigation that assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area. These policies include the implementation of a three-tier growth boundary system that assists in protecting open space around the City fringe and maintaining compact development within the City limits.

The project will be consistent with Policy LU-P-34. The conversion of the site from an agricultural use to urban development does not require mitigation to offset the loss of prime farmland as stated in Policy LU-P-34. The policy

states; "the mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I."

Because there is still a significant impact to loss of agricultural resources after conversion of properties within the General Plan Planning Area to non-agricultural uses, a Statement of Overriding Considerations was previously adopted with the Visalia General Plan Update EIR.

- b. The project site is designated for urban land use and zoning designations and will not conflict with any existing Williamson Act contract.
- c. There is no forest land or timberland currently located on the site, nor does the site conflict with a zoning for forest land, timberland, or timberland zoned Timberland Production.
- d. There is no forest or timberland currently located on the site.
- e. The project will not involve any changes that would promote or result in the conversion of farmland to non-agriculture use. The subject property 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. The adopted Visalia General Plan's implementation of a three-tier growth boundary system further assists in protecting open space around the City fringe to ensure that premature conversion of farmland to non-agricultural uses does not occur.

III. AIR QUALITY

- a. 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.
- b. Tulare County is designated non-attainment for certain federal ozone and state ozone levels. The project will result in a net increase of criteria pollutants. This site was evaluated in the Visalia General Plan Update EIR for conversion into urban development. Development under the General Plan will result in increases of construction and operation-related criteria pollutant impacts, which are considered significant and unavoidable. General Plan policies identified under Impacts 3.3-1, 3.3-2, and 3.3-3 serve as the mitigation that assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

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. 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.
- d. The proposed project will not involve the generation of objectionable odors that would affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a. 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.

In addition, staff conducted an on-site visit to the site in August 2019 to observe biological conditions and did not observe any evidence or symptoms that would suggest the presence of a sensitive, candidate, or special species.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain special-status species or their habitats may be directly or indirectly affected by future development within the General Plan Planning Area. This may be through the removal of or disturbance to habitat. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-1 of the EIR, that together work to reduce the potential for impacts on special-status species likely to occur in the Planning Area. With implementation of these policies, impacts on special-status species will be less than significant.

- b. The project is not located within an identified sensitive riparian habitat or other natural community. The ponding basin located south of the project, a manmade ponding basin that has existed for approximately five years, has not been identified as a riparian habitat or natural community.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain sensitive natural communities may be directly or indirectly affected by future development within the General Plan Planning Area, particularly valley oak woodlands and valley oak riparian woodlands. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-2 of the EIR, that together work to reduce the potential for impacts on woodlands located within in the Planning Area. With implementation of these policies, impacts on woodlands will be less than significant.

- c. The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain protected wetlands and other waters may be directly or indirectly affected by future development within the General Plan Planning Area. Such

effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-3 of the EIR, that together work to reduce the potential for impacts on wetlands and other waters located within in the Planning Area. With implementation of these policies, impacts on wetlands will be less than significant.

- d. Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that the movement of wildlife species may be directly or indirectly affected by future development within the General Plan Planning. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-4 of the EIR, that together work to reduce the potential for impacts on wildlife movement corridors located within in the Planning Area. With implementation of these policies, impacts on wildlife movement corridors will be less than significant.
- 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.
- f. 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.
- c. 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. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

VI. ENERGY

- a. Development of the site will require the use of energy supply and infrastructure. However, the use of energy will be typical of that associated with commercial development associated with the underlying zoning. Furthermore, the use is not considered the type of use or intensity that would result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. The project will be required to comply with

California Building Code Title 24 standards for energy efficiency.

Policies identified under Impacts 3.4-1 and 3.4-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, impacts to energy will be less than significant.

- b. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, based on the discussion above.

VII. 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.
- e. The project does not involve the use of septic tanks or alternative wastewater disposal systems since sanitary sewer lines are used for the disposal of wastewater at this location.
- f. There are no known unique paleontological resources or geologic features located within the project area. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

VIII. 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 the commercial center and long-term as a result of day-to-day operation of the proposed commercial center.

The City has prepared and adopted a Climate Action Plan (CAP) which includes a baseline GHG emissions inventories, reduction measures, and reduction targets consistent with local and State goals. The CAP was prepared concurrently with the proposed General Plan and its impacts are also evaluated in the Visalia General Plan Update EIR.

The Visalia General Plan and the CAP both include policies that aim to reduce the level of GHG emissions emitted in association with buildout conditions under the General Plan. Although emissions will be generated as a result of the project, implementation of the General Plan and CAP policies will result in fewer emissions than would be associated with a continuation of baseline conditions. Thus, the impact to GHG emissions will be less than significant.

- 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 GHG emissions.

IX. 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 that 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. Saint Paul's School is located within one-quarter mile southeast of the project at 6101 W. Goshen Avenue, however there is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites 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 will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- g. There are no wild lands within or near the project area.

X. HYDROLOGY AND WATER QUALITY

- a. Development projects associated with buildout under the Visalia General Plan are subject to regulations that serve to ensure that such projects do not violate water quality standards of waste discharge requirements. These regulations include the Federal Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program. State regulations include the State Water Resources Control Board (SWRCB) and

more specifically the Central Valley Regional Water Quality Control Board (RWQCB), of which the project site area falls within the jurisdiction of.

Adherence to these regulations results in projects incorporating measures that reduce pollutants. The project will be required to adhere to municipal wastewater requirements set by the Central Valley RWQCB and any permits issued by the agency.

Furthermore, there are no reasonably foreseeable reasons why the project would result in the degradation of water quality.

The Visalia General Plan contains multiple policies, identified under Impact 3.6-2 and 3.9-3 of the EIR, that together work to reduce the potential for impacts to water quality. With implementation of these policies and the existing City standards, impacts to water quality will be less than significant.

- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project will be served by a water lateral for domestic, irrigation, and fire protection use. The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer. The project will result in an increase of impervious surfaces on the project site, which might affect the amount of precipitation that is recharged to the aquifer. However, as the City of Visalia is already largely developed and covered by impervious surfaces, the increase of impervious surfaces through this project will be small by comparison. The project therefore might affect the amount of precipitation that is recharged to the aquifer. The City of Visalia's water conservation measures and explorations for surface water use over groundwater extraction will assist in offsetting the loss in groundwater recharge.

c.

- i. 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.

- ii. Development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

Policies identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, impacts to groundwater supplies will be less than significant.

- iii. Development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

Policies identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant

level. With implementation of these policies and the existing City standards, impacts to groundwater supplies will be less than significant.

Furthermore, the project will be required to 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.

- iv. The project area is located sufficiently inland and distant from bodies of water, and outside potentially hazardous areas for seiches and tsunamis. The site is also relatively flat, which will contribute to the lack of impacts by mudflow occurrence. Therefore there will be no impact related to these hazards.
- v. Development of the site has the potential to affect drainage patterns in the short term due to erosion and sedimentation during construction activities and in the long term through the expansion of impervious surfaces. Impaired storm water runoff may then be intercepted and directed to a storm drain or water body, unless allowed to stand in a detention area. The City's existing standards may require the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the SWRCB's General Construction Permit process, which would address erosion control measures.

The Visalia General Plan contains multiple policies, identified under Impact 3.6-1 of the EIR, that together work to reduce the potential for erosion. With implementation of these policies and the existing City standards, impacts to erosion will be less than significant.

XI. LAND USE AND PLANNING

- a. The project will not physically divide an established community. The General Plan Land Use Diagram, adopted October 14, 2014, designates the 9-acre project area as Office. The Zoning Map, adopted on April 6, 2017, designates the site as Office Professional / Administrative (O-PA), which is consistent with the General Plan Land Use Designation of Commercial Mixed Use as identified in Table 9-1 "Consistency Between the Plan and Zoning" of the General Plan.

The project entails changing the general plan land use and zoning designations on the site from the above to Service Commercial and Residential Low Density (R-1-5 zoning designation). The property's underlying Conditional Zoning Agreement will also be amended to be made consistent with the project's proposed land use and zoning designations, proposed land uses, and the noise mitigating features to be incorporated into the project.

The storage facilities are considered compatible uses in service commercial areas that are adjacent to residential uses where potential impacts can be addressed through the conditional zoning agreement process. In the case of this project, the land uses will be limited to the storage facilities in order to minimize adverse effects, such as noise and traffic, to the adjacent residential uses.

The Visalia General Plan contains multiple policies, identified under Impact 3.1-2 of the EIR, that together work to reduce the potential for impacts to the development of

land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

- b. The project site is within the Urban Development Tier 1 Boundary. Development of commercial lands in Tier 1 may occur at any time. The proposed project is consistent with Land Use Policies LU-P-19 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy."

The project as a whole does not conflict with any land use plan, policy or regulation of the City of Visalia. The site's proposed General Plan Land Use Designation of Service Commercial and Residential Low Density, and the Zoning Designation of Service Commercial (C-s) and Single-family Residential (R-1-5), are consistent with each other based on the underlying allowed land uses and density ranges as identified in Table 9-1 "Consistency between the Plan and Zoning" of the General Plan. The City of Visalia's Zoning Ordinance allows for storage facilities and single-family residences as permitted uses in their respective zones; though the subdivision of land for the residences requires a Tentative Parcel Map.

The proposed project will be consistent with the Land Use Element of the General Plan, including Policy LU-P-70 for Service Commercial Development and Policy LU-P-55 for Residential Low Density Development, and consistent with the standards for commercial development pursuant to the Visalia Municipal Code Title 17 (Zoning Ordinance) Chapters 17.12, 17.18 and 17.30.

XII. MINERAL RESOURCES

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

XIII. 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. The Visalia Noise Element and City Ordinance contain criterion for acceptable noise levels inside and outside residential living spaces. This standard is 65 dB DNL for outdoor activity areas associated with residences and 45 dB DNL for indoor areas. Traffic and related noise impacts from the proposed project will occur along Shirk Street (an arterial roadway) on the west and Doe Avenue (a collector roadway) to the north. The City's standards for setbacks 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.

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 construction of fences or walls

along major streets and between residential uses reduce noise levels to a level that is less than significant. Noise associated with the establishment of new residential uses was previously evaluated with the General Plan for the conversion of land to urban uses.

Noise levels will increase temporarily 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.

An acoustical analysis was prepared for the proposed project (ref.: Acoustical Analysis, Caldwell RV Storage. Precision Civil Engineering, Inc., June 20, 2019). The purpose of the study is to determine if existing noise levels associated with the nearby industrial uses to the west and the railway to the south will comply with the City's applicable noise level standards upon the proposed single-family residential uses.

The analysis is based upon the project site plan and noise measurements obtained by Precision Civil Engineering (Precision) at the project site.

The analysis conducted noise level measurements on and near the project site. The intent of the noise measurements was to document existing ambient noise levels near the project site. Noise measurements were taken for a 24-hour period starting June 11, 2019. Noise measurements were conducted at two locations - one within the project area and one to the south of the project area - as illustrated in Figure 3-1 of the Analysis.

The analysis concluded that the measured noise levels in the environment were in the range of 44.7 to 56.4 dBA, which would result in exposures exceeding 1.4 dBA of the Noise Element's 55 dB NNL or less as the acceptable criterion for outdoor noise levels in residential areas. The analysis further explained that a sound wall would be constructed along the residential boundaries of the project site to provide acoustical shielding to the residential yards. Installation of the sound wall would cause a noise exposure reduction of 4.5 dB at the rear of the closest homes, thereby effectively reducing the outdoor sound levels of the proposed residences to within compliance. Furthermore, the analysis concluded that utilizing residential construction methods complying with current building code requirements will be sufficient for meeting the 45 dB DNL interior standard, provided that the sound wall is implemented and provided and the residences incorporate mechanical ventilation or air conditioning.

Therefore, to ensure that community noise standards are met upon the proposed residences and to ensure that there is no significant impact to noise, the project site shall be developed in substantial compliance with two mitigation measures contained in the "Conclusions and Recommendations" section of the above-referenced Acoustical Analysis and contained in the Initial Study.

- 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. The project area is not within two miles of a public airport, and there is no private airstrip near the project area. The project will not expose people residing or working in the project area to excessive noise levels.

XIV. POPULATION AND HOUSING

- a. The project will not directly induce substantial unplanned population growth that is in excess of that planned in the General Plan.
- b. Development of the site will not displace any housing or people on the site. The area being developed is currently vacant land.

XV. PUBLIC SERVICES

- a.
 - i. Current fire protection facilities are located at the Visalia Station 55, located approximately one-half mile north of the property, 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 three additional dwelling units, for which existing schools in the area may accommodate.
 - iv. Current park 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.
 - v. Other public facilities can adequately serve the site without a need for alteration.

XVI. RECREATION

- a. 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.
- 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.

XVII. 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 Visalia General Plan Update Environmental Impact Report (EIR) for urban use.

As proposed and conditioned by the Conditional Zoning Agreement, the project will convert an existing Professional and Administrative Office designation

planned with an approved planned office development to Low Density Residential and Service Commercial for the development of three residences and storage uses. Average annual daily traffic levels will increase in the vicinity from current levels with the addition of the proposed project; however the daily traffic levels associated with the storage uses and residences will be less than the levels associated and planned for with the office land uses. Furthermore, peak operating hours and traffic levels for storage uses are more widely spread than the peak operating hours and traffic levels associated with office uses. Therefore, the change in land use and zoning designations and the subsequent development of the site will not result in a significant effect since these improvements are consistent with and were previously considered with the Land Use and Circulation Element Update.

- c. There are no planned geometric designs associated with the project that are considered hazardous.
- d. The project will not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

- a. The site is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- b. The site has been determined to not be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

In response to an invitation for early consultation sent out on August 6, 2019, the City of Visalia did not receive return correspondence requesting consultation from any of the tribes contacted.

Further, the EIR (SCH 2010041078) for the 2014 General Plan update included a thorough review of sacred lands files through the California Native American Heritage Commission. The sacred lands file did not contain any known cultural resources information for the Visalia Planning Area.

XIX. 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.

The project site will be accommodated by an extension of the City's sanitary sewer lines. As part of the project, existing sanitary sewer mains will be extended off-site along Doe Avenue and Elowin Avenue. Usage of these lines is consistent with the City Sewer System Master Plan. These improvements will not cause significant environmental impacts.

The project site will be accommodated by City storm water drainage lines that handle on-site and street runoff. As part of the project, a storm drain main will be extended off-site along Doe Avenue and Elowin Avenue. Usage of these lines is consistent with the City Storm Drain Master Plan. These improvements will not cause significant environmental impacts.

- b. 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.
- c. 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.
- d. Current solid waste disposal facilities can adequately serve the site without a need for alteration.
- e. 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.

XX. WILDFIRE

- a. The project is located on a site that is adjacent on multiple sides by existing development. The site is further served by multiple points of access. In the event of an emergency response, coordination would be made with the City's Engineering, Police, and Fire Divisions to ensure that adequate access to and from the site is maintained.
- b. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that is likely to exacerbate wildfire risks.
- c. The project is located on a site that is adjacent on multiple sides by existing development. New project development will require the installation and maintenance of associated infrastructure; however the infrastructure would be typical of commercial development and would be developed to the standards of the underlying responsible agencies.
- d. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that would expose persons or structures to significant risks of flooding or landslides.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a. 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 Program EIR (SCH No. 2010041078) for the City of Visalia's General Plan 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 Program EIR (SCH No. 2010041078) for the City of Visalia General Plan 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 Program EIR (SCH No.

2010041078) for the City of Visalia General Plan 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.**
- ☒ 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.**
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ 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. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37 adopted on October 14, 2014. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**



Paul Scheibel, AICP
Environmental Coordinator



Date

ACOUSTICAL ANALYSIS

CALDWELL RV STORAGE

**APN: 077-720-001, 002, 003, 004, 005, 006, 007
077-730-001, 002
SWC DOE & EL CAJON
VISALIA, CALIFORNIA**

**PREPARED FOR
TED CALDWELL
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**PREPARED BY
RHETT WINTERTON
PRECISION CIVIL ENGINEERING, INC.
1234 "O" STREET
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**DATE:
JUNE, 20 2019**



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1. INTRODUCTION

The proposed project consist of 3-lot residential subdivision and RV storage facility located at the Southwest corner of DOE & El Cajon in Visalia, California and further identified as APNs 077-720-001 to 007 and 077-730-001 to 002 as shown in Figure 1. The City of Visalia has required an acoustical analysis to determine if noise from the railway to the south and the cement factory to the west will exceed the City's standards, and to determine the extent of noise mitigation that will be required. This study will focus on the 3 residential lots being built as part of this project, and not on the RV storage area.

All sound levels reported in this analysis are A-weighted sound pressure levels in decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighted sound levels, as they correlate well with public reaction to noise.

Figure 1-1 – Site Location



2. CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

The Noise Element of the City of Visalia 2014 General Plan establishes noise level criteria in terms of the Day-Night Average Level (DNL) metric. The DNL is the time-weighted energy average noise level for a 24-hour day, with a 5 dB penalty added to noise levels occurring during the nighttime hours (10:00 p.m.-7:00 a.m.). The DNL represents cumulative exposure to noise over an extended period of time and is therefore calculated based upon average sound levels over a 15 minute period. The equipment used for this study measured the SEL (Sound Exposure Level) every 15 minutes for 24 hours on a weekday to measure all sounds generated by residential, commercial, and industrial noise sources. All sounds measured between 10pm and 7am had 5dB added to it to turn the values into the DNL metric.

The Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

3. PROJECT SITE NOISE EXPOSURE

A railway runs from east to west 320' south of the project site, and a cement factory is located 570' west of the project site. There is also a road directly north of the site, but with the sharp turn and 25 mph speed limit, traffic noise is not expected to be significant.

In order to determine the noise exposure for the project site, a 24 hour noise level measurement were conducted at the southern edge of the project site on June 11th. Noise monitoring equipment was setup as shown on Figure 3-1. The noise monitoring site was located at approximately 173 feet south from the edge of the road to be closest to the railway which was the nearest noise generator. Noise monitoring equipment consisted of a Casella 633C sound level monitor equipped with a Casella 495 microphone. The instrumentation was calibrated prior to and after each use with a Casella 120/1 acoustic calibrator to ensure the accuracy of the measurements. The microphone was located on a tripod at five feet above the ground. The instrumentation complies with applicable standards of the American National Standards Institute (ANSI) for Type 1 (precision) sound level meters. The sound levels recorded during the two sound measurements coincided with less than 2 dB of difference for the various time periods.

The railway and cement factory produced measured SEL values in the range of 44.7 – 56.4 dBA with an average measured SEL of 49.14 dBA.

LEGEND:

- X MEASUREMENT LOCATION: 1
- PROPOSED SOUND WALL
- EXISTING BLOCK WALL

NOTE:

ALL IN A TYPICAL 4" X 7" SECTION, 4" X 7" SECTION OF MASONRY WALL SHOULD ALSO MEET THE SOUND ATTENUATION REQUIREMENTS.

NOT DRAWN TO SCALE

4. NOISE MITIGATION

4.1 Exterior Noise Exposure:

The City of Visalia Noise Element sets 55 dB DNL or less as the acceptability criterion within outdoor activity areas of noise-sensitive land uses. For the undeveloped site, the existing railway and cement factory noise exposure at the closest proposed noise-sensitive building is 56.4 dB DNL for a receiver 5 feet above the project grade. Since the development consists of single-family homes, outdoor activity areas are assumed to be located within individual backyards.

To mitigate noise exposure the project developer has proposed that a sound wall be constructed along the southern and western boundary of the project site. There is an existing block wall on the East side of the property, so no new sound wall is required on the East side. No sound wall is required on the North side of the project site. The sound wall is intended to provide acoustical shielding of individual backyards and to reduce the amount of noise affecting the interior of proposed residences. The recommendations for the sound wall materials can be found in section 4.1 - Recommendation 1 and Recommendation 2 ***Alternative***.

A sound wall insertion loss program based on the FHWA Model was used to calculate the insertion loss (noise reduction) provided by the proposed sound wall. The model calculates the insertion loss of a wall of given height based on the effective height of the noise source, height of the receiver, distance from the receiver to the wall, and distance from the noise source to the wall. The standard height of a residential receiver is five feet above the building pad elevation.

Based upon the above-described assumptions and method of analysis, the noise level insertion loss values for sound walls of various heights were calculated. The calculations indicated that the recommended sound wall with a minimum height of 7 feet relative to the closest building pad elevations would be required to reduce noise exposure by 4.5 dB at the rear of the closest proposed homes. The above-described sound wall would be effective at the first-floor receiver elevation only. Sound wall effectiveness will be significantly reduced at any proposed second-floor receivers adjacent to the road. The sound wall should be continuous without gaps or openings.

The addition of landscaping trees of a height greater than 8 feet will not increase the sound reduction by any noticeable degree since a single spaced line of trees is not sufficiently thick to block sound from a moving source.

1. Install a 7 foot wooden courtesy fence with ½ inch thick wood slats on both sides and staggered so that there is no direct view through the fence should be on the western and southern sides of the property to reduce the sound levels on the sides of the property to 55 dB. Gaps in the fence should be as small as possible. Refer to **Exhibit 1** for specifics on wall location and length.
2. **Alternative** - For improved sound reduction, instead of using a wood fence, install a 7 foot stone or masonry wall on the western and southern sides of the property to reduce the sound levels on the sides of the property to 55 dB. Refer to **Exhibit 1** for specifics on wall location and length.

4.2 Interior Noise Exposure:

The City of Visalia interior noise level standard is 45 dB DNL. In order to satisfy the City's interior noise level standard at the first-floor level, and assuming that a sound wall will be constructed to reduce exterior noise exposure to a maximum of 51.9 dB DNL, the proposed construction will need to be capable of providing an outdoor-to-indoor noise level reduction (NLR) of approximately 6.9 dB (51.9-45=6.9). Second-floor living spaces, if proposed, would need to be capable of providing an NLR of approximately 11.4 dB. The higher NLR performance required for second floor living spaces is the result of reduced acoustical shielding provided by the proposed sound wall.

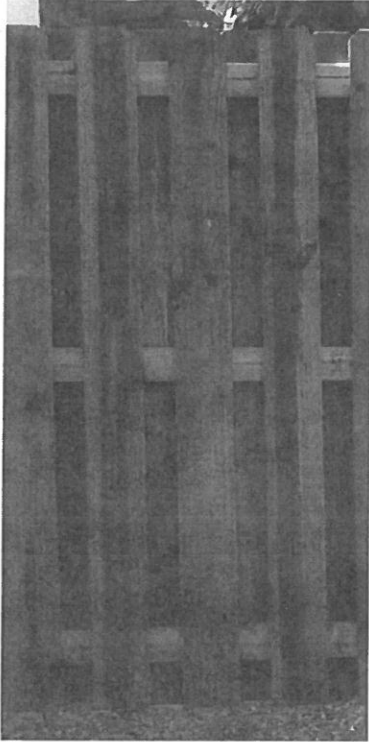
A specific analysis of interior noise levels was not performed. However, it is generally accepted that residential construction methods complying with current building code requirements will reduce exterior noise levels by a least 15-20 dB, when the windows and doors are closed. This will be sufficient on the first floor and second floor for compliance with the City's 45 dB DNL interior standard, provided the above-described sound wall and fence are implemented.

5. CONCLUSIONS AND RECOMMENDATIONS

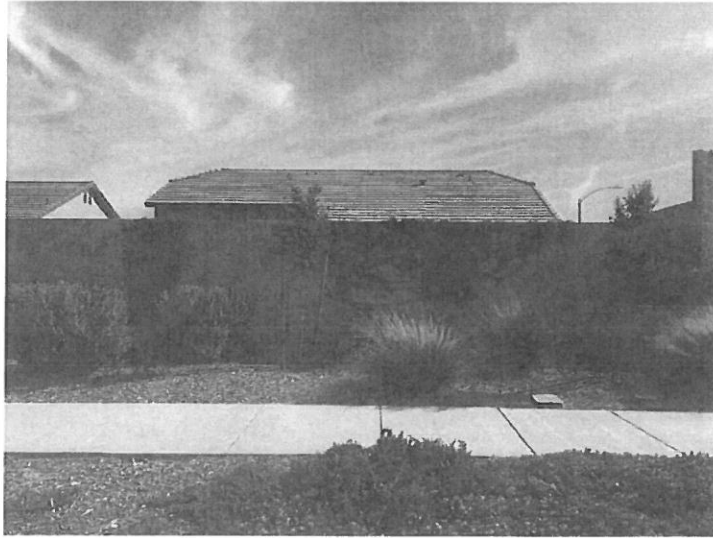
El Cajon will comply with the exterior and interior noise level requirements of the City of Visalia provided the following mitigation measures are incorporated into the final project design.

1. The sound wall or **Alternative sound wall** described on page 7 of this report should be constructed to reduce exterior noise exposure in outdoor activity areas and the level of noise affecting exterior building facades. The sound wall should be continuous without gaps or openings and should continue along the Western and Southern edges of the residential lots. A 7 foot wooden courtesy fence or **Alternative stone or masonry wall** should be sufficient to reduce the noise levels to Visalia standards. Gaps in the fence

should be as small as possible. Refer to **Exhibit 1** for specifics on wall location and length.



*(Exaggerated example of
Wooden courtesy sound wall)*



*(Example of masonry block
sound wall)*

2. Mechanical ventilation or air conditioning must be provided for all homes so that windows and doors may remain closed for the required acoustical insulation.

The conclusions and recommendations of this acoustical analysis are based upon the best information available at the time the analysis was prepared concerning the proposed site plan, project grading, building construction and road traffic. Any significant changes in these factors will require a reevaluation of the findings of this report.



9/19/19

Rhett Winterton
Technical Analyst

City of Visalia Interior and Exterior Noise Standards Energy Average (CNEL)

**TABLE 4.10-3
CITY OF VISALIA EXTERIOR NOISE LIMITS**

Category	Cumulative number of minutes in any one-hour time period	Noise Level (dBA)	
		Evening and Daytime (six a.m. to seven p.m.)	Nighttime (seven p.m. to six a.m.)
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

SOURCE: City of Visalia, 2008.

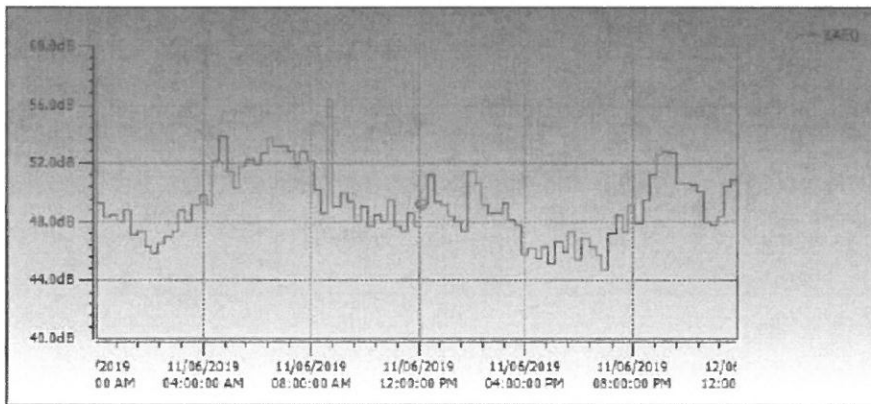
Sound Level Meter - Sound Level Output

Casella CEL Ltd.

Report On CEL-63X



Instrument Model	CEL-633C		
Duration	24:00:00 HH:MM:SS	Result	Cumulative
End Date & Time	6/12/2019 10:05:58 AM	Calibration (After) Date	6/12/2019 10:12:06 AM
Start Date & Time	6/11/2019 10:05:58 AM	Calibration (Before) Date	6/11/2019 10:02:42 AM
Serial Number	2511397	LAeq	49.8 dB



Sound Level Meter - Sound Measurement Calculations

10:00	6/11/2019 0:05	49.3
10:15	6/11/2019 0:20	48.3
10:30	6/11/2019 0:35	48.5
10:45	6/11/2019 0:50	48
11:00	6/11/2019 1:05	48.8
11:15	6/11/2019 1:20	47.1
11:30	6/11/2019 1:35	47.4
11:45	6/11/2019 1:50	46.3
12:00	6/11/2019 2:05	45.9
12:15	6/11/2019 2:20	46.5
12:30	6/11/2019 2:35	47
12:45	6/11/2019 2:50	47.4
1:00	6/11/2019 3:05	48.8
1:15	6/11/2019 3:20	48.1
1:30	6/11/2019 3:35	49.2
1:45	6/11/2019 3:50	49.8
2:00	6/11/2019 4:05	49.1
2:15	6/11/2019 4:20	52.1
2:30	6/11/2019 4:35	53.9
2:45	6/11/2019 4:50	51.4
3:00	6/11/2019 5:05	50.3
3:15	6/11/2019 5:20	51.8
3:30	6/11/2019 5:35	52.3
3:45	6/11/2019 5:50	51.9
4:00	6/11/2019 6:05	52.7
4:15	6/11/2019 6:20	53.8
4:30	6/11/2019 6:35	53.2
4:45	6/11/2019 6:50	53.2
5:00	6/11/2019 7:05	52.8
5:15	6/11/2019 7:20	52
5:30	6/11/2019 7:35	52.8
5:45	6/11/2019 7:50	52.2
6:00	6/11/2019 8:05	50.2
6:15	6/11/2019 8:20	48.6
6:30	6/11/2019 8:35	56.4
6:45	6/11/2019 8:50	49
7:00	6/11/2019 9:05	50
7:15	6/11/2019 9:20	49.4
7:30	6/11/2019 9:35	48.1
7:45	6/11/2019 9:50	49
8:00	6/11/2019 10:05	47.7
8:15	6/11/2019 10:20	48.5
8:30	6/11/2019 10:35	48.1
8:45	6/11/2019 10:50	49.5
9:00	6/11/2019 11:05	47.7
9:15	6/11/2019 11:20	47.4
9:30	6/11/2019 11:35	48.6
9:45	6/11/2019 11:50	47.7

10:00	6/11/2019 12:05	49.2
10:15	6/11/2019 12:20	51.2
10:30	6/11/2019 12:35	49.4
10:45	6/11/2019 12:50	49.2
11:00	6/11/2019 13:05	48.4
11:15	6/11/2019 13:20	48
11:30	6/11/2019 13:35	47.4
11:45	6/11/2019 13:50	51.5
12:00	6/11/2019 14:05	50.6
12:15	6/11/2019 14:20	49.2
12:30	6/11/2019 14:35	48.6
12:45	6/11/2019 14:50	48.6
1:00	6/11/2019 15:05	49.3
1:15	6/11/2019 15:20	48.2
1:30	6/11/2019 15:35	47.8
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4:45	6/11/2019 18:50	44.7
5:00	6/11/2019 19:05	47.2
5:15	6/11/2019 19:20	48.5
5:30	6/11/2019 19:35	47.3
5:45	6/11/2019 19:50	49.1
6:00	6/11/2019 20:05	47.9
6:15	6/11/2019 20:20	49.5
6:30	6/11/2019 20:35	51.2
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7:30	6/11/2019 21:35	50.6
7:45	6/11/2019 21:50	50.6
8:00	6/11/2019 22:05	50.5
8:15	6/11/2019 22:20	50.1
8:30	6/11/2019 22:35	48
8:45	6/11/2019 22:50	47.8
9:00	6/11/2019 23:05	48.4
9:15	6/11/2019 23:20	50.4
9:30	6/11/2019 23:35	50.9
9:45	6/11/2019 23:50	49.5

Min	44.7
Max	56.4
Average	49.14688

Casella Sound Meter Calibration Certificate

FA00044

CASELLA

Certificate of Conformity and Calibration

Instrument Model:-	CEL-633C	Preamplifier Type:-	CEL-496
Serial Number	2511307	Serial Number	3768
Firmware revision	V129-09		
Microphone Type:-	CEL-251	As Received:-	113.9
Serial Number	1713	As Adjusted:-	114.0
Instrument Class/Type:-	1		



Applicable standards:-

IEC 61672: 2002 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superseded Sound Level Meter Standards - IEC60651 and IEC60804.

Test Conditions:-	24.5 °C	Test Engineer:-	Ken Umbeer
	73.1 %RH	Date of Issue:-	January 9, 2019
	1007.1 mbar	Date Due:-	January 9, 2020

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to NIST. This product is certified as being compliant to the requirements of the CE Directive.

Test Summary:-

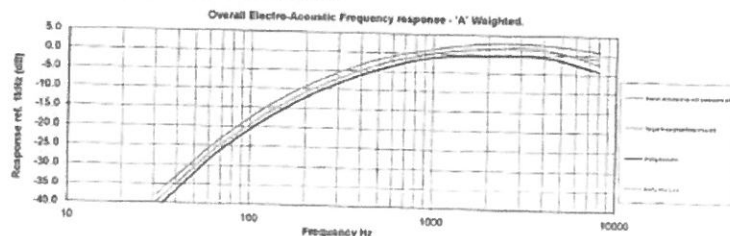
Self Generated Noise Test
Electrical Signal Test Of Frequency Weightings
Frequency & Time Weightings At 1 kHz
Level Linearity On The Reference Level Range
Toneburst Response Test
C-peak Sound Levels
Overload Indication
Acoustic Tests

All Tests Pass
All Tests Pass
All Tests Pass
All Tests Pass
All Tests Pass
All Tests Pass
All Tests Pass
All Tests Pass

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61673-3:2005)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz



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E-mail: info@casellainstruments.com
Web: www.casellainstruments.com

Casella CEL, Inc. a subsidiary of IDEAL Industries, Inc.
415 Laurence Bell Drive
Unit 4
Burlington
NY 14321
USA
Tel/Fax: (800) 388-3066
Tel: (716) 779-3040 Fax: (716) 776-3043
E-mail: info@casellainc.com
Web: www.casellainc.com

Casella Acoustic Calibrator Certificate

FA00044

Certificate of Conformity and Calibration

CASELLA
CEL

Instrument Model: CEL-11011 Acoustic Calibrator
Serial Number: 301160

Certificate #: 68782

Calibration References:

Casella CEL hereby certifies that the above listed sound measuring instrument has been tested according to the manufacturer's specifications and meets the requirements of the relevant American National Standards Institute (ANSI) Standard for Sound Calibrators S1.40 - 1983 (R1997). This instrument was calibrated against standards which are either traceable to the National Institute of Standards and Technology (NIST) or they have been derived by approved ratio techniques.



Test Conditions:

24.5 °C
73.1 °F
1007.1 mBar

Date of Issue:- January 8, 2019
Due Date:- January 9, 2020
Service Engineer:- Ken Umbehr

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards. This product is certified as being compliant to the requirements of the CE Directive. Test accuracy ratio (TAR) ≥ 1 .

Summary:

The data represents the response of the sound level meter calibrator to the reference source corrected for atmospheric conditions at the time of calibration.

	Nominal Value	Tolerance	As Received	As Adjusted
Frequency (Hz)	1000.0	± 5.0	1000.0	1000.0
Level (dB)	114.0	± 0.5	113.9	114.0
Level (dB)	94.0	± 0.5	93.9	94.0

Standards Used in Calibration:

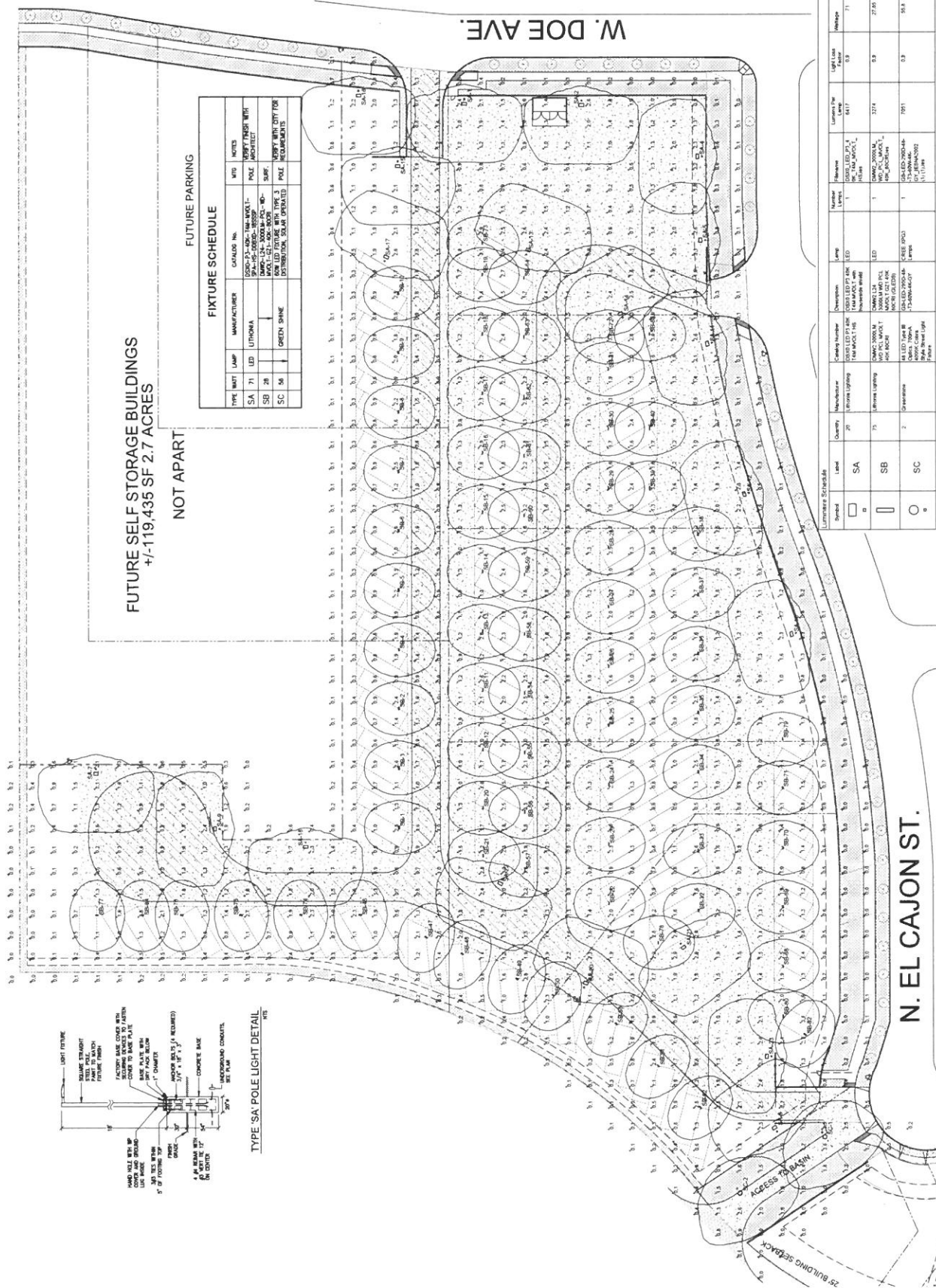
	Serial Number	Calibration Due Date	Certificate Number
Sound Level Meter: CEL-620.A1	5130002	1/30/2019	28473-2
Multimeter: Fluke 45	4995184	1/31/2019	1626798

Casella CEL
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Unit 84
Buffalo, NY 14221
U.S.A.

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Fax: +1 (716) 278 3043
E-mail: info@casellacel.com
Web: www.casellacel.com

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Kernstown, Bedford
MK42 2ZU

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Fax: +44 (0) 1234 844090
E-mail: info@casellacel.com
Web: www.casellacel.com





EMAILED

#2

MEETING DATE: May 29, 2019
SITE PLAN NO. 18-156 5th Resubmittal
PARCEL MAP NO.
SUBDIVISION:
LOT LINE ADJUSTMENT NO.

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

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

☐ During site plan design/policy concerns were identified, schedule a meeting with
☐ Planning ☐ Engineering prior to resubmittal plans for Site Plan Review.

☐ Solid Waste ☐ Parks and Recreation ☐ Fire Dept.

☒ **REVISE AND PROCEED** (see below)

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

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

☒ Your plans must be reviewed by:

☐ CITY COUNCIL

☐ REDEVELOPMENT

☒ PLANNING COMMISSION

☐ PARK/RECREATION

☒ GPA, COZ, CZA

☐ HISTORIC PRESERVATION

☐ OTHER: _____

☐ **ADDITIONAL COMMENTS :**

If you have any questions or comments, please call (559) 713-4444.

Site Plan Review Committee



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

☒ Adrian Rubalcaba 713-4271
☐ Diego Corvera 713-4209

SITE PLAN REVIEW COMMENTS

☒ REQUIREMENTS (indicated by checked boxes)

- ☒ Install curb return with ramp, with **existing** radius; **Doe & El Cajon**
- ☒ Install curb; ☒ gutter **onsite as necessary**
- ☒ Drive approach size: **max 41' width** ☒ Use radius return; **Refer to City major commercial stds.**
- ☒ Sidewalk: **6' width**; ☒ **10' parkway width at Doe Ave. Refer to additional comments for El Cajon St.**
- ☐ Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- ☒ Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- ☒ Right-of-way dedication required. A title report is required for verification of ownership.
- ☒ Deed required prior to issuing building permit; **Landscape Lot Dedications required.**
- ☒ City Encroachment Permit Required. **For all work within the public right-of-way**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- ☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- ☒ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. **Previous LLD formed to maintain El Cajon frontage.**
- ☒ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☒ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☒ Prepared by registered civil engineer or project architect. ☒ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☒ directed to the City's existing storm drainage system; b) ☐ directed to a permanent on-site basin; or c) ☐ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- ☒ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- ☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- ☒ Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- ☐ All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

ITEM NO: 2 DATE: MAY 29, 2019

SITE PLAN NO.: 18-156 5th RESUBMITTAL
PROJECT TITLE: COVERED RV PARKING BY SECURITY SELF STORAGE
DESCRIPTION: APPROX. 54 ACRES COVERED RV PARKING W/ APPROX. 3 ACRES FUTURE SELF STORAGE BUILDINGS & 2 RESIDENTIAL LOTS
APPLICANT: THEODORE C. CALDWELL
PROP OWNER: DI MELLO TOSCANO, INC/TC PROPERTY MANAGEMENT LTD
LOCATION: W DOE AVE & N EL CAJON ST
APN: 077-720-001, 002-007, & 077-130-001, 002

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

Additional Comments:

Refer to previous Site Plan conditions, in addition to the following:

- 1. Proposed combined drive access point & location for RV storage and City access/trail is acceptable. Additional design considerations and requirements will be determined at time of civil design.***
- 2. The cross section of the maintenance/trail access road appears to be adequate. Revisions may be necessary as final civil design is under plan review.***
- 3. Extend the maintenance/trail road section to the existing ponding basin path, including the radial portions.***
- 4. Removal of existing trail improvements and installation of new improvements will be developer responsibility for related design and construction costs. Developer shall provide all legal exhibits necessary to amend the existing landscape and lighting district and re-establish City maintenance access easement. Further coordinate with City Engineer.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **18-156 5th RESUBMITTAL**

Date: **5/29/2019**

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

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

(Fee Schedule Date: **8/3/2018**)

(Project type for fee rates: **SERV COMM./ MINI STORAGE/ SFD**)

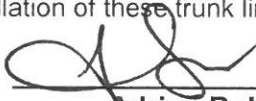
☐ Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	MINI STORAGE \$955/1000SF X TBD RV PARKING \$899/1KSF X 69.24 = \$62,247 SINGLE FAMILY \$5,906/UNIT X TBD
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	DUMP STATION \$1,225 X 1 WASH BAY (AUTO) \$19,601/EACH OR (SELF SERV) \$1,225/EACH SINGLE FAMILY \$792/UNIT X TBD TREATMENT PLANT FEE: DUMP STATION \$911 X 1 WASH BAY (AUTO) \$21,343/EACH OR (SELF SERV) \$2,483/EACH SINGLE FAMILY \$786/UNIT X TBD
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$43/LF X [514 (DOE) + 200 (ELOWIN)] = \$30,702
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	DEV FEE: \$773/AC X 8.44 = \$6,524 LOW DENSITY \$350/AC X 0.76 = \$266
<input checked="" type="checkbox"/> Park Acq/Dev Fee	SINGLE FAMILY \$3,663/UNIT X TBD
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$2,105/AC X 8.44 = \$17,766 LOW DENSITY \$1,735/AC X 0.76 = \$1,319
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$1,897/AC X 9.2 = \$17,452
<input checked="" type="checkbox"/> Public Facility Impact Fee	COVERED RV + MINI STORAGE \$7/1000SF X 368.8 = \$2,582 SINGLE FAMILY \$576/UNIT
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.

- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

Paul Scheibel, Planning Division, 559-713-4369

Date: May 29, 2019

SITE PLAN NO: 2018-156 - F
PROJECT TITLE: RV Parking by Security Self Storage
DESCRIPTION: Covered RV parking on asphalt with gates and lighting on approx. 9 acres
APPLICANT: Theodore Caldwell
PROP. OWNER: TC Property Management Ltd
LOCATION TITLE: Doe Ave. east of Shirk
APN TITLE: 077-720-001 – 007, 077-730-001, 002
GENERAL PLAN: Office
ZONING: O-PA (Professional/Administrative Office)

NOTE: this project may be subject to **Rule 9510** – check with the San Joaquin Valley Air Pollution Control District

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Aug 22, 2018 This site is part of Conditional Zoning Agreement No. 2005-02

Aug 22, 2018 Re-designating approximately 9.5 acres of Office to another land use needs to consider the current inventory of PA property.

Project Requirements

- The site is currently Professional Administrative Office with a zoning designation of PA.
- Vehicle Storage – Mini Storage will require a General Plan Amendment and Change of Zone.
- Conditional Zoning Agreement – CZA (amend existing and/or create a new CZA) will be required for any GPA/COZ.
- Photometric Study required as a part of the application package.
- Lot Line Adjustment – Elimination
- Initial Study to determine Environmental action required
- Note - future changes would require an amendment to the Conditional Zoning Agreement.
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: May 29, 2019

1. Added residential will need to be included in GPA/COZ and CZA (amendment)
2. Consider relocating access easement to the west of the existing trail.
3. Re-orient houses/garages to Cajon/Elwin.
4. New houses must demonstrate sound attenuation from the industrial uses to the west, as is required by the original CZA project.
5. See previous comments for overall site project comments.

PROJECT SPECIFIC INFORMATION: April 24, 2019

1. Added residential will need to be included in GPA/COZ and CZA (amendment)
2. Consider relocating access easement to the west of the existing trail.
3. Re-orient houses/garages to Cajon/Elwin.
4. New houses must demonstrate sound attenuation from the industrial uses to the west, as is required by the original CZA project.
5. See previous comments for overall site project comments.

PROJECT SPECIFIC INFORMATION: April 17, 2019

1. See previous comments.
2. The overall storage facility is good to go to – with the addition of good exhibits for walls and related improvements.
3. The proposed residential section needs to be detailed with units oriented to the street with an open picket or wrought iron fence 4-feet high so they are oriented to the neighborhood. Garages off of the

easement and show general building footprint and setbacks to provide a template for future single family residential development.

4. Note that 12-foot high block walls may be required along portions of the residential sites consistent with the adjacent subdivision. The applicant may wish to do their own Noise Study to verify wall heights and need. The walls are to match the residential wall design of the neighborhood.
5. The residential portion needs to be processed as a part of the entire project. The CZA may include conditions for the residential which will need to be identified during the sale of the lots for development.

PROJECT SPECIFIC INFORMATION: February 20, 2019

1. See previous comments.
2. As proposed, the residential lots are not supportable by staff. Maybe reconfiguring into two larger lots and working with Engineering to potentially relocate the access easement would work. NOTE: This would require changing the zoning on the proposed residential to R-1-5 as a part of the overall action – needs to be included as a part of the application description.
3. All vehicle driving areas and access aisle need to be paved. Vehicles may be stored on non-paved surfaces if they are not moved regularly.
4. If Mini Storage is to be included, it is required to be shown as part of the Site Plan Review process to be included in the CZA action. Provide a typical elevation of one of the buildings as part of the application.
5. Should provide typical wall elevation(s) as part of application package.
6. Should provide typical RV cover elevation(s) as part of SPR resubmittal – elevations required as part of project application package.
7. An elevation of the wall with an RV cover behind it as seen from either street should be included in the application package.
8. Show all on-site lights that are not part of the RV covers – photometric study required as a part of the project application package.
9. Clearly identify existing and final property lines.
10. Outdoor PA systems are not allowed for this site.
11. Hours of operation are proposed as 7 am to 10 pm, staff may recommend reduced hours as part of the project actions.

NOTE: Staff highly recommends that the applicant reach out to the neighborhood early to inform them of the project and gather input on any neighborhood issues or concerns

PROJECT SPECIFIC INFORMATION: October 3, 2018

1. Declare intended zoning/land use designation for this project as part of SPR resubmittal. The elimination of the PA office zoning reduces the overall inventory of PA property in the City available for development. The project application needs to discuss the loss of PA zoned property and how it is not an impact to available PA developable properties. Why should this land use change be done/supported?
2. If Mini Storage is to be included, it is required to be shown as part of the Site Plan Review process to be included in the CZA action.
3. Should provide typical wall elevation(s) as part of SPR resubmittal – elevations required as part of project application package. Elevation for each height of wall proposed is required.
4. Should provide typical RV cover elevation(s) as part of SPR resubmittal – elevations required as part of project application package.
5. An elevation of the wall with an RV cover behind it as seen from either street should be included in the application package.
6. Show all on-site lights that are not part of the RV covers – photometric study required as a part of the project application package.
7. Full wall and perimeter landscaping will be required as part of Phase one of the development.
8. Relocate wash bay and air pump to west side of facility away from residential. Wash bay will be required to meet low water use standards.

9. Relocated maintenance facility to west side of the site away from residential.
10. No parking or use of the unimproved area is allowed outside of Phase One.
11. Clearly identify existing and final property lines.
12. Doe Avenue cross-section – the PA zone requires 15 feet of landscaping along Doe and the CS zone requires 10 feet of landscaping along Doe – Provide a minimum of 10 feet of landscaping behind the sidewalk on Doe Avenue.
13. Provide a detail of the proposed Maintenance Facility – paving and parking with building elevations and conceptual floor plan – as a part of the project application.
14. Provide a detail of the proposed monument sign as a part of the SPR process.
15. Outdoor PA systems are not allowed for this site.
16. Relocate the trash enclosure for better direct stab by Solid Waste.
17. Hours of operation are proposed as 6 am to 10 pm, staff may recommend reduced hours as part of the project actions.
18. Staff will not support the inclusion of street flags, banners, A-frame signs, or other similar advertising for this site based upon the location adjacent to residential.
19. NOTE: Staff highly recommends that the applicant reach out to the neighborhood early to inform them of the project and gather input on any neighborhood issues or concerns.

PROJECT SPECIFIC INFORMATION: August 22, 2018

1. Provide additional details, full R-O-W improvements, access drive width, gates, office, fencing/walls, trash enclosure; any other on-site improvements (dump station, wash area, fresh water supply, etc.)
2. Mini-storage (Vehicle Storage) A GPA, COZ, and CZA would be required.
3. Provide landscaping and wall setback distances on site plan.
4. Provide a detailed Operational Statement for the Site Plan Review process
5. A decorative block wall will be required along the street frontages – minimum height of 7 feet.
6. Provide a separate operational statement – very difficult to understand information on application. (hours of operation, site lighting..)
7. Complete signage program will be a required component of moving forward with any type of action for this use.
8. Is there a man gate for this complex?
9. Provide a trash enclosure to city Standards.
10. Will cars be left on the street for use when coming back for drop-off?
11. Detail the R-O-W, Trail, setback, and public improvements along El Cajon Street X-section.
12. Recess gates/access to get large vehicles out of the Doe Avenue travel lanes
13. Will there be solar on the carports?
14. All lighting to be designed and installed so as to prevent any direct or indirect light or glare from falling upon adjacent properties.
15. The applicant will need to be the proponent for the requested changes. Staff recommendations on discretionary actions are based upon the final completed site plan, related information and applications.
16. Meet all other Codes and Ordinances.

17.20.050 Development standards in the O-PA zone.

The following development standards shall apply to property located in the O-PA zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: fifteen (15) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;

4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
1. Front: fifteen (15) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.

17.18.080 Development standards in the C-S zone.

The following development standards shall apply to property located in the C-S zone:

- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
1. Front: ten (10) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
1. Front: ten (10) feet;
 2. Rear: five (5) feet (except where a building is located on side property line);
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.

Parking:

1. Comments will be based upon final site plan.
2. If this site becomes an independent facility – employee and customer parking will be required on-site.

Fencing and Screening:

1. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Variance to fence/wall height should also be submitted.

Landscaping:

1. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance.

2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.130.C).

Signature Ross



City of Visalia

Building: Site Plan

Review Comments

SPR 18156
1/1 & MINI SELF STORAGE
W. DORSET. & EL CAYON

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

- ☒ A building permit will be required. *For information call (559) 713-4444*
- ☒ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- ☒ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☒ Maintain fire-resistive requirements at property lines. **1 HR LESS THAN 10'-0" TO PROPERTY LINE.**
- ☐ A demolition permit & deposit is required. *For information call (559) 713-4444*
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- ☐ Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- ☐ Project is located in flood zone _____ * ☐ Hazardous materials report.
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- ☐ School Development fees. Commercial \$0.61 per square foot. Residential \$3.79 per square foot.
- ☐ Park Development fee \$_____ per unit collected with building permits.
- ☐ Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- ☐ Acceptable as submitted
- ☐ No comments at this time

Additional comments: ALL STORAGE BUILDINGS EXCEEDING 2500
SQ FT SHALL BE FIRE SPRINKLER WITH
13 TYPE SYSTEM. ALL NEW LANDSCAPING
SHALL MEET THE MWEL0 REQUIREMENTS.

VAL GARCIA 5/29/19
Signature

**Site Plan Review Comments For:**

Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia, CA 93292
559-713-4272 Office
559-713-4808 Fax

Date: 05/29/2019

Item # 2

Site Plan # 18-156 Resub

APN: 077-720-001, 007 & 732-730-001, 002

Location:

The following comments are applicable when checked:

- ☒ The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2016 California Fire Code (CFC), 2016 California Building Codes (CBC) and City of Visalia Municipal Codes.

- ☒ No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection systems and fire hydrants in accordance with all applicable sections of the California Fire Code.

Corbin Reed
Fire Marshal

17-156

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

Site Plan Review Comments

- ☐ No Comment at this time.
- ☐ Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- ☐ Public Safety Impact fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001

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

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

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

- ☐ Access Controlled / Restricted etc:

- ☒ Lighting Concerns: LIGHTING AT NIGHT TO PREVENT CRIME
- ☒ Landscaping Concerns: LOW + THIN TO PREVENT CRIME + HAZARDOUS ISSUES (ON TRAIL AS WELL)
- ☐ Traffic Concerns:

- ☐ Surveillance Issues:

- ☐ Line of Sight Issues:

- ☐ Other Concerns:
410

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

May 29, 2019

ITEM NO. 2

SITE PLAN NO:	RESUBMITTAL SPR18-156
PROJECT TITLE:	Covered RV Parking by Security Self Storage
DESCRIPTION:	5.7 Acres Covered RV Parking with 2.7 Acres Future Self Storage Buildings and 3 Residential Lots.
APPLICANT:	Theodore Caldwell
OWNER:	Dimello Toscana, Inc. (In Escrow to Sell to TC Property Management Ltd or Assignee)
APN:	077-720-001 thru 007 & 732-730-001, 002
LOCATION:	W. Doe St. & N. El Cajon St.

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

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

Additional Comments:

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Leslie Blair

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDIX
VISALIA CA. 93291
713 - 4500

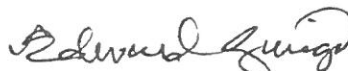
18156

COMMERCIAL BIN SERVICE

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

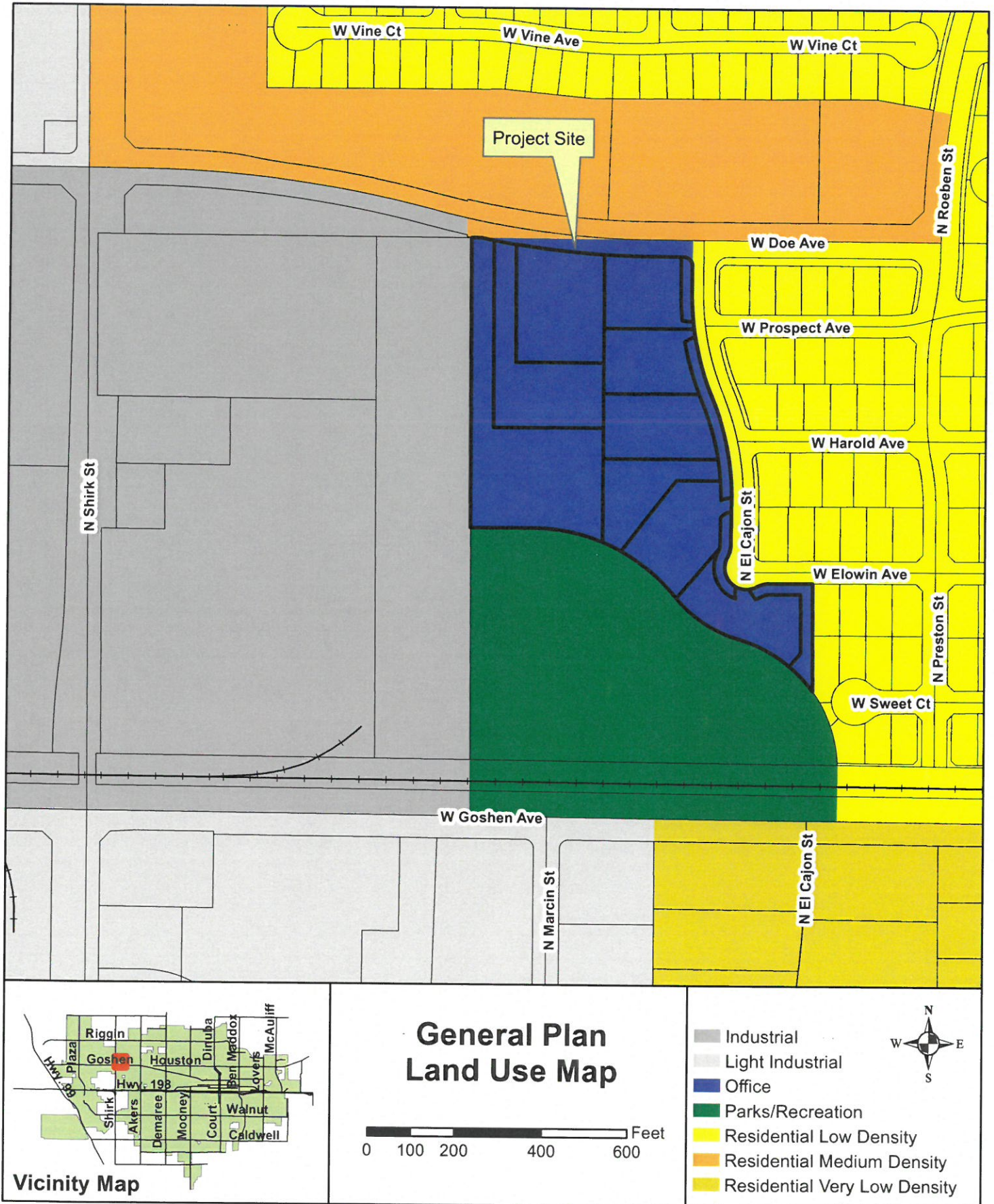
Jim Ross, Solid Waste Manager, 559-713-4533

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



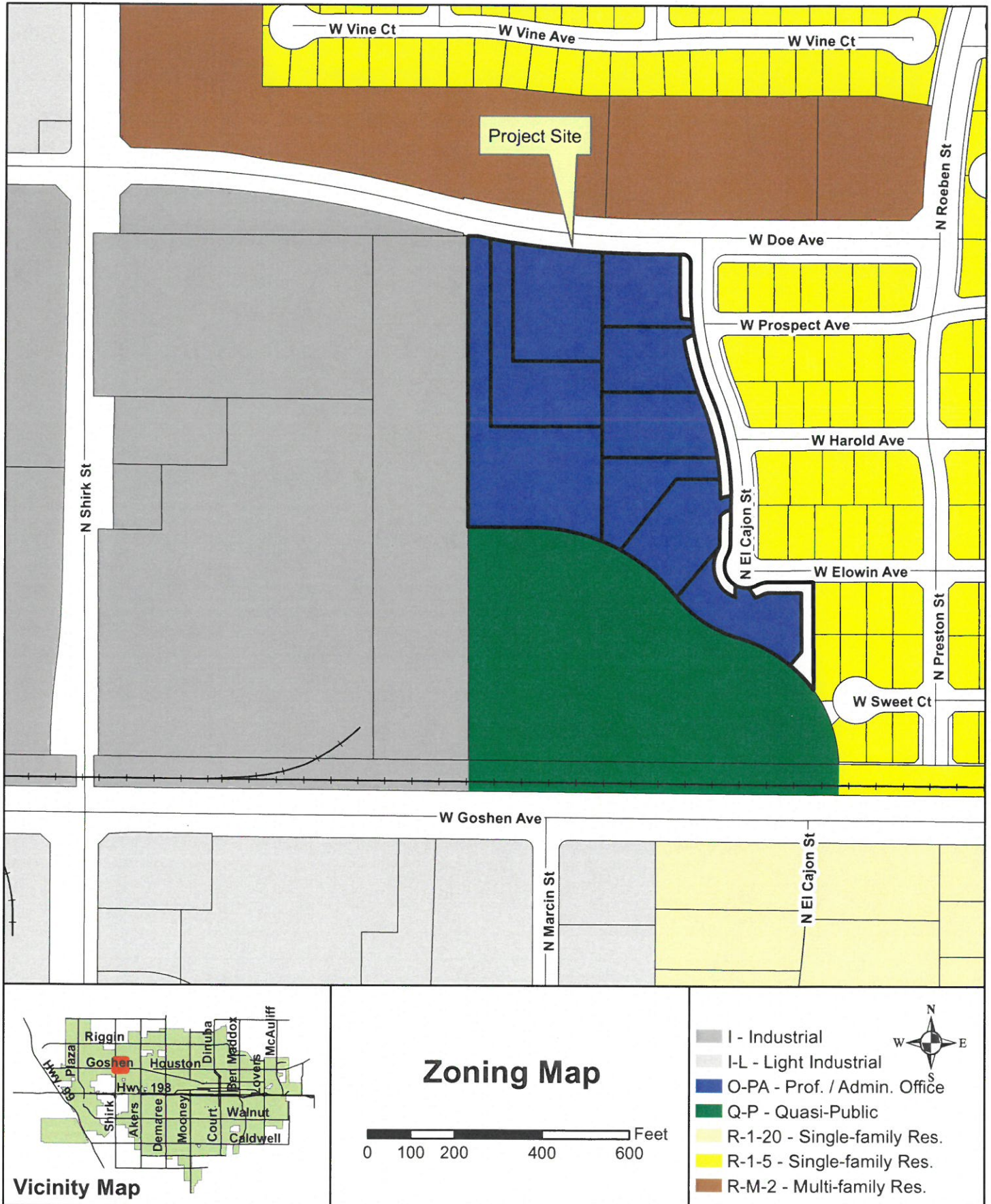
**General Plan Amendment No. 2019-08 , Change of Zone No. 2019-09,
Conditional Zoning Agreement Amendment No. 2019-10**

The project site is located on the southwest corner of Doe Avenue and El Cajon Street.
(APN: 077-720-001 through -007; 077-730-001 and -002)



General Plan Amendment No. 2019-08 , Change of Zone No. 2019-09, Conditional Zoning Agreement Amendment No. 2019-10

The project site is located on the southwest corner of Doe Avenue and El Cajon Street.
(APN: 077-720-001 through -007; 077-730-001 and -002)



**General Plan Amendment No. 2019-08 , Change of Zone No. 2019-09,
Conditional Zoning Agreement Amendment No. 2019-10**

The project site is located on the southwest corner of Doe Avenue and El Cajon Street.
(APN: 077-720-001 through -007; 077-730-001 and -002)



Aerial Photo

Photo Taken March 2018

0 100 200 400 Feet

- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS



**General Plan Amendment No. 2019-08 , Change of Zone No. 2019-09,
Conditional Zoning Agreement Amendment No. 2019-10**

The project site is located on the southwest corner of Doe Avenue and El Cajon Street.
(APN: 077-720-001 through -007; 077-730-001 and -002)

