

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Mary Beatie

COMMISSIONERS: Marvin Hansen, Chris Tavaréz, Bill Davis, Mary Beatie, Adam Peck

MONDAY, JUNE 10, 2024

VISALIA COUNCIL CHAMBERS

LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA

MEETING TIME: 7:00 PM

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES OR COMMENTS TO THE AGENDA –
 - a. Late Correspondence for Item No. 6
 - b. Late Correspondence for Item No. 9
5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - None
6. PUBLIC HEARING – Cristobal Carrillo, Associate Planner
Conditional Use Permit No. 2024-12: A request by the Rector, Wardens, and Vestryman of St. Paul's Parish in Visalia, CA to amend Conditional Use Permit No. 2021-01 by requesting to modify Condition of Approval No. 4 of Resolution No. 2021-01, to allow a six foot tall masonry block wall rather than a seven foot tall masonry block wall for a church located in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone. The project site is located at 6436 West Hurley Avenue, on the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005). No action under the California Environmental Quality Act is required for a proposed project that is rejected or disapproved by a public agency, in accordance with the California Environmental Quality Act Guidelines, Section 15270.

7. PUBLIC HEARING – Colleen Moreno, Assistant Planner

Conditional Use Permit No. 2024-13: A request by Jagtar Singh to amend Conditional Use Permit No. 2005-11 to allow a reduction of the drive aisle width, setbacks, and landscape planter of a Planned Residential Development in the R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) zone. The site is located at 3408, 3412 and 3416 East Douglas Avenue (APNs: 103-280-107, 103-280-108, & 103-280-109). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorically Exemption No. 2024-24.

8. PUBLIC HEARING – Josh Dan, Senior Planner

Conditional Use Permit No. 2024-21: A request by Amy Paim with Fix Auto Visalia to establish an automotive repair shop within an existing 7,500 square foot building within the C-MU (Mixed-Use Commercial) Zone District. The project site is located at 727 East Center Avenue (APN: 094-232-005). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorically Exemption No. 2024-36.

9. PUBLIC HEARING – Colleen Moreno Assistant Planner

Teakwood Estates Tentative Subdivision Map No. 5599: A request to subdivide 7.26 acres of R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) zoned property into a 35-lot single-family residential subdivision. The site is located on the southeast corner of East Roosevelt Avenue and North Simon Street (APN: 103-280-032 & 103-280-081). A Notice of Exemption was prepared for the tentative subdivision map in accordance with State California Environmental Quality Act (CEQA) Guidelines Section 15183 (Public Resources Code §21083.3). Notice of Exemption No. 2024-21 disclosed that no additional environmental review is required based upon the project being consistent with the development density established by the City's General Plan and based upon no further project-specific effects that are peculiar to the project or the site.

10. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. Planning Commission reappointments and appointment
- b. Planning Commission Updates

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

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

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

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, JUNE 20, 2024, BEFORE 5:00 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JUNE 24, 2024



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: June 10, 2024

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone No.: (559) 713-4443
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2024-12: A request by the Rector, Wardens, and Vestryman of St. Paul's Parish in Visalia, CA to amend Conditional Use Permit No. 2021-01 by requesting to modify Condition of Approval No. 4 of Resolution No. 2021-01, to allow a six foot tall masonry block wall rather than a seven foot tall masonry block wall for a church located in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone. The project site is located at 6436 West Hurley Avenue, on the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005).

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny Conditional Use Permit No. 2024-12. Staff's recommendation to deny this request and uphold the conditions of Conditional Use Permit No. 2021-01 as approved under Resolution No. 2021-01 is based on the project's consistency with the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to deny Conditional Use Permit No. 2024-12 based on the findings and conditions in Resolution No. 2024-27.

PROJECT DESCRIPTION

On April 27, 2021, the Planning Commission granted approval of Conditional Use Permit No. 2021-01 to allow the development of a new 18,645 square foot church facility on a 3.44-acre parcel in the R-1-5 Zone. As part of the proposal, analysis was conducted by staff detailing potential impacts from the church use on nearby residential areas to the east of the project site and future residential uses to the north. Potential impacts identified included vehicle headlight glare and noise impacts that would occur from regular operation of the church facility. To address these impacts, Conditions of Approval were applied requiring an onsite evening lighting inspection, compliance with the Noise Ordinance (Chapter 8.36 of the Visalia Municipal Code), and installation of a seven-foot-tall masonry wall along the shared property lines adjacent to residential zoned properties. These conditions were applied and enforced during review of Building Permit No. B210837 for construction of the new church site.

While construction of the church was ongoing, the applicant requested a "Temporary Occupancy" inspection from the Planning Division on February 20, 2024. At that time, staff noted that the required masonry wall appeared to be built at a height of six feet rather than seven feet as required per Condition No. 4 of Resolution No. 2021-01. Staff subsequently informed the applicant of the requirement, and the church informed staff of its desire to retain the six foot wall as is.

The request before the Planning Commission is to amend the requirement for a seven foot tall masonry wall along the property line boundaries shared with residential zoned property. Per the applicant's Operational Statement in Exhibit "D", the applicant wishes to reduce the required

height to six feet, consistent with the existing wall. The applicant contends that the church hours of operation are such that the use of the facility would unlikely cause impacts as activities would not go beyond 7:30 p.m. at the latest. The applicant also notes that from the vantage point of the nearest residence (located at 6410 West Hurley Avenue, immediately east of the project site) the height of the wall is already seven feet. To support this, the applicant has provided a letter from the property owner of 6410 West Hurley Avenue (Exhibit “E”) requesting that the wall remain at its existing height. The applicant further notes that adding to the height of the block wall would pose an undue financial burden, adding an estimated \$25,000 to the cost of the overall project. Lastly, the applicant states that the six foot wall adequately addresses the impacts cited in the original CUP approval and is consistent with other walls required for churches in Visalia.

Additional information has also been provided by the applicant relating to the Religious Land Use and Institutionalized Persons Act (RLUIPA). The RLUIPA is a federal law passed in 2000 that, among other provisions, prohibits the application of undue burdens via zoning law on religious institutions (Exhibit “F”). The applicant has provided this information to staff but does not note within the operational statement how RLUIPA applies to their current request.

Site plans, floor plans, and building elevations for the church can be found in Exhibits “A”, “B”, and “C”. The Planning Commission staff report for the original CUP is provided as Exhibit “G”.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Residential Low Density
Zoning:	R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)
Surrounding Zoning and Land Use:	North: R-1-5 / Vacant residential land South: R-1-5 / Hurley Avenue, Oakwest Subdivision East: R-1-20 (Single Family Residential, 20,000 sq. ft. minimum site area) / Single family residences West: Q-P (Quasi-Public) / Marcin Street, Hurley Elementary School
Environmental Document	Initial Study / Negative Declaration No. 2021-01
Site Plan:	N/A

RELATED PROJECTS

Annexation No. 2018-01: A request by Garry and Diane Riezebos, and The Rector, Wardens & Vestrymen of St. Paul’s Parish in Visalia, CA Inc., for the annexation of four parcels totaling 7.43 acres into the Visalia City Limits. The project area was part of a county island located on the northeast corner of N. Marcin Street and W. Hurley Avenue (APNs: 085-540-001, 002, 005, 006). The Visalia Planning Commission reviewed the proposal on January 14, 2019, and recommended approval of the annexation to the Visalia City Council. The City Council reviewed the annexation on February 19, 2019, and approved the annexation initiation request. The annexation was filed with Tulare County Local Agency Formation Commission (LAFCo) staff and was approved by LAFCo on May 1, 2019. The annexation resolution was recorded June 11, 2019, with the Tulare County Recorder.

Conditional Use Permit No. 2021-01: A request by Tom Hayslett to construct a new 18,645 square foot church facility for St. Paul’s Anglican Church in the R-1-5 Zone, located at 6436

West Hurley Avenue, on the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005). The Visalia Planning Commission reviewed the proposal on April 27, 2021, and approved the request by a vote of 5 to 0.

Building Permit No. B210837: A Building Permit for the construction of an 18,645 square foot church, with a parish hall, kitchen, administration offices, classrooms, bathrooms, and accompanying parking field. The Building Permit was issued on July 19, 2022.

PROJECT EVALUATION

Staff does not support the requested conditional use permit amendment based on inconsistency of the request with the General Plan and the Zoning Ordinance. The following potential issue areas have been analyzed for the proposed project.

Land Use Compatibility

Churches and other religious institutions are identified as conditionally permitted uses in several of Visalia's zoning classifications, including the R-1-5 zone. Through the conditional use permit process, any potential land use conflicts can be addressed through project conditions to ensure compatibility with the surrounding area. Land uses within the vicinity of the proposed church site include single-family residences, vacant residentially zoned land, and Hurley Elementary School. Residential areas to the south are separated by Hurley Avenue and an existing block wall that screens the project site from view. Application of the condition requiring installation of a seven-foot-tall masonry wall was recommended to improve site compatibility with adjacent residential land uses, as the church is considered a more intensive use than a typical residential subdivision. Application of the block wall would limit any conflicts from the church during regular services and events, and during parking lot activity such as vehicle noise and headlight glare.

Requiring installation of seven-foot-tall block walls to reduce impacts is standard practice for the Planning Division. The Zoning Ordinance requires a block wall at seven feet height whenever land designated for residential uses abuts and/or is adjacent to commercial zoned properties (refer to Zoning Ordinance Section 17.36.050.A). This is further discussed in the Review of Churches – Conditions of Approval section of this report below.

Wall Height – Adjacent Properties

The applicant has provided a letter from the property owners to the east at 6410 West Hurley Avenue (refer to Exhibit "E"), who state that the block wall on their side of the property is already at seven feet, and they do not wish to see the wall made taller. Staff has not verified this claim, but it has been confirmed that this is not the case for the residentially zoned property to the north. Upon inspection in February 2024, staff noted that the height of wall from that property was approximately six feet.

Measurements from the other adjacent residential property (6308 West Hurley Avenue), which is also adjacent to the church, have not been obtained.

Review of Churches – Conditions of Approval

Staff conducted a review of CUPs for the establishment of new churches, or addition to sanctuaries. A total of 17 CUPs were reviewed. The vast majority were for the establishment of churches within existing buildings in commercial zones. In those instances, conditions for the placement of block walls were not included.

There were four instances in which a new church was proposed for development, or where an existing church was significantly increased in size. Those churches, and the conditions that were applied, are summarized below as follows:

- CUP No. 2016-26 (An amendment to a previously approved 1996 CUP) – Neighborhood Church at 5505 West Riggan Avenue was approved on January 17, 1997. Per the 1997 approval, the church site was conditioned to construct a solid block wall along the south and west property lines. Per the 1997 staff report, the block wall height was not listed. The existing block wall is approximately 6-foot, 8-inches. The 2016 CUP amendment was a request to increase the size of the church to add additional sanctuary seating and classrooms. Per the conditions of project approval for the 2016 CUP, the staff report notes that placement of a seven-foot-tall block wall along the remainder of the western property boundary shall be required at the time of the second phase of development, which has not occurred at this time.
- CUP No. 2017-28 (An amendment to a previously approved 2008 CUP) – Saint Borromeo Church at 5049 West Caldwell Avenue was approved on November 24, 2008. Per the 2008 approval, the church site was conditioned to construct a 6-foot, 8-inch block wall along the south and east property lines abutting existing and future residential zoned property. Staff conducted a site visit, and the existing block wall height varies in height from 5-feet, 6-inches to 6-feet, 4-inches. During the 2017 CUP amendment process, staff noted in the report that the block wall had already been constructed with the first phase of the church development.
- CUP No. 2017-37 (An amendment to a previously approved 2008 CUP) – Grace Community Church of Visalia at 2525 South Lovers Lane was approved on July 27, 2009. Per the 2009 approval, a 7-foot block wall was required adjacent to the existing residential subdivision to the west. The 2017 CUP amendment was a request to expand the proposed sanctuary and was also accompanied by the Cherry Creek Tentative Subdivision Map, which was a request to develop a residential subdivision on the church's proposed sports fields. The 2017 CUP amendment was also conditioned to construct a 7-foot block wall adjacent to the new Cherry Creek subdivision. The 7-foot block wall was built during the development of the Cherry Creek subdivision.
- CUP No. 2019-38 – Rise Church located at 5702 West Caldwell Avenue was approved on August 14, 2017. The request was to increase the size of the existing parking field and to place three modular buildings to be used for children's Sunday school. During the public hearing, public comments resulted in the Planning Commission requiring a condition to install a three- to six-foot-tall block wall along the north property line abutting Peppertree Court. This condition was adopted to reduce the visibility of the modular buildings from the residential neighborhood to the north.

Given the above, and recent concerns raised on several projects regarding the placement and height of block walls when commercial sites and/or uses are developed adjacent to sensitive uses (i.e., residential developments), staff concludes that the condition to construct a seven-foot block wall be required to mitigate and reduce vehicle headlight glare and noise impacts that would occur from regular operation of the church facility.

Religious Land Use and Institutionalized Persons Act (RLUIPA)

Staff has consulted with the City Attorney regarding the provision of the RLUIPA and its applicability to this request. Per their analysis, the City Attorney concludes that requirement for the seven-foot-tall block wall does not interfere with the ability of the church to operate. The church has been approved and the condition requiring the block wall reduces noise conflicts that are generated by use of the parking lot by vehicles entering and exiting the site that abut existing and future residential uses.

Alternatives

Alternatively, the Planning Commission may choose to allow the six-foot tall block wall as requested by the applicant. Should the Planning Commission approve the request to allow the six-foot tall block wall, staff will prepare an updated resolution for the Planning Commission to adopt at their next regularly scheduled meeting on June 24, 2024.

Environmental Review

When a proposed project is rejected or disapproved by a public agency, no action is required under the California Environmental Quality Act in accordance with the California Environmental Quality Act Guidelines, Section 15270. It should be noted that Initial Study/Negative Declaration No. 2021-01 was prepared for Conditional Use Permit No. 2021-01, consistent with the California Environmental Quality Act. (CEQA). The initial study disclosed that environmental impacts from the church project were determined to not be significant.

RECOMMENDED FINDINGS

1. That the proposed project will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as it will increase the potential for adjacent residentially zoned areas and sensitive land uses to be impacted by church activities that produce light and noise.
2. That the proposed project is not consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is not consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed request to reduce the block wall height is not in accordance with the objectives of the Zoning Ordinance. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. It was previously identified that the proposed church will not have a negative impact on surrounding uses with the inclusion of seven-foot-tall block walls along boundaries shared with residentially zoned areas, which would reduce impacts from noise on adjacent existing and future residential uses. Reduction to the wall height has the potential to reduce the effectiveness of the block wall to reduce impacts from light and noise. Reduction of the wall height would also create an inconsistency with other approved new churches that are adjacent to residential uses, which have been required to install seven-foot-tall block walls.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. It was previously identified that the proposed church will not have a negative impact on surrounding uses with the inclusion of seven-foot-tall block walls along boundaries shared with residentially zoned areas, which would reduce impacts from noise on adjacent existing and future residential uses. Reduction to the wall height has the potential to reduce the effectiveness of the block wall to reduce impacts from light and noise. Reduction of the wall height would also create an inconsistency with other approved new churches that are adjacent to residential uses, which have been required to install seven-foot-tall block walls.

3. That no action under the California Environmental Quality Act is required for a proposed project that is rejected or disapproved by a public agency, in accordance with the California Environmental Quality Act Guidelines, Section 15270.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia CA. 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.

Attachments:

- Related Plans and Policies
- Resolution No. 2024-27
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Building Elevations
- Exhibit "D" – Operational Statement
- Exhibit "E" – Letter from Moses and Margarita Hernandez
- Exhibit "F" – Information on the Religious Land Use and Institutionalized Persons Act
- Exhibit "G" – April 27, 2021, Planning Commission Staff Report, CUP No. 2021-01
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

Conditional Use Permits (Chapter 17.38)

17.38.010 Purposes and powers

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

17.38.020 Application procedures

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

17.38.030 Lapse of conditional use permit

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

17.38.040 Revocation

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

17.38.050 New application

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

17.38.060 Conditional use permit to run with the land

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

17.38.065 Abandonment of conditional use permit

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

17.38.070 Temporary uses or structures

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

17.38.080 Public hearing--Notice

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

17.38.090 Investigation and report

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

17.38.100 Public hearing--Procedure

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

17.38.110 Action by planning commission

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

17.38.120 Appeal to city council

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

17.38.130 Effective date of conditional use permit

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

RESOLUTION NO. 2024-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING CONDITIONAL USE PERMIT NO. 2024-12, A REQUEST BY THE RECTOR, WARDENS, AND VESTRYMAN OF ST. PAUL'S PARISH IN VISALIA, CA TO AMEND CONDITIONAL USE PERMIT NO. 2021-01 BY REQUESTING TO MODIFY CONDITION OF APPROVAL NO. 4 OF RESOLUTION NO. 2021-01, TO ALLOW A SIX FOOT TALL MASONRY BLOCK WALL RATHER THAN A SEVEN FOOT TALL MASONRY BLOCK WALL FOR A CHURCH LOCATED IN THE R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM LOT SIZE) ZONE. THE PROJECT SITE IS LOCATED AT 6436 WEST HURLEY AVENUE, ON THE NORTHEAST CORNER OF WEST HURLEY AVENUE AND NORTH MARCIN STREET (APN: 085-540-005).

WHEREAS, Conditional Use Permit No. 2024-12, is a request by the Rector, Wardens, and Vestryman of St. Paul's Parish in Visalia, CA to amend Conditional Use Permit No. 2021-01 by requesting to modify Condition of Approval No. 4 of Resolution No. 2021-01, to allow a six foot tall masonry block wall rather than a seven foot tall masonry block wall for a church located in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone. The project site is located at 6436 West Hurley Avenue, on the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 10, 2024; and

WHEREAS, Section 17.38.010 of the Zoning Ordinance of the City of Visalia provides, *"In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits"*; and

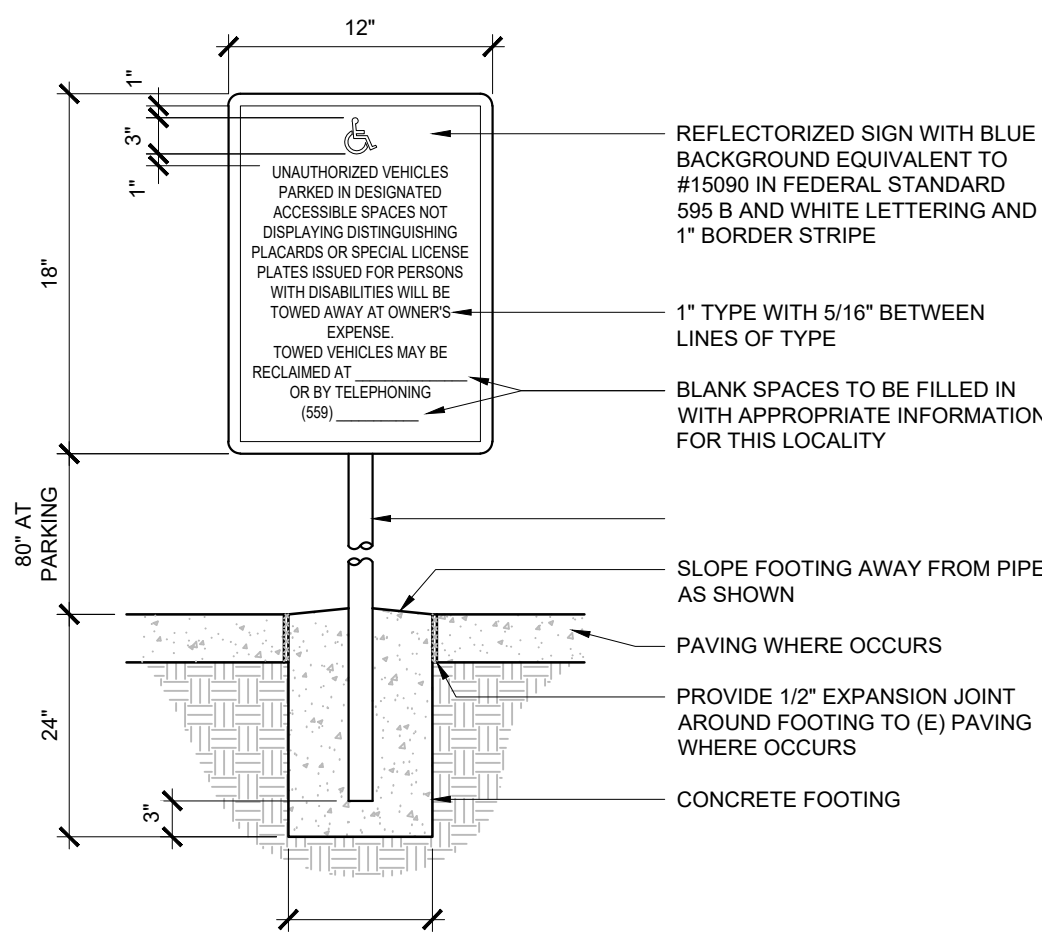
WHEREAS, Section 17.38.110(A) of the Zoning Ordinance of the City of Visalia requires that the Planning Commission make certain findings in order to grant a conditional use permit application, and if such findings cannot be made, then Section 17.38.110(C) provides that the Planning Commission may deny an application for a conditional use permit; and

WHEREAS, if the project is denied, no action is required to be taken on an environmental document in accordance with the California Environmental Quality Act (CEQA).

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

1. That the proposed project will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as it will increase the potential for adjacent residentially zoned areas and sensitive land uses to be impacted by church activities that produce light and noise.
2. That the proposed project is not consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is not consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed request to reduce the block wall height is not in accordance with the objectives of the Zoning Ordinance. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. It was previously identified that the proposed church will not have a negative impact on surrounding uses with the inclusion of seven-foot-tall block walls along boundaries shared with residentially zoned areas, which would reduce impacts from noise on adjacent existing and future residential uses. Reduction to the wall height has the potential to reduce the effectiveness of the block wall to reduce impacts from light and noise. Reduction of the wall height would also create an inconsistency with other approved new churches that are adjacent to residential uses, which have been required to install seven-foot-tall block walls.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. It was previously identified that the proposed church will not have a negative impact on surrounding uses with the inclusion of seven-foot-tall block walls along boundaries shared with residentially zoned areas, which would reduce impacts from noise on adjacent existing and future residential uses. Reduction to the wall height has the potential to reduce the effectiveness of the block wall to reduce impacts from light and noise. Reduction of the wall height would also create an inconsistency with other approved new churches that are adjacent to residential uses, which have been required to install seven-foot-tall block walls.
3. That no action under the California Environmental Quality Act is required for a proposed project that is rejected or disapproved by a public agency, in accordance with the California Environmental Quality Act Guidelines, Section 15270.

NOW, THEREFORE, BE IT FURTHER RESOVLED, that the Planning Commission denies Conditional Use Permit No. 2024-27 on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 17.38.110(C) of the Municipal Ordinance Code of the City of Visalia.



PARKING LOT ENTRY SIGN

SCALE: 3/4" = 1'-0"

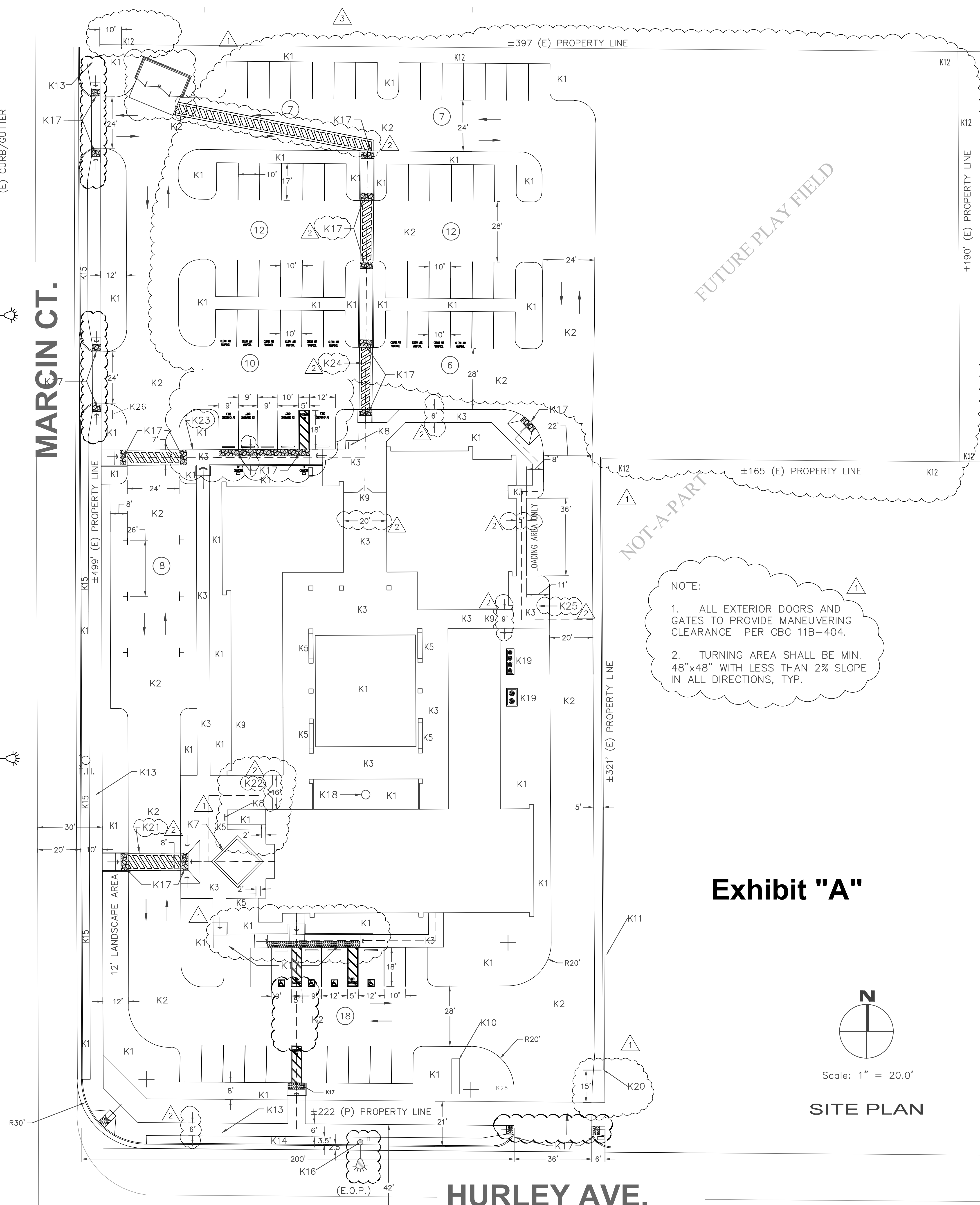
1

MARCIN CT.

(E) DRIVE APPROACH

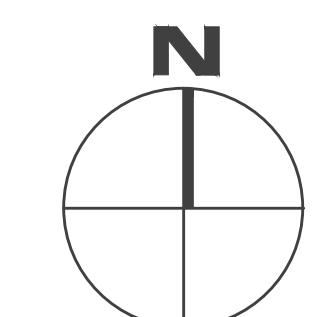
(E) DRIVE APPROACH

(E) SIDEWALK
(E) CURB/GUTTER



NOTE:
1. ALL EXTERIOR DOORS AND GATES TO PROVIDE MANEUVERING CLEARANCE PER CBC 11B-404.
2. TURNING AREA SHALL BE MIN. 48"x48" WITH LESS THAN 2% SLOPE IN ALL DIRECTIONS, TYP.

Exhibit "A"



SITE PLAN

PROPOSED PARKING:

10' x 19' STANDARD STALLS:	55
8' x 26' PARALLEL STALLS:	8
10' x 18' ACCESSIBLE STALLS:	4
10' x 19' CLEAN AIR/VANPOOL	10
EV CHARGING	4
DELIVERY LOADING STALL	1

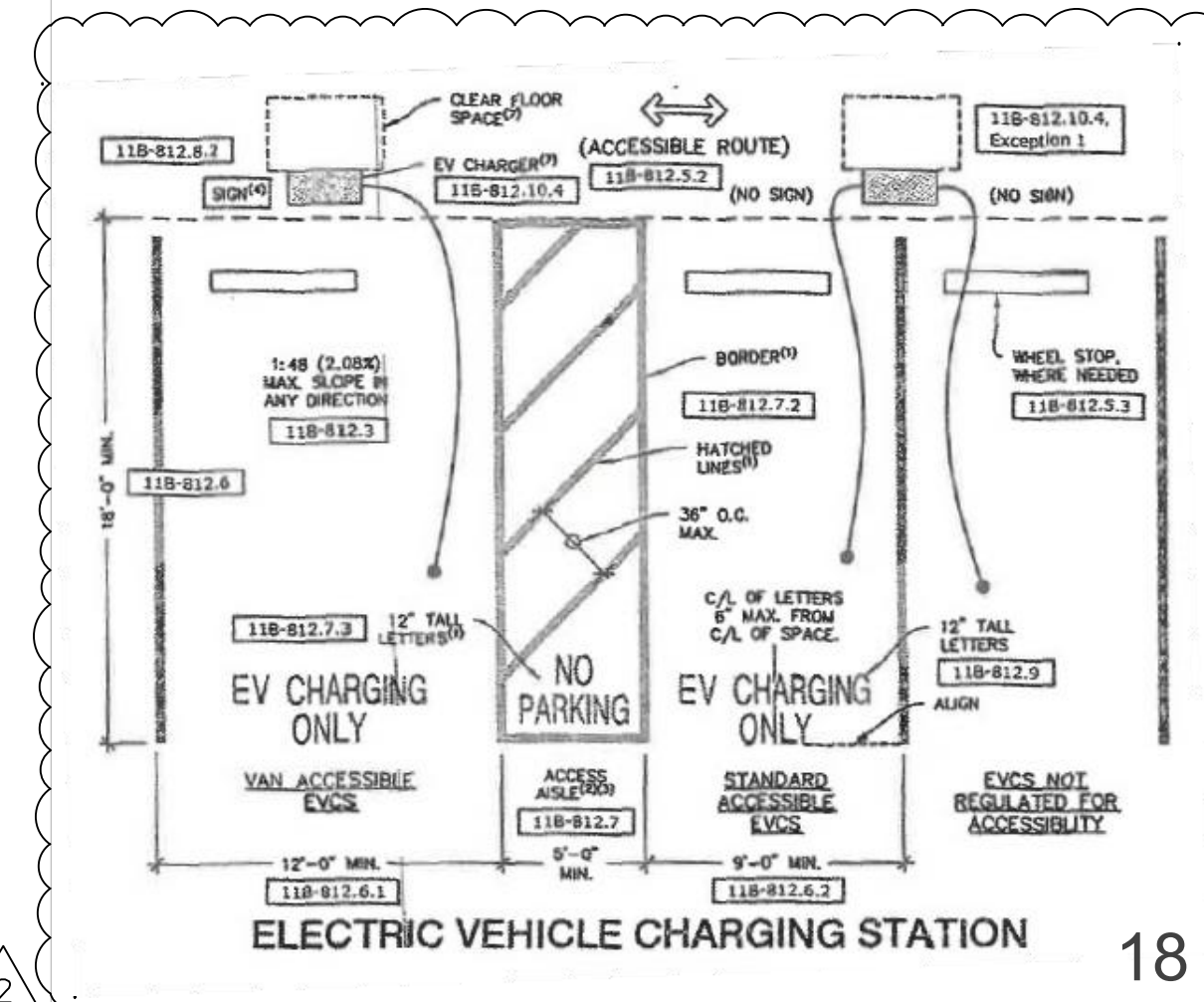
TOTAL PARKING 82

PARKING REQUIRED:

BASED ON CHURCH SEATING:
280 SEATS + 6 WHEEL CHAIR / 4 = 72 STALLS

PARKING LOT DESIGN USES 10'x19' PARKING STALLS. CITY PARKING STANDARDS (PK-1) FOR 90° PARKING REQUIRES A MIN. 23' (E)DRIVE AISLE AND A 20' (F) DRIVE LANE BETWEEN AISLES.

PROPOSED 2-4 BICYCLE PARKING RACK.

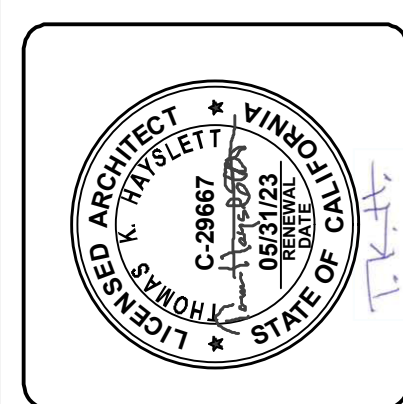


SITE PLAN KEYNOTES

- K1 LANDSCAPE AREA, SEE LANDSCAPE DRAWINGS.
- K2 PAVING, SEE CIVIL DRAWINGS.
- K3 CONC. WALK, SEE CIVIL DRAWINGS.
- K4 TRASH BIN ENCLOSURE, SEE CIVIL DRAWINGS.
- K5 BENCH, SEE DETAIL 22/A-19.
- K6 ACCESSIBLE RAMP, SEE CIVIL DRAWINGS.
- K7 12"x12" QUARRY TILE SET FLUSH WITH CONCRETE WALK.
- K8 SHORT TERM BIKE RACK, HUNTOO MFG., RAMBLER MODEL, 4 BIKE, 36"x48" LENGTH, IN-GROUND MOUNTING, HOT DIPPED GALVANIZED FINISH.
- K9 ENTRY GATE, SEE EXTERIOR ELEVATIONS ON A-5, A-6, AND DETAIL 5/A-5.
- K10 MONUMENT SIGN UNDER SEPARATE PERMIT.
- K11 (E)WOOD FENCE TO BE REMOVED. INSTALL (N)CONC. BLOCK FENCE, SEE DETAIL R3/C-8.
- K12 (N)CONC. BLOCK FENCE, SEE DETAIL R3/C-8.
- K13 6' WIDE CONC. SIDEWALK, SEE CIVIL DRAWINGS.
- K14 5' WIDE PARKWAY, SEE LANDSCAPE DRAWINGS.
- K15 4' WIDE PARKWAY, SEE LANDSCAPE DRAWINGS.
- K16 (E)STREET LIGHTS TO BE REMOVED. 2-(N)STREET LIGHTS TO BE INSTALLED TO CITY STANDARDS.
- K17 3' DP x WIDTH OF WALK, TRUNCATED DOMES.
- K18 STUB WATER AND POWER FOR FUTURE FOUNTAIN.
- K19 GROUND MOUNTED CONDENSING UNIT, SEE MECHANICAL PLAN, M-2.
- K20 END OF CONCRETE BLOCK WALL.
- K21 16' EXIT TO 8' WIDE CONCRETE PATHWAYS (OCCUPANT LOAD 297)
- K22 16' EXIT TO 8' & 5' CONCRETE PATHWAY (OCCUPANT LOAD 467)
- K23 (1) 7' EXIT TO 6' CONCRETE PATHWAY (OCCUPANT LOAD 296)
- K24 20' EXIT TO 5' CONCRETE PATHWAY (OCCUPANT LOAD 619)
- K25 8' EXIT TO 5' CONCRETE PATHWAY (OCCUPANT LOAD 287)
- K26 TOE AWAY SIGN PER DETAIL 1, A-1

REVISIONS		DESCRIPTION
DATE	7/15/21	PLAN CHECK REVISIONS
DATE	5/10/22	PLAN CHECK REVISIONS

CONSULTANT:



Thomas K. Hayslett, Architect
303 North Church Street, Visalia CA 93291
Phone: (559) 732-9808
Cell: (559) 303-8953
Email: thayslett@pacbell.net

PROJECT: **New Parish Campus**
St. Pauls' Anglican Parish
Corner of Hurley Ave. & Marcin Ct., Visalia, CA

DATE:	MAY 10, 2022
JOB NO:	1812
SHEET TITLE:	SITE PLAN
SHEET NO:	A-1
PROJECT:	New Parish Campus

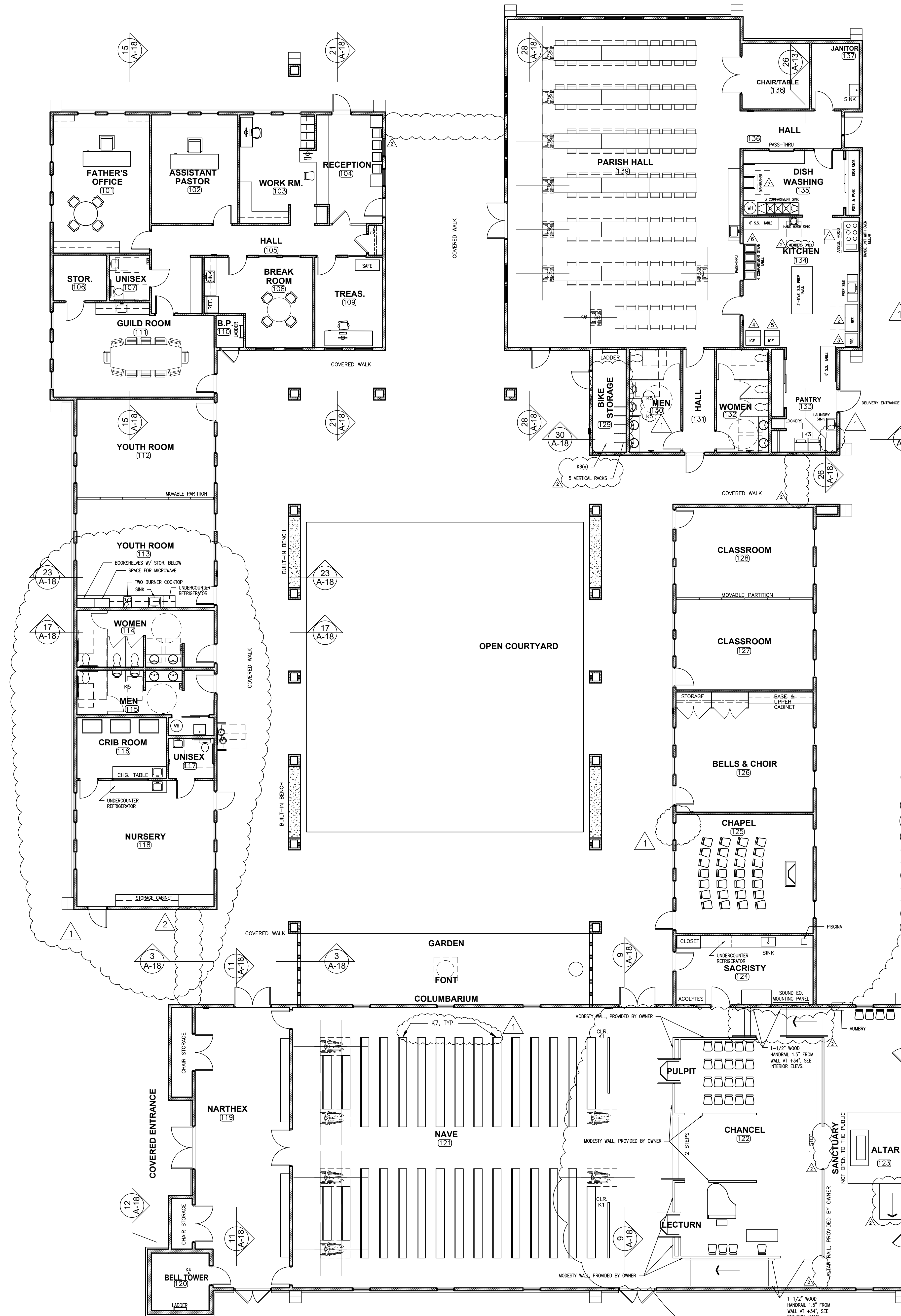


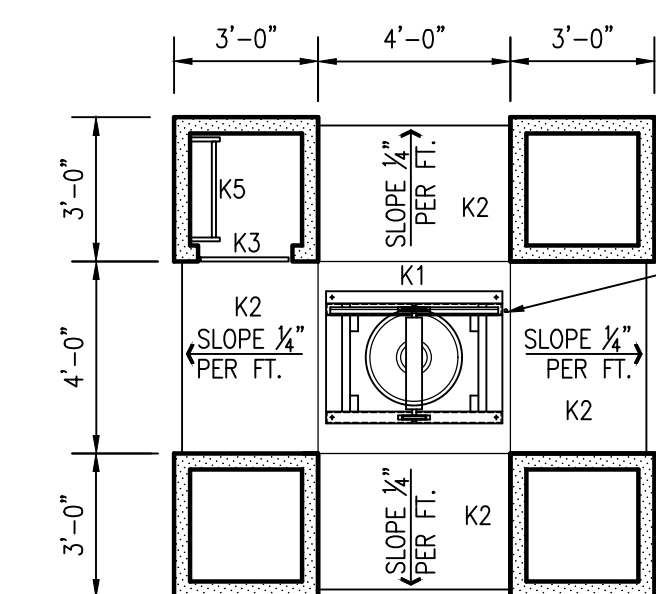
Exhibit "B"

BUILDING AREA	
1ST FLOOR CHURCH.....	5,936 SF
ATLIC SPACE FOR MECHANICAL.....	1,003 SF
PARISH HALL, KITCHEN & RESTROOMS.....	4,002 SF
EAST CLASSROOM, CHAPEL & SACRISTY.....	2,016 SF
ADMINISTRATION WING.....	2,480 SF
WEST CLASSROOM, NURSERY & RESTROOM WING.....	2,056 SF
TOTAL.....	17,493 SF
COURTYARD.....	2,325 SF
COVERED WALKS.....	4,636 SF

PEW SEATING CAPACITY IN NAVE	
PEW FIXED SEATING DISTANCE IS 18", SECTION CBC 1004.6	
24 - 15' PEWS, SEATING FOR 10 x 24 =	240 PEOPLE
2 - 12' PEWS, SEATING FOR 8 x 2 =	16 PEOPLE
4 - 9' PEWS, SEATING FOR 6 x 4 =	24 PEOPLE
TOTAL PEW SEATING	280 PEOPLE

BELL PLATFORM KEYNOTES

- K1 24" CAST BRONZE ROPE SWING BELL BY VERDIN BELL & CLOCK CO.
- K2 1/2" THK. LIGHT WEIGHT CONC. PAD W/ WATERPROOF MEMBRANE OVER 3/4" THK. T&G PLY DECK, SEE DETAIL 18/A-4.
- K3 ACCESS PANEL; WILLIAM BROS., MODEL PL500 24"x36".
- K4 ROPE FLUTE SUPPLIED BY BELL MFG. TO BE INSTALL THRU BELL FLOOR DECK AND DECK BELOW IN MECHANICAL. ROPE IS TO BE ACCESSED FROM BELL TOWER, RM NO. 120.
- K5 24" WIDE METAL ACCESS LADDER.



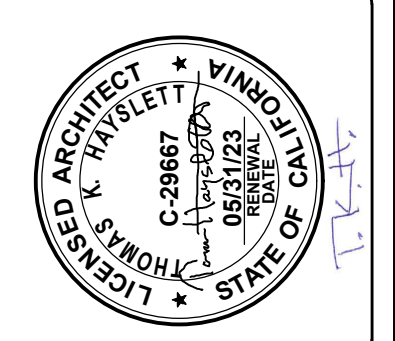
BELL PLATFORM 1/4"=1'-0" 24

FLOOR PLAN KEYNOTES

- K1 SEMI-AMBULANT SEAT SHALL PROVIDE 24" MIN. CLEAR LEG SPACE BETWEEN THE FRONT OF THE SEAT TO THE NEAREST OBSTRUCTION OR TO THE BACK OF THE SEAT IN FRONT.
- K2 spore.
- K3 ELECTRIC STACKED WASHER/DRYER, N.I.C. WHIRLPOOL ADA ACCESSIBLE UNIT, MODEL CET910000 OR APPROVED EQUAL.
- K4 LOCATION OF BELL ROPE.
- K5 URINAL PARTITION, 24" WIDE x 48" TALL MOUNTED 12" OFF THE F.F.
- K6 PARISH HALL WHEEL CHAIR SEATING; PARISH HALL TO PROVIDE 8" SPACES MIN. AT THE TABLE LAYOUT WITH VERT. CLEARANCE OF 28" TO 34" MAX. AND A CLEAR FLOOR SPACE UNDER THE TABLE OF 30" WIDE AND 25" DEEP.
- K7 SECURE PEWS TO FLOOR, TYP.
- K8 SHORT TERM BIKE RACK, SEE SHEET A-1
- K8(g) LONG TERM BIKE STORAGE

REVISIONS	
DATE	DESCRIPTION
7/15/21	PLAN CHECK REVISIONS
5/10/22	PLAN CHECK REVISIONS
2/24/22	PLAN CHECK REVISIONS
6/10/22	PLAN CHECK REVISIONS

CONSULTANT:



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New Parish Campus
St. Pauls' Anglican Parish
Corner of Hurley Ave. & Marcin Ct., Visalia, CA

PROJECT:

DATE: MAY 10, 2022

JOB NO: 1812

SHEET TITLE:

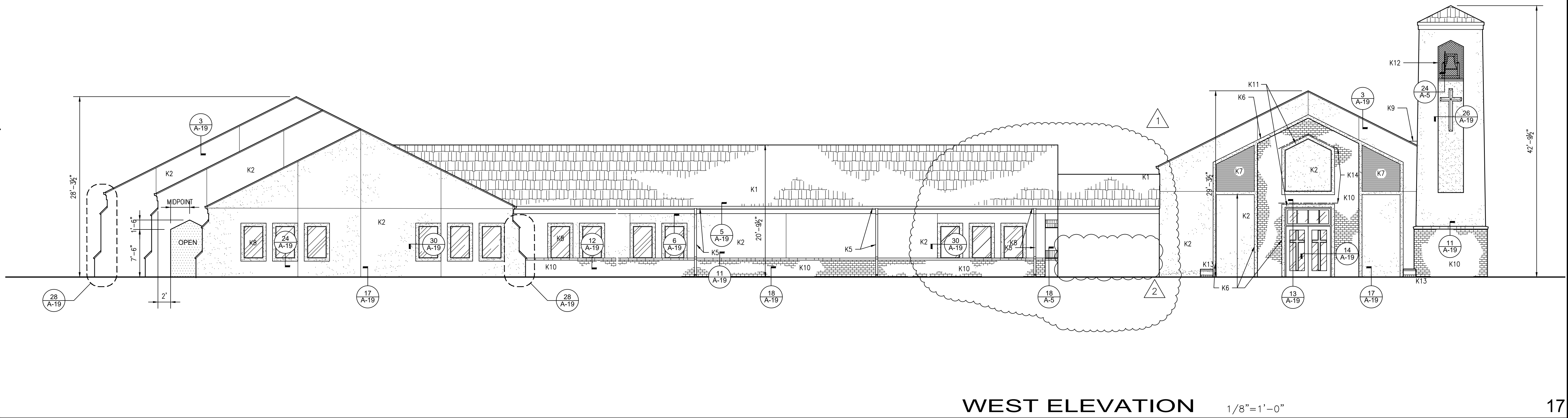
FLOOR PLAN

SHEET NO:

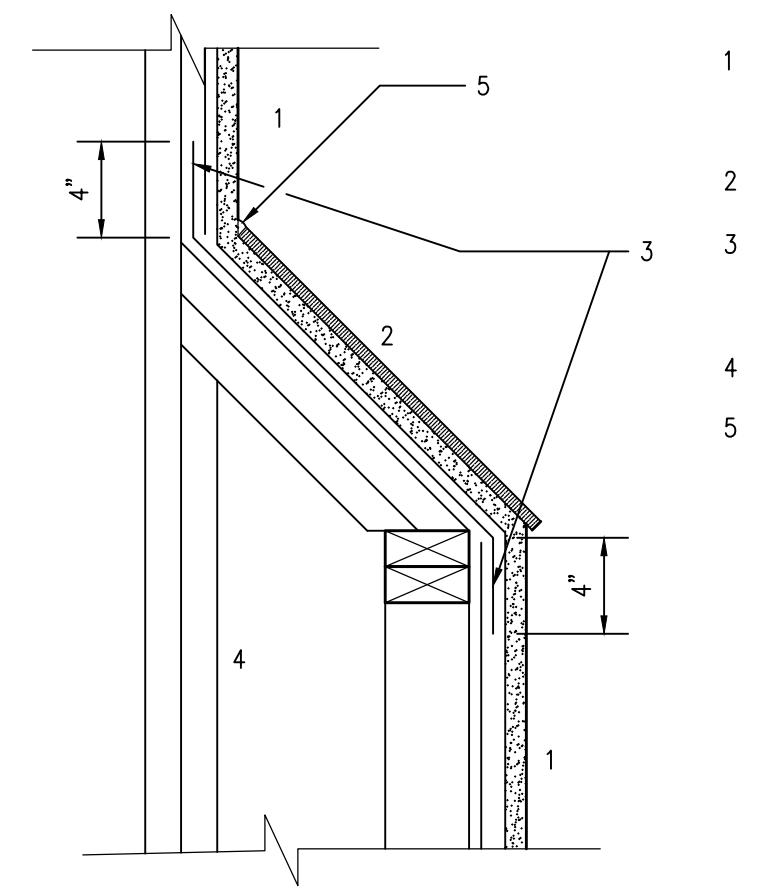
A-2

PROJECT: New Parish Campus

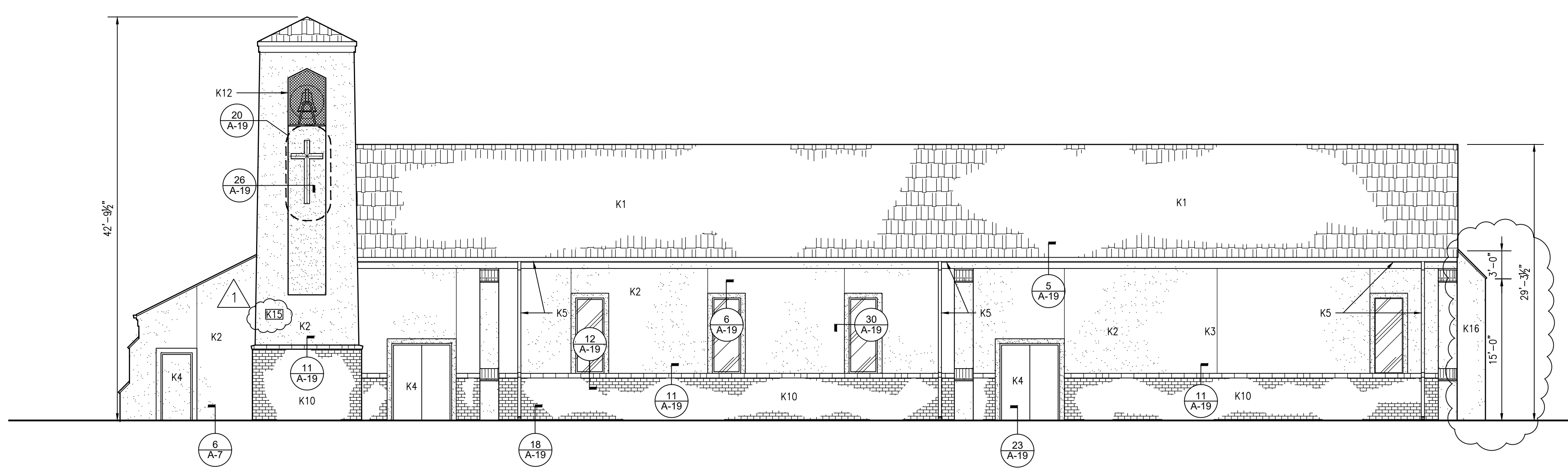
Exhibit "C"



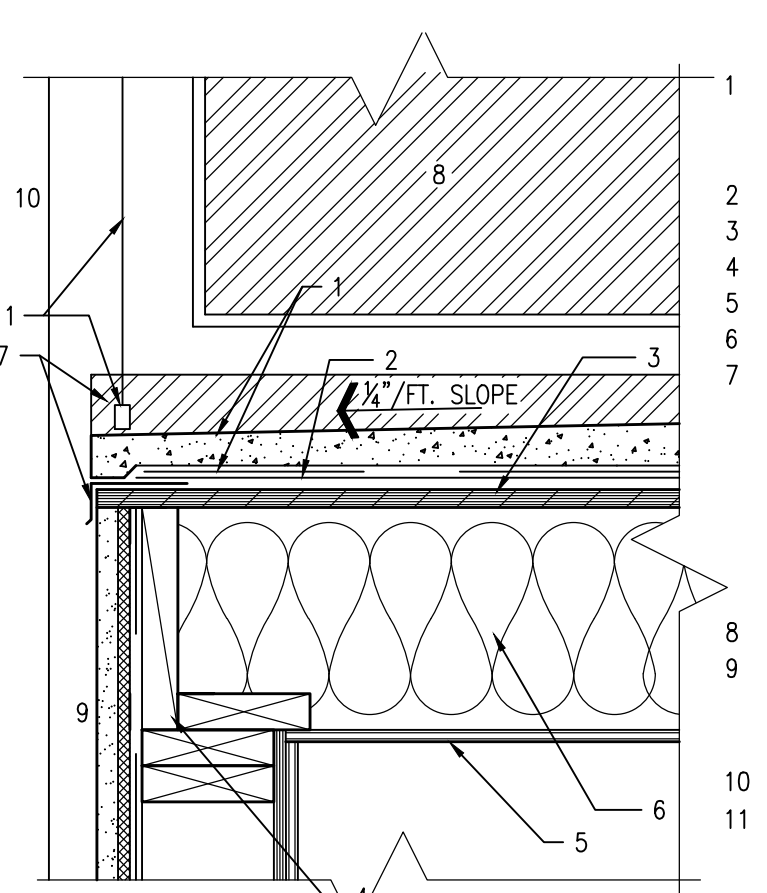
WEST ELEVATION 1/8"=1'-0"



PILASTER FLASHING 1'-1/2"=1'-0"



SOUTH ELEVATION 1/4"=1'-0"

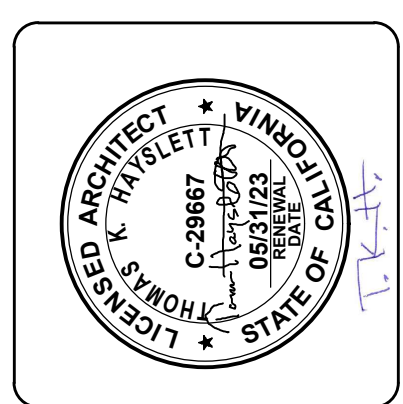


BELL TOWER FLOOR 1'-1/2"=1'-0"

- EXTERIOR ELEVATION KEYNOTES**
- K1 ROOFING, SEE ROOF PLAN, SHEET A-9 FOR INFORMATION.
K2 LATH AND PLASTER, SEE DWG PLAN, A-5 FOR WALL CONSTRUCTION SCHEDULE.
K3 PLASTER EXPANSION SCORED.
K4 DOOR UNIT, SEE DOOR SCH., SHEET A-4 FOR INFORMATION.
K5 GUTTER & DOWNSPOUT, CONNECT SITE DRAINAGE SYSTEM.
K6 2x6 TRIM W/ LATH AND PLASTER FINISH.
K7 REMOVABLE LOUVERS, SEE MECHANICAL PLANS.
K8 WINDOW UNIT, SEE DETAIL 29/A-19 FOR FLASHING. WINDOW SCH., SHEET A-4.
K9 ROOF CRICKET AT BELL TOWER TO CHURCH ROOF, SEE ROOF PLAN, SHEET A-9.
K10 BRICK VENEER, MFG. BY H.C. MUDDOX OR APPROVED EQ., ASTM C-216M GRADE SW, TYPE FBX OR BETTER, COLOR AND TEXTURE AS SELECTED BY OWNER. DIMENSIONS 3/8"x25"x7/8" MIN. COMPRESSIVE STRENGTH 9,000 PSI. MORTAR SHALL CONFORM TO ASTM C 270 TYPE N. BOND SHALL BE A RUNNING BOND UNLESS OTHERWISE SHOWN. ALL CONSTRUCTION TO ADHERE TO CBC 1404.
K11 (3)-2x6 TRIM AT BRICK VENEER.
K12 METAL TUBE FRAME WITH BIRD SCREEN.
K13 BUILT-IN BENCH, SEE DETAIL 22/A-19.
K14 BRICK LINTEL; L 5.5x3.5x9/16", EXTEND 6" ON EA. SIDE, SET IN MORTAR.
K15 INSTALL 6" TALL, MIN. STREET NUMBERS.
K16 SPEAKER ENCLOSURE, SIM. TO PILASTERS, SEE DETAIL 18/A-5.

DATE	REVISIONS	DESCRIPTION
7/15/21	PLAN CHECK	REVISIONS
8/10/21	PLAN CHECK	REVISIONS
8/24/21	PLAN CHECK	REVISIONS
9/10/21	PLAN CHECK	REVISIONS

CONSULTANT:



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Phone: (559) 732-9808
Cell: (559) 303-8953
Email: thayslett@pacbell.net

New Parish Campus
St. Pauls' Anglican Parish
Corner of Hurley Ave. & Marcin Ct., Visalia, CA

DATE: MAY 10, 2022
JOB NO: 1812
SHEET TITLE: FRONT & SIDE EXTERIOR ELEVATIONS
SHEET NO: A-5
PROJECT: New Parish Campus

1

2

MECHANICAL WELL

1/8"=1'-0"

5

6

SHINGLES

ATTIC ACCESS PANEL

SINGLE PLY ROOFING

SOUTH

WEST

NORTH

EAST

1

2

3

4

5

6

SHINGLES OVER 30# FELT.
NOTE: ON VERTICAL SURFACE
INSTALL SHINGLES USING
ENHANCED NAILING PATTERN,
6 NAILS PER SHINGLE W/
2-QUARTER SIZE DABS OF
ADHESIVE PER TAB, 1/8" THK.
PRESS INTO ADHESIVE TO
FULLY SEAL SHINGLES.

STANDARD REGLET.

DENSE DECK.

SINGLE PLY ROOFING.

ROOF DECK.

TRAFFIC PAD.

07600.001

3"=1'-0"

17

18

Exhibit "C"

EAST ELEVATION

1/8"=1'-0"

29

30

NORTH ELEVATION

1/8"=1'-0"

EXTERIOR ELEVATION KEYNOTES

K1

K2

K3

K4

K5

K6

K7

K8

K9

K10

K11

K12

K13

REVISIONS

DATE

DESCRIPTION

7/15/21

PLAN CHECK

REVISIONS

5/10/22

PLAN CHECK

REVISIONS

2/24/22

PLAN CHECK

REVISIONS

6/10/22

PLAN CHECK

REVISIONS

CONSULTANT:

REGISTERED ARCHITECT

K. HAYSLETT

C-2987

06/10/22

11

STATE OF CALIFORNIA

WINN-DIXIE

PROJECT:

Thomas K. Hayslett, Architect

303 North Church Street, Visalia CA 93291

Phone: (559) 732-9808

Cell: (559) 303-8953

Email: thoyalett@pacbell.net

DATE:

MAY 10, 2022

JOB NO:

1812

SHEET TITLE:

REAR & SIDE EXTERIOR ELEVATIONS

SHEET NO:

A-6

PROJECT:

New Parish Campus

COV Plan Check Intake Date 6/29/2022

Conditional Use Permit No. 2024-12: A request by the Rector, Wardens, and Vestrymen of St. Paul's Parish in Visalia, California, to modify Condition of Approval No. 4 of Conditional Use Permit No. 2021-01, permitting a six foot tall screening block wall for a church located in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone. The project site is located at 6436 West Hurley Avenue, on the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005).

The following items are included in this request:

1. Responses to requests from City of Visalia Planning Department Staff

City Staff: "Provide a site plan for the project site noting all structures onsite, and the location of the block wall."

St. Paul's Church: See attached site plan.

City Staff: "Provide a detailed operational statement describing the request and providing justification for its approval."

St. Paul's Church:

- The church facilities will not be used in such a way or at such a time as to disturb the neighborhood with either light or noise. See attached operational statement.
- While the block wall should have been built at 7', as per the original Conditional Use Permit, it was erroneously built at 6' due to a mis-communication on the part of St. Paul's Church. However, the block wall is 7' from the back side in some places due to the elevation of the property in regard to neighboring properties. For example, the only residence in close proximity to the church has a 7' wall from that side, and the owner does not wish it to be raised any higher. See attached letter from homeowner.
- The property on the north side of the church is owned by the Visalia Unified School District, and is unlikely to be used for residential purposes due to its past use as a dump site.
- Re-building the current block wall from 6' to 7' is not just a matter of adding bricks. The current top layer would have to be removed before the wall could be raised. At this point in time, this would be a burden for the church, as raising the wall to 7' is estimated to cost around \$25,000.
- While the City has rightfully considered the light and noise impact of the church, a less restrictive 6' foot wall, which is the case with many churches in Visalia, reasonably meets any compelling governmental interest.

City Staff: "Provide pictures of the existing block wall along the east, north, and southern property boundaries."

St. Paul's Church: See attached photographs.

2. March 19, 2024 United States DOJ Letter to State, County, and Municipal Officials
3. Religious Land Use and Institutionalized Persons Act (RLUIPA)

Exhibit D



VUSD Property to the North looking East.

Exhibit D



The East Walls

Exhibit D

Site Plan A-1 Note K-11



165 + or -



East Wall 321 +/-

Exhibit D



North Wall 397 + or -



East Wall 190

Summary – These pictures can be found on A-1 by footage. These pictures are taken on the high side of the church is property.

East Wall near neighbor is 7 feet.

Exhibit E

March 26, 2024

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

RE: St. Paul's Anglican Parish/Block Fence

Dear Mr. Bernal:

This letter is in regards to the block fence built which separates our property at 6410 W. Hurley Ave. from St. Paul's Anglican Parish.

We attended the initial public hearing for the special use permit. At that time, we were adamant about wanting a block fence to separate our properties on the west and north ends. However, during all the discussion, we were never aware it would be a seven foot fence. We thought it was going to be six feet tall to replace our existing six foot wooden fence. We do not want to feel like prisoners on our own property. At this time, the fence varies from 6'2" to 7'2" on the west wall. The north wall varies from 6'2" to 6'6".

We are extremely satisfied with the fence as built. It is attractive and well done. We want to be good neighbors to St. Paul's as they have been to us. If you have any questions, please call us at (559)799-0071.

Sincerely,

Moses Hernandez
Margarita Hernandez - 559-786-3835



Exhibit F

U.S. Department of Justice Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

March 19, 2024

Re: The Religious Land Use and Institutionalized Persons Act

Dear State, County, and Municipal Officials:

I am writing to you today to remind you of the obligation of public officials to comply with the land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), and to inform you about documents issued by the Department of Justice (Department) that may be of assistance to you in understanding and applying this important federal civil rights law.

The freedom to practice religion according to the dictates of one's conscience is among our most fundamental rights, written into our Constitution and protected by our laws. In our increasingly diverse nation, and at a time when many faith communities face discrimination, the Department continues to steadfastly defend this basic freedom to ensure that all people may live according to their beliefs, free of discrimination, harassment, or persecution.

Over the years, Congress has passed several laws that protect the religious liberties of those who live in America, including the landmark Civil Rights Act of 1964 and the 1996 Church Arson Prevention Act. In 2000, Congress, by unanimous consent, and with the support of a broad range of civil rights and religious organizations, enacted the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq. Congress determined that there was a need for federal legislation to protect people and religious institutions from unduly burdensome, unreasonable, or discriminatory zoning, landmarking, and other land use regulations.ⁱ It heard testimony that houses of worship, particularly those of minority religions and start-up churches, were disproportionately affected in an adverse way, and in fact were often actively discriminated against by local land use decisions. Congress also found that religious institutions were treated worse than secular places of assembly like community centers, fraternal organizations, and theaters, and that zoning authorities frequently violated the United States Constitution by placing excessive burdens on the ability of congregations to exercise their faiths.

RLUIPA includes a private right of action, which allows individuals to enforce its provisions. Congress also gave the Attorney General the authority to enforce RLUIPA, and the Department of Justice has been active in enforcing this important civil rights law since its enactment. To date, the Department has opened over 155 formal investigations and filed nearly 30 lawsuits related to RLUIPA's land use provisions.ⁱⁱ The Department has also filed 36 "friend-of-the-court" briefs addressing the interpretation and application of RLUIPA in privately-filed lawsuits. Through these efforts, as well as those by private parties, RLUIPA has helped secure for thousands of individuals and institutions the freedom to practice their faiths without discrimination.

Yet, more than twenty-three years after RLUIPA's enactment, far too many people and communities remain unaware of the law, or do not fully understand the scope of its provisions. The Department of Justice implemented its *Place to Worship* Initiative in 2018, through which we continue to work to increase both public awareness and enforcement of RLUIPA's land use provisions.ⁱⁱⁱ As

participants at recent outreach events have indicated, and as the Department's own investigations have revealed, there are still many municipal, county, and other local officials who are insufficiently familiar with the land use provisions of RLUIPA and with their obligations under this important federal civil rights law. The Department has also received reports that religious groups, particularly those from less widely practiced religious traditions, continue to face unlawful barriers in the zoning and building process. Our work in this area suggests that litigation is far less likely if local officials are aware of RLUIPA and consider its protections early in the process of reviewing land use applications from religious organizations.

In light of this, we are sending this letter to you and other officials throughout the country to ensure that you are aware of your obligations under RLUIPA and its key provisions. Ensuring that our constitutional and statutory protections of religious freedom are upheld requires that federal, state, and local officials work together. To that end, we encourage you to share this letter with your colleagues. We hope that you will continue to work with the Department and view us as a partner in ensuring that no individual in this country suffers discrimination or unlawful treatment because of their faith.

1. RLUIPA provides broad protections for religious individuals and institutions.

RLUIPA's land use provisions provide several protections for places of worship, faith-based social service providers, and religious schools, as well as for individuals using land for religious purposes. Specifically, RLUIPA provides for:

- *Protection against substantial burdens on religious exercise:* Section 2(a) of RLUIPA prohibits the implementation of any land use regulation that imposes a "substantial burden" on the religious exercise of a person or institution except where justified by a "compelling government interest" that the government pursues using the least restrictive means.
- *Protection against unequal treatment for religious assemblies and institutions:* Section 2(b)(1) of RLUIPA provides that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions.
- *Protection against religious or denominational discrimination:* Section 2(b)(2) of RLUIPA prohibits discrimination "against any assembly or institution on the basis of religion or religious denomination."
- *Protection against total exclusion of religious assemblies:* Section 2(b)(3)(A) of RLUIPA prohibits governments from imposing or implementing land use regulations that totally exclude religious assemblies from a jurisdiction.
- *Protection against unreasonable limitation of religious assemblies:* Section 2(b)(3)(B) of RLUIPA prohibits governments from imposing or implementing land use regulations that "unreasonably limit" religious assemblies, institutions, or structures within a jurisdiction.

While the majority of RLUIPA cases involve places of worship such as churches, synagogues, mosques, and temples, the law is written broadly to cover a wide range of religious uses and types of religious exercise. The "substantial burden" provision in Section 2(a) of the statute applies to burdens on "a person, including a religious assembly or institution." The remaining provisions apply to any religious "assembly or institution." Thus, RLUIPA applies widely not only to diverse places of worship, but also to religious schools, religious camps, religious retreat centers, religious cemeteries, and religious social service facilities such as group homes, homeless shelters, and soup kitchens, as well as to individuals or families exercising their religion through the use of property, such as home prayer gatherings or Bible studies.^{iv}

To be clear, RLUIPA does not provide a blanket exemption from local zoning or landmarking laws. Rather, it contains a number of safeguards to prevent discriminatory, unreasonable, or unjustifiably burdensome regulations from hindering religious exercise. Ordinarily, before seeking recourse under RLUIPA, those seeking approval for a religious land use will have to apply for permits or zoning relief according to the regular procedures set forth in the applicable ordinances, unless doing so would be futile or the regular procedures are themselves discriminatory or create an unjustifiable burden. While zoning is primarily a local matter, where it conflicts with federal civil rights laws such as the Fair Housing Act or RLUIPA, federal law takes precedence.

Each of RLUIPA's protections mentioned above are discussed in greater detail below.^v

2. RLUIPA protects against unjustified burdens on religious exercise.

Land use regulations frequently can impede the ability of religious institutions to carry out their mission of serving the religious needs of their members. Section 2(a) of RLUIPA bars imposition of land use regulations that create a "substantial burden" on the religious exercise of a person or institution, unless the government can show that it has a "compelling interest" for imposing the regulation and that the regulation is the least restrictive way for the government to further that interest. A mere inconvenience to a person or religious institution is not sufficient to constitute a burden, but a burden that is substantial may violate RLUIPA. For example, in a case in which the United States filed a friend-of-the-court brief in support of a Maryland church's challenge to a zoning amendment that prohibited it from building an expanded church on its property, a federal appeals court ruled that the church has "presented considerable evidence that its current facilities inadequately serve its needs," and that the "delay, uncertainty and expense" caused by the local government's action may create a substantial burden on the church's religious exercise in violation of RLUIPA.^{vi} The court relied on facts showing that the church's current facility was inadequate for its congregation and that it had a reasonable expectation that it could develop its new property. Similarly, the Department of Justice filed suit in a Connecticut federal district court alleging that a city's denial of zoning approval for an Islamic Center to establish a mosque imposed a substantial burden on the congregation.^{vii} The City had required the group to apply for a Special Exception Permit, which it did not require for other types of institutional land uses within the zone, and then denied the permit. The case was resolved by a consent decree in federal court.

If application of a zoning or landmarking law creates a substantial burden on religious exercise, such application is invalid unless it is supported by a compelling governmental interest pursued through the least restrictive means.^{viii} While RLUIPA does not define "compelling interest," the U.S. Supreme Court has explained that compelling interests are only "interests of the highest order."^{ix} Further, local governments cannot rely on generalized, "broadly formulated interests," but instead must "show that the compelling interest test is satisfied through application of the challenged law to . . . the particular claimant whose sincere exercise of religion is being substantially burdened."^x

3. RLUIPA protects equal access for religious institutions and assemblies.

Section 2(b)(1) of RLUIPA, known as the "equal terms" provision, mandates that religious assemblies and institutions be treated at least as well as nonreligious assemblies and institutions. For example, a federal appeals court ruled that zoning provisions that prohibited religious assemblies on the ground floor of buildings on a city's downtown main street but permitted nonreligious uses, such as theaters, on the ground floor of such buildings violated the equal terms provision.^{xi} In 2019, the Department brought suit under RLUIPA's equal terms provision against a city in Michigan for imposing zoning approval requirements on places of worship that it did not impose on comparable nonreligious assembly uses, and then denying zoning approval to a Muslim group seeking to establish the only

permanent place of Islamic worship in the city.^{xii} The court granted summary judgment to the United States, finding that the city had violated RLUIPA's equal terms provision by requiring places of worship to abide by more onerous zoning restrictions than "similarly situated" places of nonreligious assembly.^{xiii}

4. RLUIPA protects against religious discrimination in land use.

Section 2(b)(2) of RLUIPA bars discrimination "against any assembly or institution on the basis of religion or religious denomination." Thus, if an applicant is treated differently in a zoning or landmarking process because of the religion represented (e.g., Christian, Jewish, Muslim), or because of the particular denomination or sect to which the applicant belongs (e.g., Catholic, Orthodox Jewish, or Shia Muslim), then RLUIPA will be violated. The Department of Justice filed suit alleging that a Texas city discriminated against an Islamic association in violation of Section 2(b)(2) when it denied the association permission to build a cemetery due to anti-Muslim sentiment, including opposition by citizens who expressed anti-Muslim bias. The case was resolved when the city relented and granted the association permission to develop the cemetery.^{xiv} Similarly, the Department filed suit to challenge a New Jersey township's adoption and application of discriminatory zoning ordinances that targeted the Orthodox Jewish community by prohibiting religious schools and associated dormitories.^{xv} The case was resolved by consent decree which required that, among other things, the township revise its zoning code.

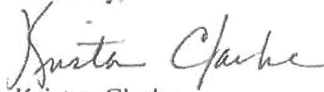
5. RLUIPA protects against the total or unreasonable exclusion of religious assemblies from a jurisdiction.

Under section 2(b)(3) of RLUIPA, a zoning code may not completely, or unreasonably, limit religious assemblies in a jurisdiction. Thus, if there is no place where houses of worship are permitted to locate, or the zoning regulations, viewed as a whole, deprive religious institutions of reasonable opportunities to build or locate in the jurisdiction, even if they don't completely prevent them from doing so, a jurisdiction may run afoul of this provision. For example, a federal appeals court made clear that government land use restrictions can violate RLUIPA's unreasonable limitations provision even if religious uses are not entirely excluded from the jurisdiction, if the jurisdiction makes it more difficult for houses of worship to locate there.^{xvi} Similarly, the Department of Justice filed suit in New Jersey alleging that a township's revisions to its zoning code that significantly reduced both the number of zoning districts in which houses of worship could be located, and the number of sites available for them, unreasonably limited religious assemblies, institutions, and structures in violation of RLUIPA.^{xvii} The case was resolved by consent decree.

* * * *

The Department of Justice is committed to carrying out Congress's mandate and ensuring that religious assemblies and institutions do not suffer from discriminatory or unduly burdensome land use regulations. We look forward to working collaboratively with you and all other stakeholders on these important issues. If you have questions about the contents of this letter, or other issues related to RLUIPA, I encourage you to contact Noah Sacks, the Civil Rights Division's RLUIPA Coordinator, at 202-598-6366 or noah.sacks@usdoj.gov.

Sincerely,



Kristen Clarke
Assistant Attorney General
Civil Rights Division

ⁱ RLUIPA also contains provisions that prohibit regulations that impose a “substantial burden” on the religious exercise of persons residing or confined in an “institution,” unless the government can show that the regulation serves a “compelling government interest” and is the least restrictive way for the government to further that interest. 42 U.S.C. § 2000cc-1.

ⁱⁱ Much of this work is detailed in DOJ reports on enforcement issued in September 2010 (available at https://www.justice.gov/crt/rluipa_report_092210.pdf), July 2016 (available at <https://www.justice.gov/crt/file/877931/download>) and September 2020 (available at <https://www.justice.gov/media/1096176/dl?inline>).

ⁱⁱⁱ Further information about the Department’s *Place to Worship* Initiative is available at <https://www.justice.gov/crt/place-worship-initiative>.

^{iv} RLUIPA broadly defines religious exercise as “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7)(A). Courts have found that a host of religious activities are protected by RLUIPA, including charitable acts by religious institutions. *See, e.g., Micah’s Way v. City of Santa Ana*, No. 8:23-CV00183, 2023 WL 4680804, at *5 (C.D. Cal. June 8, 2023) (finding that, under RLUIPA, faith-based ministry’s food distribution to those in need was religious exercise).

^v Further information may be found in the *Statement of the Department of Justice on Land Use Provisions of the Religious Land Use and Institutionalized Persons Act* (available at <https://www.justice.gov/crt/page/file/1071251/dl?inline>), and at the Department of Justice Civil Rights Division RLUIPA information page (<https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>).

^{vi} *Bethel Would Outreach v. Montgomery Cnty. Council*, 706 F.3d 548, 557-558 (4th Cir. 2013).

^{vii} *United States v. City of Meriden, Connecticut*, No. 3:20-CV-01669 (D. Conn. filed November 5, 2020).

^{viii} 42 U.S.C. § 2000cc(a)(1).

^{ix} *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993).

^x *Holt v. Hobbs*, 574 U.S. 352, 363 (2015). When the U.S. Supreme Court later vacated the judgment of the Minnesota Court of Appeals in a different RLUIPA case, which had upheld a County’s requirement that Amish households install modern septic systems despite assertions that their religion forbade the use of such technology, one justice emphasized that “the question in this case ‘is not whether the [County] has a compelling interest in enforcing its [septic system requirement] generally, but whether it has such an interest in denying an exception’ from that requirement to the Swartzentruber Amish specifically.” *Mast v. Fillmore Cnty., Minnesota*, 141 S. Ct. 2430, 2432 (2021) (Gorsuch, J. concurring) (emphasis in original).

^{xi} *New Harvest Christian Fellowship v. City of Salinas*, 29 F. 4th 596, 608 (9th Cir. 2022).

^{xii} *United States v. City of Troy, Michigan* 2:19-CV-12736 (E.D. Mich. filed September 19, 2019).

^{xiii} *United States v. City of Troy, Michigan*, 592 F. Supp. 3d 591, 604 (E.D. Mich. 2022).

^{xiv} *United States v. City of Farmersville, Texas*, 4:19-CV-00285 (E.D. Tex. filed April 16, 2019).

^{xv} *United States v. Township of Jackson*, 3:20-CV-06109 (D. N.J. filed May 20, 2020).

^{xvi} *Rocky Mountain Christian Church v. Board of County Com’rs.*, 613 F.3d 1229, 1238 (10th Cir. 2010).

^{xvii} *United States v. Township of Toms River, NJ*, 3:21-CV-04633 (D. N.J. filed March 10, 2021).

Public Law 106-274
106th Congress

An Act

To protect religious liberty, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Religious Land Use and Institutionalized Persons Act of 2000”.

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) **SUBSTANTIAL BURDENS.**—

(1) **GENERAL RULE.**—No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) **SCOPE OF APPLICATION.**—This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) **DISCRIMINATION AND EXCLUSION.**—

(1) **EQUAL TERMS.**—No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) **NONDISCRIMINATION.**—No government shall impose or implement a land use regulation that discriminates against

Sept. 22, 2000
[S. 2869]

Religious Land
Use and
Institutionalized
Persons Act of
2000.
42 USC 2000cc
note.
42 USC 2000cc.

any assembly or institution on the basis of religion or religious denomination.

(3) **EXCLUSIONS AND LIMITS.**—No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

42 USC
2000cc-1.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

(a) **GENERAL RULE.**—No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(b) **SCOPE OF APPLICATION.**—This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

42 USC
2000cc-2.

SEC. 4. JUDICIAL RELIEF.

(a) **CAUSE OF ACTION.**—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) **BURDEN OF PERSUASION.**—If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

(c) **FULL FAITH AND CREDIT.**—Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) **ATTORNEYS' FEES.**—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting “the Religious Land Use and Institutionalized Persons Act of 2000,” after “Religious Freedom Restoration Act of 1993,”; and

(2) by striking the comma that follows a comma.

(e) **PRISONERS.**—Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) **AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT.**—The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) **LIMITATION.**—If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

42 USC
2000cc-3.

(a) **RELIGIOUS BELIEF UNAFFECTED.**—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) **RELIGIOUS EXERCISE NOT REGULATED.**—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) **CLAIMS TO FUNDING UNAFFECTED.**—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) **OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.**—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) **GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.**—A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) **EFFECT ON OTHER LAW.**—With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption

that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) **BROAD CONSTRUCTION.**—This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) **NO PREEMPTION OR REPEAL.**—Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) **SEVERABILITY.**—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

42 USC
2000cc-4.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the “Establishment Clause”). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term “granting”, used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) **DEFINITIONS.**—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2) is amended—

(1) in paragraph (1), by striking “a State, or a subdivision of a State” and inserting “or of a covered entity”;

(2) in paragraph (2), by striking “term” and all that follows through “includes” and inserting “term ‘covered entity’ means”; and

(3) in paragraph (4), by striking all after “means” and inserting “religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.”.

(b) **CONFORMING AMENDMENT.**—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is amended by striking “and State”.

42 USC
2000cc-5.

SEC. 8. DEFINITIONS.

In this Act:

(1) **CLAIMANT.**—The term “claimant” means a person raising a claim or defense under this Act.

(2) **DEMONSTRATES.**—The term “demonstrates” means meets the burdens of going forward with the evidence and of persuasion.

(3) **FREE EXERCISE CLAUSE.**—The term “Free Exercise Clause” means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) **GOVERNMENT.**—The term “government”—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) LAND USE REGULATION.—The term “land use regulation” means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant’s use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) PROGRAM OR ACTIVITY.—The term “program or activity” means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(7) RELIGIOUS EXERCISE.—

(A) IN GENERAL.—The term “religious exercise” includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(B) RULE.—The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

Approved September 22, 2000.

LEGISLATIVE HISTORY—S. 2869:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 27, considered and passed Senate and House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Sept. 22, Presidential statement.



Exhibit G

REPORT TO CITY OF VISALIA PLANNING COMMISSION



HEARING DATE: April 27, 2021

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone No.: (559) 713-4443
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2021-01: A request by Tom Hayslett to construct a new church facility for St. Paul's Anglican Church in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) zone. The proposed 18,645 square foot church will include a sanctuary, nave, parish hall, administration offices, classrooms, kitchen, and an interior courtyard. The project site is located at the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005).

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2021-01 for Conditional Use Permit No. 2021-01 based on the project's consistency with the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2021-01 based on the findings and conditions in Resolution No. 2021-01.

PROJECT DESCRIPTION

The request is to construct a new 18,645 square foot church facility on a 3.44-acre parcel as shown in Exhibit "A". The proposed Saint Paul's Anglican Church will be placed at the southwest corner of the project site, with a 148-stall parking field largely situated along the northern portion of the site. Residential areas to the north and east are proposed to be screened through placement of a seven-foot-tall wood fence. Per Exhibits "A" and "B" the proposed church will include a 5,936 square foot sanctuary with permanent seating to accommodate 323 parishioners. An attached 4,009 square foot parish hall and kitchen is also provided for fellowship and ancillary church activities. Additional facilities include a 2,483 square foot administration area for church staff, a 2,008 square foot chapel/classroom area, and 1,515 square feet of area for nursery/youth group to be used during worship services. All building facilities will surround a 2,797 square foot open and landscaped courtyard (see Exhibit "A").

Per the Building Elevations provided in Exhibit "C", the building will contain plaster and brick exteriors, complimented with wrought iron gates and a 43-foot-tall bell tower. The bell tower will contain a manually operated 600-pound bell, to be rung briefly prior to Sunday worship services and funerals. Landscaping will be provided throughout the project site, with trees to be planted along both the North Marcin and West Hurley street frontages, and within the parking field (see Exhibit "D"). Additional plantings will occur around the perimeter of the building, consisting of various smaller trees, plants, and shrubs.

As depicted in the Street Improvement Plan in Exhibit “E”, the applicant will conduct the installation of frontage street improvements along both North Marcin Street (a Local street) and West Hurley Avenue (a designated Collector street). This includes the installation of curb, gutter, and sidewalk, three access driveways, utilities, street lighting, and the widening of Hurley Avenue to its planned ultimate 84-foot width. The applicant will dedicate 12-feet of right-of-way along Hurley Avenue to provide for the street widening.

Per the Operational Statement in Exhibit “G”, the administrative area of the church facility will operate Monday through Friday, 8:00 a.m. to 4:00 p.m. Worship, education, and fellowship services will occur on Sundays from 8:00 a.m. to 1:00 p.m., with attendance of approximately 175 parishioners. Youth centered activities for groups of approximately 35 people will be held on Sunday nights, from 5:00 p.m. to 8:00 p.m. Additional education, fellowship, and community outreach activities are conducted on Wednesdays from 5:00 p.m. to 8:00 p.m., with attendance of approximately 125 parishioners. The facility will support other church related special events including weddings, funerals, luncheons, and community meetings. Instances of such events will be sporadic and may occur on either weekdays or weekends. Per the applicant’s Operational Statement, attendance of these types of events will not exceed the number expected for regular worship services. The applicant has also submitted a letter from Lisa Whitworth, Principal of Hurley Elementary School (See Exhibit “H”). The letter states that the applicant has consulted with the school to determine if conflicts would arise between the school use and church use. Per the letter, schedules will not conflict due to church peak hours of operation occurring in the evenings or weekends when school is not in session.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Residential Low Density
Zoning:	R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)
Surrounding Zoning and Land Use:	North: R-1-5 / Vacant residential land South: R-1-5 / Hurley Avenue, Oakwest Subdivision East: R-1-20 (Single Family Residential, 20,000 sq. ft. minimum site area) / Single family residences West: Q-P (Quasi-Public) / Marcin Street, Hurley Elementary School
Environmental Document	Initial Study / Negative Declaration No. 2021-01
Site Plan:	Site Plan Review No. 2020-093

RELATED PROJECTS

Annexation No. 2018-01: A request by Garry and Diane Riezebos, and The Rector, Wardens & Vestrymen of St. Paul’s Parish in Visalia, CA Inc., for the annexation of four parcels totaling 7.43-acres into the Visalia City Limits. The project area was part of a County island located on the northeast corner of N. Marcin Street and W. Hurley Avenue (APNs: 085-540-001, 002, 005, 006). The Visalia Planning Commission reviewed the proposal on January 14, 2019 and recommended approval of the annexation to the Visalia City Council. The City Council reviewed the annexation on February 19, 2019 and approved the annexation initiation request. The annexation was filed with Tulare County Local Agency Formation Commission (LAFCo) staff and was approved by LAFCo on May 1, 2019. The annexation resolution was recorded June 11, 2019 with the Tulare County Recorder.

PROJECT EVALUATION

Staff supports the requested conditional use permit based on project consistency with the General Plan and the Zoning Ordinance. The following potential issue areas have been analyzed for the proposed project.

Land Use Compatibility

Churches and other religious institutions are identified as a conditionally permitted use in several of Visalia's zoning classifications, including the R-1-5 zone. Through the conditional use permit process, any potential land use conflicts can be addressed through project conditions to ensure compatibility with the surrounding area. Land uses within the vicinity of the proposed church site include single-family residences, vacant residentially zoned land, and Hurley Elementary School. The applicant has submitted a letter from the Hurley Elementary School principal stating that hours of operation for both uses will not conflict (see Exhibit "H"). Residential areas to the south are separated by Hurley Avenue and an existing block wall that screens the project site from view. As noted on site plan Exhibit "A", the applicant proposes placing seven-foot-tall wood fencing around the parking lot and eastern property boundary. To improve site compatibility with adjacent residential land uses, staff has included Condition No. 4 for the Planning Commission's consideration requiring a seven-foot block wall to be constructed along the shared property boundaries to the east and north, to limit any potential lighting and noise conflicts from vehicles accessing the parking lot. This is discussed in greater detail in the "Fencing" and "Lighting" sections below. With the inclusion of project conditions, the proposed church use will operate in a manner that is compatible with the surrounding uses.

Parking

The Zoning Ordinance requires churches to provide one parking space for every four permanent seats in the primary meeting room or one space for every 30 square feet of building area, whichever is greater. In calculating parking requirements for church facilities, staff has traditionally calculated the parking requirement based on sanctuary seating given that this is typically the highest parking generator and provides a more accurate parking assessment for the use. The sanctuary provides 323 permanent seats, which would require 81 parking spaces. The church exceeds the parking requirements of the Zoning Ordinance as 148 parking stalls are provided onsite. Condition of Approval No. 6 is included requiring the church to not exceed 323 seats within the main sanctuary area.

In addition, staff requests Condition No. 7 be considered prohibiting the use of the parish hall for additional sanctuary seating during worship services. The condition will serve to limit seating to alleviate demand on the parking field. Per the Operational Statement in Exhibit "G", the applicant contends the parish hall will primarily be used for other church related activities and events, with its use limited to fellowship activities on days when worship services are conducted.

Fencing

Per the proposed layout in Exhibit "A", the church parking lot will largely be contained within the northern portion of the project site. This area is immediately adjacent to existing single-family residences to the east, and vacant land zoned for residential use to the north. When R-1-5 zoned sites abut each other, the Visalia Municipal Code (VMC) does not require the placement of screening between sites. This requirement presumes the placement of similar residential uses next to each other, negating the need for screening. However, the proposed church use will be more intensive in nature than a typical residential subdivision. Church services and other events of similar capacity will be held onsite on a regular basis, with accompanying vehicle traffic, noise production, and headlight glare. To reduce these potential impacts, staff

recommends the Planning Commission adopt Condition No. 4, requiring the construction of a seven-foot-tall masonry wall to be placed along the northern and eastern property boundaries of the project site. The block wall will mitigate vehicle lighting and noise conflicts when vehicles use the parking lot adjacent to existing and future residential uses.

Lighting

A conceptual photometric plan is provided in Exhibit "F", detailing building and parking lot lighting to be installed for the church. Parking lot lighting poles will be 12 feet tall and located no closer than 27 feet to any property line. Per the comments of the City of Visalia Site Plan Review Committee, lighting shall not exceed 0.5 lumens at the property line. The photometric plan provided demonstrates that the lumen limit will not be exceeded for a majority of the site. However, the photometric plan does appear to depict measurements along the western and eastern property boundaries that exceed the lumen standard. Condition No. 5 is included for adoption which requires compliance with the 0.5 lumen standard, and that compliance be demonstrated during Building Permit review. In addition, prior to occupancy of the church site, staff shall verify via an onsite inspection that the on-site lighting for the development complies with the 0.5 lumen standard as demonstrated on the Photometric Plan.

Street Improvements

The City of Visalia Engineering Division has identified street widening and right-of-way improvements with development of the church. Required improvements will facilitate the expansion Hurley Avenue, a Collector street, to its ultimate configuration as planned for in the Visalia General Plan Circulation Element. Improvements are described below:

- Hurley Avenue – 12-foot dedication and widening along the north side of the street within the project street frontage resulting in 42-feet of right-of-way measured from the street centerline. The buildout across the project street frontage will result in the overall 84-foot-wide configuration for Hurley Avenue.
- Hurley Avenue and Marcin Street – Right-of-way improvements include installation of curb, gutter, sidewalks, park strip landscaping, ramps, streetlights, and other improvements as required by the City of Visalia.

The required improvements have already been included in the project by the applicant and are depicted in the Site Plan in Exhibit "A" and the Street Improvement Plan in Exhibit "E". The street dedication and right-of-way improvements are included as Condition No. 8 and 9.

Noise

The church facility will include placement of a 600-pound bell, approximately 24 inches in diameter, to be installed atop the 43-foot tall bell tower at the southwest corner of the project site. The bell will be manually operated and used to call parishioners to services. Per the Operational Statement (Exhibit "G"), the bell will be rung on Sundays at 10:15 a.m. for no more than 10 seconds to call members to mass and will be rung no more than 10 seconds for funeral services (9 to 12 funeral services estimated per year, per the Operational Statement). The applicant states that they will work with individuals to address complaints should they be received. Per the Operational Statement, this could include reductions to the amount of time a bell is operated.

Decibel levels for the noise produced by the bell were not provided as the applicant has yet to select a specific bell for use at the project site. Standards for exterior noise are listed in Section 8.36.040 of the Visalia Municipal Code, regulating the decibel volume and length of time fixed noise sources can occur. For "*speech or music, or for recurring impulsive noises*", occurring for

less than one cumulative minute within a one-hour period, the Visalia Municipal Code requires that noise not exceed 65 decibels between the evening/daytime hours of 6:00 a.m. to 7:00 p.m., and 60 decibels between the nighttime hours of 7:00 p.m. to 6:00 a.m. For reference, per Figure 8-5 of the General Plan Noise and Safety Element, sounds produced within the 60 to 65 decibel range are equivalent to a vacuum cleaner operating from 10 feet away. Given the short duration and minimal reoccurrence of bell usage, noise impacts to surrounding areas are not expected. However, staff recommends the Planning Commission adopt Condition No. 10 that requires the church, and their ancillary uses comply with the exterior noise standards of the Visalia Municipal Code, and that the frequency for which the bell is used comply with the Operational Statement in Exhibit "F".

Alternatively, the Planning Commission may consider a condition that prohibits the placement of the bell until the applicant can provide staff with the decibel information for the bell. The inclusion of the bell in the tower would then be considered at a future public hearing before the Planning Commission.

Access and Circulation

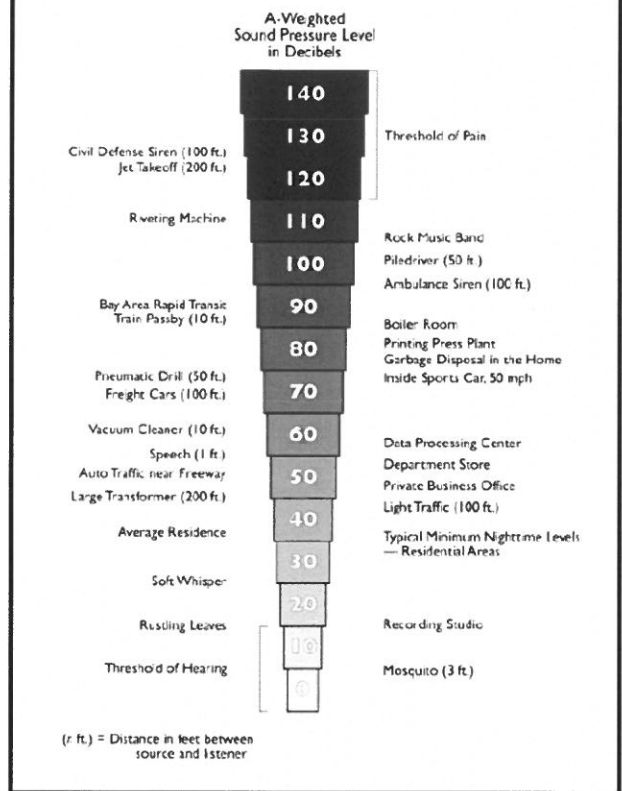
The site will be served by two roadways, Hurley Avenue and Marcin Street. The applicant proposes one driveway along Hurley Avenue, at the southeastern corner of the project site, and two driveways along Marcin Street at the northwest corner of the project site. As shown in Exhibit "A", the driveways are placed to meet City standards for placement in relation to street intersections and are located to provide direct access to facility parking areas. Onsite circulation is designed with adequate openings within the parking field to provide numerous points of access to driveways for vehicles traversing the site.

Building Elevations

The maximum height for buildings in the R-1-5 zone is 35 feet. Per the elevations in Exhibit "C", the main church building meets the height requirement, except for the 43-foot-tall bell tower. However, the Visalia Municipal Code Section 17.32.020.B permits an exception to towers, spires, cupolas, chimneys, etc. Section 17.32.020.B states:

Exceptions. Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, new wireless telecommunication facilities, radio and television aerials, transmission towers, fire towers and similar structures and necessary mechanical appurtenances covering not more than ten percent of the ground area covered by the structure may be erected to a height not more than twenty-five (25) feet above the height limit prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed in the zone regulations. Nothing in this title pertaining to fence and wall

Figure 8-5: Typical Sound Levels



heights shall be construed so as to apply to a fence or wall required by any law, regulation or safety standard of the state of California or agency thereof.

The bell tower height complies with the provisions of Section 17.32.020.B.

Environmental Review

An Initial Study and Negative Declaration were prepared for the proposed conditional use permit. Initial Study and Negative Declaration No. 2021-01 disclosed that environmental impacts are determined to be not significant. Staff concludes that Initial Study and Negative Declaration No. 2021-01 adequately analyzes and addresses the proposed project and reduces environmental impacts to a less than significant level.

RECOMMENDED FINDINGS

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed project is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The Visalia Zoning Matrix identifies churches as a conditional use in the R-1-5 zone and requires the submittal and approval of a Conditional Use Permit application. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. The proposed church will not have a negative impact on surrounding uses given the inclusion of ample onsite parking facilities, and recommended conditions for the regulation of onsite lighting, noise, and inclusion of block walls along boundaries shared with residentially zoned areas.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The Visalia Zoning Matrix identifies churches as a conditional use in the R-1-5 zone and requires the submittal and approval of a Conditional Use Permit application. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. The proposed church will not have a negative impact on surrounding uses given the inclusion of ample onsite parking facilities, and recommended conditions for the regulation of onsite lighting, noise, and inclusion of block walls along boundaries shared with residentially zoned areas.
3. An Initial Study and Negative Declaration were prepared for the proposed conditional use permit tentative subdivision map. Initial Study and Negative Declaration No. 2021-01 disclosed that environmental impacts are determined to be not significant. Staff therefore recommends that Negative Declaration No. 2021-01 be adopted for this project.

RECOMMENDED CONDITIONS OF APPROVAL

1. That the site shall be developed in substantial compliance with the Site Plan in Exhibit "A", Floor Plan in Exhibit "B", Building Elevations in Exhibit "C", Landscape Plan in Exhibit "D", and Street Improvement Plan in Exhibit "E".
2. That the site be operated in substantial compliance with the Operational Statement in Exhibit "F".
3. That the site shall be developed consistent with the comments and conditions of the Site Plan Review Committee, as set forth under Site Plan No. 2020-093.
4. That a seven-foot-tall masonry wall be placed along the northern and eastern property boundaries adjacent to residentially areas.
5. That onsite lighting for the church facility shall not produce glare onto neighboring properties and shall not produce lighting in excess of 0.5 lumens at the property line. A revised photometric plan shall be submitted with the Building Permit submittal, verifying compliance with the 0.5 lumen standard. Prior to occupancy of the development, staff shall verify via an onsite inspection that the on-site lighting complies with the 0.5 lumen standard at property line.
6. That the church sanctuary shall not exceed 323 seats in the main sanctuary area.
7. That that the parish hall shall not be used for sanctuary services or similar high occupancy uses simultaneously with the sanctuary, which would result in exceeding the parking demand established for the sanctuary.
8. That the applicant shall provide a 12-foot right-of-way dedication to the City of Visalia for the improvement of Hurley Avenue along the projects street frontage. The dedication shall be secured through a separate instrument.
9. That the applicant shall conduct street and right-of-way improvements to Hurley Avenue and Marcin Street, to include widening the streets along the project site frontages where required, as depicted in Exhibit "A" and Exhibit "E". Improvements shall include installation of park strip landscaping, curb, gutter, sidewalk, ramps, streetlights, driveways, street trees and other improvements as required by the City of Visalia's development and engineering standards.
10. That any noise produced by the church facility does not exceed exterior noise standards listed within Chapter 8.36 (Noise) of the Visalia Municipal Code, and that the frequency for which the bell is used comply with the Operational Statement in Exhibit "G".
11. That any project signage shall be obtained under a separate Building Permit.
12. That all other federal, state and city codes, ordinances and laws shall be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia CA. 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.

Attachments:

- Related Plans and Policies
- Resolution No. 2021-01
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Building Elevations
- Exhibit "D" – Landscape Plan
- Exhibit "E" – Street Improvement Plan
- Exhibit "F" – Lighting Plan
- Exhibit "G" – Operational Statement
- Exhibit "H" – Letter from Lisa Whitworth, Hurley Elementary School
- Site Plan Review No. 2020-093
- Initial Study / Negative Declaration No. 2021-01
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

Conditional Use Permits (Section 17.38)

17.38.010 Purposes and powers

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

17.38.020 Application procedures

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

17.38.030 Lapse of conditional use permit

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

17.38.040 Revocation

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit

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

17.38.050 New application

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

17.38.060 Conditional use permit to run with the land

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

17.38.065 Abandonment of conditional use permit

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

17.38.070 Temporary uses or structures

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

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

17.38.080 Public hearing--Notice

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

17.38.090 Investigation and report

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

17.38.100 Public hearing--Procedure

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

17.38.110 Action by planning commission

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

C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

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

17.38.130 Effective date of conditional use permit

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

RESOLUTION NO. 2021-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2021-01: A REQUEST BY TOM HAYSLETT TO CONSTRUCT A NEW CHURCH FACILITY FOR ST. PAUL'S ANGLICAN CHURCH IN THE R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM LOT SIZE) ZONE. THE PROPOSED 18,645 SQUARE FOOT CHURCH WILL INCLUDE A SANCTUARY, NAVE, PARISH HALL, ADMINISTRATION OFFICES, CLASSROOMS, KITCHEN, AND AN INTERIOR COURTYARD. THE PROJECT SITE IS LOCATED AT THE NORTHEAST CORNER OF WEST HURLEY AVENUE AND NORTH MARCIN STREET (APN: 085-540-005).

WHEREAS, Conditional Use Permit No. 2021-01 is a request by Tom Hayslett to construct a new church facility for St. Paul's Anglican Church in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) zone. The proposed 18,645 square foot church will include a sanctuary, nave, parish hall, administration offices, classrooms, kitchen, and an interior courtyard. The project site is located at the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 27, 2021; and

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

WHEREAS, an Initial Study was prepared, and adopted which disclosed that no significant environmental impacts would result from this project.

NOW, THEREFORE, BE IT RESOLVED that Negative Declaration No. 2021-01 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed project is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The Visalia Zoning Matrix identifies churches as a conditional use in the R-1-5 zone and requires the submittal and approval of a Conditional Use Permit application. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and

existing surrounding uses. The proposed church will not have a negative impact on surrounding uses given the inclusion of ample onsite parking facilities, and recommended conditions for the regulation of onsite lighting, noise, and inclusion of block walls along boundaries shared with residentially zoned areas.

- b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The Visalia Zoning Matrix identifies churches as a conditional use in the R-1-5 zone and requires the submittal and approval of a Conditional Use Permit application. Through the Conditional Use Permit process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. The proposed church will not have a negative impact on surrounding uses given the inclusion of ample onsite parking facilities, and recommended conditions for the regulation of onsite lighting, noise, and inclusion of block walls along boundaries shared with residentially zoned areas.
3. An Initial Study and Negative Declaration were prepared for the proposed conditional use permit tentative subdivision map. Initial Study and Negative Declaration No. 2021-01 disclosed that environmental impacts are determined to be not significant. Staff therefore recommends that Negative Declaration No. 2021-01 be adopted for this project.

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

1. That the site shall be developed in substantial compliance with the Site Plan in Exhibit "A", Floor Plan in Exhibit "B", Building Elevations in Exhibit "C", Landscape Plan in Exhibit "D", and Street Improvement Plan in Exhibit "E".
2. That the site be operated in substantial compliance with the Operational Statement in Exhibit "F".
3. That the site shall be developed consistent with the comments and conditions of the Site Plan Review Committee, as set forth under Site Plan No. 2020-093.
4. That a seven-foot-tall masonry wall be placed along the northern and eastern property boundaries adjacent to residentially areas.
5. That onsite lighting for the church facility shall not produce glare onto neighboring properties and shall not produce lighting in excess of 0.5 lumens at the property line. A revised photometric plan shall be submitted with the Building Permit submittal, verifying compliance with the 0.5 lumen standard. Prior to occupancy of the development, staff shall verify via an onsite inspection that the on-site lighting complies with the 0.5 lumen standard at property line.
6. That the church sanctuary shall not exceed 323 seats in the main sanctuary area.
7. That that the parish hall shall not be used for sanctuary services or similar high occupancy uses simultaneously with the sanctuary, which would result in exceeding the parking demand established for the sanctuary.
8. That the applicant shall provide a 12-foot right-of-way dedication to the City of Visalia for the improvement of Hurley Avenue along projects street frontage. The dedication shall be secured through a separate instrument.

9. That the applicant shall conduct street and right-of-way improvements to Hurley Avenue and Marcin Street, to include widening the streets along the project site frontages where required, as depicted in Exhibit "A" and Exhibit "E". Improvements shall include installation of park strip landscaping, curb, gutter, sidewalk, ramps, streetlights, driveways, street trees and other improvements as required by the City of Visalia's development and engineering standards.
10. That any noise produced by the church facility does not exceed exterior noise standards listed within Chapter 8.36 (Noise) of the Visalia Municipal Code, and that the frequency for which the bell is used comply with the Operational Statement in Exhibit "G".
11. That any project signage shall be obtained under a separate Building Permit.
12. That all other federal, state and city codes, ordinances and laws shall be met.

New Parish Campus

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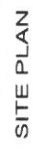


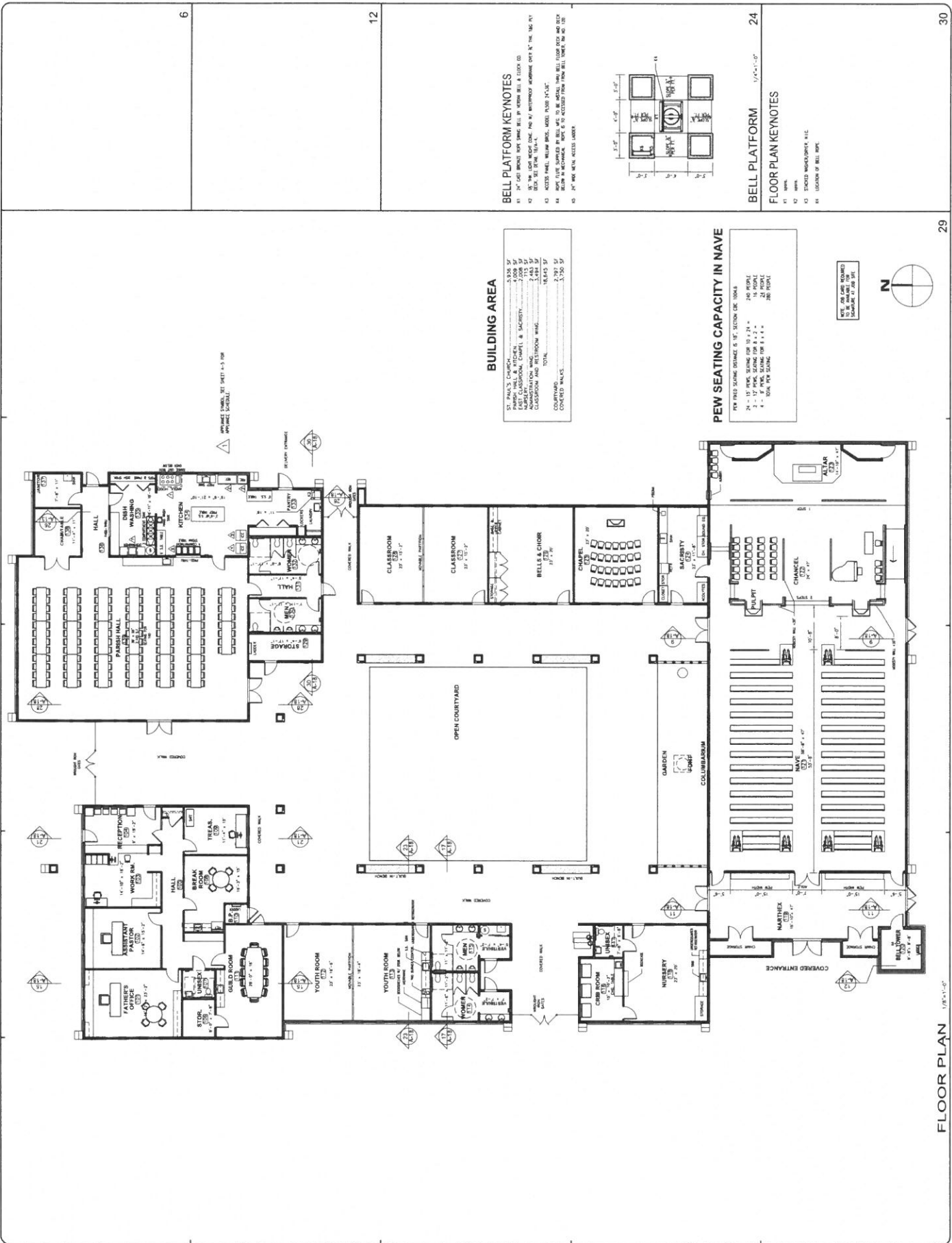
Exhibit "B"



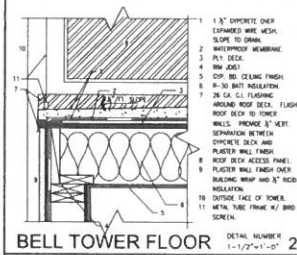
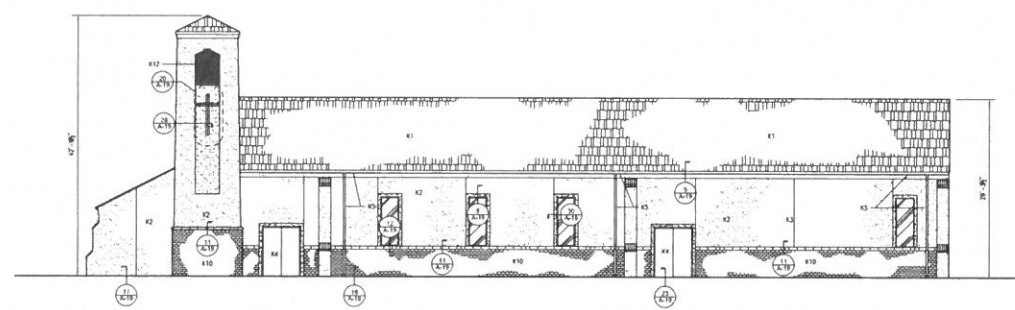
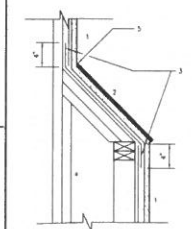
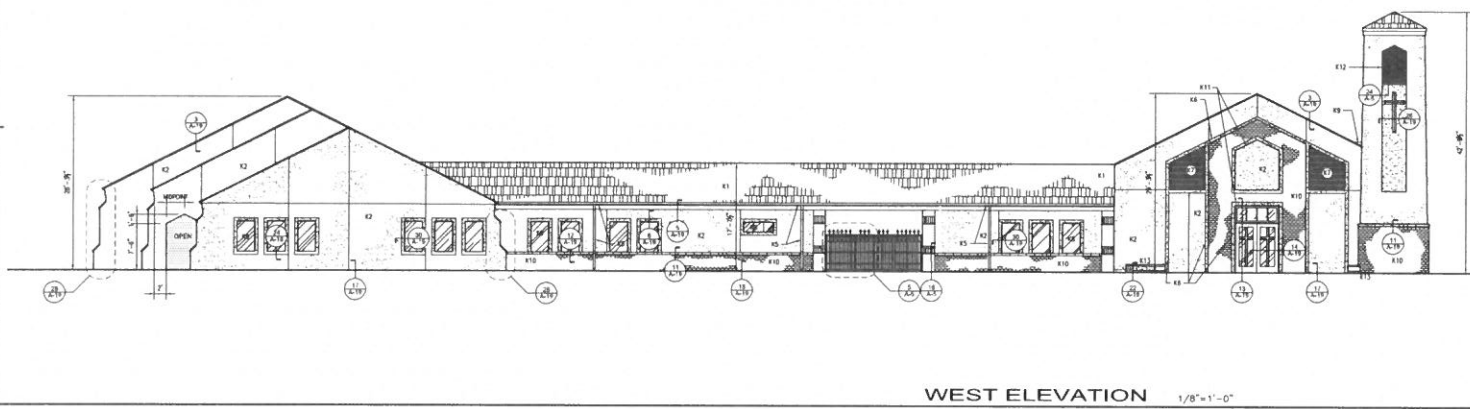
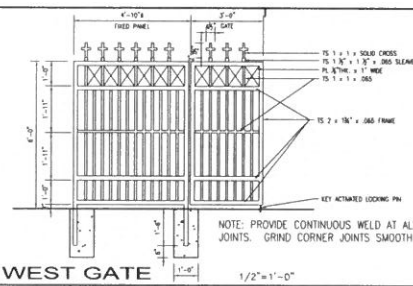
Thomas K. Hayslett, Architect
 303 North Church Street, Visalia, CA 93291
 Phone: (559) 732-8808
 Email: thk@hayslett.net

New Parish Campus
 St. Paul's Anglican Parish
 Corner of Hurley Ave. & Marlin Ct., Visalia, CA

DATE: OCT. 1, 2020
 JOB NO: 1812
 SHEET TITLE: FLOOR PLAN
 SHEET NO: A-2
 PROJECT: New Parish Campus







- EXTERIOR ELEVATION KEYNOTES
- K1 ROOFING: SEE ROOF PLAN SHEET A-9 FOR INFORMATION
 - K2 LATH AND PLASTER: SEE DETAIL PLAN A-1 FOR WALL CONSTRUCTION SCHEDULE
 - K3 PLASTER EXPANSION JOINTS
 - K4 DOOR UNIT: SEE DOOR DETAIL SHEET A-1 FOR INFORMATION
 - K5 GUTTER & DOWNSPOUT: CONNECT SITE DRAINAGE SYSTEM
 - K6 2x6 TRIM W/ LATH AND PLASTER FINISH
 - K7 REMOVABLE LOUVER: SEE MECHANICAL PLANS
 - K8 WINDOW UNIT: SEE DETAIL 28/A-10 FOR FLASHING WINDOW DETAIL SHEET A-4
 - K9 ROOF CHIMNEY AT BELL TOWER TO CHURCH ROOF: SEE ROOF PLAN SHEET A-9
 - K10 BRICK VENEER
 - K11 (3)-2x4 TRIM AT BRICK VENEER
 - K12 METAL TUBE FRAME WITH BRICK SCREEN
 - K13 BRICK-IN BENCH: SEE DETAIL 22/A-10

DATE	REVISIONS	DESCRIPTION

CONSULTANT



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 Fax: (559) 732-9953
 Email: thk@hayslett.com
 Architect's Signature

New Parish Campus
St. Paul's Anglican Parish
 Corner of Hurley Ave. & Marcin Ct., Visalia, CA

PROJECT: **FRONT & SIDE EXTERIOR ELEVATIONS**
 SHEET NO: **A-5**
 DATE: OCT. 1, 2020
 JOB NO: 1512
 SHEET TITLE: **FRONT & SIDE EXTERIOR ELEVATIONS**
 SHEET NO: **A-5**
 PROJECT: **New Parish Campus**



Arctostaphylos 'Howard McMinn'
Manzanita



Dianella 'Cas Blue'
Flax Lily



Salvia chamaedryoides
German Sage



Pittosporum crassifolium 'Nana'
Dwarf Karo



Kniphofia species
Red Hot Poker



Epilobium californicum 'Calistoga'
California Fuchsia



Salvia apiana
White Sage



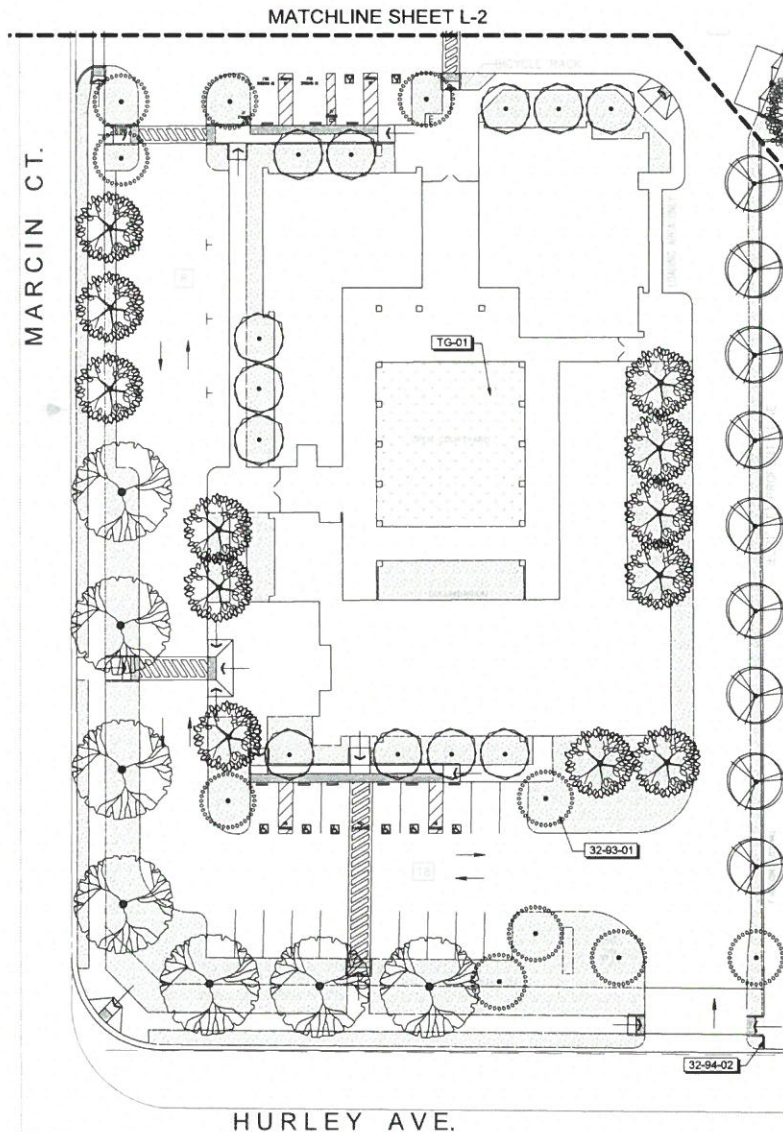
CONCEPT PLANT SCHEDULE

	PARKING LOT TREES	32
	SCREENING TREE	34
	SMALL ACCENT TREES	12
	OLEA 'SWAN HILL'	13
	LAURUS 'SARATOGA'	8




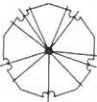



Sample Plant Palette

Parking Lot Trees Pistacia chinensis 'Keith Davey' Quercus engelmannii	Chinese Pistache Mesa Oak
Small Accent Trees x Chitalpa tashkentensis Lagerstroemia spp.	Chitalpa Crape Myrtle
Medium Accent Trees Laurus 'Saratoga' Olea 'Swan Hill'	Saratoga Laurel Swanhill Fruitless Olive
Entry Accent Trees Olea 'Swan Hill'	Swanhill Fruitless Olive
Perimeter Trees Platanus acerifolia 'Columbia' Quercus agrifolia Quercus lobata	London Plane Tree Coast Live Oak Valley Oak
Shrubs and Groundcovers Agave spp. Aloe spp. Arctostaphylos spp. Baccharis 'Pigeon Point' Calamagrostis 'Karl Foerster' Callistemon 'Little John' Carex spp. Carpenteria californica Ceanothus spp. Cotoneaster 'Coral Beauty' Dianella 'Casa Blue' Hesperaloe parvifolia Heteranthes arbutifolia Kniphofia spp. Laurus nobilis Lavendula 'Goodwin Creek' Leucophyllum frutescens Leymus 'Canyon Prince' Mahonia repens Muhlenbergia spp. Olea 'Lil Olle' Pennisetum spathulatum Rhamnus spp. Rhus integrifolia Rosemarinus spp. Salvia greggii Salvia 'Bee's Bliss' Teucrium chamaedrys 'Nana' Teucrium cossonii Westringia spp. Zauschneria spp.	Agave Aloe Manzanita Coyote Bush Feather Reed Grass Dwarf Bottlebrush Sedge Bush Anemone Wild Lilac Prostrate Cotoneaster Blue Flax Lily Red Yucca Toyon Red Hot Poaker Sweet Bay Lavender Texas Ranger Wild Rye Creeping Mahonia Muhly Grass Dwarf Olive Slender Velt Grass Coffeeberry Lemonade Berry Rosemary Autumn Sage Bee's Bliss Sage Prostrate Germander Fruity Germander Coast Rosemary California fuchsia

PRELIMINARY LANDSCAPE PLAN ST. PAUL'S CHURCH VISALIA, CA



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	USE	VASCULS	STYLE	CANADIAN	QTY
	Legendroema x 'Natchez'	Crape Myrtle	15 gal	Deciduous	Accent Tree	Low	Standard	No	12
	Laurus nobilis 'Saratoga'	Sweet Bay	15 gal	Evergreen	Street Tree	Low	Standard	No	18
	Olea europaea 'Swan Hill' TM	Swan Hill Olive	24" box	Evergreen	Specimen Tree	Low	Multi	No	11
	Pistacia chinensis 'Keith Deney'	Keith Deney Chinese Pistache	15 gal	Deciduous	Parking Lot Tree	Low	Standard	No	25
	Quercus engelmannii	Engelmann Oak	15 gal	Evergreen	Specimen Tree	Low	Standard	Yes	9
	Quercus lobata	Valley Oak	15 gal	Deciduous	Specimen Tree	Low	Standard	Yes	10
	x Chitalpa tashkentensis	Chitalpa	15 gal	Deciduous	Accent Tree	Low	Standard		24

REFERENCE NOTES SCHEDULE

SYMBOL	PLANTING DESCRIPTION	QTY	DETAIL
12-93-01	5" Thick layer of Screened Orchard Mulch. Contact West Coast Sand & Gravel, at 558, 902-1150 see specifications for further information.	35,282 ft	
SYMBOL	PLANTING ACCESSORIES	QTY	DETAIL
12-94-01	Linear root barriers shall be installed within eight feet (8') of any pavement. Linear root barriers shall be by Deep Root model number 18-2. Install per manufacturer's specifications and recommendations. See detail.	320 ft	
12-94-02	8" more earth. Natural grey with a light brown finish. See detail for further information.	18 ft	
SYMBOL	BARK MULCH DESCRIPTION	QTY	DETAIL
10-01	AG-1 Hybrid Red Bermuda. Install per distributors specifications and recommendations. Contact AG Seed Farms at 988,800-5483 for further information.	2,068 ft	

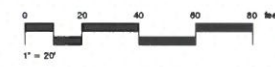
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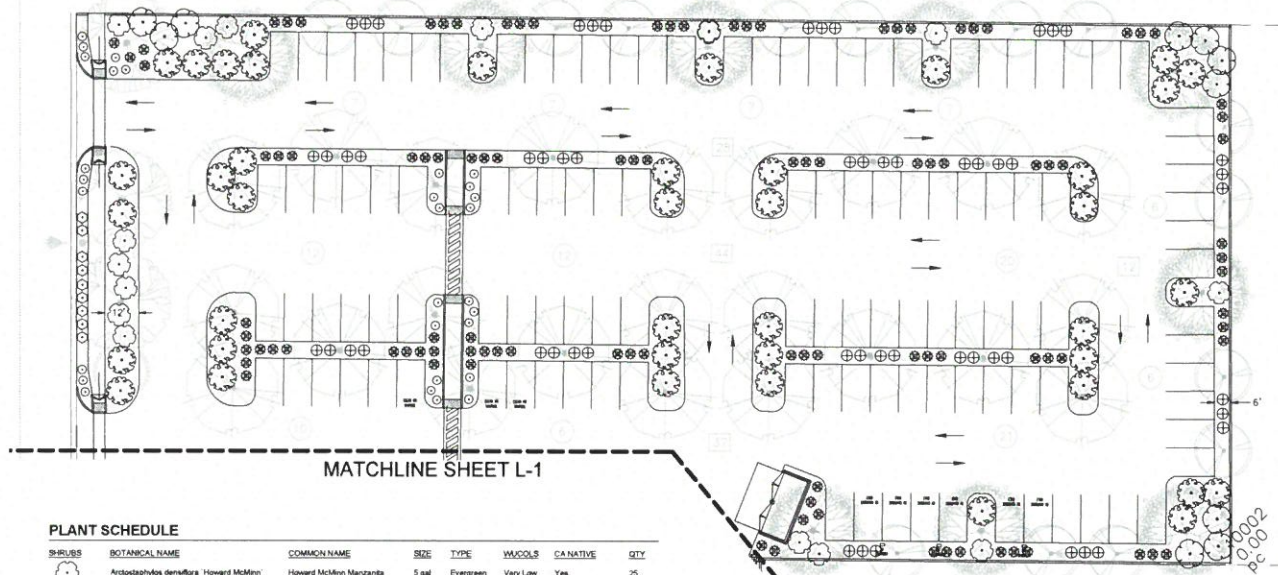
- 1 - Graphic quantities take precedence over written quantities.
- 2 - All trees shall be of quality as prescribed in the details and specifications. Any tree not meeting such requirements shall be removed from the site and replaced at no cost to the owner.
- 3 - Trees shall not be planted within:
 - a. 6'-0" of drive approaches
 - b. 6'-0" of sewer lines
 - c. 6'-0" of water lines
 - d. 10'-0" of fire hydrants



Know what's below
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PLANT SCHEDULE

SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	WUCOLS	CA NATIVE	QTY
⊕	<i>Arctostaphylos densiflora</i> 'Howard McMin'	Howard McMin Manzanita	5 gal	Evergreen	Very Low	Yes	25
⊕	<i>Arctostaphylos manzanita</i> 'Dr. Hurd'	Dr. Hurd Manzanita	5 gal	Evergreen	Low	Yes	15
•	<i>Carex droubae</i>	Barkley Sedge	1 gal	Evergreen	Low	No	33
⊕	<i>Ceanothus griseus horizontalis</i> 'Yankee Point'	California Lilac	1 gal	Evergreen	Low	Yes	23
⊕	<i>Cornus</i> x 'Ivory Belle'	Ivory Belle Australian Fuchsia	1 gal	Evergreen	Low	No	73
⊕	<i>Cotinus coggygria</i> 'Royal Purple'	Royal Purple Smoke Tree	15 gal	Deciduous	Low	No	8
⊕	<i>Cotoneaster dammeri</i> 'Lowfast'	Lowfast Bearberry Cotoneaster	1 gal	Evergreen	Low	No	98
•	<i>Crestula multiflora</i>	Cape Provence Pymyweed	Flat	Evergreen	Very Low	No	22
⊕	<i>Diervilla caerulea</i> 'Cassa Blue'	Cassa Blue Flax Lily	1 gal	Evergreen	Very Low	No	72
⊕	<i>Fatsia japonica</i>	Japanese Fatsia	5 gal	Evergreen	Medium	No	5
⊕	<i>Heuchera maxima</i>	Island Alum Root	1 gal	Evergreen	Low	Yes	36
⊕	<i>Leucodendron dentata</i> 'Goodwin Creek Gray'	Goodwin Creek Gray Lavender	1 gal	Evergreen	Low	No	42
⊕	<i>Malva repens</i>	Creeping Malva	1 gal	Evergreen	Low	Yes	95
⊕	<i>Muhlenbergia dubia</i>	Pink Muhly	1 gal	Deciduous	Very Low	No	195
⊕	<i>Olea europaea</i> 'Little Olive' TM	Little Olive Olive	5 gal	Evergreen	Very Low	No	14
⊕	<i>Philodendron</i> x 'Xanadu'	Philodendron	1 gal	Evergreen	Low	No	9
⊕	<i>Rhamnus californica</i> 'Mound San Bruno'	California Coffeeberry	1 gal	Evergreen	Low	Yes	12
⊕	<i>Ribes speciosum</i>	Fuchsia Flowering Gooseberry	1 gal	Evergreen	Low	Yes	21
⊕	<i>Rosemaria officinalis</i> 'Tuscan Blue'	Tuscan Blue Rosemary	1 gal	Evergreen	Low	No	14
⊕	<i>Santolina neapolitana</i> 'Lemon Queen'	Naples Lavender Cotton	1 gal	Evergreen	Low	No	27
⊕	<i>Teucrium coccineum</i>	Creeping Germander	1 gal	Evergreen	Low	No	18
⊕	<i>Viviparis fufuosa</i> 'Grey Box'	Coast Rosemary	1 gal	Evergreen	Low	No	25
⊕	<i>Woodwardia fibrata</i>	Giant Chain Fern	1 gal	Evergreen	Low	Yes	7

Notes

- Graphic symbols take precedence over written quantities. Contractor to verify total quantities.
- Plant quality shall be as prescribed in the details and specifications. Any plant not meeting such requirement shall be removed from the site and replaced at no cost to the Owner or Landscape Architect.
- All quantities and amounts shown on the plans are best estimates for the benefit of the Contractor. In field conditions may vary compared to what is shown on the plans. Therefore, it is the Contractor's responsibility to verify all lengths, square footages, and amounts prior to bidding the project.



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1512 W. Mineral King Ave.
Visalia, CA 93291
558.748.9500 (o)
558.436.3277 (f)
www.woodarchitecture.com



Drawing Description
Date

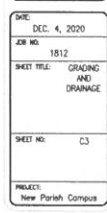
PLANTING PLAN
St. Paul's Church
Visalia, Ca

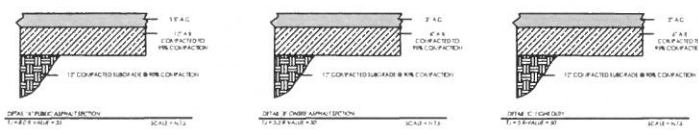
Date: 12/17/2020
Scale: 1" = 20'
Project: 20049_WA



L-12

Sheet 10 of xx





FLOOD NOTE:

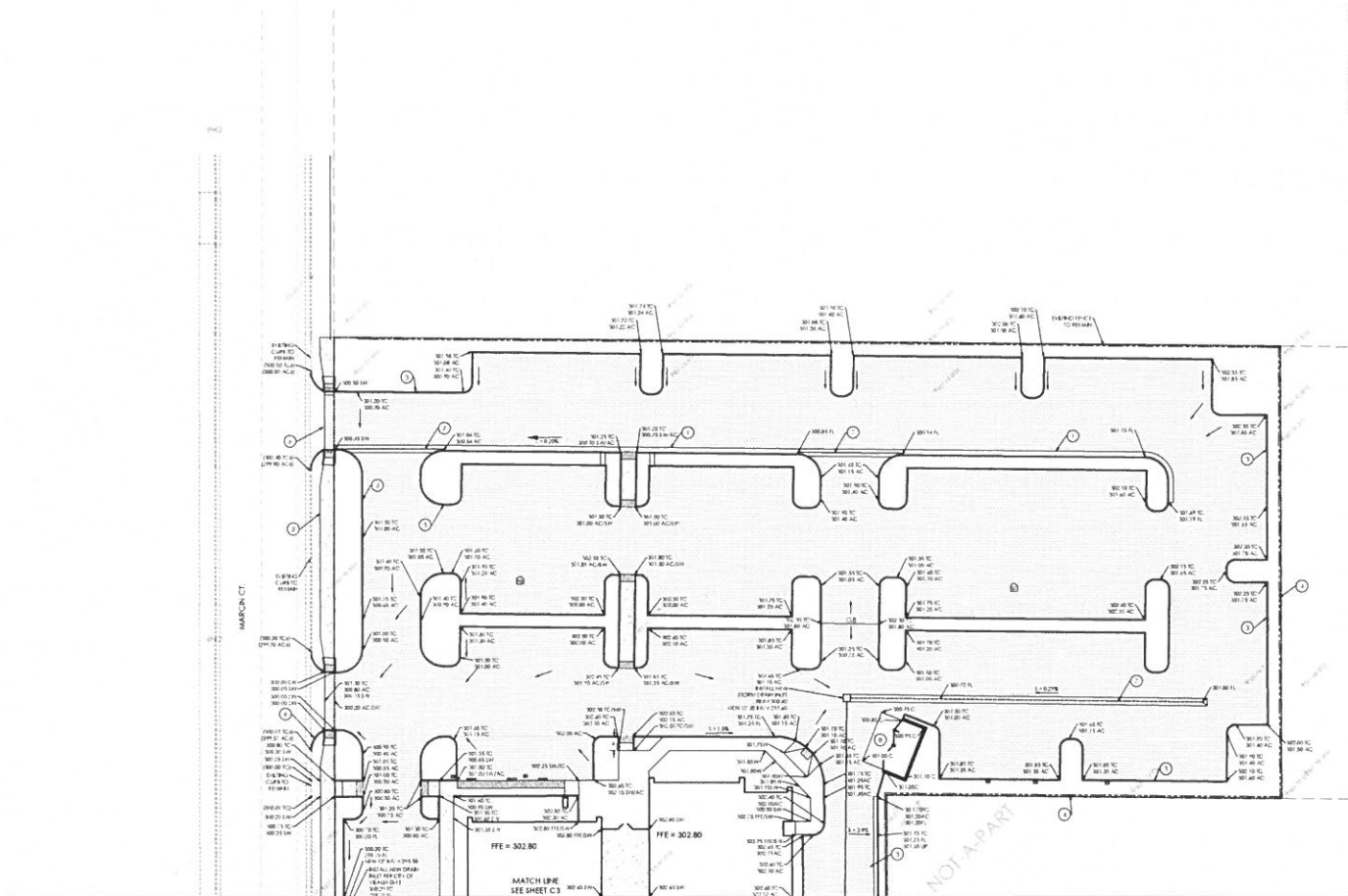
1. FLOODING SHALL BE PREVENTED BY THE PROPOSED DRAINAGE SYSTEM AND ALL DRAINAGE STRUCTURES SHALL BE DESIGNED TO PREVENT FLOODING OF THE ADJACENT AREAS.

BENCHMARK:

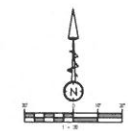
1. BENCHMARK SHALL BE ESTABLISHED BY THE ENGINEER AND SHALL BE USED TO DETERMINE THE ELEVATION OF THE DRAINAGE STRUCTURES.

GENERAL NOTES:

1. THE DRAINAGE SYSTEM SHALL BE DESIGNED TO PREVENT FLOODING OF THE ADJACENT AREAS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS.
2. ALL DRAINAGE STRUCTURES SHALL BE DESIGNED TO PREVENT FLOODING OF THE ADJACENT AREAS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS.
3. THE DRAINAGE SYSTEM SHALL BE DESIGNED TO PREVENT FLOODING OF THE ADJACENT AREAS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS.
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ITEM NO.	DESCRIPTION	QUANTITY
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30	12" DIA. 10' LONG	1



REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	12/1/2020

CONSULTANT

PROJECT

New Parish Campus
St. Paul's Anglican Parish
 Corner of Hurley Ave. & Martin Ct., Visalia, CA

DATE

12/1/2020

JOB NO.

1812

SHEET TITLE

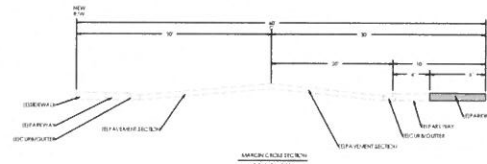
GRADING AND DRAINAGE

SHEET NO.

CA

PROJECT

New Parish Campus

[illegible][illegible]

Jesse A. Williams, Engineer
724 N. Ben Maddox Way, Visalia CA 93291
Phone: (559) 713-6139
Engineer's Signature: _____

New Parish Campus
St. Pauls' Anglican Parish
Corner of Hurley Ave. & Marcin Ct., Visalia, CA

DATE:	DEC. 4, 2020
JOB NO:	1812
SHEET TITLE:	MARGIN PLAN AND PROFILE
SHEET NO:	C6
PROJECT:	New Parish Campus

Thomas K. Hayslett, Architect
303 North Church Street, Visalia CA 93291
Phone: (559) 732-9808
Cell: (559) 303-8953
Email: thoysett@pacbell.net
Architect's Signature: _____

New Parish Campus
St. Pauls' Anglican Parish
Corner of Hurley Ave. & Marcin Ct., Visalia, CA

DATE:	OCT. 1, 2020
JOB NO:	1812
SHEET TITLE:	SITE LIGHTING PLAN
SHEET NO:	E2.1
PROJECT:	New Parish Campus



Exhibit "G"

St. Paul's Church [The Rector, Wardens and Vestrymen of St. Paul's Parish in Visalia, California, Incorporated]

Projected/Anticipated Usage of Facilities Hurley Avenue and Martin Court

Area Name	Hours of Use	Days of Week in Operation	Number of Employees	Number of Parishioners	Peak Operating Hours
Sanctuary and Nave (Main Worship Area)	8:00 am - 1:00 pm	Sunday	3	175	10:15 am - 11:45 am
Parish Hall	8:00 am - 1:00 pm 5:00 pm - 8:00 pm	Sunday Wednesday	Same as 3 above 3	Included in 175 above 125	9:15 am - 1:00 pm 6:00 pm - 8:00 pm
Nursery	8:00 am - 1:00 pm 5:00 pm - 8:00 pm	Sunday Wednesday	1 1	5 - 10 5 - 10	10:15 am - 11:45 am 7:00 pm - 8:00 pm
Children's Classrooms	9:15 am - 10:15 am 5:00 pm - 8:00 pm	Sunday Wednesday	0	Included in 175 above Included in 125 above	9:15 am - 10:15 am 7:00 pm - 8:00 pm
Youth Room	9:15 am - 10:15 am 5:00 pm - 7:00 pm 5:00 pm - 8:00 pm	Sunday AM Sunday PM Wednesday	Same as 3 above 1 Same as 3 above	Included in 175 above 35 Included in 125 above	9:15 am - 10:15 am 5:00 pm - 7:00 pm 5:00 pm - 8:00 pm
Administrative and Pastoral Offices	9:00 am - 5:00 pm	Monday - Friday	3	2	10:00 am - 2:00 pm

Other Usage

*Committee meetings and workshops on weekdays and Saturdays, a few times a month, approximately 5-50 in attendance.
Luncheons from 11:30 am to 2:00 pm one weekday per month, approximately 50-100 in attendance.*

Weddings on Saturdays, 6-12 per year, usually about 100 in attendance, but could be up to maximum capacity of worship space.

Funerals on weekdays and Saturdays, 9-12 per year, usually about 100 in attendance, but could be up to maximum capacity of worship space. (Funerals would be scheduled so as not to conflict with peak hours and special events for Hurley School.)

Community groups often allowed to meet in evening hours.

Special events are held on an occasional basis on weekends and weekday evenings.

**St. Paul's Anglican
Weekly Calendar**

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Administrative (4-5 people)		8:00 AM - 4:00 PM	8:00 AM - 4:00 PM	8:00 AM - 4:00 PM	8:00 AM - 4:00 PM	8:00 AM - 4:00 PM	
Adult Education (50-75 people)	9:00 AM - 10:30 AM			6:00 PM - 7:30 PM			
Children's Education (25-35 people)	9:00 AM - 10:30 AM			5:00 PM - 7:30 PM			
Community Outreach (15-20 people)					6:30 PM - 8:30 PM		
Fellowship (50-60 people)	9:15 AM - 10:15 AM			6:15 PM - 7:15 PM			
First Worship Service (50-75 people)	8:00 AM - 9:00 AM						
Second Worship Service (75 -100 people)	10:30 AM - 11:45 AM						

St. Paul's Anglican Church
Additional Operational and Noise Information

From Fr. Richard James, E-mail of March 17, 2021

I am responding for St. Paul's Anglican Church regarding item 1. a. of your email of March 12, 2021.

I am attaching a schedule from Hurley Elementary School, which shows their hours of operation. I met with the principal, Lisa Whitworth, and she said there should be no problems with conflicting schedules, and that we could easily coordinate future schedules and special events. She added that she was looking forward to having the church across the street.

Community group meetings would probably be two or three, either once a week or once a month, with attendance between 3 and 30.

Special events would probably be two or three times a year, with 10 to 100 people attending. As noted on the attached spreadsheet, they would be on the weekends or in the evening, so there would be no conflict with Hurley school.

Attendance would be up to 175 on Sundays, and 125 on Wednesday nights.

I am attaching the spreadsheet we submitted previously, that provides an area-by-area projection of attendance. Peak operating hours do not conflict with Hurley School, as most of our activities are on Sunday morning and Wednesday nights, when the school is not in operation. Moreover, we will have sufficient parking to accommodate our parishioners and guests.

If these two documents and this additional information are insufficient for your purposes, please let me know, so we can provide any missing information in time to meet your March 23 deadline.

Thank you.

Fr. Richard I. James
559-901-7259

From Rev. Robert Longbottom, E-mail of March 29, 2021

Mr. Cristobel,

My Name is Rev. Robert Longbottom and I am the Rector of St. Paul's Parish. The rector is the Head Pastor and president of the Parish Corporation. Mr. Hayslett asked me to further clarify the answers to the following questions and I hope that the answers will be sufficient. If you have further questions please let me know.

Sincerely

Rev. Robert Longbottom
Rector, St. Paul's Parish, Inc.

1. On the operational statement, "Fellowship" just means gatherings of folks right? No specific activity, just people congregating and talking?
Fellowship means gathering together for such things as having coffee, sharing a meal, and participating group activities such things as playing cards, board games, and other non formal activities.
2. Just to be sure, there are NO administrative activities conducted on Friday?
The office is currently closed on Fridays, but we would like to have the option to have the office open on Fridays from 8-4pm if our needs change. No administrative activities will be held on Saturday or Sunday.
3. Is the school schedule provided a "Covid School Schedule", or what the school would typically do if it was a normal school year? Could a normal school schedule (even one from past years) be provided?
The school's schedule that we gave you, in terms of the start and end of the school day, are the school's regular non covid hours and the School administration has indicated that they do not expect them to change when Covid restrictions are lifted.
4. What are the general times community meetings are held? In the evenings, similar to Fellowship/Community Outreach meetings?
Community meetings will be held in general during the evenings 6pm or later and Saturdays. Occasionally a community meeting will occur at lunch time Monday through Friday but will conclude by 2pm.
5. I'll need the Indemnity Agreement to be signed and turned in as soon as possible.
The agreement has been signed and sent to your office on Monday March 29th. Mr. Tom Hayslett is to deliver the agreement.

From Tom Hayslett, E-mail of April 22, 2021

Your concern today about the noise impact of the St. Paul's bell tower bell.

1. Bell will be rung on Sundays at 10:15 AM for less than 10 seconds to call members to mass.
2. Bell will be rung less than 10 seconds for funerals.
3. Bell will never ring any more than 10 seconds.
4. Bell is operated manually.
5. Designed weight for bell is 600 lbs. maximum, bell approximately 24" in diameter. Bell manufacturer was suggested by City of Visalia Official.
6. Do not know the decibel rating as bell not selected to date.
7. Rector will be courteous as always if complaint is made. The church will accommodate to the best of their abilities any complaints that may come. If complaint is made the Rector may offer

to decrease the time the bell rings in a compromise, but the bell will ring still to notify the congregation of start of services.

8. Father James was Pastor for over 30 years at St. Paul's Anglican Church on Hall St. and never had a complaint from the surrounding Residential community. Every church has a bell. Hurley School is to the west of the property with classroom bells and alarms, Principal looking forward to St. Paul's campus. Residential housing to the south more than 100 ft. away from tower bell. Single residence to the east. To the north is Agriculture land.



Hurley Elementary School

6600 W Hurley Avenue Visalia CA 93291
 (559) 730-7905 Fax (559) 730-7458
 Lisa Whitworth, Principal

To whom it may concern,

Please see the daily schedule for Hurley Elementary School listed below. Staff and students are on campus Monday, Tuesday, Thursday and Friday during the times listed below. At this time, we have no additional activities or events scheduled at our school. The last day of school is June 4, 2021. Our campus will be closed June 7 through the start of the 2021 – 2022 school year on August 9, 2021.

Hurley Elementary Hybrid Schedule 2020 – 2021

8:05	Gates Open
8:20 – 8:35	Students directly to class
8:20	Classrooms Open, Instruction Begins
9:00 – 9:10	Kinder Break
9:15 – 9:25	1 st and 2 nd Break
9:30 – 9:40	3 rd and 4 th Break
9:45 – 9:55	5 th and 6 th Break
10:50	Dismissal for K -1 and siblings
11:05	Dismissal 2 – 6 and all bus
12:15	Gates Open
12:30 – 12:45	Students directly to class
12:30	Classrooms Open, Instruction Begins
1:10 – 1:20	Kinder Break
1:25 – 1:35	1 st and 2 nd Break
1:40 – 1:50	3 rd and 4 th Break
1:55 – 2:05	5 th and 6 th Break
3:00	Dismissal for K -1 and siblings
3:15	Dismissal 2 – 6 and all bus

If you have any questions please feel free to call the Hurley Elementary School office at 730-7905.

Thank you,

Lisa Whitworth

Lisa Whitworth
Principal



August 20, 2020

thayslett@pacbell.net

Site Plan Review No. 20-093:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city.

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

This is your Site Plan Review Permit; your Site Plan Review became effective **August 5, 2020**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal", with a large, sweeping flourish extending to the right.

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

Attachment(s):

- Site Plan Review Comments



#4

MEETING DATE: **August 5, 2020**
SITE PLAN NO. **20-093 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

☒ **Conditional Use Permit**

☐ 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
☐ 713-

ITEM NO: 4 DATE: AUGUST 5, 2020

SITE PLAN NO.: 20-093 RESUBMITTAL
PROJECT TITLE: ST PAULS ANGLICAN CHURCH
DESCRIPTION: NEW CHURCH WITH PARISH HALL, ADMIN
OFFICES, CLASSROOMS, & KITCHEN (REF 18-
177)
APPLICANT: TOM HAYSLETT
PROP OWNER: RECTOR WARDENS & VESTRYMEN OF ST
PAULS
LOCATION: NE CORNER OF HURLEY & MARCIN ST
APN: 085-540-005

SITE PLAN REVIEW COMMENTS

☒ REQUIREMENTS (indicated by checked boxes)

☒ Install curb return with ramp, with 30' radius; **MARCIN & HURLEY**

☒ Install curb; ☒ gutter **HURLEY AVE**

☒ Drive approach size: **24' MIN** ☒ Use radius return; **REFER TO COMMERCIAL STDS. 36' ON HURLEY**

☒ Sidewalk: **6' width**; ☒ **VARIES** parkway width at **HURLEY & MARCIN, SEE ADDITIONAL COMMENTS**

☐ 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. **HURLEY**

☒ Deed required prior to issuing building permit; **GRANT DEED, SEE ADDITIONAL COMMENTS**

☒ City Encroachment Permit Required. **FOR ALL WORK WITHIN PUBLIC RIGHT-OF-WAY**

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

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

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

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

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

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

☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 0.20%, V-gutter = 0.25%)

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

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

- ☒ Traffic indexes per city standards: **REFER TO CITY COLLECTOR STREET STANDARDS**
- ☒ Install street striping as required by the City Engineer. **TBD BY TRAFFIC ENG. AT TIME OF PERMIT**
- ☒ 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: **1 each at 300' INTERVALS**
- ☐ Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- ☐ Access required on ditch bank, 15' minimum ☐ Provide wide riparian dedication from top of bank.
- ☒ Show Valley Oak trees with drip lines and adjacent grade elevations. ☒ Protect Valley Oak trees during construction in accordance with City requirements.
- ☐ A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. ☐ A pre-construction conference is required.
- ☒ Relocate existing utility poles and/or facilities. **AS REQUIRED FOR STREET WIDENING**
- ☒ Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding. **REQUIRED WITH STREET WIDENING**
- ☐ Subject to existing Reimbursement Agreement to reimburse prior developer:
- ☒ Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- ☒ If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- ☒ If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- ☒ Comply with prior comments. ☐ Resubmit with additional information. ☒ Redesign required.

Additional Comments:

- 1. Proposed new facility will incur impact fees associated with the acreage of development and building square footages & capacity. Refer to page 4 for list of applicable fees.**
- 2. Hurley Ave. shall be widened to its ultimate design of an 84' collector. Projects new frontage improvements shall align with existing curb & gutter on the west side of Marcin St. (Redesign and show with CUP application). Improvements to Hurley shall consist of a minimum of 6' pavement, 6' sidewalk, 5' parkway, curb & gutter, street lighting, and underground overhead utilities. Provide additional transition improvements along frontage of the existing residence to the east. Coordinate with City Engineer.**
- 3. It appears a 12' additional right-of-way dedication on Hurley will be required to comply with 42' width from existing street centerline to comply with City standard collector street design. A grant deed shall be provided per City format and procedures prior to building permit issuance.**
- 4. Proposed access drive on Hurley is adequate and complies with min. distance standards of 200' from the adjacent intersection. Drive approach to meet min. width of 36' for access to collector streets.**
- 5. All required backflow preventers shall be installed onsite and not in the public right-of-way.**
- 6. There is existing City sewer mains in Marcin and Hurley for project to connect to.**
- 7. New improvements on Hurley will require a storm drain inlet to be installed to collect street run-off. There is an existing storm drain main manhole near Marcin St. intersection to tie-in to. Refer to City storm drain standards.**

8. *There are two utility poles not shown on Site Plan that will need to be relocated underground as part of Hurley widening improvements.*
9. *Street lighting shall be installed per City local and collector street standards. Civil plan to include electrical design plan for street lights w/ voltage drop calcs - a separate service meter pedestal may need to be installed. Proper locations to be determined at plan review.*
11. *The drive aisle at the trash enclosure location is narrowed and does not appear to comply with City standards for parking lot dimensions. Redesign to meet min. drive aisle width standard per parking stall dimension layout.*
12. *Project will be required to address existing striping pattern on Hurley with required widening and frontage improvements. Additional transition work will be required to adequately, and safely, provide access to new drive approach for west bound traffic. Refer to further comments/requirements by Traffic Safety Dept.*
13. *Landscaping & irrigation to comply with CA MWELO regulations. Install City standard street trees within public parkways, refer to City master tree list & installation specifications. Provide landscape plans with onsite/offsite permits.*
14. *Refer to Planning Dept. for additional entitlement requirements.*
15. *The proposed monument sign at corner of Hurley & Marcin will need to meet City sight distance triangle standards. Redesign accordingly, must be shown with CUP application.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **20-093 RESUBMITTAL**

Date: **8/5/2020**

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: **8/1/2020**)

(Project type for fee rates: **CHURCH**)

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

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,343/AC X 3.95 = \$5,305
<input checked="" type="checkbox"/> Transportation Impact Fee	\$3,478/1KSF X 18.65 = \$64,865
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$8/SEAT X 323 = \$2,584 TREATMENT PLANT FEE: \$41/SEAT X 323 = \$13,243
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$45/LF X 511 (MARCIN) = \$22,995
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$5,068/AC X 3.95 = \$20,019
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$3,717/AC X 3.95 = \$14,682
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$1,040/AC X 3.95 = \$4,108
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$1,969/AC X 3.95 = \$7,778
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$577/1KSF X 18.65 = \$10,761
<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

Josh Dan, Planning Division (559) 713-4003

Date: August 05, 2020

SITE PLAN NO: 2020-093 B
PROJECT TITLE: St. Paul's Anglican Church
DESCRIPTION: New Church with Parish Hall, Administrative Offices, Classrooms, & Kitchen (Ref: SPR No. 18-177)
APPLICANT: Tom Hayslett
PROP. OWNER: The Rector, Wardens, & Vestrymen of St. Paul's Parish
LOCATION TITLE: NE Corner of Hurley Ave & N. Marcin St.
APN TITLE: 085-540-005
GENERAL PLAN: Residential Low Density
ZONING: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Rule 9510 – This project is subject to the Rule 9510 requirements of the San Joaquin Valley Air Pollution Control District – see District web-site for information.

Project Requirements

- Conditional Use Permit
- Additional Information as Needed

Reference SPR No. 2018-177.

PROJECT SPECIFIC INFORMATION: August 05, 2020

1. A Conditional Use Permit (CUP) is required for the proposed use.
2. The applicant shall include building elevation with
3. The applicant shall include building and monument sign elevations with the CUP submittal.
4. The applicant shall include a landscape and irrigation plan with the CUP submittal.
5. The applicant shall design and locate parking lot lighting to deflect any glare away from abutting residential areas. A photometric plan showing that this will be achieved shall be provided with the CUP submittal.
6. Parking provided is sufficient per VMC 17.34.020 - churches require one parking space for every four permanent seats in the principal assembly area:

Seating Provided – 286
Parking Provided – 135
7. The proposed use shall be required to comply with Community Noise Standards. Outdoor PA systems for routine use will be prohibited as a condition of the CUP.
8. A minimum seven-foot high block wall is required along the north, south and east property lines which abut residentially designated property. (Wall to stop at the 15-foot / 10-foot setback lines from the street frontages.
9. Consult with the property owner to the east (6410 W. Hurley Avenue, APN: 085-540-002) regarding relocation of fencing and a possible water well that appear to cross the shared property boundary.
10. Comply with the comments from the Engineering Division, in particular in regards to revisions related to Hurley Avenue. The materials submitted with the CUP shall reflect the comments of the Engineering Division.
11. Comply with previous Site Plan Review Comments and all other regulations and ordinances.

PROJECT SPECIFIC INFORMATION: June 24, 2020

12. A Conditional Use Permit (CUP) is required for the proposed use.
13. The applicant shall include building and monument sign elevations with the CUP submittal.
14. The applicant shall include a landscape and irrigation plan with the CUP submittal.

15. The applicant shall design and locate parking lot lighting to deflect any glare away from abutting residential areas. A photometric plan showing that this will be achieved shall be provided with the CUP submittal.
16. The number of fixed seating within the sanctuary shall be provided. This number shall be used to determine whether adequate onsite parking is provided for the use.
17. The site plan shall list the accurate number of parking stalls onsite. The site plan notes 153 stalls provided, but only 146 are depicted.
18. Submit a more detailed Operational Statement providing greater detail on church operations and ancillary uses proposed (weddings, funerals, special occasions, classrooms).
19. Provide a bicycle rack onsite.
20. The proposed use shall be required to comply with Community Noise Standards. Outdoor PA systems for routine use will be prohibited as a condition of the CUP.
21. A minimum seven-foot high block wall is required along the north, south and east property lines which abut residentially designated property. (Wall to stop at the 15-foot / 10-foot setback lines from the street frontages).
22. The site plans shall show the Hurley Elementary access points along the west side of Marcin Street.
23. Consult with the property owner to the east (6410 W. Hurley Avenue, APN: 085-540-002) regarding relocation of fencing and a possible water well that appear to cross the shared property boundary.
24. Comply with the comments from the Engineering Division, in particular in regards to revisions related to Hurley Avenue. The materials submitted with the CUP shall reflect the comments of the Engineering Division.

CITY GENERAL PLAN CONSISTENCY

- Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

R-1-5 Single Family Residential Zone [17.12]

Maximum Building Height: 35 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Front Garage (garage w/door to street)	22 Feet	22 Feet
➤ Side	5 Feet	5 Feet
➤ Street side on corner lot (long side of lot)	10 Feet	10 Feet
➤ Street side on corner to garage door	22 Feet	22 Feet
➤ Rear	25 Feet*	25 Feet

Minimum Site Area: 5,000 square feet

Accessory Structures:

Maximum Height: 12 feet (as measured from average grade next to the structure)

Maximum Coverage: 20% of required Rear Yard (last 25 feet by the width)

Reverse Corner Lots: No structure in the 15 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

Parking:

1. Provide parking spaces based Zoning Ordinance Section 17.34.020
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot.
3. Provide handicapped space(s).
4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking.
5. No repair work or vehicle servicing allowed in a parking area.
6. It is highly recommended that bicycle rack(s) be provided on site plan.
7. No parking shall be permitted in a required front/side yard.
8. Design/locate parking lot lighting to deflect any glare away from abutting residential areas.
9. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street or when across from residential property.
10. Provide off-street loading facility.
11. The project should provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant vehicle work trips. The preferential treatment could include covered parking spaces or close-in parking spaces, or designated free parking, or a guaranteed space for the vehicle.

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide second-story screening for all windows that may intrude into adjacent residential properties. Details and cross-sections will be required to be reviewed and approved prior to issuance of building permits (Zoning Ordinance Section 17.30.130.F).
3. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
4. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
5. Outdoor retail sales prohibited.
6. All outdoor storage areas are to be identified on the site plan and they are to be shown with screening (fencing). No materials may be stored above the storage area fence heights (Zoning Ordinance Section 17.30.130.F).
7. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the CUP application package.
8. 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 Exception to fence/wall height should also be submitted.

Landscaping:

1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. 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. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWEL standards is required indicating that the landscaping has been installed to MWEL standards.**
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 17.30.015-2).
3. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).

4. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
5. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
6. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
7. Provide a detailed landscape and irrigation plan for review prior to issuance of building permits. Please review Zoning Ordinance section 17.30.130-C for current landscaping and irrigation requirements.
8. Provide a conceptual landscape plan for resubmittal or planning commission review.
9. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
10. Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

Lighting:

1. All lighting is to be designed and installed so as to prevent any significant direct or indirect light or glare from falling upon any adjacent residential property. This will need to be demonstrated in the building plans and prior to final on the site.
2. Parking lot and drive aisle lighting adjacent to residential units or designated property should consider the use of 15-foot high light poles, with the light element to be completely recessed into the can. A reduction in the height of the light pole will assist in the reduction/elimination of direct and indirect light and glare which may adversely impact adjacent residential areas.
3. Building and security lights need to be shielded so that the light element is not visible from the adjacent residential properties, if any new lights are added or existing lights relocated.
4. NOTE: Failure to meet these lighting standards in the field will result in no occupancy for the building until the standards are met.
5. In no case shall more than 0.5 lumens be exceeded at any property line, and in cases where the adjacent residential unit is very close to the property line, 0.5 lumens may not be acceptable.

Noise: NOISE ORDINANCE (Municipal Code Chapter 8.36)

The City's Noise Ordinance has standards for maximum noise levels near sensitive land uses. The project, as with all other uses in the City, will be required to meet the standards of the Noise Ordinance during construction of the project and during operation of the use on the site. It is the property owner's responsibility to ensure that the Ordinance is being met. Copies of the Noise Ordinance are available at the Community Development Department front counter or online at www.ci.visalia.ca.us. (Click on Municipal Code and then go to Chapter 8.36.)

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Please note that the project is subject to SJVAPCD Rule 9510. The applicant is encouraged to do early indirect source modeling consultation with the Air District

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

Signature

[Handwritten Signature]



5
SITE PLAN # 2020-093 B

City of Visalia
Building: Site Plan
Review Comments

SPR 20093
ST. PAUL'S ANGLICAN
CHURCH
HURLEY & MARCIN

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

- ☒ A building permit will be required. *For information call (559) 713-4444*
- ☒ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- ☒ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☐ A demolition permit & deposit is required. *For information call (559) 713-4444*
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- ☐ Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- ☒ Project is located in flood zone AE. ☐ Hazardous materials report. **MEET FLOOD REQUIREMENTS FOR FEMA.**
- ☐ 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 \$4.16 per square foot.
- ☐ Park Development fee \$_____ per unit collected with building permits.
- ☐ Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- ☐ Acceptable as submitted
- ☐ No comments at this time

Additional comments: AUTOMATIC SPRINKLERS TYPE 13 REQUIRED THROUGHOUT. PROVIDE A MANUAL FIRE ALARM SYSTEM. PROVIDE ACCESSIBLE ROUTE TO THE TRASH ENCLOSURE AND EX CHARGING STATIONS. LANDSCAPING SHALL MEET THE MWELO REQUIREMENTS.

YAL GARCIA 8/5/20
Signature



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

Date : 8/4/20
Item: 4
Site Plan: Re-Sub SPR 20-093
Name: A. ALVAREZ ARD

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 of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.

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

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

- ☐ Access Controlled / Restricted etc.:

- ☐ Lighting Concerns:

- ☐ Traffic Concerns:

- ☐ Surveillance Issues:

- ☐ Line of Sight Issues:

- ☒ Other Concerns:
Refer To Plans comments



Site Plan Comments

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

Date	August 5, 2020
Item #	4
Site Plan #	20-093 Resubmittal
APN:	085-540-005

- 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 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- **Special comments:** ~~No new comments~~, see previous comments.

Relocate Hydrant to Hurley drive approach

Corbin Reed
Fire Marshal

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500
COMMERCIAL BIN SERVICE

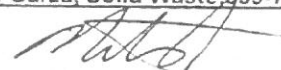
20093

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

Comment The bin enclosures must be R-3 or R4 (City Standard) enclosure and allow for stab load services. Enclosure gates must open 180 degrees, clear all curbing, and include chain bolts.

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

Nathan Garza, Solid Waste, 559-713-4532



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

**NOTICE OF A PROPOSED
INITIAL STUDY AND NEGATIVE DECLARATION**

Project Title: Conditional Use Permit No. 2021-01

Project Description: **Conditional Use Permit No. 2020-01** is a request by Tom Hayslett to construct a new church facility for St. Paul's Anglican Church, on a 3.44-acre parcel in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone district. The proposed 18,645 square foot church will include a sanctuary, nave, parish hall, administration offices, classrooms, kitchen and an interior courtyard. The project will also include the installation of frontage street improvements along both North Marcin Street and West Hurley Avenue.

This project will also include on and off-site improvements pertaining to the development of the church facility, including the installation of access drives on both Marcin Street and Hurley Avenue, a 148-stall parking lot, landscaping onsite and along both street frontages, fencing, utilities, curbs, gutters, sidewalks, and street lighting. Right-of-way acquisition and development will include a 12-foot dedication to the City of Visalia for the widening of Hurley Avenue, a designated Collector street.

Project Location: The project site is located at the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005).

Contact Person: Cristobal Carrillo, Associate Planner, Phone: (559) 713-4443, Email: cristobal.carrillo@visalia.city

Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on April 27, 2021 at 7:00 p.m. in the Visalia Convention Center located at 303 East Acequia Avenue, Visalia, California.

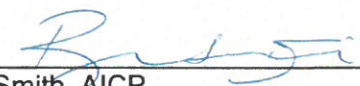
Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the proposed project described herein and has found that the project will not result in any significant effect upon the environment because of the reasons listed below:

Reasons for Negative Declaration: Initial Study No. 2021-01 has not identified any significant, adverse environmental impacts that may occur because of the project.

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. In the event that City Hall front counter services are closed to the public, copies of the initial study and other documents relating to the subject project may be requested by contacting project planner Cristobal Carrillo, Associate Planner, by phone at (559) 713-4443 or by email at cristobal.carrillo@visalia.city.

Comments on this proposed Negative Declaration will be accepted from April 1, 2021 to April 21, 2021.

Date: 3/30/21

Signed: 
Brandon Smith, AICP
Environmental Coordinator
City of Visalia

NEGATIVE DECLARATION

Project Title: Conditional Use Permit No. 2021-01

Project Description: Conditional Use Permit No. 2020-01 is a request by Tom Hayslett to construct a new church facility for St. Paul's Anglican Church, on a 3.44 acre parcel in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone district. The proposed 18,645 square foot church will include a sanctuary, nave, parish hall, administration offices, classrooms, kitchen and an interior courtyard. The project will also include frontage street improvements along both North Marcin Street and West Hurley Avenue.

This project will also include on and off-site improvements pertaining to the development of the church facility, including the installation of access drives on both Marcin Street and Hurley Avenue, a 148-stall parking lot, landscaping onsite and along both street frontages, fencing, utilities, curbs, gutters, sidewalks, and street lighting. Right-of-way acquisition and development will include a 12-foot dedication to the City of Visalia for the widening of Hurley Avenue, a designated Collector street.

Project Location: The project site is located at the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005).

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)

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 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
Brandon Smith, AICP
Environmental Coordinator

By: 

Date Approved: 3/31/21

Review Period: 20 days

INITIAL STUDY

I. GENERAL

A. Project Name and Description:

Conditional Use Permit No. 2020-01 is a request by Tom Hayslett to construct a new church facility for St. Paul's Anglican Church, on a 3.44 acre parcel in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone district. The proposed 18,645 square foot church will include a sanctuary, nave, parish hall, administration offices, classrooms, kitchen and an interior courtyard. The project will also include frontage street improvements along both North Marcin Street and West Hurley Avenue.

This project will also include on and off-site improvements pertaining to the development of the church facility, including the installation of access drives on both Marcin Street and Hurley Avenue, a 148-stall parking lot, landscaping onsite and along both street frontages, fencing, utilities, curbs, gutters, sidewalks, and street lighting. Right-of-way acquisition and development will include a 12-foot dedication to the City of Visalia for the widening of Hurley Avenue, a designated Collector street.

Project Location: The project site is located at the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005).

B. Identification of the Environmental Setting:

The project site is vacant and is located on the northeast corner of N. Marcin Street and W. Hurley Avenue (APN: 085-540-005). The project site is primarily surrounded by existing urban development, all within Visalia City Limits. The parcel is bounded by Marcin Street, a designated Local street, to the west, and Hurley Avenue, a designated Collector Street, to the south. Establishment of the church facility, which will include widening of Hurley Avenue to its ultimate design width of 84 feet is expected to increase traffic to the site and surrounding areas. Additional frontage improvements will occur also along Marcin Street. However, since it is a cul-de-sac that terminates at the entrance to a private subdivision, the proposal is not expected to increase traffic along the entirety of Marcin Street. The project area is not within an Agricultural Preserve or Williamson Act Contract.

The surrounding uses, Zoning, and General Plan for the 3.44-acre parcel are as follows:

	General Plan (2014 Land Use)	Zoning (2017)	Existing uses
North:	Low Density Residential	R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area)	Vacant
South:	Low Density Residential	R-1-5	Hurley Avenue (a Collector Roadway), Oakwest Subdivision
East:	Low Density Residential, Very Low Density Residential	R-1-5, R-1-20 (Single Family Residential 20,000 sq. ft. min. site area)	Existing residences, stables, and accessory structures, Hurley Estates Subdivision
West:	Public/Institutional	QP (Quasi-Public)	Marcin Street (a Local Roadway), Hurley Elementary School

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, adopted October 14, 2014, designates the site as Low Density Residential and the Zoning Map, adopted in 2017, designates the site as R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area). The proposed church facility is consistent with the Land Use Element of the General Plan, and Zoning Ordinance standards for residential development, subject to approval of a Conditional Use Permit.

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

There are no mitigation measures for this project.

IV. MITIGATION MONITORING PROGRAM

No mitigation is required for this project to reduce significance.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

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

V. SUPPORTING DOCUMENTATION

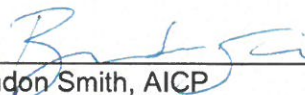
The following documents are hereby incorporated into this Mitigated Negative Declaration and Initial Study by reference:

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

VI. NAME OF PERSON WHO PREPARED INITIAL STUDY

A handwritten signature in blue ink, appearing to read 'C. Carrillo', written over a horizontal line.

Cristobal Carrillo
Associate Planner

A handwritten signature in blue ink, appearing to read 'Brandon Smith', written over a horizontal line.

Brandon Smith, AICP
Environmental Coordinator

INITIAL STUDY ENVIRONMENTAL CHECKLIST

Name of Proposal	Conditional Use Permit No. 2020-01		
NAME OF PROPONENT:	The Rector, Wardens and Vestrymen of St. Paul's Parish in Visalia, CA. Inc.	NAME OF AGENT:	Tom Hayslett
Address of Proponent:	2918 W. Main Street	Address of Agent:	303 N. Church Street
	Visalia, CA 93291		Visalia, CA 93291
Telephone Number:	(559) 732-4821	Telephone Number:	(559) 732-9808
Date of Review	March 30, 2021	Lead Agency:	City of Visalia

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

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

- 2 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code Section 15064.5?
- 2 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 2 d) 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?
- 2 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?
- 1 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:

- 2 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?
- 1 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.

The proposed project a new church which will meet City standards for setbacks, landscaping and height restrictions. The development of the project site with a church will be consistent with the RLD (Residential Low Density) Land Use Designation and R-1-5 zoning with approval of a Conditional Use Permit.

The Visalia General Plan contains multiple polices 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 development of a church that will be aesthetically consistent with surrounding development, such as Hurley Elementary, and with General Plan policies. Furthermore, the City has development standards related to landscaping and other amenities that will ensure that the visual character of the area is enhanced and not degraded. Thus, the project would not substantially degrade the existing visual character of the site and its surroundings.
- d. The project will create new sources of light that are typical of development of a church facility. The City has development standards that require that light be directed and/or shielded so it does not fall upon adjacent properties. Furthermore the applicant has submitted a photometric plan verifying that lighting will primarily not exceed .5 lumens at property line, which represents a less than significant impact regarding a substantial amount of light.

II. AGRICULTURAL RESOURCES

- a. The project is not located on property that is identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project is located on property identified as Rural Residential Land on maps prepared by the California Natural Resources Agency, Department of Conservation.
- b. The project is not located on property that is party to a Williamson Act contract. Existing City of Visalia zoning for the area is R-1-5. As such zoning for agricultural uses will not be affected.
- 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 proposed church facility will not result in conversion of farmland to a non-agricultural use as the site is primarily surrounded by urban development. The proposed development is consistent with the surrounding area.

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. 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. 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 which 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.

- 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 on March 30, 2021 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 polices, 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.

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 polices, 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 polices, 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 Area. Such effects would be considered significant. However, the General Plan contains multiple polices, 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.

As it stands, there are no Valley Oak trees onsite.

- 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 development of a church facility. 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 residential subdivision and long-term as a result of day-to-day operation of the proposed residences.

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 General Plan Update 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 and to a level 80% below 1990 baseline levels by 2050. In addition, the State has enacted SB 32 which included provisions for reducing the GHG emission levels to a level 40% below 1990 baseline levels by 2030.

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. Hurley Elementary School immediately to the west of the project site at 6600 W. Hurley 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 Tulare County Comprehensive Airport Land Use Plan shows the project area is located within the Airport Influence Area but outside of any Airport Safety Zones. There are no restrictions for projects within this area related to Airport Zone requirements.
- 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 main 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. Future development within the project area will result in an increase of impervious surfaces, which might affect the amount of precipitation that is recharged to the aquifer. 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 new City storm water drainage system consistent with the City's adopted City Storm Drain Master Plan.

- d. 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.
- e. 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 proposed project will be developed on land designated for residential development. The project site is primarily surrounded by urban development and is bordered by one Collector status roadway, Hurley Avenue to the south.

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 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 General Plan Land Use Designation of Residential Low Density, and zoning designation of Single-family Residential (R-1-5), is 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 churches as a conditionally permitted use in the R-1-5 Zone.

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. Development of a church facility will result in ambient noise generation typical of urban development, but not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance.

Noise levels will increase temporarily during the construction of these facilities but shall remain within noise limits and will be 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.

Furthermore, the Visalia General Plan contains multiple policies, identified under Impact N-P-3 through N-P-5, that work to reduce the potential for noise impacts to sensitive land uses. With implementation of Noise Impact Policies and existing City Standards, noise impacts to new noise sensitive land uses would be less than significant.

- b. Ground-borne vibration or ground-borne noise levels may occur as part of construction activities associated with the project. Construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus, the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. The project site is located within 2 miles of the Visalia Municipal Airport. The Tulare County Comprehensive Airport Land Use Plan shows the project site is within the Airport Influence Area but outside of any Airport Safety Zones or Noise Exposure Contour areas. The project will not expose people residing or working in the project area to excessive noise levels resulting from aircraft operations.

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. Future development of a church will not displace any housing or people as the project site is currently vacant.

XV. PUBLIC SERVICES

- a.
 - i. Current fire protection facilities are located at the Visalia Station 55 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 church proposal will not generate new students for which existing schools in the area will need to accommodate. As it stands, to address any impacts, development will be required to pay residential impact

fees. These fees are considered to be conclusive mitigation for impacts.

- 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 local 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.

The City of Visalia, in determining the significance of transportation impacts for land use projects, recognizes the adopted City of Visalia Vehicle Miles Travelled (VMT) Thresholds and Implementation Guidelines ("Guidelines") recommended threshold as the basis for what constitutes a significant or less than significant transportation impact. The Guidelines recommend a 16% reduction target based on the Greenhouse Gas emission reduction target for 2035 for the Tulare County region set by the SB 375 Regional Plan Climate Target. Therefore, residential projects exceeding 16% below the existing VMT per capita is indicative of a significant environmental impact.

For the metric measuring VMT per trip distance, a map of the City of Visalia, produced by Tulare County Association of Governments (TCAG), provides areas with 84% or less average VMT per trip distance, or 16% below the regional average. In the subject site's TAZ, the current average trip distance experienced is 13.1134 miles, which is above the average county-wide trip distance of 11.9 miles and the 16% target reduction of 9.76 miles. However, under the Guidelines, the project is screened out from creating a significant impact since the project will generate less than 1,000 trips daily and is consistent with the City's General Plan and current zoning. The St Paul's Church project is projected to generate 514 trips on a Sunday, the projected day in which vehicle traffic to the site will be heaviest. The church use is also conditionally permitted in the R-1-5 zone in which it resides. Hence, the proposal is screened out of performing a VMT analysis.

Based on this determination, it is presumed that the project will have a less than significant transportation impact

- 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.

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 the City's existing sanitary sewer lines. Usage of these lines is consistent with the City Sewer System 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 will be 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 development of a church 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:

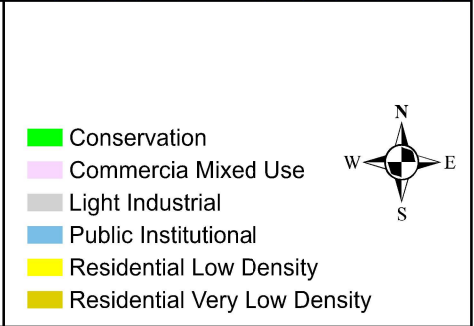
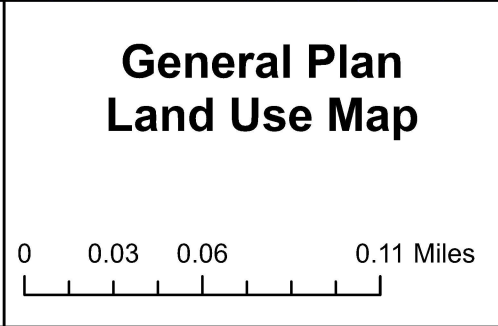
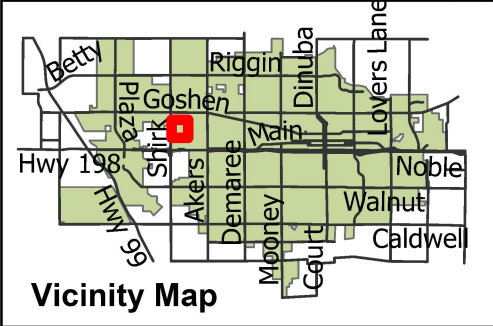
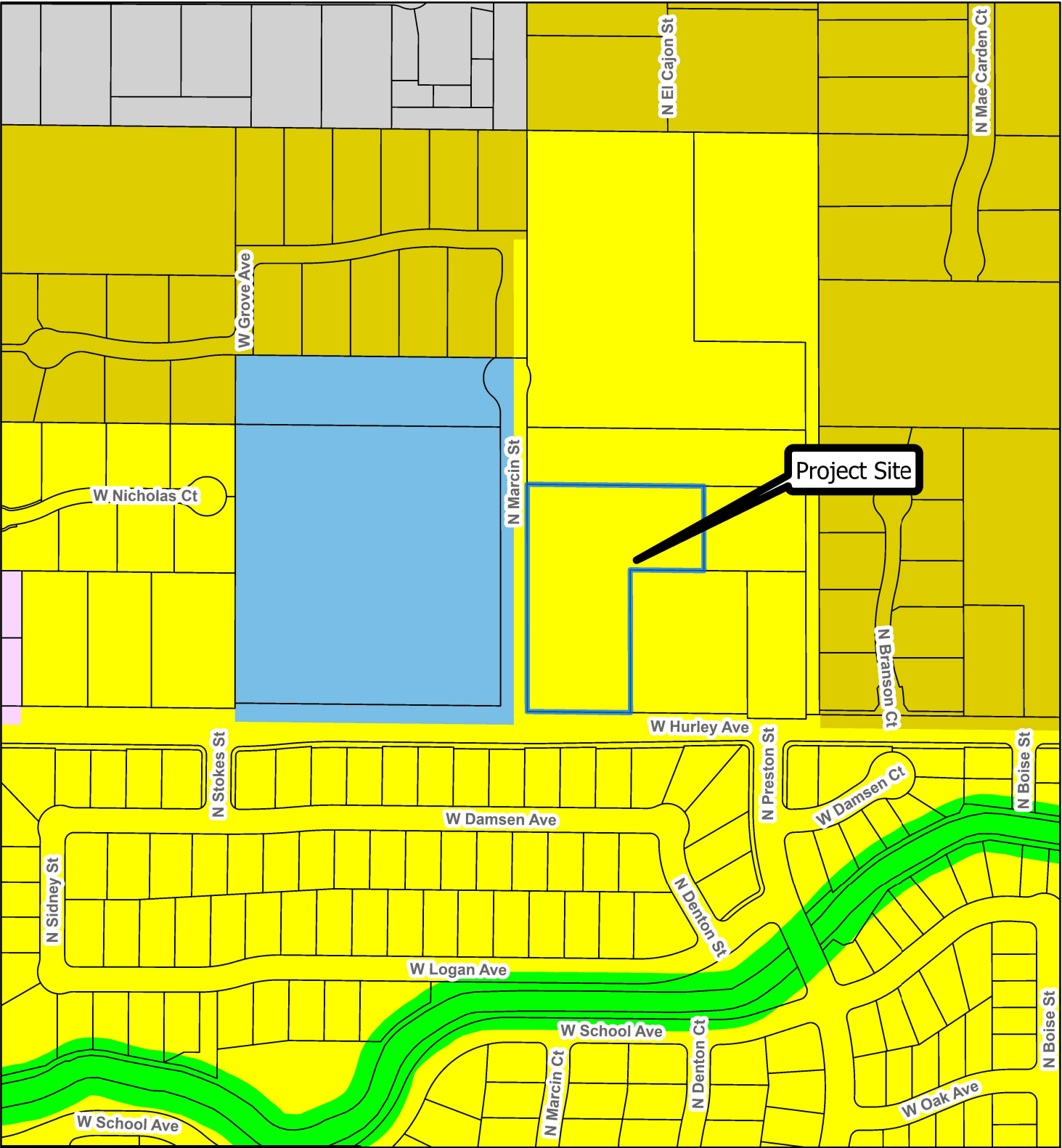
- ☒ I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the 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.**

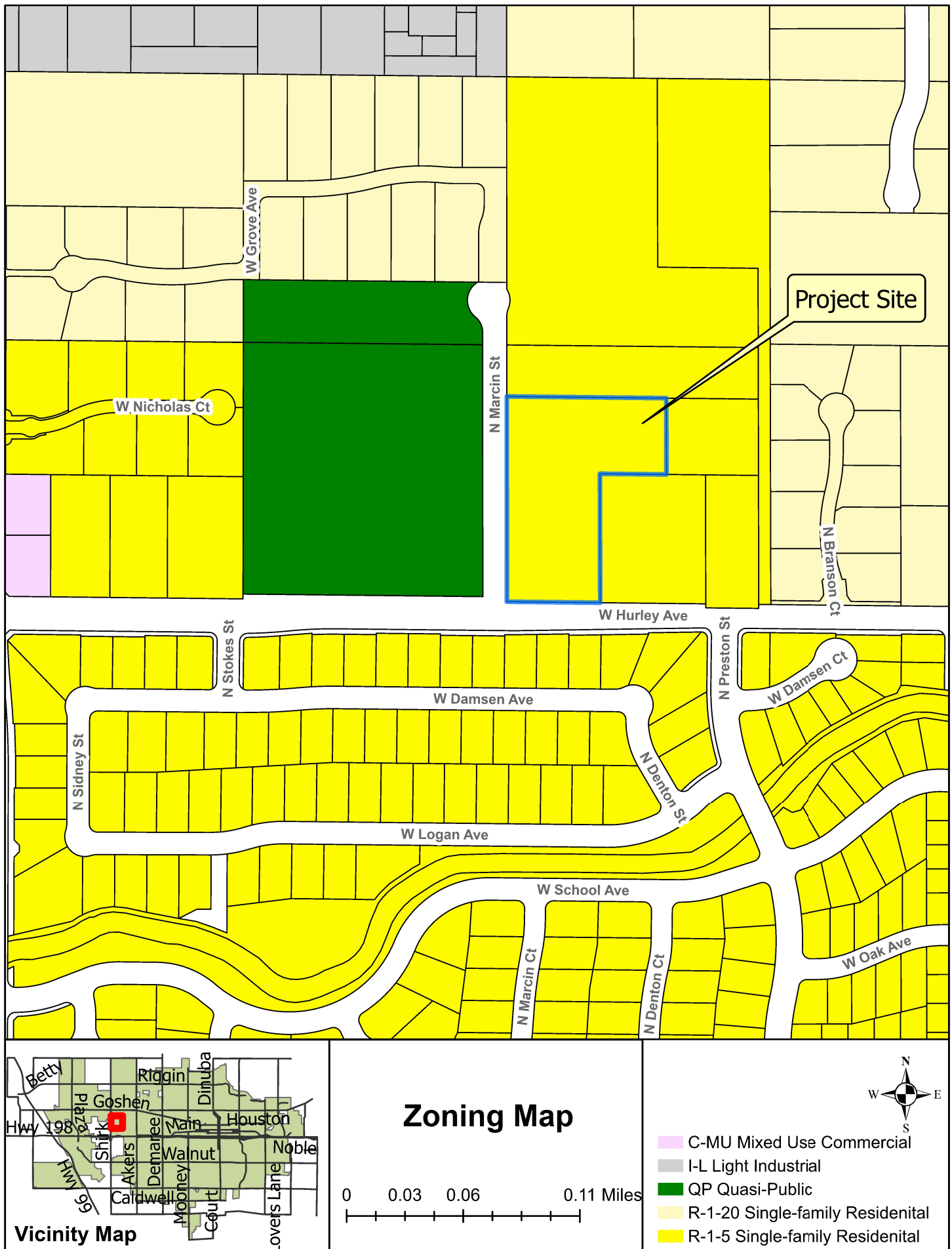


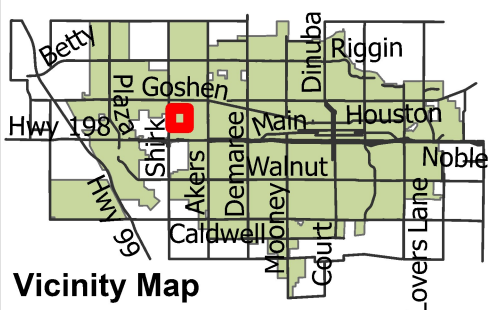
Brandon Smith, AICP
Environmental Coordinator

3/30/21

Date







Aerial Map

0 0.04 0.07 0.14 Miles



City of Visalia



To: Planning Commission

From: Paul Bernal, Planning & Community
Preservation Director

Date: June 10, 2024

Re: Late Correspondence for Planning Commission Agenda Item No. 6:

Conditional Use Permit No. 2024-12: A request by the Rector, Wardens, and Vestryman of St. Paul's Parish in Visalia, CA to amend Conditional Use Permit No. 2021-01 by requesting to modify Condition of Approval No. 4 of Resolution No. 2021-01, to allow a six foot tall masonry block wall rather than a seven foot tall masonry block wall for a church located in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) Zone. The project site is located at 6436 West Hurley Avenue, on the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005).

The Planning Division has received correspondence by email on June 6th, 2023. The correspondence received states support for the six-foot tall block wall from a neighbor that is adjacent to the church site.

ATTACHMENTS

- E-mail received June 6, 2024

Paul Bernal

From: Susan Currier
Sent: Thursday, June 6, 2024 12:16 PM
To: Planning Dept
Subject: FW: Block Wall

From: Michael Donnelly <michaeldonnellyca@gmail.com>
Sent: Thursday, June 6, 2024 12:14 PM
To: Susan Currier <Susan.Currier@visalia.city>
Subject: Fwd: Block Wall

You don't often get email from michaeldonnellyca@gmail.com. [Learn why this is important](#)

Susan,

I am submitting this email for the June 10, 2024, Planning Commission agenda regarding the block wall at the new St. Paul's Anglican Church on Hurlery Avenue.

My name is Michael Donnelly, and my family resides at 6306 West Hurley Avenue in Visalia. We are pleased to welcome St. Paul's Anglican Church to our neighborhood. Construction has ended on the beautiful mission-style facility, complete with a bell tower, and the parish's doors are open to serve the community.

Recently, I received notice from the City of Visalia Planning Commission regarding the church's block fencing, and afterward, I spoke with church representatives regarding the Planning Commission notice. I understand the building plan intended for the block fence to have a height of seven feet, but the block wall's completed height is closer to six feet.

My family and I have discussed the issue and agree we have no problem with the completed block wall. It seems as if the height of the wall could have been addressed by building inspectors during the construction phase. Construction has ended, and the block wall is capped off with a decorative top block. Removing this decorative top block to add another foot in height may cause damage to the existing, completed wall. Additionally raising the block wall will most certainly cost congregation members a lot more money for labor and materials. Noise or light pollution from the church is a null issue.

In conclusion, we are thankful to have the church as a neighbor, and we feel it is unnecessary to raise the block fence any higher.

Sincerely,

Michael, Debbie, Katie, and Meghan Donnelly



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: June 10, 2024

PROJECT PLANNER: Colleen A. Moreno, Assistant Planner
Phone: (559) 713-4031
Email: colleen.moreno@visalia.city

SUBJECT: Conditional Use Permit No. 2024-13: A request by Jagtar Singh to amend Conditional Use Permit No. 2005-11 to allow a reduction of the drive aisle width, setbacks, and landscape planter of a Planned Residential Development in the R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) zone. The site is located at 3408, 3412, and 3416 East Douglas Avenue (APNs: 103-280-107, 103-280-108, & 103-280-109).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-13, as conditioned, based upon the findings and conditions in Resolution No. 2024-22. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

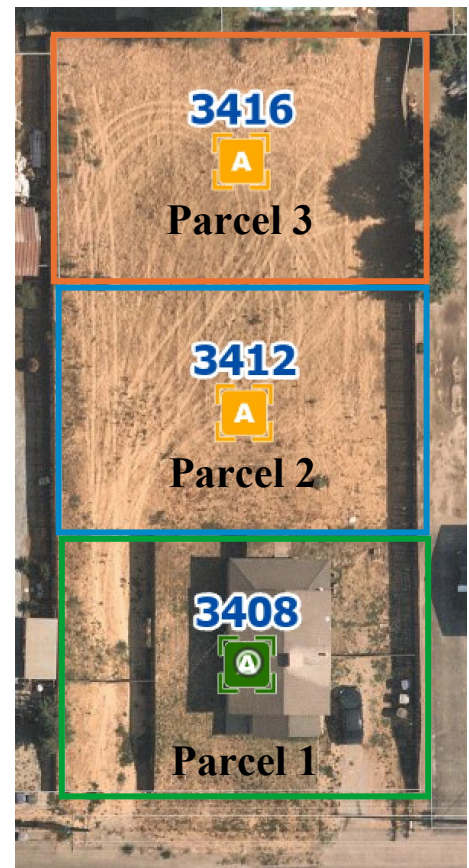
I move to approve Conditional Use Permit No. 2024-13 based on the findings and conditions in Resolution No. 2024-22.

PROJECT DESCRIPTION

The applicant is requesting to amend Conditional Use Permit (CUP) No. 2005-11 to modify the drive aisle width, setbacks, and the landscape planter width of a Planned Residential Development with a private access. The previous CUP for the Planned Residential Development that was approved, conditioned a minimum 20-foot side or rear yard for each of the three parcels as well as a 5-foot landscape strip buffer along the west side of the parcel as per the site plan. In addition, a new 20-foot private street with a 25-foot access cross easement across Parcels 1 and 2 was conditioned in order to provide public street access for Parcels 2 and 3.

Per the original CUP for the Planned Residential Development, two single-family residences are to be constructed at both Parcel 2 (3412 address) and Parcel 3 (3416 address). All three parcels will have access to Douglas Avenue, Parcel 1 (3408 address) has an existing single-family home, and the lot is 6,152 square feet, Parcel 2 (3412 address) is 6,152 square feet and Parcel 3 (3416 address) is 6,152 square feet. The zoning for all parcels is R-1-5.

A CUP amendment is required for the requested deviation from the conditions of CUP 2005-11 to allow for the reduction of the drive aisle width and rear setbacks, as well as a reduction to the 5-foot planter requirement. All other



conditions of the original CUP shall be carried over and are included as conditions of project approval for this CUP amendment.

BACKGROUND INFORMATION

General Plan Land Use Designation	Residential Light Density
Zoning	R-1-5 (Single-Family Residential, 5,000 square foot minimum site area)
Surrounding Zoning and Land Use	North: R-1-5 / Residential homes South: R-1-5 / Residential homes East: R-1-5 / Residential homes West: R-1-5 / Residential homes
Environmental Review	Categorical Exemption No. 2024-20
Site Plan	SPR No. 2023-044

Related Projects

Conditional Use Permit No. 2005-11: A request by Todd McGuyers & Steven Brown (Neil Zerland, Agent) to allow a planned development with private access in the R-1-6 zone.

Parcel Map No. 2005-04: A request by Todd McGuyer and Steven Brown to divide 0.42 acres into three parcels. The CUP and Parcel Map were approved by the Planning Commission on May 9, 2005.

PROJECT EVALUATION

Staff recommends approval of Conditional Use Permit No. 2024-13, as conditioned, based on the project's consistency with the Visalia General Plan, Zoning and Subdivision Ordinances. The amendment of this CUP is intended for the reduction of the rear setbacks, drive aisle and landscape planter. All other conditions of Conditional Use Permit No. 2005-11 shall be carried over.

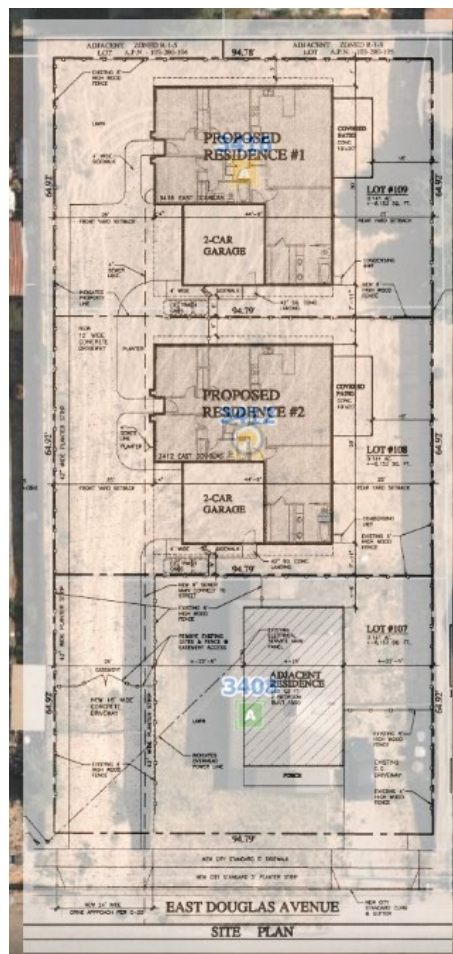
General Plan Consistency

The parcels are zoned R-1-5 and an amendment to the current CUP is required for the reduction of the rear setbacks and drive approach and aisle. The use is not changing and therefore consistent with the General Plan.

Staff supports the project because the project meets the overall intent of the General Plan and policies.

Setbacks

The site area of the three parcels within the Planned Residential Development are not changing, as all three parcels will be a minimum of 5,000 square feet in site area. The applicant is requesting a reduction in the rear setbacks of Parcels 2 and 3, as the orientation of the proposed residences on Parcels 2 and 3 will face west with the rear yard being on the east side of the parcel. This is due to the applicant increasing the footprint of the proposed residences from 1,500



square feet per the original CUP to 1,639 square feet. The applicant has also added an attached covered patio as well as a larger landscape planter located between Parcels 2 and 3 and along both sides of the drive aisle of Parcel 1.

As shown in the Site Plan (Exhibit "A"), each of the three parcels will have a minimum of a 5-foot side yard setback. The rear yard setback will be 25-feet with an attached covered patio encroaching into the rear setback for a partial reduction to 15-feet on Parcels 2 and 3. Staff has included Condition No. 3 requiring the site be developed with the setbacks as shown in per Exhibit "A" (Site Plan).

Access and Circulation

The three parcels will have access to Douglas Avenue. The applicant is requesting to reduce the previously conditioned 20-foot private street to an 18-foot wide concrete driveway that will give access to Parcel 2 that will then narrow to a 12-foot wide concrete driveway that will give access to Parcel 3. This reduction is to allow a larger landscape planter between Parcel 2 and Parcel 3 and to accommodate the larger home footprint (Exhibit "B") of Parcels 2 and 3.

The applicant is also requesting a reduction of the landscape planter from 5-feet to 3.5-feet, with planters being placed on both sides of the drive aisle as a buffer.

Environmental Review

The requested action is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-20.

RECOMMENDED FINDINGS

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
4. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-20.

RECOMMENDED CONDITIONS

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-044.
2. That the project shall be developed and maintained in substantial compliance with the site plan in Exhibit A, unless otherwise specified in the conditions of approval.
3. That the site be developed with minimum setbacks as shown in Exhibit A (Site Plan).
4. That the site drive approach and drive aisle as well as the landscape planter be developed as shown in Exhibit A (Site Plan).
5. That all other conditions from Conditional Use Permit 2005-11 be met.
6. That all applicable federal, state, regional, and city policies and ordinances be met.

APPEAL INFORMATION

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

Attachments:

- Related Plans and Policies
- Resolution No. 2024-22
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plans & Elevations
- Exhibit "C" – Operational Statement
- Exhibit "D" – Staff Report Conditional Use Permit No. 2005-11
- Site Plan Review No. 2023-044
- General Plan Land Use Map
- Zoning Map
- Aerial Maps
- Vicinity Map

NOTICE OF EXEMPTION

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

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

Conditional Use Permit No. 2024-013

PROJECT TITLE

The site is located at 3408, 3412, and 3416 E Douglas Avenue (APNs: 103-280-107, 103-280-108, 103-280-109)

PROJECT LOCATION - SPECIFIC

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request by Jagtar Singh to amend Conditional Use Permit No. 2005-11 to allow a modification of the drive aisle width, setbacks, and landscape planter of a Planned Residential Development in the R-1-5 zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY/LEAD AGENCY APPROVING PROJECT

Jagtar Singh, 4202 S. Demaree St., Visalia CA 93277

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Same as above

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15073
☐ Emergency Project - Section 15071
☒ Categorical Exemption - Section 15305
☐ Statutory Exemptions- State code number:

Minor alteration in land use limitations.

REASON FOR PROJECT EXEMPTION

Colleen A. Moreno, Assistant Planner

CONTACT PERSON

(559) 713-4031

AREA CODE/PHONE

May 8, 2024

DATE

Brandon Smith, AICP

ENVIRONMENTAL COORDINATOR

RELATED PLANS AND POLICIES

Chapter 17.12

SINGLE-FAMILY RESIDENTIAL ZONE

17.12.010 Purpose and intent.

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

17.12.015 Applicability.

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

17.12.050 Site area.

The minimum site area shall be as follows:

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).

17.12.080 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.

17.26

PLANNED DEVELOPMENT

17.26.010 Purpose and intent.

The purpose and intent of the Planned Development regulations contained in this chapter is to provide for land development consisting of a related group of residential housing types or commercial uses, including but not limited to, attached or detached single-family housing, cluster housing, patio homes, town houses, apartments, condominiums or cooperatives or any combination thereof and including related open spaces and community services consisting of recreational, commercial and offices, infrastructure, maintenance and operational facilities essential to the development, all comprehensively planned. Such land development normally requires deviation from the normal zoning regulations and standards regarding lot size, yard requirements, bulk and structural coverage in an effort to maximize the benefits accruing to the citizens of Visalia. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7410)

17.26.020 Definitions.

For the purposes of this chapter the following definitions shall apply:

"Density bonus" means dwelling unit increases based on project amenities provided as part of a planned development.

"Dwelling unit" means one or more habitable rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. Dwelling unit can include various types including, but not limited to, attached or detached single-family homes, cluster homes, patio homes, town houses, condominiums, apartments, or cooperatives.

"Environment, natural" means the physical condition of a proposed PD site prior to proposed development; including, but not limited to, natural features such as waterways, vegetation, topographical features, and animal life.

"Homeowner's association" means an incorporated entity formed under applicable laws and including all properties within a planned development. Such association normally maintains and administers the common open space associated with a planned development.

"Lot or parcel net area" means the land area contained within the boundary of a lot or parcel. Land within public or private streets or property held in common for a particular development amenity is not considered as "net lot area."

"Maintenance district" means an assessment district formed under applicable laws that pays for maintaining dedicated or private open space facilities.

"Neighborhood commercial center" means a convenience shopping complex providing services within a neighborhood and meeting applicable ordinance and general plan requirements.

"Open space" means the area within a planned development not occupied with structures, driveways or parking and storage areas.

"Open space, common" means the area within a planned development under the control and ownership of a homeowner's association. Common open space may include recreation facilities, access and parking, paths, and storage areas.

"Open space, usable" means the area within a planned development that is deemed suitable for use by the residents of the PD; not including parking areas, private patios, required building separations, parking and access, or storage areas.

"Parking, guest" means designated off-street parking areas within a planned development reserved for guest or visitor parking.

"Parking, required" means off-street parking areas within a planned development to be used for long-term storage of resident vehicles, recreational vehicles, boats and trailers.

"Planned development" means a development that includes a mix of land uses and that requires a deviation from normal zoning standards regarding lot size, yard requirements, bulk and structural coverage and is subject to provisions of this chapter.

"Planned residential development" means a planned development consisting of residential uses only and subject to the provisions of this chapter.

"Planned unit development" means a planned development including two, or more, of the following uses: residential, commercial, professional office, quasi-public, and industrial.

"Recreation facility" means an area within a planned development that includes recreational installations for common use. Such installations normally include such things as a swimming pool, recreation building, patio areas, tot lots, and exercise areas.

"Site area, gross" means the total horizontal area included within the property lines of a proposed planned development after dedication of required right-of-way and open space areas. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7411)

17.26.030 Location.

A planned development may be located in residential, commercial or industrial zone upon approval of necessary permits required under this chapter. Planned residential developments and planned unit developments may be located only in appropriate zones as follows:

1. A planned residential development may be allowed in any residential zone.
2. A planned unit development with commercial/industrial uses may be located where those uses are allowed in the underlying zone. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7412)

17.26.040 Development standards.

The following is a list of development standards considered to be necessary to achieve the purpose and intent of this chapter:

A. Site Area.

1. The minimum site area for a planned residential development shall be one acre of gross site area.
2. The minimum site area for a planned unit development with residential uses shall be ten acres.
3. The minimum site area for a planned unit development without residential uses shall be five acres.
4. The minimum site area for a planned unit development with only industrial uses shall be twenty (20) acres.
5. Parcels smaller than the minimums stated above may be considered if the planning commission finds there are unique circumstances (shape, natural features, location, etc.) that would deprive the land owner of development potential consistent with other properties classified in the same underlying zone.

B. Density. The average number of dwelling units per net area shall not exceed the maximum density prescribed by the site area regulations or the site area per dwelling in which the planned unit development is located, subject to a density bonus that may be granted by the city council upon recommendation by the planning commission. A density bonus may be granted as part of a planned development based on the following guidelines:

Percent of Net Site in Usable Open Space	Area Percent of Density Bonus
6% to 10%	6%
11% to 20%	10%
21% to 25%	16%
Over 25%	20%

C. Usable Open Space. Usable open space shall be provided for all planned developments that include residential uses, except as provided in this section. Such open space shall include a minimum of five percent of the net site area of the residential portion of a planned development. The requirement for mandatory usable open space may be waived in developments wherein the net lot area of each lot meets or exceeds minimum standard in the underlying zone classification.

D. Site Design Criteria.

1. Location of proposed uses and their relationship to each other with a planned development shall be consistent with general plan policies and ordinance requirements.
2. The natural environment of a site is to be considered as part of the design criteria. Such features as natural ponding areas, waterways, natural habitats, and mature vegetation are to be considered.
3. If a planned development is located adjacent to a major arterial street, or other existing possible land use conflict, adequate buffering shall be included in the plan.

E. Landscaping and Structural Coverage. Landscaping provided within a planned development shall conform to the general standards imposed by the underlying zone. Additional landscaping may be required as part of a planned development due to unusual circumstances.

F. Circulation.

1. Vehicle circulation shall be based on a street pattern as outlined within the circulation element of the general plan. Use of private streets and variations to normal city street standards are encouraged.
2. There shall be no direct vehicle access from individual lots onto major arterial streets.

3. Pedestrian access and bicycle paths should be incorporated within planned developments. Such paths and bikeways to be separated from vehicle streets when possible.

G. Parking.

1. Required parking shall conform with the existing parking standards required under the zoning ordinance.

2. Guest parking and storage parking shall be encouraged and may be required in planned development.

3. All parking shall be screened from adjacent public right-of-way. Such screening may include dense plantings, fences, landscaped berms, or grade separation.

4. Parking clusters shall be provided rather than large (single) parking areas.

H. Trash Enclosures.

1. Trash enclosures shall be provided as specified by the city solid waste department.

2. Such enclosures shall be screened from view from adjacent structures and roadways and be provided with solid gates. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7413)

17.26.050 Application procedures.

The following procedures specify the process for review of a planned development.

A. Pre-Application Review. Pre-application review shall be a two-step process including a mandatory meeting with the planning department and submittal of a concept plan to the site plan review committee. Such pre-application review shall include, but is not limited to, the following elements:

1. Site area and location;
2. Land use relationships within and outside the proposed site;
3. Circulation and access;
4. Environmental features;
5. Open space and project amenities;
6. Available and needed public improvements and facilities.

B. Application Process. After completing the pre-application review process the owner, or agent, shall file an application for a planned development. Such application submittal shall be processed as a conditional use permit and shall require a site plan review permit. The city planner shall determine the extent of development detail required as part of the application submittal. Such details may include, but is not limited to, the following:

1. Legal description and boundary survey map of the exterior boundaries of land to be developed;
2. A topographic map indicating anticipated grading or fill areas, groupings of existing trees, and other natural features;
3. For residential development:
 - a. The number and type of dwelling units. This may be stated as a range of maximum and minimum number of units by type,
 - b. The approximate total population anticipated in the entire development,
 - c. The proposed standards of height, open space, structural coverage, pedestrian and traffic circulation, and density within use areas;
4. For nonresidential uses:
 - a. Types of uses proposed within the entire area,
 - b. Anticipated employment base which may be stated as a range,
 - c. Methods proposed to control possible land use conflicts and environmental impacts,
 - d. The proposed structure heights, open space buffering, circulation, and parking/loading,
 - e. Pertinent social or economic characteristics of the development such as school enrollment, residence, employment, etc.;
5. A preliminary utilities report;
6. The location, area, and type of sites proposed for open space, recreational facilities, and public facilities;

7. The anticipated timing for each phase, if any, of the development. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7414)

17.26.060 Exceptions.

Exceptions to the design criteria specified in Section 17.26.040 may be modified by the city council upon recommendation by the planning commission based on unique circumstances. Such exceptions

shall be reviewed by the site plan committee for comment prior to planning commission recommendation. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7415)

17.26.070 Amendments.

Minor amendments to an approved planned development may be granted by the planning commission upon recommendation of the site plan committee. Major amendments shall be processed as an amendment to a conditional use permit with required public hearings. Major amendments include, but are not limited to, the following:

- A. Changes in residential density;
- B. Changes in land use relationships;
- C. Changes in the location and/or scope of open space;
- D. Changes in circulation patterns;
- E. Other changes as determined by the planning commission upon request. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7416)

17.26.080 Timing.

Once granted, a planned development approval shall be valid for a period of two years. Extensions may be granted by the planning commission for one year periods, not to exceed three such extensions. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7417)

Conditional Use Permits

(Section 17.38)

17.38.010 Purposes and powers

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

17.38.020 Application procedures.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of

the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional uses permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

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

17.38.080 Public hearing--Notice.

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property

owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

RESOLUTION NO. 2024-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-13, A REQUEST BY JAGTAR SINGH TO AMEND CONDITIONAL USE PERMIT NO. 2005-11, TO ALLOW A REDUCTION OF THE DRIVE AISLE WIDTH, SETBACKS, AND LANDSCAPE PLANTER OF A PLANNED RESIDENTIAL DEVELOPMENT IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQUARE FOOT MINIMUM SITE AREA) ZONE. THE SITE IS LOCATED AT 3408, 3412, 3416 EAST DOUGLAS AVENUE (APNS: 103-280-107, 103-280-108, & 103-280-109).

WHEREAS, Conditional Use Permit No. 2024-13, is a request by a Jagtar Singh to amend Conditional Use Permit No. 2005-11 to allow a reduction of the drive aisle width, setbacks, and landscape planter of a Planned Resident Development in the R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) zone. The site is located at 3408, 3412, and 3416 East Douglas Avenue (APNs: 103-280-107, 103-280-108, & 103-280-109); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 10, 2024; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

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

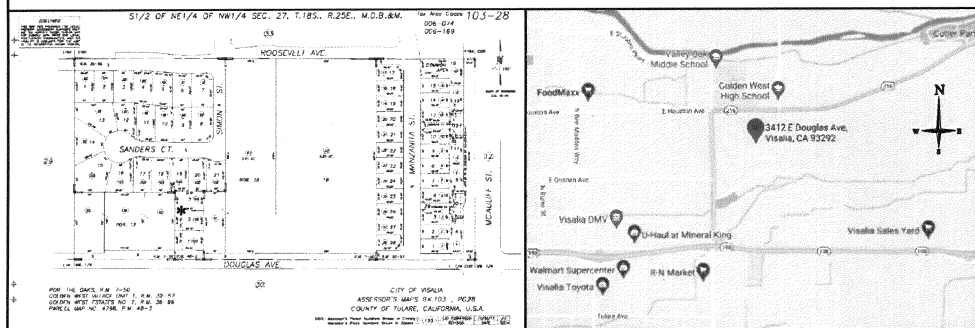
1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
4. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-20.

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-044.
2. That the project shall be developed and maintained in substantial compliance with the site plan in Exhibit A, unless otherwise specified in the conditions of approval.
3. That the site be developed with minimum setbacks as shown in Exhibit A (Site Plan).
4. That the site drive approach and drive aisle as well as the landscape planter be developed as shown in Exhibit A (Site Plan).
5. That all other conditions from Conditional Use Permit 2005-11 be met.
6. That all applicable federal, state, regional, and city policies and ordinances be met.

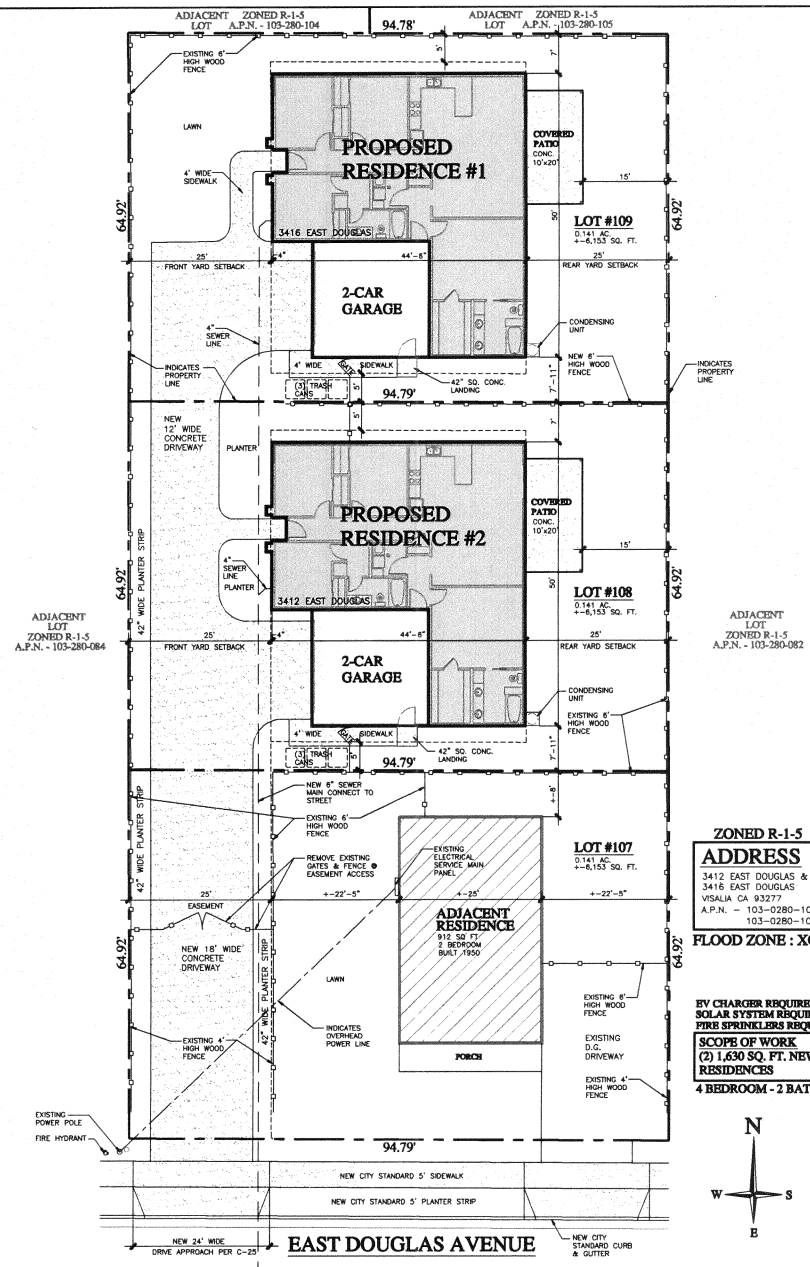
Exhibit "A"

WILLIAM T. FAGUNDES
FAGUNDES DRAFTING
131 E. KERN AVE. TULARE CA 93274
(559-731-0403)

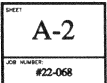


NOT TO SCALE

NOT TO SCALE

 $1^\circ = 10^{-9}$

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CUP 2024-013 Operational Statement

The purpose of this application is to request to amend CUP 2005-011 to modify the drive aisle width and modify setbacks of a Planned Residential Development in the R-1-5 zone. The project site is located at 3408, 3412, and 3416 East Douglas Avenue (APNs: 103-280-107, 103-280-108, & 103-280-109). A 1,630 sq.ft residence is proposed to be constructed at both 3412 and 3416 East Douglas Avenue. A CUP Amendment is required to request a reduction to the drive aisle width requirement, reduced setbacks, and a reduction to the 5' planter requirement for 3408, 3412, and 3416 E Douglas Avenue. All other conditions of the original CUP shall be carried over.

For SSI
Ad. 4.25.24

PLANNING
COMMISSION
&
CITY COUNCIL

315 East Acequia Ave., Visalia, CA 93291



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

June 10, 2005

**TODD MCGUYER
740 SOUTH DEMAREE
VISALIA CA 93277**

Project Title: Conditional Use Permit No. 2005-11 & Parcel Map No. 2005-04

On May 9, 2005 the Visalia City Planning Commission passed and adopted Resolution No. 2005-41, approving, Conditional Use Permit No. 2005-11 & Resolution No. 2005-40, approving, Parcel Map No. 2005-04: The site is located 3408 E. Douglas Avenue. APN: 103-330-021

This Conditional Use Permit became effective May 9, 2005, and shall expire May 9, 2007, unless a building permit is issued by the City of Visalia and construction is commenced and diligently pursued toward completion on the site.

This Parcel Map became effective May 9, 2005, and shall expire on May 9, 2007, unless a final map has been recorded and improvements commenced on the subject site.

Attached is an acceptance letter which needs to be signed by the property owner and applicant, and then returned. A return envelope is enclosed for your convenience.

YOU ARE HEREWITH NOTIFIED that the City of Visalia, pursuant to Resolution No. 85-136, has specifically made the provision of Code of Civil Procedure, Section 1094.6 applicable to all final administrative orders or decisions of the City of Visalia. Pursuant to said Code Section, you have ninety days within which to seek judicial review of the validity of this decision by the City of Visalia.

If you have any questions regarding this action, please call the Planning Division at 713-4369.


Susan Currier
Planning Assistant

Attachments

**NOTICE REGARDING THE IMPOSITION
OF DEVELOPMENT IMPACT FEES, DEDICATIONS,
RESERVATIONS, OR OTHER EXACTIONS**

Pursuant to Section 66020 of the Government Code of the State of California, the project applicant is hereby notified that the fees, dedications, reservations, or other exactions included in Exhibit 'A', attached hereto and included by this reference, are imposed on the applicant's development project as conditions of approval of said project.

Notice is further given that the project applicant may protest the imposition of said fees or conditions included in Exhibit 'A'. The protest shall be filed at the time of the approval or conditional approval of the development or within 90 days after the imposition of the fees or conditions included in Exhibit 'A'. For the purposes of Section 66020, approval or conditional approval of a development occurs when the tentative subdivision map or tentative parcel map is approved or conditionally approved. Also for the purposes of Section 66020, imposition of fees, dedications, reservations, or other exactions occurs when they are imposed or levied on a specific development. The 90 day period within which a protest may be filed for this project begins on May 9, 2005.

Any protest of the fees or conditions imposed on the development project as included in Exhibit 'A', shall meet the requirements of Section 66020(a) as listed below:

- 1) Tendering any required payment in full or providing satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.
- 2) Serving written notice on the Council of the City of Visalia, which notice shall contain all of the following information:
 - a) A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest.
 - b) A statement informing the Council of the City of Visalia of the factual elements of the dispute and the legal theory forming the basis for the protest.

The written notice mentioned in (2) above, may be delivered to the City Manager of the City of Visalia located at 707 W. Acequia Avenue, Visalia, CA 93291.

In accordance with Section 66020(d)(2), once a protest has been filed with the Council of the City of Visalia, an action to attack, review, set aside, void, or annul the imposition of the fees or conditions included in Exhibit 'A' may be filed within 180 days after the delivery of the protest notice. If no action is filed within the 180 day period, all persons are barred from any action or proceeding or any defense of invalidity or unreasonableness of the imposition.

Pursuant to the requirements and conditions of Section 66020(c), the City of Visalia may suspend the approval or conditional approval of the proposed development pending withdrawal of the protest, the expiration of the 180 day limitation period without the filing of an action, or resolution of any action filed.

In addition to the provisions of Section 66020, Section 66006(f) of the Government Code of the State of California requires that at the time a fee is imposed for public improvements on a specific development project, the City of Visalia shall identify the public improvements that the fee will be used to finance. Exhibit 'B', which is attached and included herein by this reference, lists the various applicable fees and describes the public improvements to be financed by these fees.

EXHIBIT 'A'

Project Description: PM 05-04; Site Plan 04-231; CUP 05-11

Project Applicant:

Transportation Impact Fee: **\$3891.72/unit x 2 units = \$7,783.44**

Trunk Line Capacity Charge: **\$557.69/unit x 3 units = \$1,673.07**

Treatment Plant Connection Capacity Charge: **\$553.01/unit x 3 units = \$1,659.03**

Storm Drainage Impact Fee: **N/A**

Park Acquisition and Development Fee: **N/A**

Northeast Specific Plan Area Development Fee: **\$1490.00/unit x 2 units = \$2,980.00**

Waterways Acquisition Fee: **\$636.58/ac - \$296.11/ac x 0.48 ac = \$163.43**

Public Safety Impact Fee (Police):

Police: **\$1222.29/ac - \$192.37/ac x 0.48 ac = \$494.36**

Fire: **None**

Public Facility Impact Fee:

Civic Center: **\$311.49/unit x 2 units = \$622.98**

Corporation Yard: **\$38.19/unit x 2 units = \$76.38**

Library: **\$40.22/unit x 2 units = \$80.44**

(This list does not include fees for processing development applications or building permits, inspection fees, sanitary sewer front foot fees, or parking-in-lieu fees which are not subject to Gov. Code Sections 66006(f) or 66020.)

Descriptions of required dedications, reservations or other exactions:

Dedications: **Streets and easements as shown on the Tentative Map and per Site Plan and Planning Commission comments.**

Reservations:

Other Exactions: **Annex into the Northeast Maintenance District and form a Landscape and Lighting Act District, if needed, as outlined by Staff, Planning Commission and Site Plan. Provide a dedicated paved access to Parcels 2 & 3 from Douglas Ave.**

Description of required public improvements:

Install all public improvements along Douglas Ave frontage and provide public utilities to each parcel per Site Plan and Planning Commission comments.

EXHIBIT 'B'

DEVELOPMENT IMPACT FEES

[subject to Gov. Code Section 66020 and 66006(f)]

Park Acquisition and Development Fees

Fees paid by developers, builders, and subdividers to help fund the land acquisition and development of parks, and recreational facilities as identified in the current Conservation, Open Space, Recreation, and Parks Element of the City's General Plan. These fees are deposited into the Recreational Facilities Fund (1211) and are restricted for use in financing the aforementioned projects.

Storm Drainage Impact Fees

Fees paid by developers, builders, and subdividers to fund the land acquisition and development of storm drainage facilities for new development as identified in the current Storm Drain Master Plan. These fees are deposited into the Storm Drain Fund (1221) and are restricted for use in financing the aforementioned projects.

Trunk Line Capacity Charges

Fees paid by developers, builders, and subdividers to fund the right-of-way acquisition and construction of sewer trunk line facilities as identified in the current Sanitary Sewer Master Plan. These fees are deposited into the Sanitary Sewer Trunk Expansion Fund (1231) and are restricted for use in financing the aforementioned projects.

Transportation Impact Fees

Fees paid by developers and builders to fund the construction of arterial and collector streets identified in the current Circulation Element of the City's General Plan. These fees are deposited into the Transportation Impact Fund (1241) and are restricted for use in financing the aforementioned projects.

Waterways Acquisition Fees

Fees paid by developers, builders, and subdividers to help fund the acquisition of waterway setbacks as identified in the Waterways Policy of the Conservation, Open Space, Recreation, and Parks Element of the General Plan. These fees are deposited into the Waterways Acquisition Fund (1251) and are restricted for use in financing the aforementioned projects.

Northeast Specific Plan Area Development Fees

Fees paid by developers, builders, and subdividers for projects located in the Northeast Specific Plan Area to fund the construction of storm drain facilities, parks, bike paths, medians, block walls, landscaping, and amenities identified in the Northeast Specific Plan. (The storm drain portion of the Northeast Fees is collected in-lieu of the Storm Drainage Impact Fees listed above. The parks portions of the Northeast Fees is collected in-lieu of the full Park Acquisition and Development Fees listed above. Only a portion of the Park Acquisition and Development fee is paid in the Northeast area to contribute towards city-wide recreational facilities.) These fees are deposited into the Northeast Fund (1711) and are restricted for use in financing the aforementioned projects.

Treatment Plant Connection Capacity Charges

Fees paid by developers and builders to fund the construction and expansion of the sewer treatment plant as identified in the current Wastewater Treatment Master Plan. These fees are deposited into the Sanitary Sewer Facilities Fund (4312) and are restricted for use in financing the aforementioned projects.

Public Safety Impact Fees

Fees paid by developers and builders to fund the equipment and facilities needed to maintain adequate levels of service as identified in the Public Safety Impact Fee Study dated April 26, 2001. These fees are deposited into the Police Facilities Fund (1265) and Fire Facilities Fund (1266) and are restricted for use in financing the aforementioned projects.

[A list of the individual projects being funded by each of the fees listed above is available at the Engineering counter in the Visalia City Hall located at 315 E. Acequia Avenue, Visalia, CA. These lists are updated from time to time and the most current list will be made available.]

RESOLUTION NO. 2005-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING PARCEL MAP NO 2005-04, A REQUEST TO DIVIDE .42 ACRES INTO THREE PARCELS. THE SITE IS LOCATED AT 3408 EAST DOUGLAS AVENUE

WHEREAS, Parcel Map No. 2005-04 is a request by Todd McGuyer and Steven Brown to divide .42 acres into three parcels. The site is located at 3408 East Douglas Avenue (APN 103-330-021); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on May 9, 2005; and

WHEREAS, the Planning Commission of the City of Visalia finds the parcel map in accordance with Section 16.28.07 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

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

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

That the proposed location of the Tentative Parcel Map is consistent with the policies and intent of the General Plan, Zoning Ordinance and Subdivision Map.

2. That the proposed location of the tentative parcel map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare nor materially injurious to properties or improvements in the vicinity.
3. That the requested action is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-36).
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the parcel map on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 17.12.050 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the final map be developed in substantial compliance with Exhibit "B."
2. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-006 and No. 2004-231.
3. That all of the applicable conditions of Conditional Use Permit No. 2005-11 be met.
4. That this subdivision shall be annexed into the Northeast Maintenance District for the maintenance of identified Northeast Maintenance District items. Any items such as street lights and related which can not be incorporated into the Northeast District shall be incorporated into a Landscaping and Lighting Act Assessment District, which would be formed prior to recordation of the final map. The Landscaping and Lighting Act Assessment District shall include the operational and maintenance cost for any maintenance for appurtenant local streets and maintenance for street trees. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.
5. That a shared access and maintenance agreement be recorded for the three parcels, in conjunction with the recordation of the final map, for the maintenance of the private drive.
6. That curb and gutter, sidewalk and paving be installed along the Douglas Avenue frontage.
7. That a paved access be provided to Parcels 2 and 3 on the private drive area as shown in Exhibit "A."
8. That all other city codes and ordinances be met.

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

AYES: Commissioners Pérez, Thompson, Logan, Wynn
NOES:
ABSTAINED:
ABSENT: Commissioner Salinas

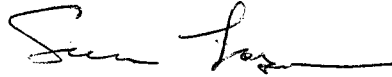
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2005-40, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on May 9, 2005.



Fred Brusuelas, AICP
Community Development & Public Works Assistant Director



Sam Logan, Chairperson

SITE PLAN

BEING A PORTION OF THE SOUTH EAST QUARTER OF THE NORTHWEST QUARTER OF SEC. 27
TOWNSHIP 18 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF
TULARE, STATE OF CALIFORNIA.

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR
209 E. NOBLE AVENUE, VISALIA, CA. 93277; PHONE: (559) 794-1616

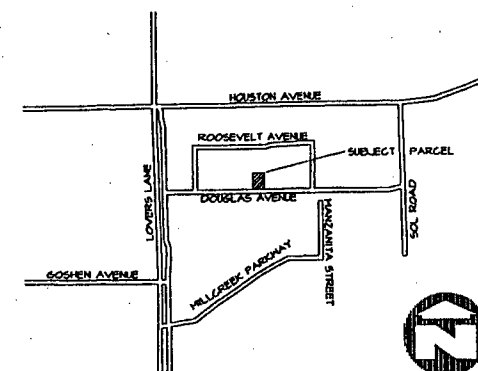
PREPARED FOR: TOD MCGUYER
140 S. DEHAREE, VISALIA, CA 93277; PHONE: (559) 730-1116

ASSESSOR'S PARCEL NO.: 103-330-021

ZONING: R-1-6 FLOOD ZONE: X - SHADED

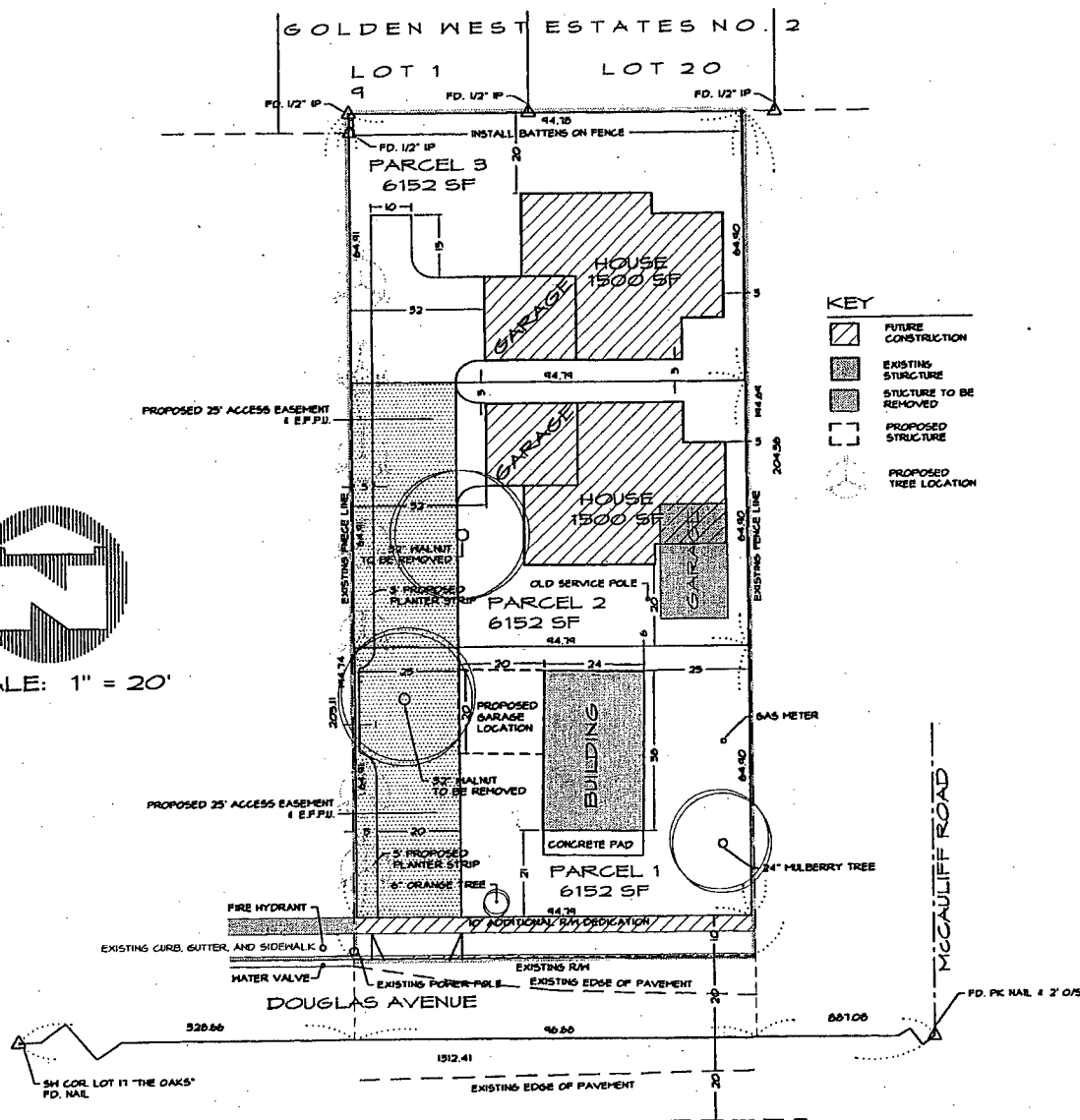
PARCEL NO.	PARCEL 1	PARCEL 2	PARCEL 3
EXISTING USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
PROPOSED USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
WATER BY	CALIF. WATER SERV.	CALIF. WATER SERV.	CALIF. WATER SERV.
SEWER BY	CITY OF VISALIA	CITY OF VISALIA	CITY OF VISALIA

NOTE: REFUSE TO BE COLLECTED IN INDIVIDUAL RESIDENTIAL ROLL-OUT CANS TO DOUGLAS CURB FOR PICK UP.



VICINITY MAP

NOT TO SCALE



GOLDEN WEST ESTATES NO. 2

LOT 1

LOT 20

TENTATIVE PARCEL MAP

BEING A PORTION OF THE SOUTH EAST QUARTER OF THE NORTHWEST QUARTER OF SEC. 27
TOWNSHIP 10 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF
TULARE, STATE OF CALIFORNIA.
DECEMBER 2004

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR

209 E. NOBLE AVENUE, VISALIA, CA 93271, PHONE: (559) 734-1646

PREPARED FOR: TOD MCGUYER

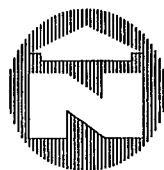
140 S. DEHARRE, VISALIA, CA 93271, PHONE: (559) 730-1166

ASSESSOR'S PARCEL NO.: 103-330-021

ZONING: R-1-6

FLOOD ZONE: X - SHADED

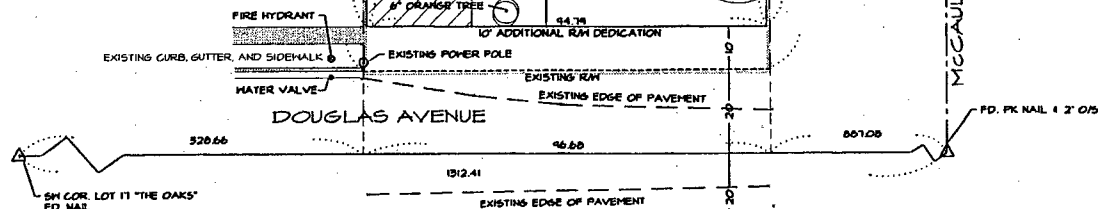
Exhibit "B"



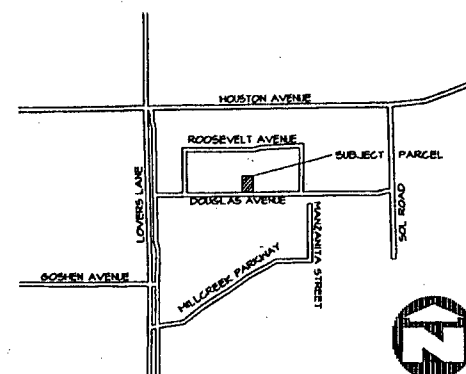
SCALE: 1" = 20'

PROPOSED 25' ACCESS EASEMENT & E.F.P.U.
SUBJECT TO PROPOSED JOINT MAINTENANCE AGREEMENT

PROPOSED 25' ACCESS EASEMENT & E.F.P.U.
SUBJECT TO PROPOSED JOINT MAINTENANCE AGREEMENT



PARCEL NO.	PARCEL 1	PARCEL 2	PARCEL 3
EXISTING USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
PROPOSED USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
WATER BY	CALIF. WATER SERV.	CALIF. WATER SERV.	CALIF. WATER SERV.
SEWER BY	CITY OF VISALIA	CITY OF VISALIA	CITY OF VISALIA



VICINITY MAP

NOT TO SCALE

04-194 MCGUYER

ONE SHEET ONLY

RESOLUTION NO 2005-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2005-11, A REQUEST TO ALLOW PLANNED DEVELOPMENT WITH PRIVATE ACCESS IN THE R-1-6 ZONE. THE SITE IS LOCATED AT 3408 EAST DOUGLAS AVENUE.

WHEREAS, Conditional Use Permit No. 2005-11 is a request by Todd McGuyer and Steven Brown (Neil Zerlang, Agent) to allow planned development with private access in the R-1-6 Zone. The site is located at 3408 East Douglas Avenue (APN 103-330-021); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on May 9, 2005; and

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the requested action is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-36).
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

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

1. That the site be developed in substantial compliance with Exhibit "A."
2. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-006 and No. 2004-231.
3. That all of the applicable conditions of Parcel Map No. 2005-04 be met.
4. That the site be developed with minimum setbacks as shown in Exhibit "A."
5. That the residents of the development be required to bring their residential roll-out refuse cans to the Douglas Avenue curb on trash pick up days.
6. That an automatic irrigation system be installed in the landscape strip along the western edge of the site, and landscaping be installed and permanently maintained and irrigated. No more than 20% of this area shall be non-living ground cover.
7. That a 6 inch curb be installed to protect the 5 foot wide planter strip from the private drive along the western edge of the site.
8. That battens be installed with the first building permit and permanently maintained, as shown on Exhibit "A", along the northern property line to prevent vehicle headlights from shining through the fence.
9. That a paved access be provided to Parcels 2 and 3 on the private drive area as shown in Exhibit "A."
10. That curb and gutter, sidewalk and paving be installed along the Douglas Avenue frontage.
11. That a shared maintenance agreement be recorded for the three parcels, in conjunction with the recordation of the final map, for the maintenance of the private drive.
12. That all other city codes and ordinances be met.
13. That the applicant submit to the city of visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of conditional use permit no. 2005-11 prior to the issuance of any building permits for this project.

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

AYES: Commissioners Pérez, Thompson, Logan, Wynn

NOES:

ABSTAINED:

ABSENT: Commissioner Salinas

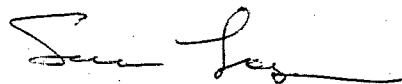
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2005-041, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on May 9, 2005.



Fred Brusuelas, AICP
Community Development & Public Works Assistant Director



Sam Logan, Chairperson

315 East Acequia Ave., Visalia, CA 93291



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

Acceptance of conditions

June 10, 2005

TODD MCGUYER
740 SOUTH DEMAREE
VISALIA CA 93277

Project Title: Conditional Use Permit No. 2005-11 & Parcel Map No. 2005-04

Conditional Use Permit No. 2005-11 & Parcel Map No. 2005-04: The site is located 3408 E. Douglas Avenue. APN: 103-330-021

On behalf of: TODD MCGUYER, I hereby acknowledge and accept the conditions of approval specified in Planning Commission Resolution No. 2005-41, for the approval of Conditional Use Permit No. 2005-11 and Resolution No. 2005-40, for the approval of Parcel Map No. 2005-04.

Signature

Date

Printed Name

Note: Please mail this acceptance to: 315 East Acequia, Visalia, CA 93291 within 5 working days of the date received.

For Department Use Only

Acceptance received on _____.



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 9, 2005

PROJECT PLANNER: Becky Fraser: (213-3347)
Jason Pausma (713-4348)

SUBJECT: **Parcel Map No. 2005-04** is a request by Todd McGuyer and Steven Brown to divide .42 acres into three parcels. The site is located at 3408 East Douglas Avenue (APN 103-330-021).

Conditional Use Permit No. 2005-11 is a request by Todd McGuyer and Steven Brown (Neil Zerlang, Agent) to allow planned development with private access in the R-1-6 Zone. The site is located at 3408 East Douglas Avenue (APN 103-330-021).

STAFF RECOMMENDATION

Staff recommends approval of Parcel Map No. 2005-04 based upon the findings and conditions in Resolution No. 2005-40 and Conditional Use Permit No. 2005-11 based upon the findings and conditions in Resolution No. 2005-41. Staff's recommendation is based primarily upon the following:

- The request is consistent with the General Plan, Subdivision and Zoning Ordinances.

RECOMMENDED MOTION

I move to approve Parcel Map No. 2005-04 based on the findings and conditions in Resolution No. 2005-40 and Conditional Use Permit 2005-11 based on the findings and conditions in Resolution No. 2005-41.

PROJECT DESCRIPTION

Parcel Map 2005-04 is a request to divide a 19,369 square foot parcel into 3 single-family lots and the Conditional Use Permit No. 2005-11 is a request to allow a planned development with private access in the R-1-6 Zone.

All three parcels will have access to Douglas Avenue. Parcel 1 has an existing single-family house and the lot is 6,152 square feet. A detached garage will be added to the existing house. Parcel 2 has an existing detached garage located on the parcel, however the garage will be demolished. Parcel 2 is 6152 square feet. Parcel 3 is 6,152 square feet. Parcel 1 and 2 have a 1,500 square foot single-family house proposed.

The parcel is located at 3408 East Douglas Avenue, between Lovers Lane and McAuliff Street.

BACKGROUND INFORMATION

General Plan Land Use Designation	Low Density Residential
Zoning	R-1-6 (Low Density Residential, minimum 6,000 square feet)
Surrounding Zoning and Land Use	North: R-1-6 / single-family house South: R-1-6 / vacant East: R-1-6 / single-family house West: R-1-6 / single-family house
Environmental Review:	Categorical Exemption No. 2005-36
Site Plan:	04-231 (Parcel Map) 05-006 (Planned Residential Development)

RELATED PROJECTS

None.

PROJECT EVALUATION

Staff supports the requested conditional use permit and parcel map based on project consistency with the General Plan, Subdivision, and Zoning Ordinance.

Setbacks

As shown in Exhibit "A", each of the three parcels will have a minimum 20 foot side or rear yard in this Planned Residential Development. Staff recommends a condition that the site be developed with the setbacks as shown in Exhibit "A."

Northeast Visalia Specific Plan / Landscape and Lighting Assessment District

This site is located within the Northeast Specific Plan boundary. This project will be annexed into the Northeast Specific Plan Maintenance District which is the specific plan's version of a Landscaping and Lighting Act District. Staff has included a condition which provides for annexation to the Northeast Maintenance District and the formation of a Landscaping and Lighting Act District for any improvements which can not be covered by the Northeast Maintenance District.

Landscaping Buffer

A landscape strip is shown along the west side of the site. An automatic irrigation system must be installed in the landscape strip, and landscaping must be installed and permanently maintained and irrigated. The landscaping in this landscape strip must be installed to meet the requirements of Zoning Ordinance Section 17.30.130.C. which requires all areas within a landscape setback to be a combination of living and non-living ground coverings (nonliving to be a maximum of twenty (20) percent). This landscaping will help to buffer the this site from the adjacent R-1-6 property to the west and to provide a stop to prevent vehicles from backing out of the garages into the fence.

Utilities

Staff recommends a condition that separate utilities be provided to each parcel prior to recordation of the final map. This will include sanitary sewer laterals to each parcel.

Headlights

Staff recommends a condition that battens be installed and permanently maintained, as shown on Exhibit "A" along the northern property line. These battens will help mitigate the effect of vehicle headlights from shining through the slats of the wooden fence along the northern property line onto the neighbor to the north's backyard.

Public Improvements

Per Engineering Site Plan Review comments, curb and gutter, sidewalk and paving must be installed along the Douglas Avenue frontage. In addition to this, paved access must be provided to Parcels 2 and 3.

Access and Circulation

The three parcels will have access to Douglas Avenue. The applicant will construct a new 20 foot private street. A 25 foot access cross access easement will be provided across Parcels 1 and 2 to provide public street access for Parcels 2 and 3. All three owners will have a shared access and maintenance agreement for the private street.

Environmental Review

That the requested action is considered Categorically Exempt under Section 15305 and 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-36).

RECOMMENDED FINDINGS

Parcel Map No. 2005-04

1. That the proposed location of the Tentative Parcel Map is consistent with the policies and intent of the General Plan, Zoning Ordinance and Subdivision Map.
2. That the proposed location of the tentative parcel map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare nor materially injurious to properties or improvements in the vicinity.
3. That the requested action is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-36).
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

Conditional Use Permit No. 2005-11

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.

- The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
- 3. That the requested action is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-36).
- 4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

RECOMMENDED CONDITIONS OF APPROVAL

Parcel Map No. 2005-04

1. That the final map be developed in substantial compliance with Exhibit "B."
2. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-006 and No. 2004-231.
3. That all of the applicable conditions of Conditional Use Permit No. 2005-11 be met.
4. That this subdivision shall be annexed into the Northeast Maintenance District for the maintenance of identified Northeast Maintenance District items. Any items such as street lights and related which can not be incorporated into the Northeast District shall be incorporated into a Landscaping and Lighting Act Assessment District, which would be formed prior to recordation of the final map. The Landscaping and Lighting Act Assessment District shall include the operational and maintenance cost for any maintenance for appurtenant local streets and maintenance for street trees. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.
5. That a shared access and maintenance agreement be recorded for the three parcels, in conjunction with the recordation of the final map, for the maintenance of the private drive.
6. That curb and gutter, sidewalk and paving be installed along the Douglas Avenue frontage.
7. That a paved access be provided to Parcels 2 and 3 on the private drive area as shown in Exhibit "A."
8. That all other city codes and ordinances be met.

Conditional Use Permit 2005-11

1. That the site be developed in substantial compliance with Exhibit "A."
2. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-006 and No. 2004-231.
3. That all of the applicable conditions of Parcel Map No. 2005-04 be met.
4. That the site be developed with minimum setbacks as shown in Exhibit "A."
5. That an automatic irrigation system be installed in the landscape strip along the western edge of the site, and landscaping be installed and permanently maintained and irrigated. No more than 20% of this area shall be non-living ground cover.
6. That a 6 inch curb be installed to protect the 5 foot wide planter strip from the private drive along the western edge of the site.

7. That battens be installed with the first building permit and permanently maintained, as shown on Exhibit "A", along the northern property line to prevent vehicle headlights from shining through the fence.
8. That a paved access be provided to Parcels 2 and 3 on the private drive area as shown in Exhibit "A."
9. That curb and gutter, sidewalk and paving be installed along the Douglas Avenue frontage.
10. That a shared maintenance agreement be recorded for the three parcels, in conjunction with the recordation of the final map, for the maintenance of the private drive.
11. That all other city codes and ordinances be met.
12. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2005-11 prior to the issuance of any building permits for this project.

APPEAL INFORMATION

According to the City of Visalia Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten working days following the date of a decision by the Planning Commission on a tentative subdivision map application. An appeal shall be in writing and shall be filed with the City Clerk at 707 W. Acequia Ave., Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record.

The conditional use permit is provided with a five working day appeal period (Section 17.38.120), with the same process indicated above.

Attachments:

- Resolution
- Exhibit "A" – Reduced Site Plan
- Exhibit "B" – Reduced Tentative Map
- Correspondence
- Site Plan Review Comments (05-006 & 04-231)
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

RELATED PLANS AND POLICIES

General Plan and Zoning: There are no General Plan policies and Zoning Ordinance policies that apply to the proposed project.

Section 17.30.130 Development standards.

C. Landscaping. The city will review and approve all landscaping for developments approved or reviewed through the planned development permit process in order to maintain high quality developments in Visalia. If landscaping is required as a result of request for building permit, the landscape and irrigation plans shall be submitted as a part of the building plans. The minimum landscaping areas in each planned district shall conform to the requirements set forth in design district development standards and also the following standards:

1. General.

a. All areas within a required setback to contain living ground covering or a combination of living and nonliving ground coverings (nonliving to be a maximum of twenty (20) percent). All plants within required setbacks to be of species suited to valley conditions, using Sunset Western Garden Book Zones 8 and 9 as a guide. The use of low water-using varieties, grouped by similar water usage is strongly recommended.

b. Islands of a minimum area of eighty square feet shall be established at a maximum separation of ten continuous parking stalls. The islands shall be landscaped with ground covers and with a minimum of one fifteen (15) gallon tree planted in each island. Actual numbers of trees will be based on size of project as determined by the planning division.

c. All landscaping as required within section shall be reviewed by the planning department as to the type, density of planting and size of plants intended for use. All landscaped areas shall be permanently maintained by the property owner.

d. All landscaped areas shall be surrounded with six-inch high concrete curbing, unless waived by the site plan review committee.

e. All landscaping on public property and parks shall conform to standards adopted by the park and recreation commission.

f. Exceptions to landscaping requirements may be granted by the historic preservation advisory board for sites located within an historic district or for sites listed on the local register.

2. Trees.

a. Spacing of trees to be variable depending on type and eventual size, but that there be a general minimum standard of one fifteen (15) gallon tree for each twenty feet of frontage of a required landscaped setback, exclusive of vehicular site lines.

b. Trees to be used in parking lots to be of a type that will form a full head on a single trunk, i.e., Chinese Elm, Chinese Pistache, Golden Rain, Valley Oak or other approved species.

3. Shrubs.

a. At least seventy-five (75) percent of shrubs planted to be of five-gallon minimum size. One-gallon plants may be used if planted with approved low water-using varieties.

b. Shrubs within a required setback to be spaced in such a way so that at maturity the plants will provide eighty (80) percent coverage. This is typically achieved by a plant spacing of five gallon plants per one hundred (100) square feet.

4. Mounding.

a. Mounding or low growing shrubs are required along street frontages. Mounded slopes are not to exceed a 1:7 slope and shrubs to be planted must be low-growing varieties with a mature height of four feet or less. Steeper slopes may be allowed if irrigated by drip systems.

b. Mounding shall not be required for landscape areas which are ten feet, or less, in width.

c. Mounds to be compacted prior to planting to prevent excessive settlement. To reduce runoff, till in one inch of forest humus into the top six inches of soil and cover the entire surface of mound with an additional two inches of humus.

d. Black plastic not to be used under wood chips on mounds, or slopes in general.

e. Turf on mounds requires slope rates of 1:10 or less. Mounds with groundcovers require slope rates of 1:5 or less.

5. Ground Covers.

a. Definition. "Living ground cover" means low-growing plants or shrubs that after being planted will grow together to form a solid cover in one year or less, excluding turf. To achieve desired coverage, low growing, groundcover plants taken from flats shall be planted a maximum of twelve (12) inches on center. Low-growing, shrub type ground covers in one gallon cans shall be planted a maximum of two feet on center. Spacing may be increased to three feet on center for fast growing plants as approved by the planning division.

In areas susceptible to foot traffic, the use of long-lived low-growing shrubs and groundcovers, such as Dwarf Coyote Bush, Lantana and Junipers are preferred. Other groundcovers that do not last as long, such as Baby

Tears, Gazania, African Daisy, and annual or perennial flowers must be limited to fifteen (15) percent of the total living groundcover area.

b. Definition. "Nonliving ground cover" means forest humus or walk-on bark, rock, and other similar materials. Use shall require permission of the planning/public service department.

c. All soil surfaces are to be covered by plant materials or nonliving groundcovers as defined in subsection (C)(5)(b) of this section. At least two inches of nonliving materials shall be applied to all planting areas except turf.

6. Parking Lots.

a. Planter required every other row to a width determined by the site plan review committee.

b. Such planters to contain approved trees on twenty (20) foot centers.

c. Shrubs and trees to be arranged in such a way as to avoid damage from the front of parked cars extending into the planter areas.

7. Turf.

a. Turf shall be limited to forty (40) percent of the total landscape area, and the use of low water-using varieties, such as warm season grasses and Tall Fescue is required. Public parks, golf courses, cemeteries, schools, properties within a historic district, and residential office conversions are to be reviewed for exemptions on a project by project basis.

b. No turf will be allowed:

i. In traffic medians;

ii. Parkways or planting areas narrower than nine feet;

iii. Storm drainage ponds with slopes in excess of 1:6;

iv. On mounds or slopes exceeding 1:10.

Exceptions to turf in parkways may be granted by the planning division in cases where pedestrian access is necessary across parkways.

8. Irrigation Plans.

a. Irrigation plans are required to be submitted along with landscape plans. Irrigation plans must show an irrigation conformance calculation with a ten percent safety margin. If the landscape is required as the result of a request for building permit, the landscape and irrigation plans shall be submitted as a part of the building plans.

b. Water efficient systems (drip, minispray, bubbler type, etc., shall be used whenever feasible.

c. All irrigation systems shall be equipped with an automatic controller capable of dual or multiple programming. Controllers must have multiple cycle capabilities and a flexible calendar program.

d. Separate valves shall be installed based on water use of planting and exposures on irrigation systems with seven or more valves. Turf areas should be on a separate valve from nonturf areas on all irrigation systems regardless of size.

e. Sprinkler heads must have matched precipitation rates within each control valve.

f. Sprinkler head spacing shall be designed for head-to-head coverage and placed at a maximum of fifty (50) percent of the diameter of throw.

g. Overhead sprays shall not throw water onto hardscaped or other non-planted, or bare ground areas, including sidewalks between landscaped areas.

h. A minimum of four inch pop-up sprinklers are required in turf areas, and areas adjacent to walkways and curbs. All sprinklers must be designed and installed to clear all plant material at maturity and obstacles in its throw zone.

i. Serviceable check valves or separate valves according to water zones are required where elevation differential may cause low head drainage.

j. Drip or bubbler irrigation systems are required on all trees and shrubs regardless if planted alone, in groundcover or turf areas.

k. Automatic rain shut-off devices shall be required on all irrigation systems with seven or more valves.

RESOLUTION NO. 2005-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING PARCEL MAP NO 2005-06, A REQUEST TO DIVIDE .42 ACRES INTO THREE PARCELS. THE SITE IS LOCATED AT 3408 EAST DOUGLAS AVENUE

WHEREAS, Parcel Map No. 2005-04 is a request by Todd McGuyer and Steven Brown to divide .42 acres into three parcels. The site is located at 3408 East Douglas Avenue (APN 103-330-021); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on May 9, 2005; and

WHEREAS, the Planning Commission of the City of Visalia finds the parcel map in accordance with Section 17.12.050 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

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

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

- That the proposed location of the Tentative Parcel Map is consistent with the policies and intent of the General Plan, Zoning Ordinance and Subdivision Map.
2. That the proposed location of the tentative parcel map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare nor materially injurious to properties or improvements in the vicinity.
 3. That the requested action is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-36).
 4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the parcel map on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 17.12.050 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the final map be developed in substantial compliance with Exhibit "B."
2. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-006 and No. 2004-231.
3. That all of the applicable conditions of Conditional Use Permit No. 2005-11 be met.
4. That this subdivision shall be annexed into the Northeast Maintenance District for the maintenance of identified Northeast Maintenance District items. Any items such as street lights and related which can not be incorporated into the Northeast District shall be incorporated into a Landscaping and Lighting Act Assessment District, which would be formed prior to recordation of the final map. The Landscaping and Lighting Act Assessment District shall include the operational and maintenance cost for any maintenance for appurtenant local streets and maintenance for street trees. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.
5. That a shared access and maintenance agreement be recorded for the three parcels, in conjunction with the recordation of the final map, for the maintenance of the private drive.
6. That curb and gutter, sidewalk and paving be installed along the Douglas Avenue frontage.
7. That a paved access be provided to Parcels 2 and 3 on the private drive area as shown in Exhibit "A."
8. That all other city codes and ordinances be met.

RESOLUTION NO 2005-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2005-11, A REQUEST TO ALLOW PLANNED DEVELOPMENT WITH PRIVATE ACCESS IN THE R-1-6 ZONE. THE SITE IS LOCATED AT 3408 EAST DOUGLAS AVENUE.

WHEREAS, Conditional Use Permit No. 2005-11 is a request by Todd McGuyer and Steven Brown (Neil Zerlang, Agent) to allow planned development with private access in the R-1-6 Zone. The site is located at 3408 East Douglas Avenue (APN 103-330-021); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on May 9, 2005; and

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the requested action is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-36).
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

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

1. That the site be developed in substantial compliance with Exhibit "A."
2. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-006 and No. 2004-231.
3. That all of the applicable conditions of Parcel Map No. 2005-04 be met.
4. That the site be developed with minimum setbacks as shown in Exhibit "A."
5. That an automatic irrigation system be installed in the landscape strip along the western edge of the site, and landscaping be installed and permanently maintained and irrigated. No more than 20% of this area shall be non-living ground cover.
6. That a 6 inch curb be installed to protect the 5 foot wide planter strip from the private drive along the western edge of the site.
7. That battens be installed with the first building permit and permanently maintained, as shown on Exhibit "A", along the northern property line to prevent vehicle headlights from shining through the fence.
8. That a paved access be provided to Parcels 2 and 3 on the private drive area as shown in Exhibit "A."
9. That curb and gutter, sidewalk and paving be installed along the Douglas Avenue frontage.
10. That a shared maintenance agreement be recorded for the three parcels, in conjunction with the recordation of the final map, for the maintenance of the private drive.
11. That all other city codes and ordinances be met.
12. That the applicant submit to the city of visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of conditional use permit no. 2005-11 prior to the issuance of any building permits for this project.

SITE PLAN

BEING A PORTION OF THE SOUTH EAST QUARTER OF THE NORTHWEST QUARTER OF SEC. 27,
TOWNSHIP 18 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF
TULARE, STATE OF CALIFORNIA.

DECEMBER 2004

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR
209 E. NOBLE AVENUE, VISALIA, CA 93271; PHONE: (554) 794-1616

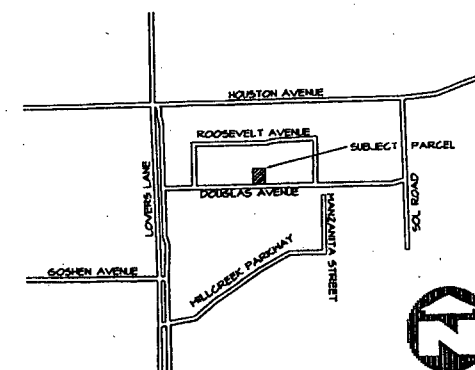
PREPARED FOR: TOD MCGUYER
140 S. DEMAREE, VISALIA, CA 93271; PHONE: (559) 730-1116

ASSESSOR'S PARCEL NO.: 103-330-021

ZONING: R-1-6 FLOOD ZONE: X - SHADED

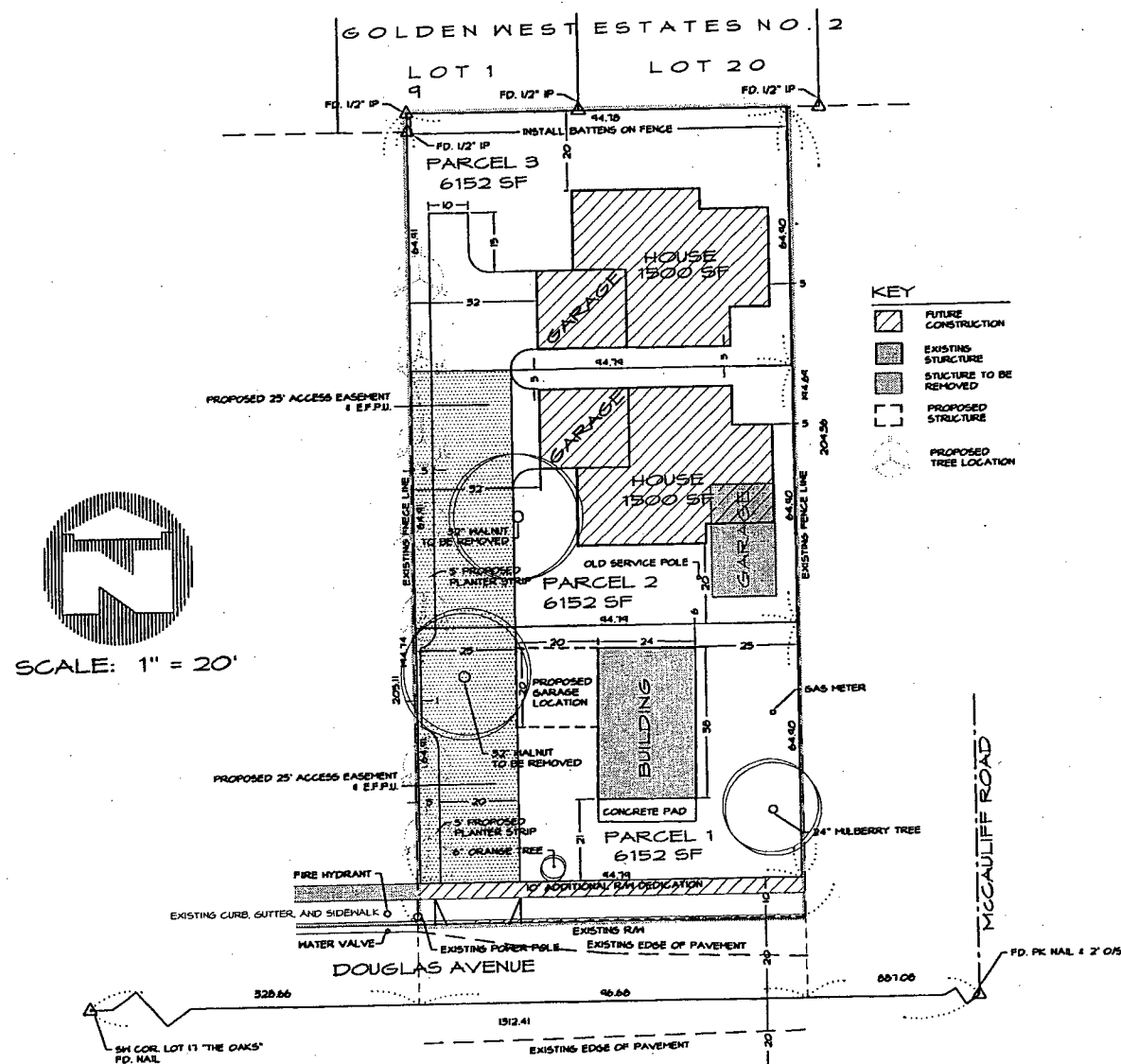
PARCEL NO.	PARCEL 1	PARCEL 2	PARCEL 3
EXISTING USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
PROPOSED USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
WATER BY	CALIF. WATER SERV.	CALIF. WATER SERV.	CALIF. WATER SERV.
SEWER BY	CITY OF VISALIA	CITY OF VISALIA	CITY OF VISALIA

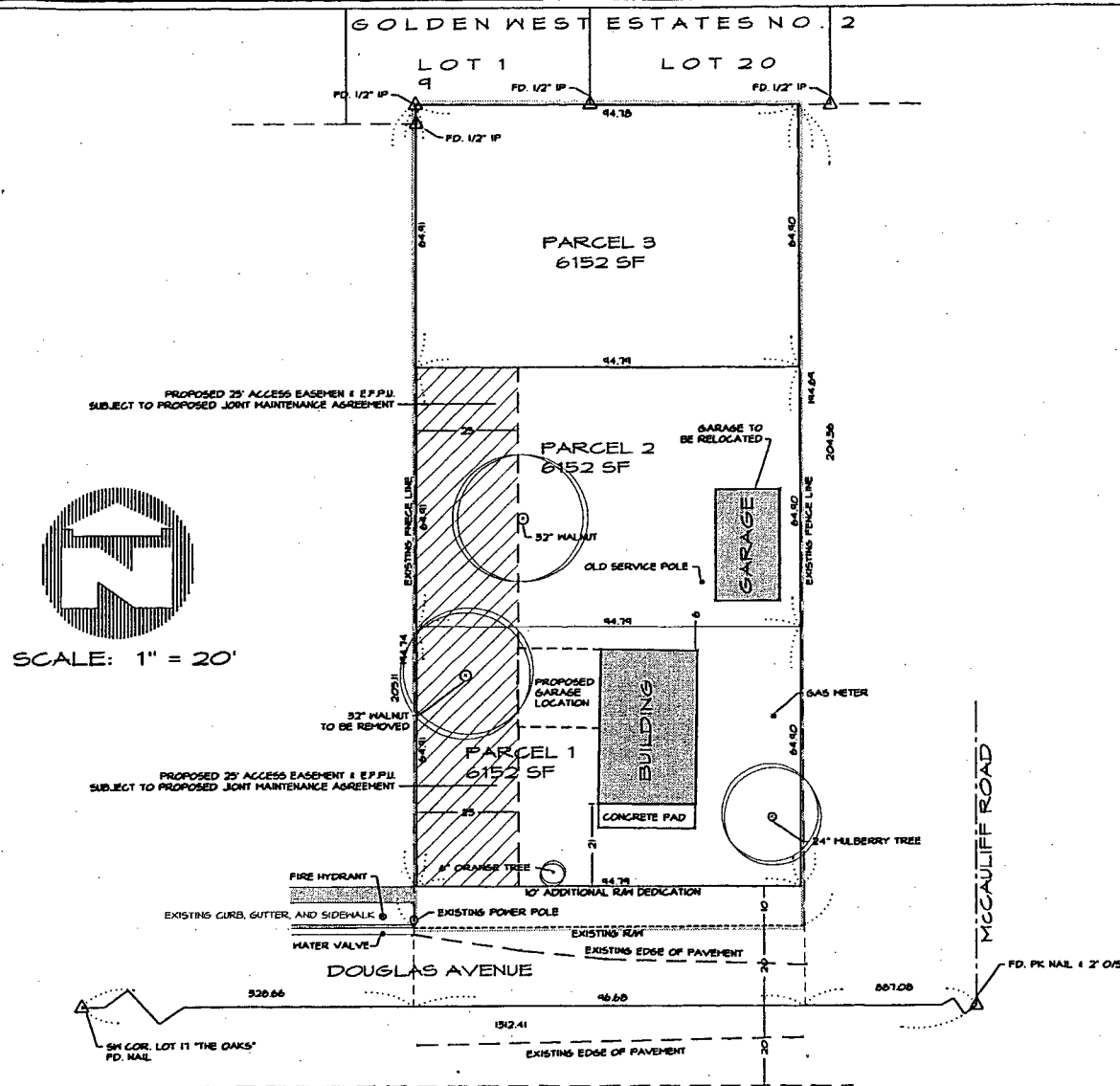
NOTE: REFUSE TO BE COLLECTED IN INDIVIDUAL RESIDENTIAL ROLL-OUT CANS TO DOUGLAS CURB FOR PICK UP.



VICINITY MAP

NOT TO SCALE





SCALE: 1" = 20'

TENTATIVE PARCEL MAP

BEING A PORTION OF THE SOUTH EAST QUARTER OF THE NORTHWEST QUARTER OF SEC. 21
TOWNSHIP 10 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF
TULARE, STATE OF CALIFORNIA. DECEMBER 2004

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR

204 E. NOBLE AVENUE, VISALIA, CA 93271; PHONE: (559) 134-1616

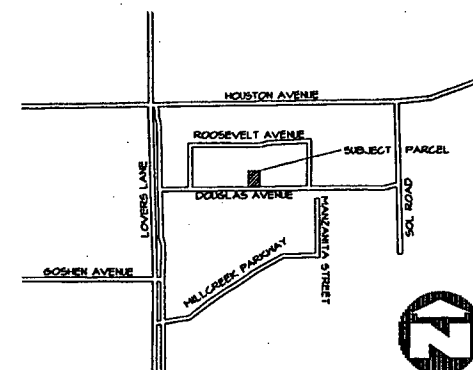
PREPARED FOR: TOD MCGUYER

140 S. DEHAZEE, VISALIA, CA 93271; PHONE: (559) 130-1116

ASSESSOR'S PARCEL NO.: 103-330-021

ZONING: R-1-6 FLOOD ZONE: X - SHADED

PARCEL NO.	PARCEL 1	PARCEL 2	PARCEL 3
EXISTING USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
PROPOSED USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
WATER BY	CALIF. WATER SERV.	CALIF. WATER SERV.	CALIF. WATER SERV.
SEWER BY	CITY OF VISALIA	CITY OF VISALIA	CITY OF VISALIA



VICINITY MAP

NOT TO SCALE

04-114 MCGUYER

ONE SHEET ONLY

Exhibit "B"



May 12, 2023

Site Plan Review No. 2023-044:

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

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

This is your Site Plan Review Permit; your Site Plan Review became effective **March 22, 2023**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Bernal".

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

Attachment(s):

- Site Plan Review Comments



MEETING DATE

March 22, 2023

SITE PLAN NO.

2023-044

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

☒ - CUP Amendment

☐ HISTORIC PRESERVATION

☐ OTHER – Lot Line Adjustment

☒ **ADDITIONAL COMMENTS:**

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

SITE PLAN REVIEW COMMENTS

Cristobal Carrillo, Planning Division (559) 713-4443

Date: March 22, 2023

SITE PLAN NO: 2023-044
PROJECT: 3412 E. Douglas Avenue
DESCRIPTION: PROPOSED 1630 SF SINGLE FAMILY RESIDENCE (R-1-5)
APPLICANT: JAGTAR SINGH
PROP. OWNER: BROWN STEPHEN & SHEREEN
LOCATION: 3416 E. DOUGLAS AVE
APN TITLE: 103-280-108
GENERAL PLAN: RLD (Residential Low Density)
ZONING: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit Amendment

PROJECT SPECIFIC INFORMATION: March 22, 2023

1. A Conditional Use Permit Amendment shall be required, requesting reduction to the drive aisle width requirement, reduced setbacks, and a reduction to the five foot planter requirement. Note, the reduced drive aisle will only be accepted in landscaping is placed in areas where the drive aisle is reduced.
2. All other conditions of the original Conditional Use Permit shall be carried over onto the new proposal, including batten fencing to the north and shared maintenance agreements.

Note:

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

Sections of the Municipal Code to review:

17.12 Single-Family Residential Zone

17.34 Off-street parking and loading facilities

17.34.020(A)(1) Single-family dwelling

17.36 Fences Walls and Hedges

17.36.030 Single-family residential zones

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

Signature: _____



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

☐ Adrian Rubalcaba 713-4271
☒ Edelma Gonzalez 713-4364

ITEM NO: 4 DATE: MARCH 22ND, 2023

SITE PLAN NO.: 23-044
PROJECT TITLE: 3412 E. DOUGLAS AVE
DESCRIPTION: PROPOSED 1630 SF SINGLE FAMILY
RESIDENCE (R-1-5)
APPLICANT: JAGTAR SINGH
PROP OWNER: BROWN STEPHEN & SHEREEN
LOCATION: 3412 E DOUGLAS AVE
APN: 103-280-108

SITE PLAN REVIEW COMMENTS

- ☒ REQUIREMENTS (indicated by checked boxes)
- ☐ Install curb return with ramp, with _____ radius;
- ☒ Install curb; ☒ gutter **DOUGLAS AVE**
- ☒ Drive approach size: **18' MIN** ☐ Use radius return; **REFER TO MULTI-FAMILY STANDARDS**
- ☒ Sidewalk: **5'** width; ☒ **5'** parkway width at **DOUGLAS**
- ☐ Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- ☐ Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- ☐ Right-of-way dedication required. A title report is required for verification of ownership.
- ☐ Deed required prior to issuing building permit;
- ☒ City Encroachment Permit Required. **FOR ANY WORK 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.
- ☐ 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. **SEE ADDITIONAL COMMENTS**
- ☐ 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 = 0.20%, V-gutter = 0.25%)
- ☐ Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- ☐ All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- ☐ Traffic indexes per city standards:

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

Additional Comments:

1. *Proposed development will incur impact fees associated with proposed land development and Single-Family Dwelling construction.*
2. *Frontage improvement required on Douglas with parcel development. Improvement shall include, but may not be limited to, pavement, curb and gutter, 5' parkway landscaping with street tree, 5' sidewalk, drive approach, utility relocation/undergrounding, and utility extension. Site plan appears to show correct dimension for Right-Of-Way improvements.*
3. *Developer will need to verify that existing residence is connected to sewer to receive credit. City records does not show an existing sewer lateral. If non-exist, installed, and connect to City Sewer main on Douglas. Each parcel needs to have their own sewer lateral.*
4. *Install drive approach per City Std C-32. A minimum of 4' distance is required from adjacent property line.*
5. *Proposed easterly drive approach can only provide access to Lot 107, and not Lot 108, and Lot 109.*
6. *All parcels need to drain towards Douglas Ave. Storm water drainage cannot be focused/directed to sheet flow over and across pedestrian sidewalk. Refer to City Std. D-20 for commercial sidewalk drain or connect to SD line in road.*
7. *Project is located within the Northeast Specific Plan Area. Additional development impact fees may apply.*
8. *Portion of structures appears to be located within existing 25' easement. Provide documentation that allows structure to be located within easement area or shift structure to avoid encroaching.*
9. *A building permit is required, standard plan check, and inspection fees will apply.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-044**

Date: **03/22/2023**

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

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

(Fee Schedule Date: **08/20/22**)

(Project type for fee rates: **SFD**)

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

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,555/AC
<input checked="" type="checkbox"/> Transportation Impact Fee	\$7,097/UNIT
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$952/UNIT
	TRETMENT PLANT:
	\$945/UNIT
<input checked="" type="checkbox"/> Sewer Front Foot Fee	52/FT X 95 LF (DOUGLAS) --TBD
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$4,200/AC
<input checked="" type="checkbox"/> Park Acq/Dev Fee	\$2,529/UNIT
<input checked="" type="checkbox"/> Northeast Specific Plan Fees	\$2,060/UNIT
<input type="checkbox"/> Waterways Acquisition Fee	
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$2,085/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$2,279/AC
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$691/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.



Edelma Gonzalez

City of Visalia
Building: Site Plan
Review Comments

SFR 23044
3412 E DOUGLAS
SINGLE FAMILY
DWELLING

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

- ☒ A building permit will be required. *For information call (559) 713-4444*
- ☒ Submit 1 digital set of professionally prepared plans and 1 set of calculations. *(Small Tenant Improvements)*
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- ☐ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☐ A demolition permit & deposit is required. *For information call (559) 713-4444*
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- ☐ Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- ☐ Project is located in flood zone _____ * ☐ Hazardous materials report.
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- ☒ School Development fees. **RESIDENTIAL: \$4.79 PER SF.**
- ☐ Park Development fee \$ _____, per unit collected with building permits.
- ☒ Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- ☐ Acceptable as submitted
- ☐ No comments at this time

Additional comments: PROTECT ALL NEWLY CONSTRUCTED DWELLING UNITS WITH TYPE 13D FIRE SPRINKLER SYSTEM. PROVIDE DWELLING ADDRESS IDENTIFICATION VISIBLE FROM THE STREET FRONTING THE PROPERTY.

VAL GARCIA 2/22/23
Signature

**Site Plan Comments**

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

Date	March 21, 2023
Item #	4
Site Plan #	23044
APN:	103280108

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Construction and demolition sites prior to and during construction shall comply with the attached **Access & Water Guidelines**.
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2022 CFC 505.1
- Residential developments shall be provided with **fire hydrants** every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided. The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. VMC 16.36.120(5); 2022 CFC §507, App B and C

Corbin Reed
Fire Marshal



Visalia Fire Department Access and Water Guidelines for Residential Construction

Effective July 1, 2019

Model Homes & Non-Model Homes

Model and Non-Model homes may be constructed once all of the following conditions have been met:

1. All portions of proposed residential construction shall be located and accessible within 150 feet of an existing, paved, city street.
2. **Exceptions:** If any portion of a model home or a non-model is located greater than 150 feet from an existing city street, a fire apparatus access road shall be installed and maintained unobstructed at all times. The fire access road, including curb and gutter, shall be installed per City Specifications and City Standard P-1 excluding the Asphalt Concrete layer, but in no circumstance shall have a structural section less than required under City Standard P-25 based on R-Value of existing subgrade unless otherwise specified on approved plans. Compaction tests, including testing of the aggregate base layer, shall be performed under City inspection and reports shall be submitted to the Public Works Inspector prior to City acceptance for the road to be used for fire access. The fire access roads shall be usable and maintained in place until permanent paved access has been provided meeting City standards and specifications.
3. All required fire hydrants shall be installed in the approved locations per the stamped and approved plans and shall be fully operational.

Exception: If fire hydrant installation has not been completed an onsite elevated water tank shall be provided. The minimum size of provided water tank shall be 10,000 gallons, and shall be designated as "Fire Department use only". Tanks shall be located within 300 feet travel distance of each structure being developed. Tanks shall remain in place until all fire hydrant installation has been completed and all hydrants are fully operational. Travel distance shall be measured by an approved fire apparatus access route.

Connection provided on water tanks shall be a four and one half inch National Hose thread male fitting and shall be gravity fed, with connection point located between 18 and 36 inches above ground level.

***If at any time the conditions of these guidelines are not being met the Fire Marshal/Fire Chief or his/her designee have the authority to issue a "Stop Work Order" until corrections have been made.**

*** This information is intended to be a guideline. The Fire Marshal and/or Fire Chief shall have the discretion to modify requirements at any time as set forth under CFC Appendix D.**



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

Date: 3/21/23
Item: 4
Site Plan: SPR23044
Name: Agt. C. Sinatra

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 of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- ☐ Not enough information provided. Please provide additional information pertaining to:

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

- ☐ Access Controlled/ Restricted etc.

- ☐ Lighting Concerns:

- ☐ Traffic Concerns:

- ☐ Surveillance Issues:

- ☐ Line of Sight Issues:

- ☐ Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

March 22, 2023

ITEM NO: 4 **Added to Agenda**
SITE PLAN NO: **SPR23044**
PROJECT TITLE: 3412 E. Douglas Ave
DESCRIPTION: Proposed 1630 sf Single Family Residence (R-1-5)
APPLICANT: Jagtar Singh
OWNER: BROWN STEPHEN & SHEREEN
APN: 103280108
LOCATION: 3412 E DOUGLAS AVE

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

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

Additional Comments:

Leslie Blair

Leslie Blair

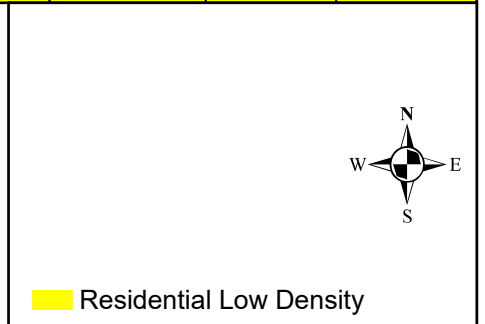
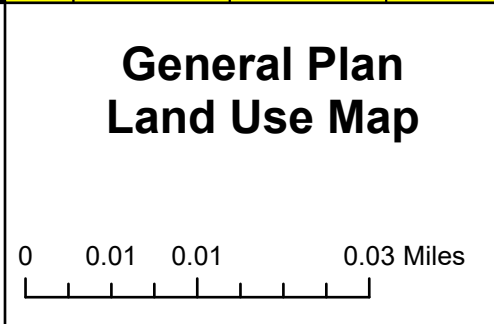
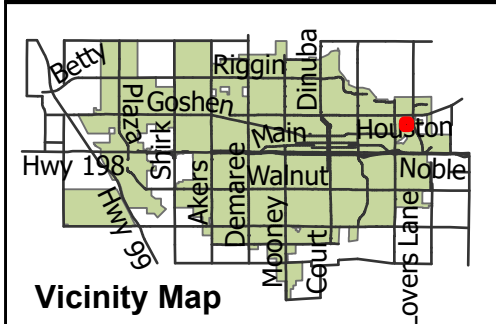
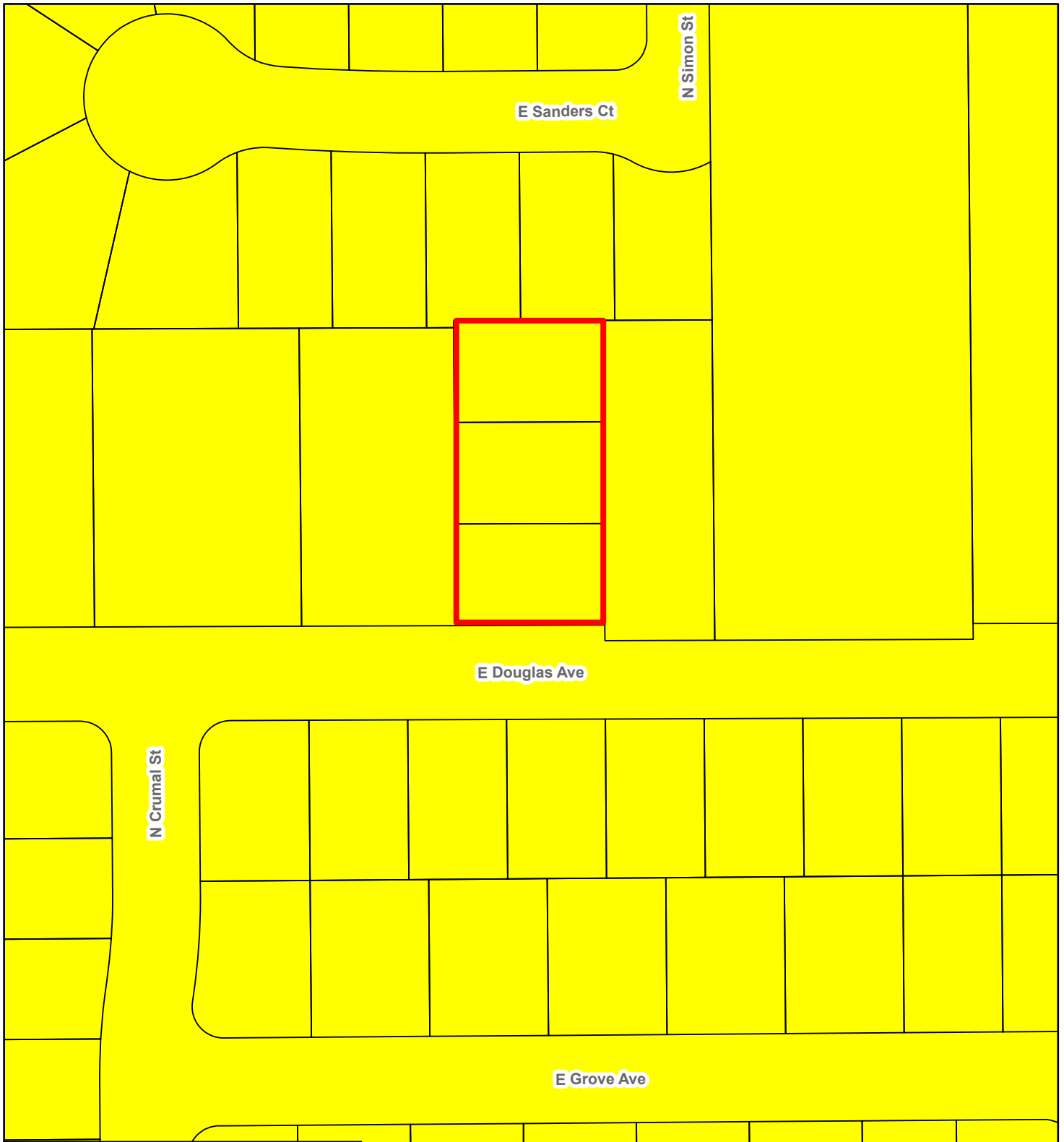
CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

23044

March 22, 2023

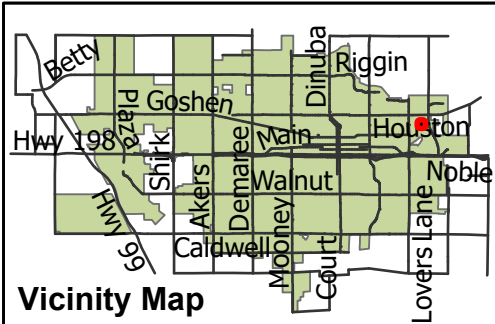
<input type="checkbox"/>	No comments.
<input checked="" type="checkbox"/>	See comments below
<input type="checkbox"/>	Revisions required prior to submitting final plans. See comments below.
<input type="checkbox"/>	Resubmittal required. See comments below.
<input checked="" type="checkbox"/>	Customer 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 checked="" 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 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 checked="" 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 checked="" 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.
<div style="border: 1px solid black; padding: 2px;">Comment</div>	City standard (3-can) residential services to be assigned per address. Customer is aware that residents will be required to roll cans out to E. Douglas for scheduled collections. Solid waste services to include trash, recycle, and organic collections per the State of California's mandatory recycling laws (AB341 & AB1826). Jason Serpa, Solid Waste Manager, 559-713-4533 Edward Zuniqa, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532





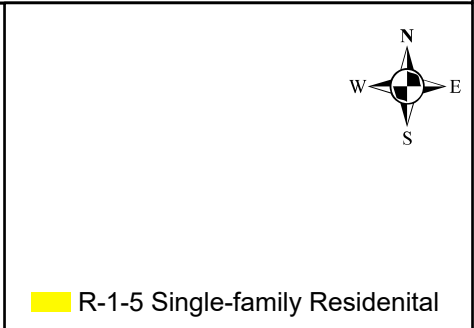
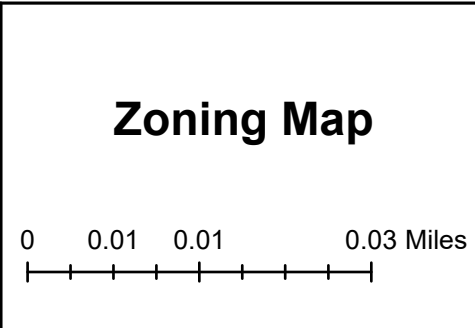
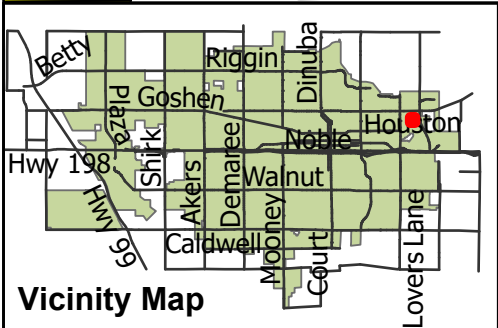
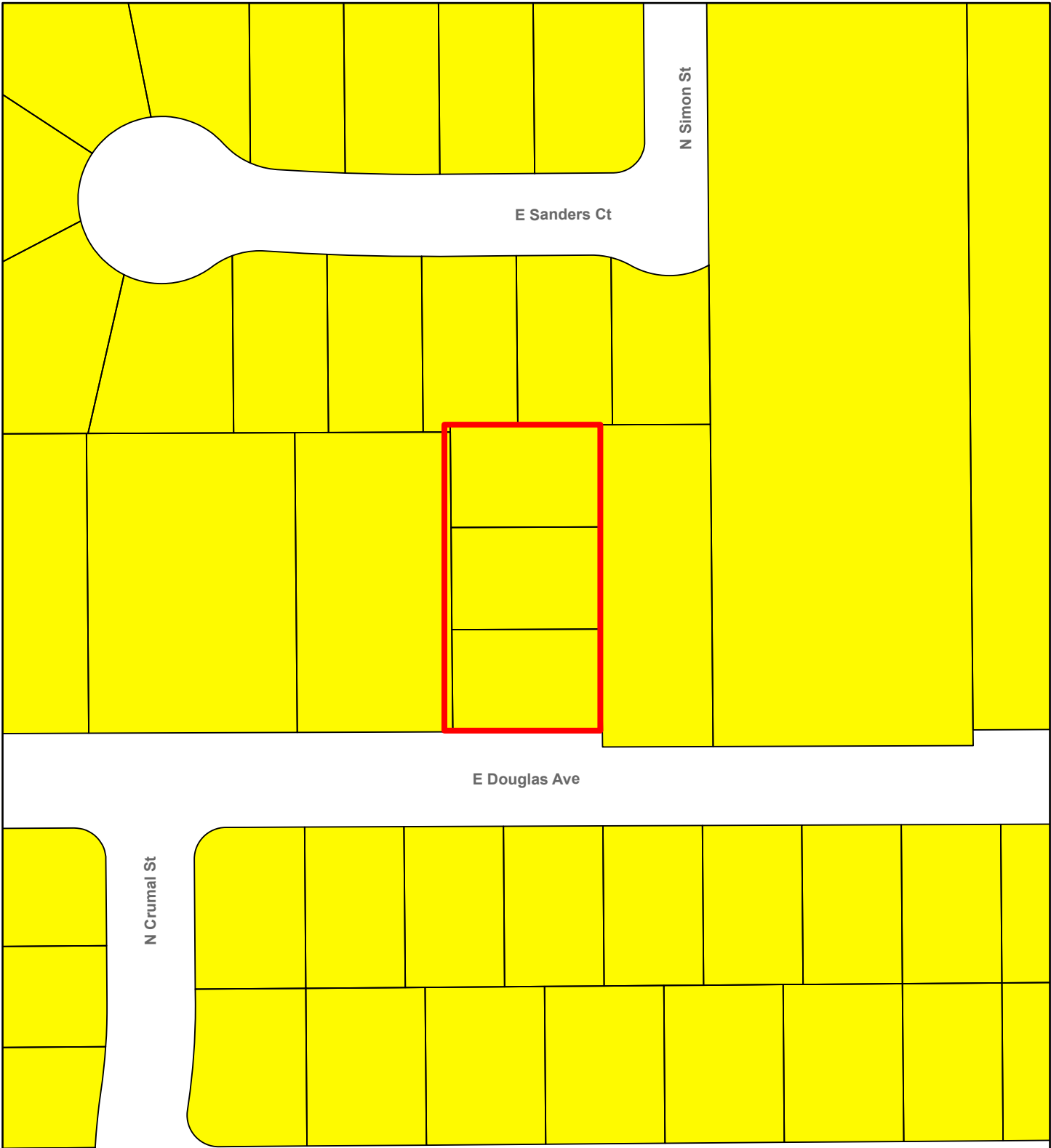
E Douglas Ave



Aerial Map

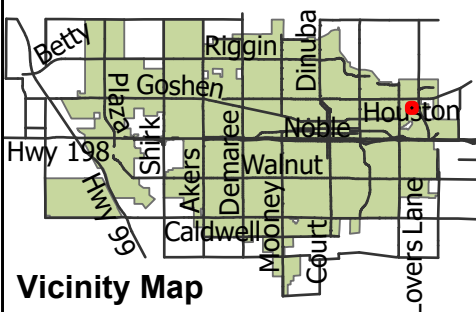
0 0.01 0.01 0.02 Miles





E Sanders Ct

E Douglas Ave



Vicinity

0 0.01 0.01 0.02 Miles





REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 10, 2024

PROJECT PLANNER: Josh Dan, Senior Planner
Phone No.: (559) 713-4003
E-Mail: josh.dan@visalia.city

SUBJECT: **Conditional Use Permit No. 2024-21:** A request by Amy Paim with Fix Auto Visalia to establish an automotive repair shop within an existing 7,500 square foot building within the C-MU (Mixed-Use Commercial) Zone District. The project site is located at 727 East Center Avenue (APN: 094-232-005).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-21 based on the findings and conditions in Resolution No. 2024-43. The recommendation is based on the conclusion that the request is consistent with the policies of the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-21 based on the findings and conditions in Resolution No. 2024-43.

PROJECT DESCRIPTION

Conditional Use Permit (CUP) No. 2024-21 is a request by Amy Paim, with Fix Auto to permit expansion of their existing auto body repair and vehicle accessory sales business in the Commercial Mixed Use (C-MU) zone as described in the Operational Statement in Exhibit "B". The applicant's proposal is to expand the business to the entirety of an existing vacant building located at 727 East Center Avenue (shown in "Figure 1" below). The existing space measures 7,500 square feet as shown in Exhibit "A". The building was previously occupied by an automotive glass and window tint shop.

The applicant has detailed in the Operational Statement (Exhibit "B") that the existing business location (620 E. Center Ave.) is where all customer interactions will occur. The existing facility operations include the dismantling and repair of exterior vehicle components. Automotive repair technicians on site regularly work to repair, paint, and (re)install these new or repaired components on customer vehicles.

The operational statement further details that the relative proximity of the project site makes it ideal for the business owner to expand similar operations into the new facility building. The new facility will facilitate the workarea for minor repair work- dismantling and reassembling vehicular components. Only four (4)



employees will be at the new facility and it will retain similar hours of operation; Monday through Friday from 8:00 AM to 5:00 PM. It should be noted that there is no expected alteration to the exterior of the facility.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Mixed Use
Zoning:	C-MU
Surrounding Zoning and Land Use:	North: C-MU / Various commercial uses – E. Center Avenue South: C-MU / Vacant lot East: C-MU / Parking lot for nearby businesses West: C-MU / Vacant lot
Environmental Document	Categorical Exemption No. 2024-36
Site Plan:	Site Plan Review No. 2024-071

RELATED PLANS AND POLICIES

Please see attached summary of related plans and policies.

RELATED PROJECTS

There is no related project associated with the site.

PROJECT EVALUATION

Staff supports Conditional Use Permit No. 2024-21, as conditioned, based on the project’s consistency with the General Plan and the Zoning Ordinance. The request for automotive repair uses is consistent with the building design and the adjacent land uses within the approximate vicinity and along East Center Avenue.

Land Use Compatibility

Automotive repair was a use that was ultimately listed as a Conditionally Permitted use in the C-MU zone during the 2017 Comprehensive Zoning Ordinance update. During the 2017 update, the City Council and Planning Commission received testimony regarding the reduction of Service Commercial property, particularly along the Ben Maddox Way corridor, and requested that Automotive repair be listed in another commercial zones to facilitate this use in other locations throughout the community. As a result, the use was included as a conditionally permitted use in the C-MU zone, and through the CUP process, potential impacts are addressed thereby ensuring compatibility between the proposed use and existing surrounding uses.

There are several automotive related uses which are “Permitted” in the C-MU zone, including tire sales and service, auto oil, lube and smog test shops, auto parts sales, and automotive glass shops. A mixture of comparable commercial retail and service type uses are currently located within the vicinity of the project site, including automotive repair businesses located to the east and west of the site.

Parking

The building at 727 E. Center Avenue measures 7,500 square feet and occupies the entire parcel. Per the site development, there is no onsite parking provided. However, the project site is located in Parking District A and pursuant to Section 17.30.030.B of the Zoning ordinance, Parking District A allows for the replacement of up to 100 hundred percent of the required parking via payment of parking in-lieu fees. A review of prior uses of the site has established the site has

historically been used for a variety of automotive uses. The proposed use is consistent with prior uses and therefore no additional parking is required. Furthermore, per AB 1097, the City is prohibited from imposing minimum parking requirements due to the sites proximity to a major transit stop.

Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities. (Categorical Exemption No. 2024-36). This exemption is based on the project is a request to lease and exiting building with no description of alteration or intensification of the site.

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities. (Categorical Exemption No. 2024-36). This exemption is based on the project is a request to lease and exiting building with no description of alteration or intensification of the site.

RECOMMENDED CONDITIONS OF APPROVAL

1. That the use operates in substantial compliance with the comments from the approved Site Plan Review No. 2024-071.
2. That the use be operated in substantial compliance with the Floor Plan in Exhibit “A”.
3. That the applicant complies with their operational statement as stated in Exhibit “B”. Any changes to their operation are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
4. That the site is subject to and shall comply with the City of Visalia Community Noise standards as set forth in the Noise Ordinance.
5. That any proposed signage shall be by separate permit.
6. That all other Federal, State, Regional, and City codes and ordinances be met.

APPEAL INFORMATION

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

Attachments:

- Related Plans and Policies
- Resolution No. 2024-43
- Exhibit "A" – Floor Plan
- Exhibit "B" – Operational Statement
- Site Plan Review Comments No. 2024-071
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

Zoning Ordinance, Title 17 of Visalia Municipal Code

Excerpts from Chapter 17.38: Conditional Use Permits

17.38.010 Purposes and powers.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.080 Public hearing--Notice.

A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.

B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing, and by publication in a newspaper of general circulation within the city.

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval.

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;

2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to

the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.

C. The commission may deny an application for a conditional use permit.

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

Chapter 17.19

MIXED USE ZONES

Sections:

- 17.19.010 Purpose and intent.**
- 17.19.015 Applicability.**
- 17.19.020 Permitted uses.**
- 17.19.030 Conditional and temporary uses.**
- 17.19.040 Required conditions.**
- 17.19.050 Off-street parking and loading facilities.**
- 17.19.060 Development standards in the C-MU zones outside the core area.**
- 17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the core area.**

17.19.010 Purposes.

A. The several types of mixed zones included in this chapter are designed to achieve the following:

1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
3. Provide zone districts that encourage and maintain vibrant, walkable environments.

B. The purposes of the individual mixed use zones are as follows:

1. **Mixed Use Commercial Zone—(C-MU).** The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
2. **Mixed Use Downtown Zone—(D-MU).** The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city.

RESOLUTION NO. 2024-43

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-21, A REQUEST BY AMY PAIM WITH FIX AUTO VISALIA TO ESTABLISH AN AUTOMOTIVE REPAIR SHOP WITHIN AN EXISTING 7,500 SQUARE FOOT BUILDING WITHIN THE C-MU (MIXED-USE COMMERCIAL) ZONE DISTRICT. THE

WHEREAS, Conditional Use Permit No. 2024-21, is request by Amy Paim with Fix Auto Visalia to establish an automotive repair shop within an existing 7,500 square foot building within the C-MU (Mixed-Use Commercial) Zone District. The project site is located at 727 East Center Avenue (APN: 094-232-005); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 10, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2024-21, as conditioned, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities. (Categorical Exemption No. 2024-36). This exemption is based on the project is a request to

lease and exiting building with no description of alteration or intensification of the site.

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

1. That the use operates in substantial compliance with the comments from the approved Site Plan Review No. 2024-071.
2. That the use be operated in substantial compliance with the Floor Plan in Exhibit "A".
3. That the applicant complies with their operational statement as stated in Exhibit "B". Any changes to their operation are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
4. That the site is subject to and shall comply with the City of Visalia Community Noise standards as set forth in the Noise Ordinance.
5. That any proposed signage shall be by separate permit.
6. That all other Federal, State, Regional, and City codes and ordinances be met.

Exhibit "A"

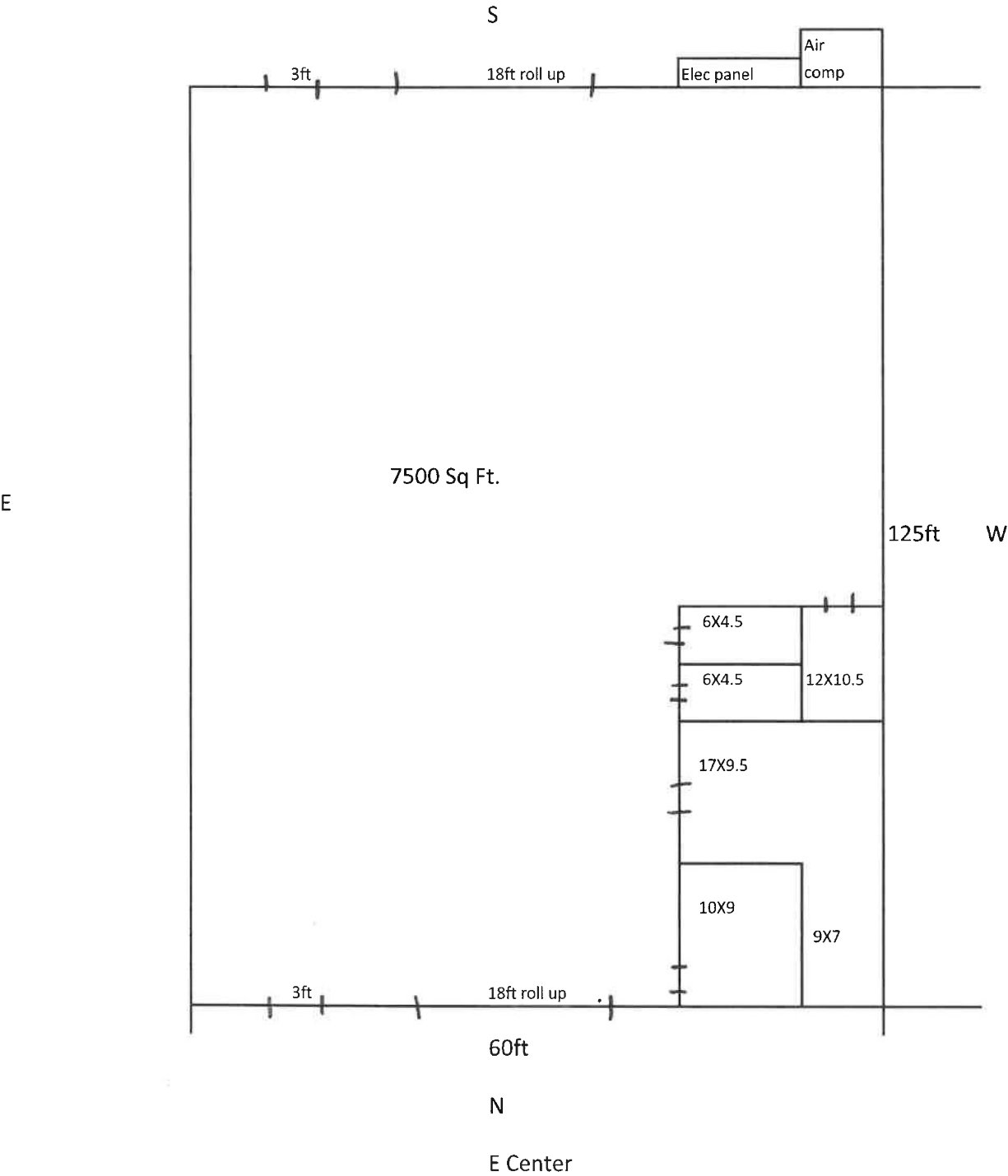


Exhibit "B"

Operational Statement for Fix Auto Visalia

727 E. Center Ave.

Visalia, CA 93292

Fix Auto Visalia is located at 620 E. Center Ave. and is the main location of our auto body repair facility. At Fix Auto Visalia we repair damage to exterior parts of vehicles. We restore cars after minor or major collision and replace and repair bumpers, body parts and other non-engine components. We have a full paint booth to repaint vehicles and match to factory colors. All customer communications and transactions are held at 620 E. Center Ave.

Fix Auto Visalia at 727 E. Center Ave. is a secondary location. This building will initially be used for minor collision vehicle repairs. Techs will remove the damaged part, repair that part and replace it back on the vehicle. They may also remove a damaged part and replace it with a brand-new part. In the future, with growth and expansion, we hope to use this facility as a stand-alone business where we can do all the same work as 620 E. Center Ave.

There will be four employees that will work at the secondary location. They will park at the main location and walk across the street. This secondary location will not have any customers, all customer transactions will take place at the main location at 620 E. Center Ave.

There are no changes being made to the location other than to paint the outside down the road.

We strive to have a clean and tidy workspace and make sure to do our best to have nice looking buildings and businesses.



May 15, 2024

Site Plan Review No. 2024-071:

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

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

This is your Site Plan Review Permit; your Site Plan Review became effective **April 17, 2024**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Paul Bernal', is written over a horizontal line.

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

Attachment(s):

- Site Plan Review Comments



MEETING DATE April 17, 2024
SITE PLAN NO. 2024-071
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

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

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

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

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

☒ **REVISE AND PROCEED** (see below)

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

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

☒ Your plans must be reviewed by:

<input type="checkbox"/> CITY COUNCIL	<input type="checkbox"/> REDEVELOPMENT
<input checked="" type="checkbox"/> PLANNING COMMISSION	<input type="checkbox"/> PARK/RECREATION
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT (CUP) REQUIRED	
<input type="checkbox"/> HISTORIC PRESERVATION	<input type="checkbox"/> OTHER:

☒ **ADDITIONAL COMMENTS:**

SEE ATTACHED COMMENTS

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

SITE PLAN REVIEW COMMENTS

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

Date: April 17, 2024

SITE PLAN NO: 2024-071

PROJECT TITLE: Fix Auto Visalia

DESCRIPTION: Large metal building with an office, breakroom and two restrooms. Large open floor plan where we will be removing and replacing car parts. No customers will be at this location

APPLICANT: Amy Paim

LOCATION: 727 E CENTER AVE

APN: 094-232-005

GENERAL PLAN: CMU (MIXED USE Commercial)

EXISTING ZONING: C- MU (MIXED USE Commercial)

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit (CUP)
- Building Permit

PROJECT SPECIFIC INFORMATION: April 17, 2024

1. VMC Zone Use Table 17.25.030 line A16 lists Auto Repair uses as conditionally permitted in the C-MU zone. A Conditional Use Permit (CUP) shall be required.
2. An Operational Statement shall be required with CUP submittal. The statement shall include information on the use, type of equipment (i.e. bays, lifts, etc.), number of employees, and hours of operation.
3. A Floor Plan shall be required with CUP submittal, indicating total size (in square feet) of the tenant space and all additional rooms.
4. A Site Plan shall be required with CUP submittal indicating adjacent uses.
5. The project site lies within a ½ mile (0.17 miles) of a major transit center/stop (Visalia Transit Center) and is consistent with Assembly Bill 2097, minimum parking requirements do not apply to this project.
6. Parking on unimproved surfaces is not permitted at any time.
7. Signage shall require a separate building permit.
8. Obtain a Building Permit for all new work proposed.
9. Comply with all other comments, codes, and ordinances.

NOTES:

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

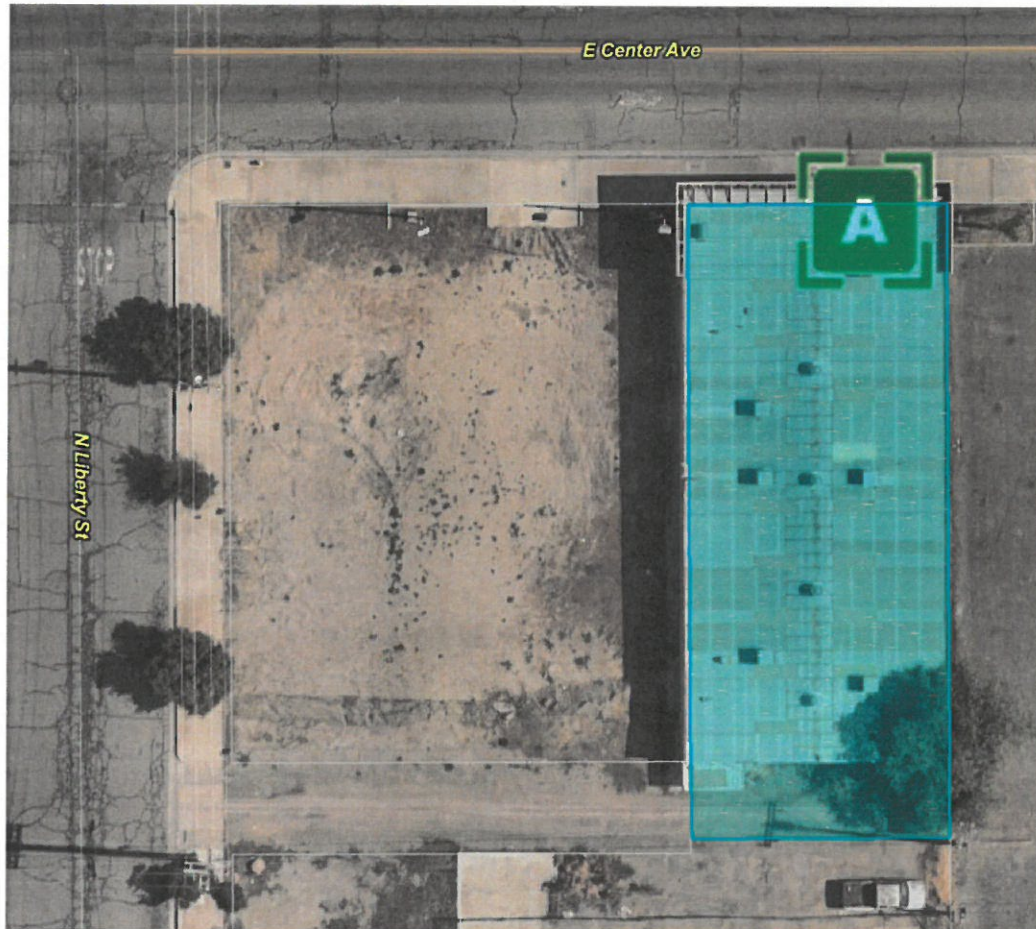
Sections of the Municipal Code to review:

- 17.19 Mixed Use Zones
- 17.25 Zone Use Matrix
- 17.34 Off-street parking and loading facilities

Accessible at https://codelibrary.amlegal.com/codes/visalia/latest/visalia_ca/0-0-0-33310

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

Signature: _____



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

SITE PLAN REVIEW COMMENTS

☒ REQUIREMENTS (indicated by checked boxes)

☐ Install curb return with ramp, with _____ radius;

☐ Install curb; ☐ gutter

☐ Drive approach size: ☒ Use radius return;

☐ Sidewalk: _____ width; ☐ _____ parkway width at

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

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

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

☐ Deed required prior to issuing building permit;

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

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

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

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

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

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

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

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

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

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

ITEM NO: 6 DATE: APRIL 17TH, 2024

SITE PLAN NO.: 24-071
PROJECT TITLE: CALERTON ACRES MEDIUM DENSITY
DESCRIPTION: LARGE METAL BUILDING WITH AN OFFICE, BREAKROOM AND TWO RESTROOMS. LARGE OPEN FLOOR PLAN WHERE WE WILL BE REMOVING AND REPLACING CAR PARTS. NO CUSTOMERS WILL BE AT THIS LOCATION

APPLICANT: AMY PAIM
PROP OWNER: FIX AUTO VISALIA
LOCATION: 727 E CENTER AVE, UNIT #A
APN: 094-232-005

- ☐ Traffic indexes per city standards:
- ☐ Install street striping as required by the City Engineer.
- ☐ Install landscape curbing (typical at parking lot planters).
- ☐ Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- ☐ Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- ☐ Provide "R" value tests: **1** each at **300' INTERVALS**
- ☐ 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. **REQUIRED WITH DEVELOPMENT**
- ☐ Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding. **REQUIRED WITH DEVELOPMENT**
- ☐ Subject to existing Reimbursement Agreement to reimburse prior developer:
- ☒ Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- ☒ If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- ☒ If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- ☐ Comply with prior comments. ☐ Resubmit with additional information. ☐ Redesign required.

Additional Comments:

1. A building permit is required, standard plan check and inspection fees will apply.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **24-071**

Date: **04/17/2024**

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

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

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

(Project type for fee rates: **COMM/SERVICE**)

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

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

Reimbursement:

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



Sarah MacLennan

City of Visalia
Building: Site Plan
Review Comments

SPR24071
FIX AUTO VISALIA
727 E CENTER AVE

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

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

Additional comments:

**ALL EXTERIOR EXIT DOORS SHALL
REMAIN USABLE FOR EGRESS.
DO NOT LOCK OR BLOCK ANY
EXIT DOORS.**

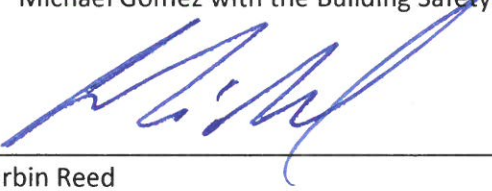
VAL GARCIA 4/16/24
Signature

**Site Plan Comments**

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

Date	April 17, 2024
Item #	6
Site Plan #	24071
APN:	094232005

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2022 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2022 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2022 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 506.1
- If your business handles **hazardous material** in amounts that exceed the Maximum Allowable Quantities listed on Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2022 California Fire Code, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.
- **Special comments:** Address shall be brought into compliance with City of Visalia's Addressing Policy. Contact Michael Gomez with the Building Safety Division for additional information. 559-713-4320



Corbin Reed
Fire Marshal



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

Date: 04/17/24
Item: 6
Site Plan: SPR24071
Name: Robert Avalos

Site Plan Review Comments

- ☐ No Comment at this time.
- ☐ Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- ☐ Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- ☐ Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of 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:
ample lighting to help deter crime
- ☐ Traffic Concerns:
- ☒ Surveillance Issues:
exterior surveillance cameras to help deter crime
- ☐ Line of Sight Issues:
- ☐ Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 17, 2024

ITEM NO: 6 Added to Agenda

SITE PLAN NO: [SPR24071](#)

MEETING TIME: 10:15

ASSIGNED TO: Colleen Moreno Colleen.Moreno@visalia.city

PROJECT TITLE: Fix Auto Visalia

DESCRIPTION: large metal building with an office, breakroom and two restrooms. Large open floor plan where we will be removing and replacing car parts. No customers will be at this location.

APPLICANT: Amy Paim - Applicant

APN: 094232005

ADDRESS: 727 E CENTER AVE UNIT A

LOCATION: 727 E. Center Ave. Visalia CA 93292

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

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

Additional Comments:

•

Leslie Blair

Leslie Blair

Susan Currier

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

Hi,

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

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

Respectfully,

Scott Lau

Associate Transportation Planner

California Department of Transportation
District 6 Transportation Planning – Regional
1352 West Olive Ave, Fresno, CA 93728
Phone: 559.981.7341
Web: [Caltrans District 6](#)





SITE PLAN REVIEW DATE: 04/16/2024

WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 24071

PROJECT NAME: FIX AUTO VISALIA

THE PROJECT IS SUBJECT TO THE FOLLOWING REQUIREMENTS FROM WASTEWATER
PRETREATMENT DIVISION (QUALITY ASSURANCE):

☒ SUBMISSION OF WASTEWATER DISCHARGE PERMIT
APPLICATION/QUESTIONNAIRE/OTHER REGULATORY FORMS

- FORM REQUIRED AUTOMOTIVE QUESTIONNAIRE
- FORM REQUIRED
- FORM REQUIRED

☒ INSTALLATION OF SAND AND GREASE INTERCEPTOR

☐ INSTALLATION GREASE INTERCEPTOR

☒ OTHER INSTALLATION OF OIL WATER SEPARATOR

☐ SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER DEPARTMENT AT (559) 713-4466 OR
BEN.LITWACK@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS

SEE ATTACHED

DATE REVIEWED: 4/15/2024



CALIFORNIA WATER SERVICE

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

Site Plan Review Comments From:

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

Date: 04/17/2024

Item # 6

Site Plan # 24-071

Project: Fix Auto

Description: Auto Repair Facility

Applicant: Amy Paim

APN: 094-232-005

Address: 727 E Center

The following comments are applicable when checked:

☐ No New Comments

☐ **Water Mains:**
Comments:

☒ **Water Services:**

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

☒ **Fire Hydrants:**

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

☒ **Backflow Requirements:**

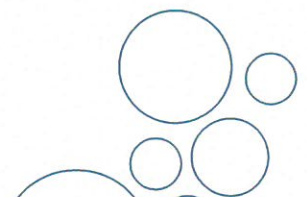
Comments: A backflow is required if any parcel is for multi-family, commercial, or has multiple services. Please contact Cross Connection Control Specialist Juan Cisneros at 559-624-1670 or visaliabackflow@calwater.com for a backflow install packet.

Additional Comments:

☒ Please contact New Business Superintendent Sedelia Sanchez at 559-624-1621 or ssanchez@calwater.com to start you project with Cal Water.

☐

☐



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

24071

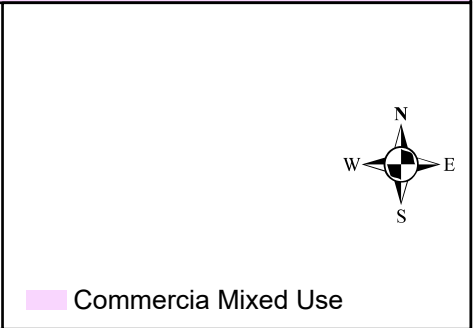
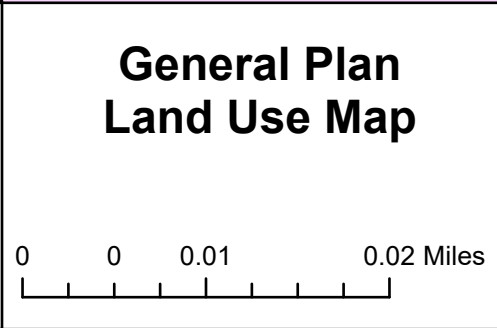
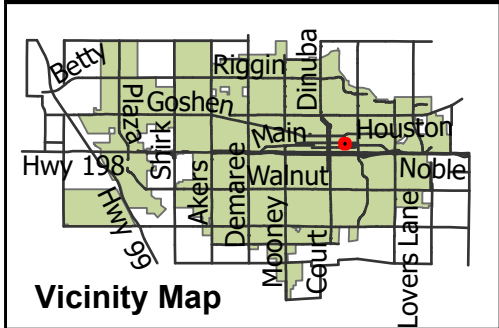
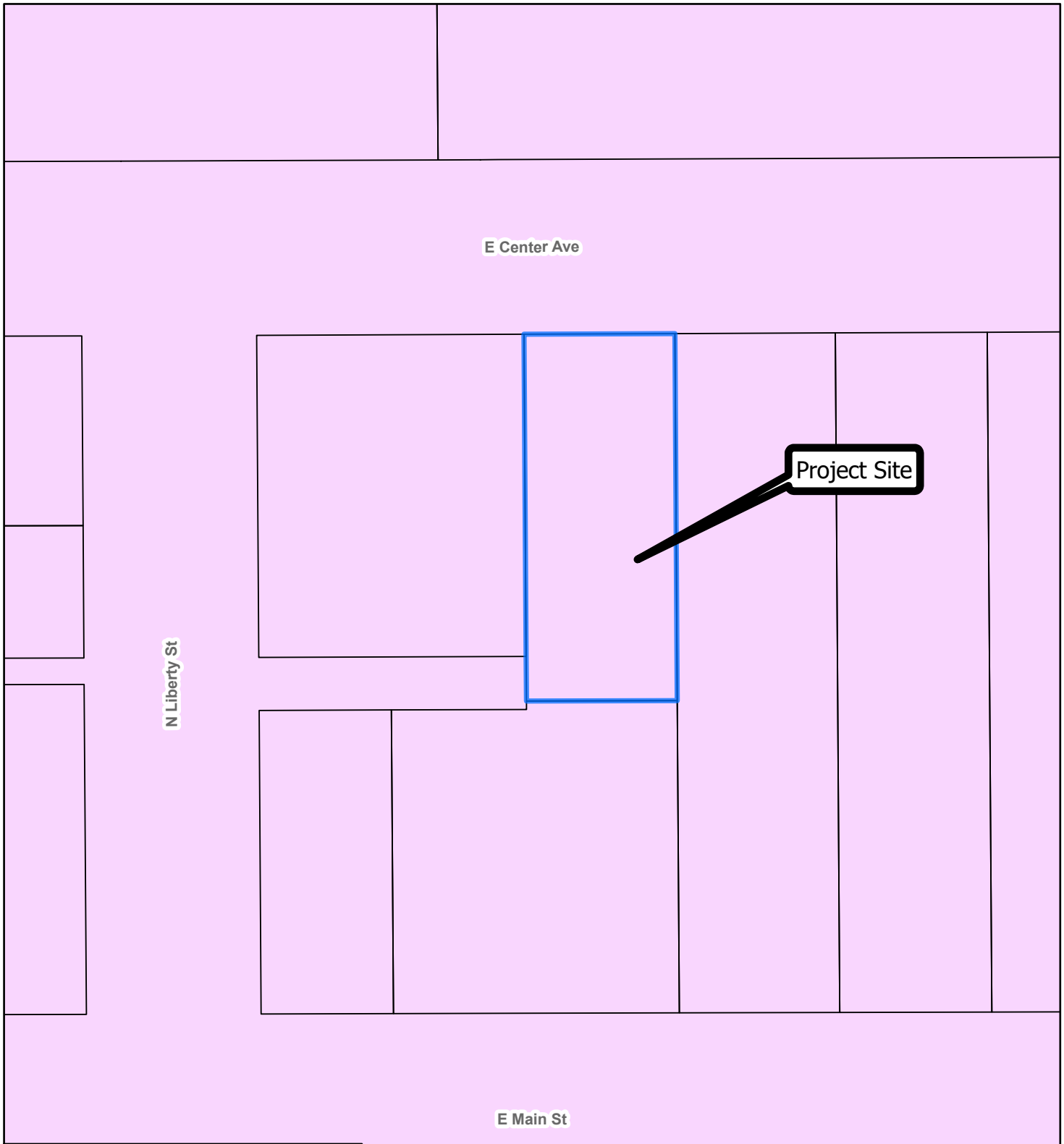
April 17, 2024

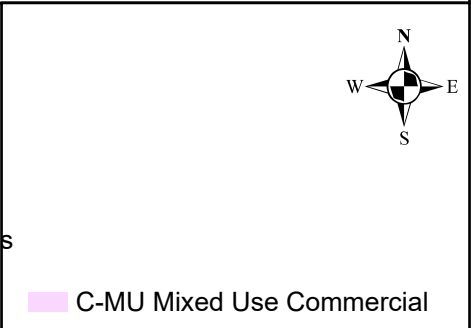
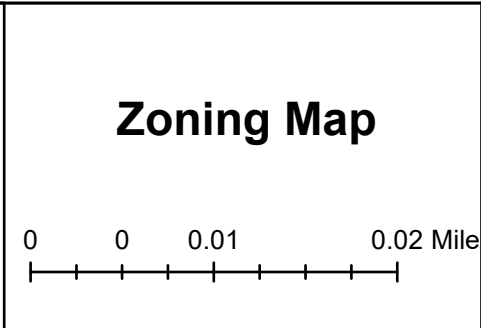
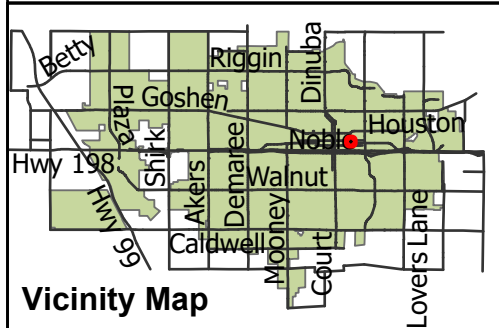
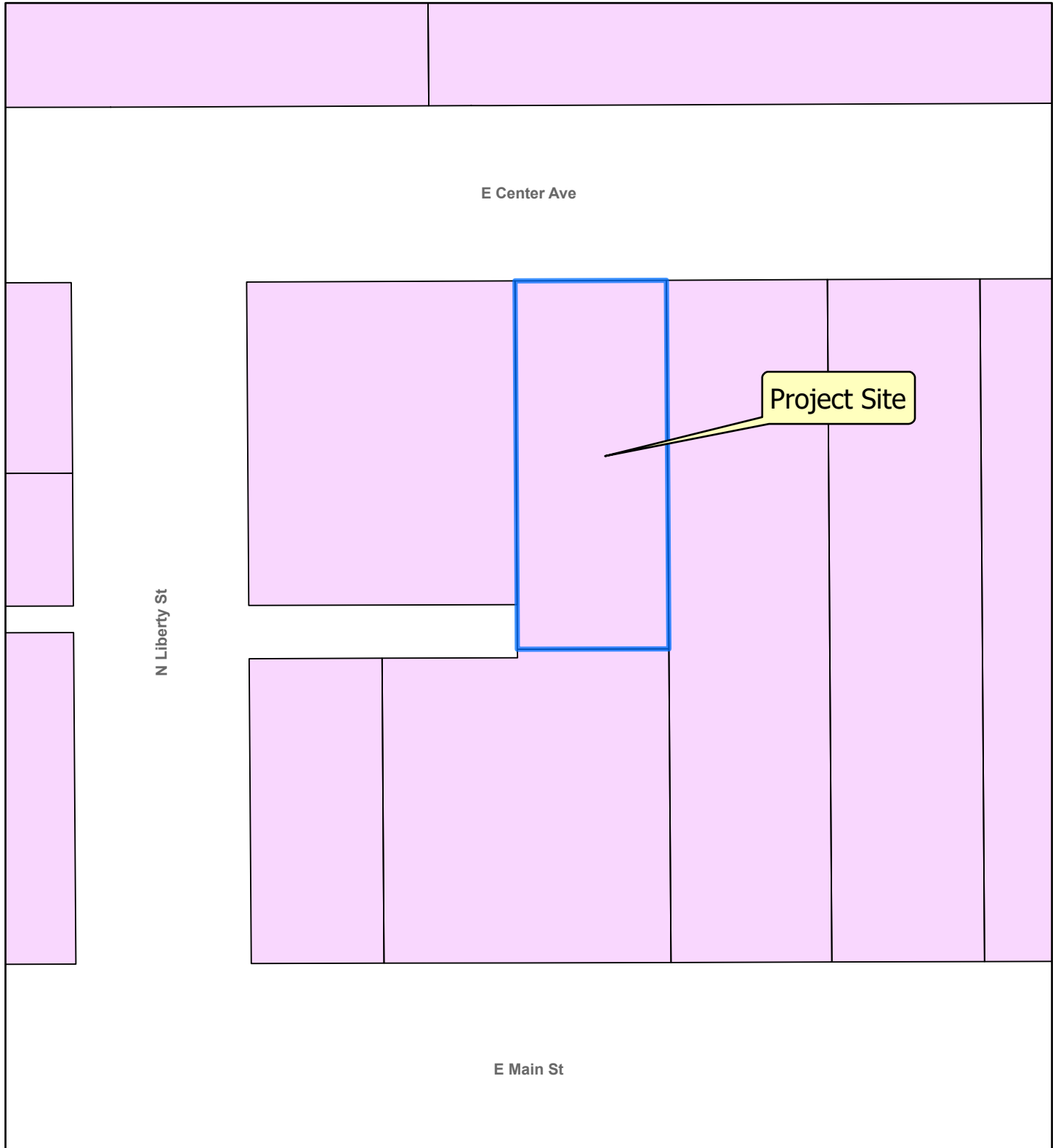
- ☐ No comments.
- ☒ See comments below
- ☐ Revisions required prior to submitting final plans. See comments below.
- ☐ Resubmittal required. See comments below.
- ☒ Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ☐ ALL refuse enclosures must be city standard R-1 OR R-2 & R-3 OR R-4
- ☐ Customer must provide combination or keys for access to locked gates/bins
- ☐ Type of refuse service not indicated.
- ☐ Location of bin enclosure not acceptable. See comments below.
- ☐ Bin enclosure insufficient to comply with state recycling mandates. See comments for suggestions.
- ☐ Inadequate number of bins to provide sufficient service. See comments below.
- ☐ Drive approach too narrow for refuse trucks access. See comments below.
- ☐ Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- ☒ Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- ☐ Bin enclosure gates are required
- ☐ Hammerhead turnaround must be built per city standards.
- ☐ Cul - de - sac must be built per city standards.
- ☐ Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- ☐ Area in front of refuse enclosure must be marked off indicating no parking
- ☐ Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- ☐ Customer will be required to roll container out to curb for service.
- ☐ Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- ☐ Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- ☒ City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- ☐ Solid waste services already assigned to this site. Customer confirmed no changes needed to current solid waste plan.

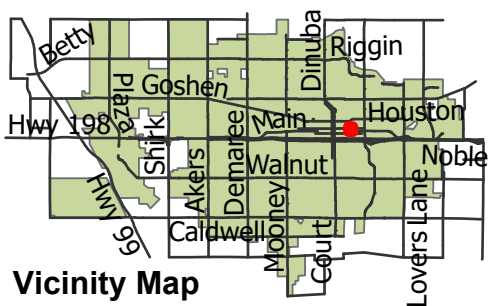
Comment

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

Nathan Garza, Solid Waste, 559-713-4532



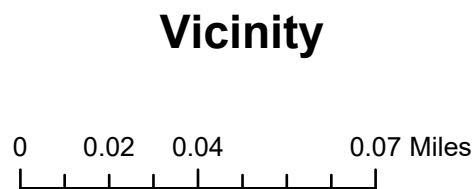
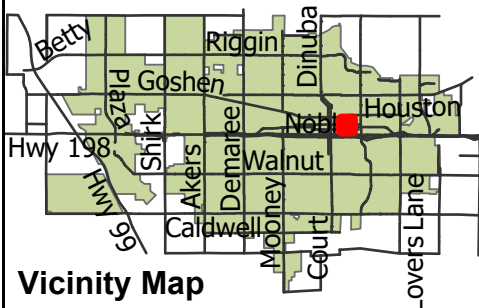
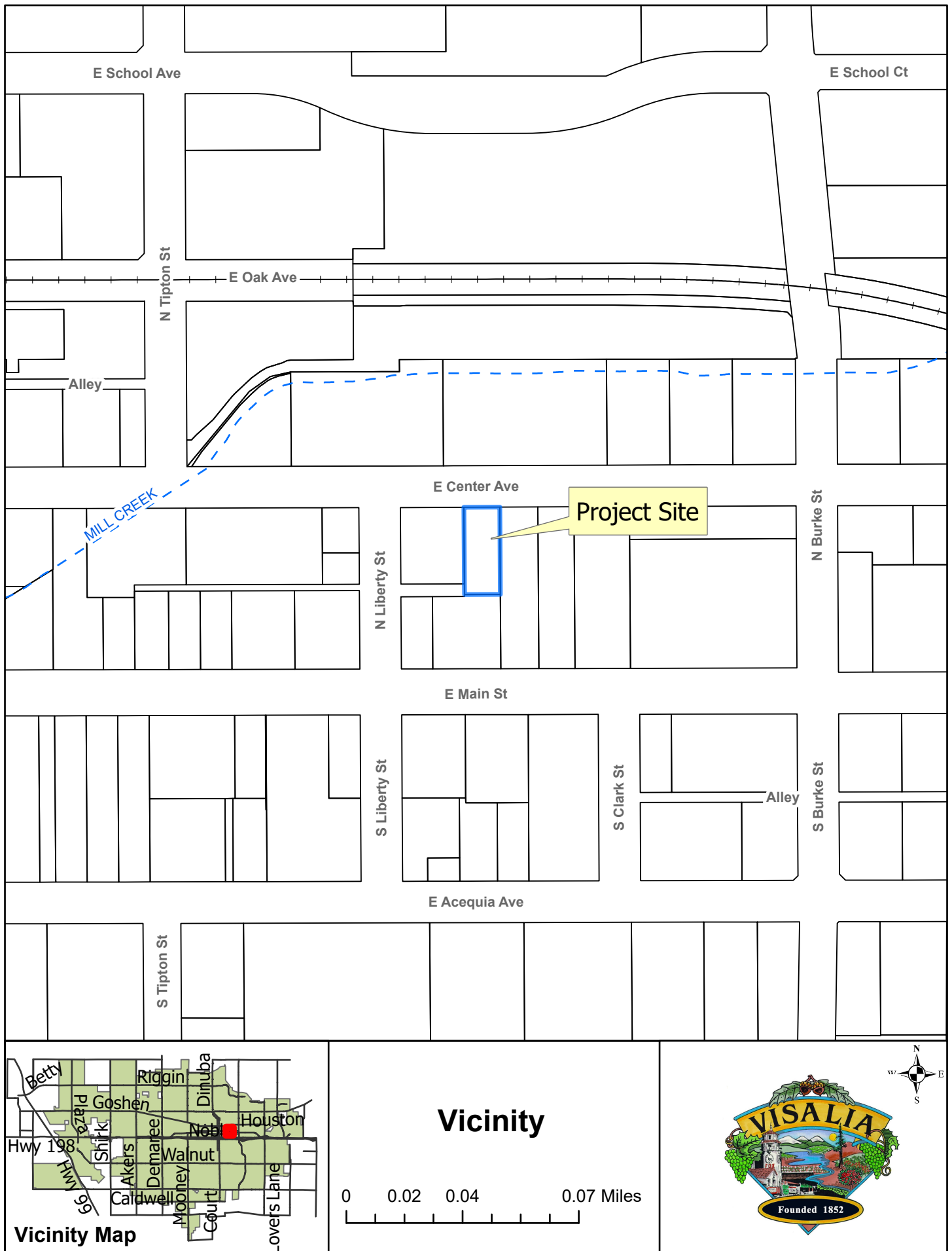




Aerial Map

0 0.01 0.01 0.03 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: June 10, 2024

PROJECT PLANNER: Colleen A. Moreno, Assistant Planner
Phone: (559) 713-4031
Email: colleen.moreno@visalia.city

SUBJECT: Teakwood Estates Tentative Subdivision Map No. 5599: A request to subdivide 7.26 acres of R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) zoned property into a 35-lot single-family residential subdivision. The site is located on the southeast corner of East Roosevelt Avenue and North Simon Street (APN: 103-280-032 & 103-280-081).

STAFF RECOMMENDATION

Staff recommends approval of Teakwood Estates Tentative Subdivision Map No. 5599, as conditioned, based on the findings and conditions in Resolution No. 2024-23. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning, and Subdivision Ordinances, Housing Accountability Act (Government Code section 65589.5) and the Visalia Housing Element.

RECOMMENDED MOTION

I move to approve Teakwood Estates Tentative Subdivision Map No. 5599 based on the findings and conditions in Resolution No. 2024-23.

PROJECT DESCRIPTION

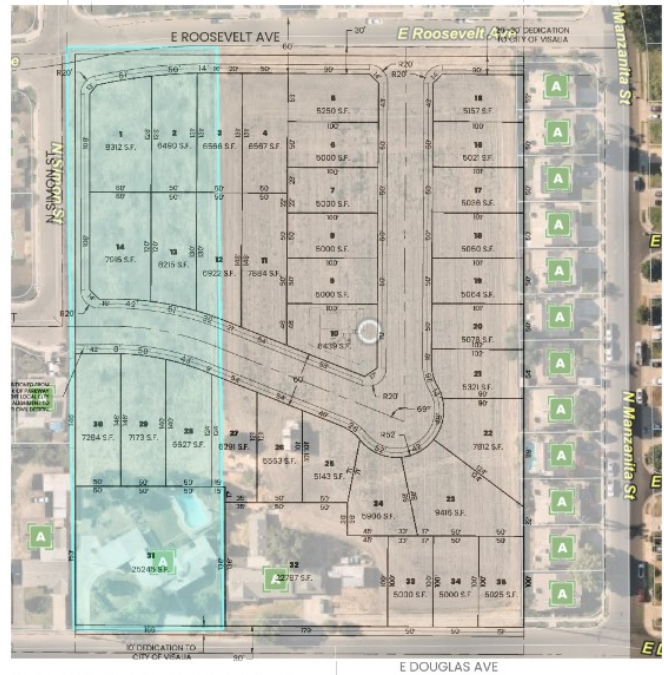
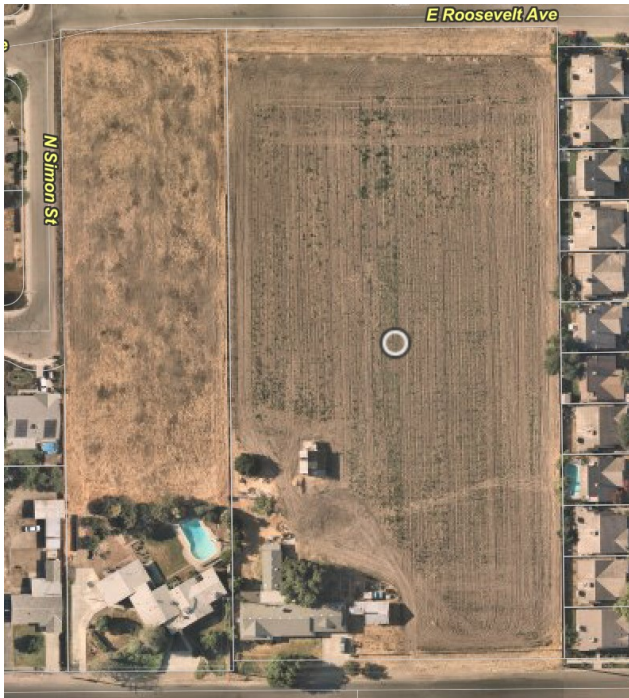
Per Exhibit A, Teakwood Estates is a request to subdivide two infill parcels totaling 7.26 acres into a 35-lot single-family residential subdivision. The proposed subdivision will be developed at a density of 4.82 units per acre which is consistent with the Residential Low Density land use designation for the site. The project will adhere to the R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) designation ensuring compatibility with the General Plan designation of the parcels.

The average lot size for the subdivision is 7,192 square feet, with the minimum lot size being 5,000 square feet and the maximum lot size being 25,245 square feet (existing residence on lot 31). Each lot within the proposed subdivision will follow the R-1-5 setbacks:

Minimum Lot Area	Front	Side	Street Side	Rear
5,000 sq. ft.	15-ft to habitable space. 22-ft to garage	5-ft	10-ft	25-ft

Per the Site Plan (Exhibit A), the project will incorporate the two existing single-family residences located south of the proposed subdivision with frontage along East Douglas Avenue.

The proposed subdivision will include the installation of local city standard streets. Project improvements will include the installation of pavement, curb and gutter, sidewalk, parkway landscaping with street trees, and streetlights along the proposed local street, and along the frontages of both East Roosevelt Avenue and East Douglas Avenue. The proposed local street will extend the existing East Sanders Court eastward and will connect to East Roosevelt Avenue located to the north.



BACKGROUND INFORMATION

General Plan Land Use Designation:	Residential Low Density
Zoning:	R-1-5 (Single-family Residential, 5,000 sq. ft. min. lot size)
Surrounding Zoning and Land Use:	North: R-1-5 / Golden West Village No. 2 South: R-1-5 / Kirkwood Estates Unit No. 3 East: R-1-5 / Golden West Village No. 1 West: R-1-5 / Golden West Estates No. 2
Environmental Review:	Notice of Exemption No. 2024-21
Special Districts:	None
Site Plan Review:	SPR No. 2023-158

PROJECT EVALUATION

Staff recommends approval of Teakwood Estates Tentative Subdivision Map No. 5599, as conditioned, based on the project's consistency with the Land Use Element of the Visalia General Plan, Housing Element, Housing Accountability Act (Government Code section 65589.5), Zoning, and Subdivision Ordinances. The subdivision map proposes to develop a parcel of land that is designated for residential development at a density prescribed in the 2030 Visalia General Plan. Furthermore, the project is providing housing that meets the City's Regional Housing Needs for the moderate-income level.

General Plan Consistency

Land Use Element Policies

The proposed 35-lot single family residential subdivision is compatible with existing residential development surrounding the site, which contain lots of similar size and land use classification. The project is consistent with General Plan Policies which emphasize infill development for additional housing opportunities. Specifically, Policy LU-P-19 of the General Plan, which states "*ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy.*" The project also falls within the Infill Development Incentives, Policy LU-P-45, which looks to "*promote development of vacant, underdeveloped, and/or redeveloped land within the City limits where urban services are available...in order to reduce the need for annexation and conversion of prime agricultural land.*" Furthermore, existing utility infrastructure (i.e. sewer, storm, and water) can be extended from nearby urban development to accommodate the project build out.

Housing Accountability Act (Government Code section 66589.5)

The Housing Accountability Act (HAA) requires local agencies to approve housing developments that are consistent with applicable general plan, zoning, and subdivision standards, including design review, if they were in effect at the time that the housing development application was deemed complete. A local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and that there is no feasible way to mitigate or avoid the impact.

The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance, and development standards for the R-1-5 Zone. The lots proposed also meet density standards for the Low-Density Residential land use designation and will be compatible with surrounding developed residential areas. Furthermore, the subdivision will facilitate street connectivity through the development of a local street within the neighborhood.

Street Improvements

Currently there is no through access into the parcel, however, as part of the proposal the developer proposes the installation of a local city standard street with a bulb connection through the proposed subdivision. The new local street will improve street connectivity through the parcel and will further benefit the surrounding areas through the improvement of parcel frontages along East Roosevelt Avenue and East Douglas Avenue with curb, gutter, sidewalk, landscaping, and street lighting. The subdivision will also extend East Sanders Court through the subdivision which currently terminates at a cul-de-sac at the west end of the parcel.

The required street improvements are called out within the Site Plan Review comments for this project, which are conditioned as part of the project via Condition of Approval No. 1.

Subdivision Map Act Findings

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

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

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision Map. There are no specific plans applicable to the proposed map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision Map. There are no specific plans applicable to the proposed map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Low Density Residential and developed at a density of 4.82 units per acre. This is included as recommended Finding No. 3 of the Tentative Subdivision Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed map and its affiliated development plan for the proposed Low Density Residential land use designation. This is included as recommended Finding No. 4 of the Tentative Subdivision Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvement of the map has not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project’s determination of no new effects under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 6 of the Tentative Subdivision Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has been found to not cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Subdivision Map.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 5 of the Tentative Subdivision Map.

Environmental Review

State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” A Notice of Exemption was prepared for the Teakwood Estates Tentative Subdivision Map No. 5599. Notice of Exemption No. 2024-21 disclosed that no additional environmental review is required based upon the project being consistent with the development density established by the City’s General Plan and based upon no further project-specific effects that are peculiar to the project or the site. Staff therefore recommends that Notice of Exemption No. 2024-21 be adopted for this project.

RECOMMENDED FINDINGS

1. That the proposed location and layout of the Teakwood Estates Subdivision Map No. 5599, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The 7.26-acre project site, which is the site of the proposed 35-lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states “ensure that growth occurs in a compact and concentric fashion by implementing the General Plan’s phased growth strategy.”
2. That the proposed Teakwood Estates Tentative Subdivision Map No. 5599, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative subdivision map will be compatible with adjacent land uses. The project site is bordered by existing residential development.
3. That the site is physically suitable for the proposed tentative subdivision map. The Teakwood Estates Tentative Subdivision Map No. 5599 is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is adjacent to land zoned for residential development, and the subdivision establishes a local street pattern that will serve the subject site.
4. That the site is physically suitable for the proposed tentative subdivision map and the project’s density, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Teakwood Estates Tentative Subdivision Map No. 5599, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The 7.26-acre project site, which is the site of the proposed 35-lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states “ensure that growth occurs in a compact and concentric fashion by implementing the General Plan’s phased growth strategy.”

5. That the proposed Teakwood Estates Subdivision Map No. 5599, the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The 35-lot subdivision is designed to comply with the City's Engineering Improvement Standards. The development of the site with a 35-lot single-family residential subdivision would extend local streets, infrastructure improvements, utilities, right-of-way improvements and a residential lot pattern consistent with existing residential development found in the surrounding area. The project will include the construction of local streets within the subdivision, connection to East Sanders Court on the west through the subdivision and frontage street improvements along East Roosevelt Avenue and East Douglas Avenue.
6. The Housing Accountability Act (GC section 66589.5) requires local agencies to approve housing developments that are consistent with applicable, objective general plan, zoning, and subdivision standards in effect at the time that the housing development project's application is determined to be complete. A local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate or avoid the impact. There is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance, and development standards.
7. State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." A Notice of Exemption was prepared for the Teakwood Estates Tentative Subdivision Map No. 5599. Notice of Exemption No. 2024-21 disclosed that no additional environmental review is required based upon the project being consistent with the development density established by the City's General Plan and based upon no further project-specific effects that are peculiar to the project or the site. Staff therefore recommends that Notice of Exemption No. 2024-21 be adopted for this project.

RECOMMENDED CONDITIONS

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2023-158, incorporated herein by reference.
2. That the Teakwood Estates Tentative Subdivision Map No. 5599 be developed in substantial compliance with the subdivision map in Exhibit A.
3. That a Landscape and Lighting District be established for the long-term maintenance of local roads, street lighting, sidewalks, and street trees.
4. That lots 31, 32 and 33 connect to the existing sewer main on Douglas Avenue.
5. That prior to the issuance of any residential building permit on the site, the applicant / developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
6. That all applicable federal, state, regional, and city policies and ordinances be met.

APPEAL INFORMATION

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

Attachments:

- Related Plans and Policies
- Resolution No. 2024-23
- Exhibit "A" – Operational Statement & Tentative Subdivision Map No 5599 Exhibit
- Notice of Exemption No. 2024-21
- Site Plan Review No. 2023-158
- General Plan Land Use Map
- Zoning Map
- Aerial Maps
- Vicinity Map

RELATED PLANS AND POLICIES

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

General Plan Land Use Policies:

- LU-P-19:** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.
- LU-P-45** Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.
- LU-P-46** Adopt and implement an incentive program for residential infill development of existing vacant lots and underutilized sites within the City limits as a strategy to help to meet the future growth needs of the community

Chapter 17.12

SINGLE-FAMILY RESIDENTIAL ZONE

17.12.010 Purpose and intent.

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

17.12.015 Applicability.

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

17.12.050 Site area.

The minimum site area shall be as follows:

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).

17.12.080 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.

RESOLUTION NO. 2024-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TEAKWOOD ESTATES TENTATIVE SUBDIVISION MAP NO. 5599, A REQUEST TO SUBDIVIDE 7.26 ACRES INTO A THIRTY-FIVE LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL; 5,000 SQUARE FOOT MINIMUM SITE AREA PER UNIT) ZONE. THE SITE IS LOCATED ON THE SOUTHEAST CORNER OF EAST ROOSEVELT AVENUE AND NORTH SIMON STREET (APN: 103-280-032 & 103-280-081).

WHEREAS, Teakwood Estates Tentative Subdivision Map No. 5599, is a request to subdivide 7.26 acres into a thirty-five lot single-family residential subdivision in the R-1-5 (Single-Family Residential; 5,000 square foot minimum site area per unit) zone. The project is located on the southeast corner of East Roosevelt Avenue and North Simon Street; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 10, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds the Tentative Subdivision Map, as conditioned, to be in accordance with Chapter 16.16 of the Subdivision Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15183.

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

1. That the proposed location and layout of the Teakwood Estates Subdivision Map No. 5599, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The 7.26-acre project site, which is the site of the proposed 35-lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states “ensure that growth occurs in a compact and concentric fashion by implementing the General Plan’s phased growth strategy.”
2. That the proposed Teakwood Estates Tentative Subdivision Map No. 5599, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative subdivision map will be compatible with adjacent land uses. The project site is bordered by existing residential development.

3. That the site is physically suitable for the proposed tentative subdivision map. The Teakwood Estates Tentative Subdivision Map No. 5599 is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is adjacent to land zoned for residential development, and the subdivision establishes a local street pattern that will serve the subject site.
4. That the site is physically suitable for the proposed tentative subdivision map and the project's density, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Teakwood Estates Tentative Subdivision Map No. 5599, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The 7.26-acre project site, which is the site of the proposed 35-lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states "ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy."
5. That the proposed Teakwood Estates Subdivision Map No. 5599, the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The 35-lot subdivision is designed to comply with the City's Engineering Improvement Standards. The development of the site with a 35-lot single-family residential subdivision would extend local streets, infrastructure improvements, utilities, right-of-way improvements and a residential lot pattern consistent with existing residential development found in the surrounding area. The project will include the construction of local streets within the subdivision, connection to East Sanders Court on the west through the subdivision and frontage street improvements along East Roosevelt Avenue and East Douglas Avenue.
6. The Housing Accountability Act (GC section 66589.5) requires local agencies to approve housing developments that are consistent with applicable, objective general plan, zoning, and subdivision standards in effect at the time that the housing development project's application is determined to be complete. A local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate or avoid the impact. There is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance, and development standards.
7. State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." A Notice of Exemption was prepared for the Teakwood Estates Tentative Subdivision Map No. 5599. Notice of Exemption No. 2024-21 disclosed that no additional environmental review is required based upon the project being consistent with the development density established by the City's General Plan and based upon no further project-specific effects that are

peculiar to the project or the site. Staff therefore recommends that Notice of Exemption No. 2024-21 be adopted for this project.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 16.16.030 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2023-158, incorporated herein by reference.
2. That the Teakwood Estates Tentative Subdivision Map No. 5599 be developed in substantial compliance with the subdivision map in Exhibit A.
3. That a Landscape and Lighting District be established for the long-term maintenance of local roads, street lighting, sidewalks, and street trees.
4. That lots 31, 32 and 33 connect to the existing sewer main on Douglas Avenue.
5. That prior to the issuance of any residential building permit on the site, the applicant / developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
6. That all applicable federal, state, regional, and city policies and ordinances be met.

TEAKWOOD ESTATES

Tentative Subdivision Map

The Teakwood Estates Tentative Subdivision Map presents a low-density residential development spanning 7.26 acres within the City of Visalia. This project is designed as an infill initiative, aligning harmoniously with the surrounding low-density residential areas. The development plan includes the creation of 35 single-family residential lots and optimizes the use of space within the City's existing urban footprint.

The subdivision adheres to the R-1-5 zoning designation, ensuring compatibility with the city's urban planning guidelines. The design is also in accordance with the City's Low Density Residential General Plan Designation, thereby maintaining consistency with the city's developmental vision.

The project will retain the two existing single-family residences, which will be incorporated into the new subdivision. This approach not only preserves a portion of the site's existing character but also ensures a blend of new and established residential elements within the community.

Teakwood Estates combines practical urban planning with aesthetic considerations to create a living space that is both functional and appealing. The project represents a thoughtful contribution to the city's ongoing growth and development strategy.



4CREEKS

Exhibit "A"

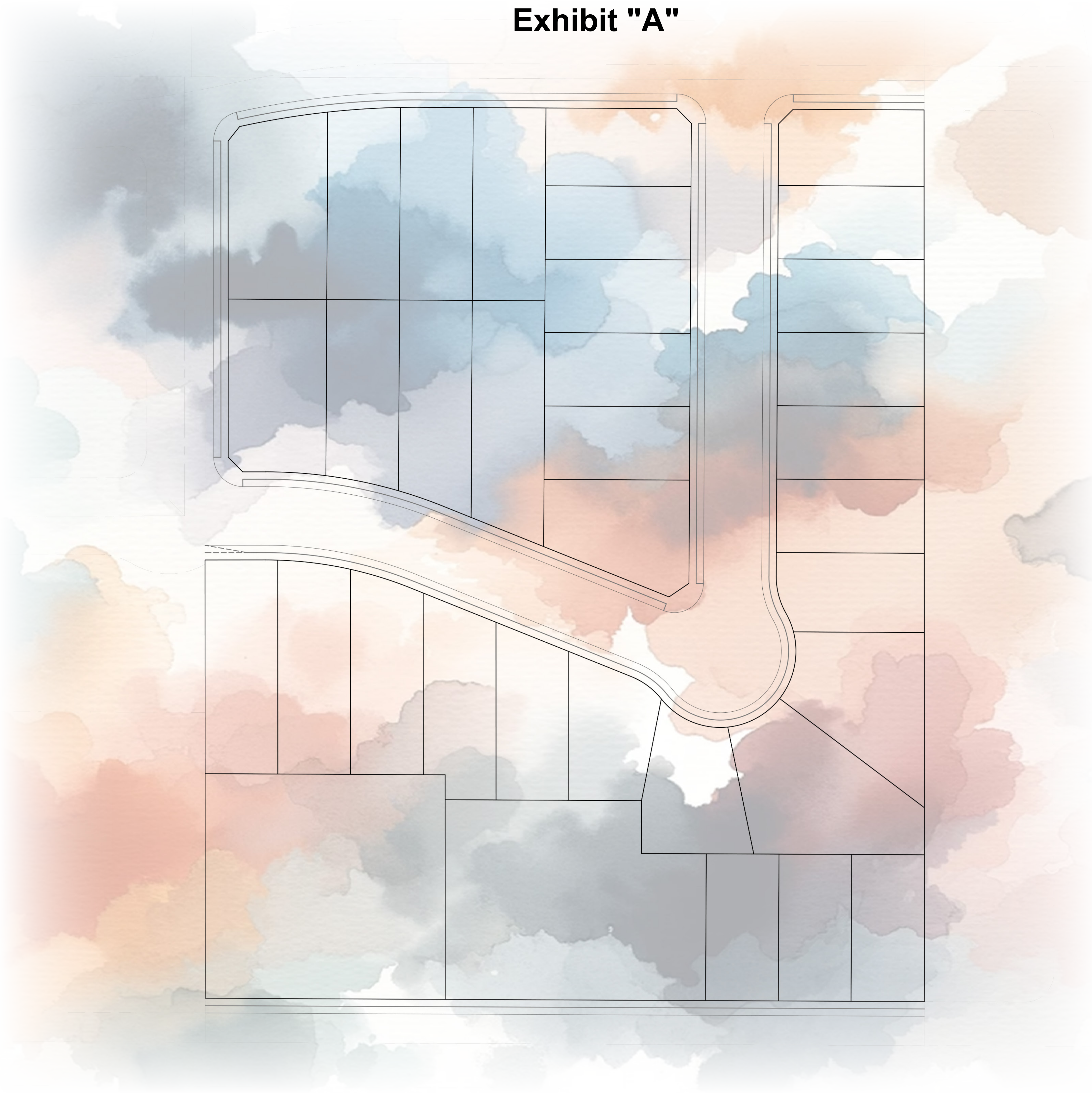
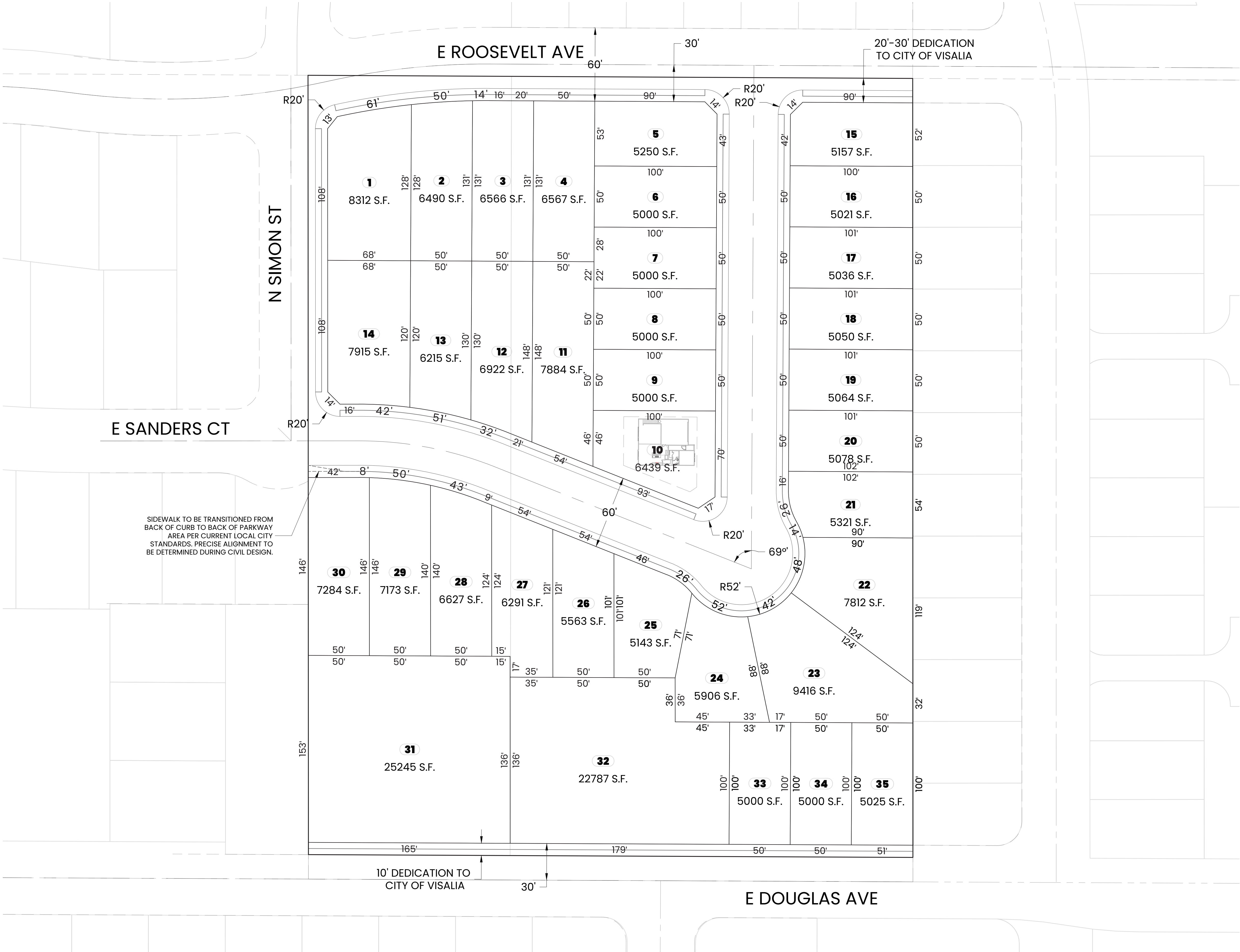
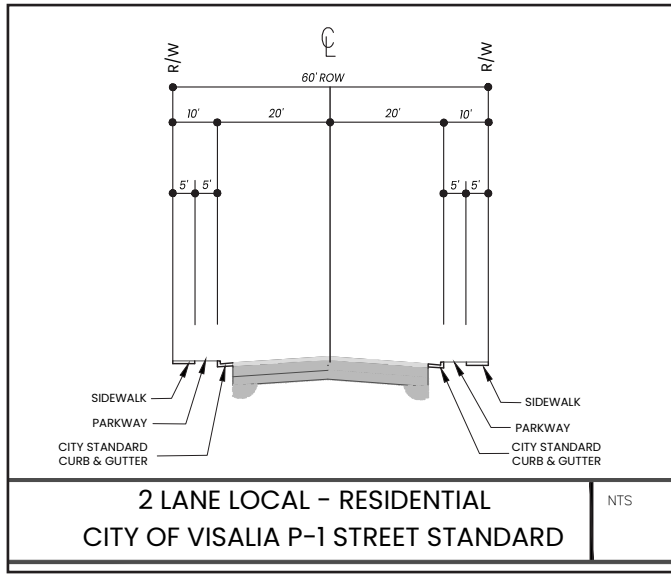


Exhibit "A"



CROSS SECTIONS





4CREEKS

324 S Santa Fe, STE A
Visalia, CA

559.802.3052
info@4-creeks.com
www.4-creeks.com

SET NOT FOR CONSTRUCTION
For planning purposes only, do not scale drawings

TENTATIVE SUBDIVISION MAP

P1.0



4CREEKS

324 S Santa Fe, STE A
Visalia, CA

559.802.3052
info@4-creeks.com
www.4-creeks.com

TEAKWOOD ESTATES

Tentative Subdivision Map

REQUIRED ENTITLEMENTS

- Tentative Subdivision Map

SITE INFORMATION

APN:	103-280-032, 103-280-081
Acreage:	7.26 ACRES
Jurisdiction:	City of Visalia
Flood Zone:	Zone X, AE
Zoning (Existing):	R-1-5
Zoning (Proposed):	R-1-5
General Plan (Existing):	Low Density Residential
General Plan (Proposed):	Low Density Residential
Current Use:	Vacant, Single-Family Residential

PROPOSED PROJECT

Number of Lots Proposed:	35
Average Lot Size:	7,192 SF
Minimum Lot Size:	5,000 SF
Maximum Lot Size:	25,245 SF

DENSITY CALCULATIONS

Gross Density:	4.8 DU/AC
Net Density	6.06 DU/AC

UTILITIES

Water:	Connect to existing water main on Mooney Blvd.
Stormwater:	Connect to existing stormwater mains on Sanders Ct. and Roosevelt Avenue
Sewer:	Connect to existing stormwater mains on Sanders Ct. and Roosevelt Avenue. Parcels 31-35 to connect to existing sewer main on Douglas Avenue.

Exhibit "A"

AGENCIES AND UTILITIES

City of Visalia Planning Department
315 E. Acequia Avenue
Visalia, CA 93291 Ph. 559-713-4444

City of Visalia Public Works Department
336 N Ben Maddox Way
Visalia, CA 93292 Ph. 559-713-4428

City of Visalia Fire Department
420 N Burke St
Visalia, CA 93292 Ph. 559-731-4808

Southern California Edison
2425 S Blackstone St.
Tulare, CA 93274 Ph. 1-800-655-4555

Southern California Gas
1305 E Noble Avenue
Visalia, CA 93291 Ph. 1-800-427-2200

CalWater-Visalia
216 N Valley Oaks Dr.
Visalia, CA 93291 Ph. 559-624-1600

PROJECT DIRECTORY

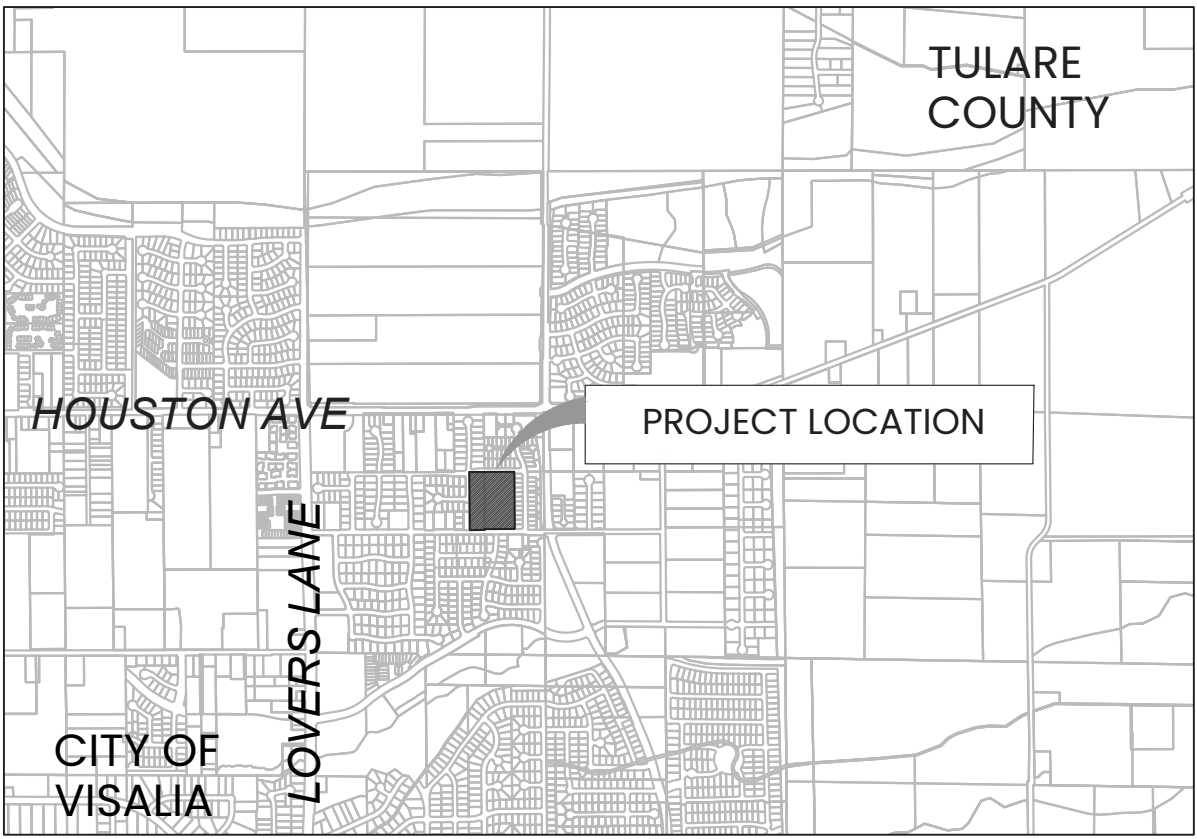
Owners/Applicants:
Kenneth Sumida
Phone: 916-952-4242
Email: kennethsumida@aol.com

Dennis Smith
Email: dennis@nationalbuilderssupply.com

Agent:
Molly Baumeister, AICP (4-Creeks, Inc.)
Phone: 949-802-3052
Email: mollyb@4-creeks.com

SHEET INDEX

P1.0 Tentative Subdivision Map



VICINITY MAP

SET NOT FOR
CONSTRUCTION

For planning purposes
only, do not scale drawings

NOTICE OF EXEMPTION

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

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

Teakwood Estates Tentative Subdivision Map No. 5599

PROJECT TITLE

The site is located on the southeast corner of East Roosevelt Avenue and North Simon Street (APN: 103-280-081 and 103-280-032)

PROJECT LOCATION - SPECIFIC

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

A request by Teakwood Estates to subdivide 7.26-acre parcel into 35 lots for residential use in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY/LEAD AGENCY APPROVING PROJECT

Kenneth Sumida, 3436 E Douglas Ave., Visalia CA 93292 & Dennis Smith, 17598 Ave 280, Exeter CA 93221

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Molly Baumeister, 4-Creeks, Inc – 324 S Santa Fe St, Visalia CA 93422

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☒ Ministerial - Section 15183
☐ Emergency Project - Section 15071
☐ Categorical Exemption - Section 15332
☐ Statutory Exemptions- State code number:

The project is consistent with a Community Plan, General Plan, or Zoning and its related development density, for which an environmental impact report (EIR) has been certified (i.e., City of Visalia General Plan General Plan Program EIR certified by Resolution No. 2014-37, adopted on October 14, 2014); therefore, the project is ministerially exempt under the findings of State CEQA Guidelines Section 15183.

REASON FOR PROJECT EXEMPTION

Colleen A. Moreno, Assistant Planner

(559) 713-4031

CONTACT PERSON

AREA CODE/PHONE

May 1, 2024

DATE

Brandon Smith, AICP

ENVIRONMENTAL COORDINATOR

**The California Environmental Quality Act
(CEQA) Section 15183 Findings:**

Application: Teakwood Estates Tentative Subdivision Map No. 5599 **Environmental Review** 2024-21

Location: The site is located on the southeast corner of E. Roosevelt Ave. & N. Simion St. (APN: 130-280-081 & 103-280-032)

State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the General Plan for which an environmental impact report (EIR) has been certified “shall not require additional environmental review.”

The City of Visalia finds that the proposed new ordinance has no new effects that 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.**

The following findings are made in compliance with CEQA Section 15183 – Project consistent with a General Plan or Zoning.

In approving a project meeting the requirements of CEQA Section 15183, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

1. Is the project consistent with the General Plan?

Yes X No

If yes, please explain below. If no, the project does not qualify for this exemption.

Comment/Finding:

As indicated above, the General Plan designation for this site is Residential Low Density (RLD) which allows 2 to 10 dwelling units per acre. The proposed project would provide 4.82 units per acre, which is consistent with the General Plan.

2. Are there any impacts that weren't evaluated in the General Plan EIR that are peculiar to the project or the parcel on which the project would be located?

Yes No X

If yes, an initial study or detailed analysis is necessary to determine if specific impacts will need to be mitigated.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

All potential impacts from this development were evaluated with the General Plan EIR. The site is consistent with the General Plan and zoning and has no unique features that were not evaluated with the General Plan EIR.

3. Are there project specific impacts which the General Plan EIR failed to analyze as significant effects.

Yes _____ No X

If yes, an initial study or other detailed analysis is necessary to determine if the impacts are considered to be significant and if mitigation is required.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

The proposed project would not result in any additional impacts that were not evaluated with the General Plan EIR.

4. Is there substantial new information which would result in more severe impacts than anticipated by the General Plan EIR?

Yes _____ No X

If yes, an initial study or other detailed analysis is necessary to determine if the impacts are considered to be significant and if mitigation is required.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

There is no new information as a result of the proposed project that would result in more severe impacts. This project is consistent with the General Plan density and circulation element and the land use designation for Residential Low Density (RLD). All potential impacts were evaluated with the General Plan EIR.

On the basis of this evaluation, in accordance with the requirements of Section 15183 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date: May 1, 2024

Prepared By:

Brandon Smith

Principal Planner

Prepare a notice of exemption using CEQA section 15183 based on this analysis.



November 13, 2023

Site Plan Review No. 2023-158:

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

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

This is your Site Plan Review Permit; your Site Plan Review became effective **October 4, 2023**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal".

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

Attachment(s):

- Site Plan Review Comments



MEETING DATE

October 4, 2023

SITE PLAN NO.

2023-158

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

☒ TSM

☐ HISTORIC PRESERVATION

☐ OTHER – Lot Line Adjustment

☐ **ADDITIONAL COMMENTS:**

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

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division (559) 713-4003

Date: October 4, 2023

SITE PLAN NO: 2023-158

PROJECT: Teakwood Estates – 33 SFR Lots and 2 Remainders

LOCATION: 3504 E. Douglas Ave.

APN TITLE: 103-280-032

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Building Permit

PROJECT SPECIFIC INFORMATION: October 4, 2023

1. The proposed 33-lot SFR subdivision is with the density allowances of the Single Family Residential (R-1-5) Zone.
2. Lots should meet minimum frontage requirements and lot #10 should demonstrate a home footprint meeting the setbacks and development standards.
3. The applicant shall comply with all the requirements of the Traffic and Engineering Divisions.

Note:

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

Sections of the Municipal Code to review:

17.12 Single-Family Residential Zone

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

Signature: 



**SUBDIVISION & PARCEL MAP
REQUIREMENTS
ENGINEERING DIVISION**

☐ Adrian Rubalcaba 713-4271
☐ Keyshawn Ford 713-4268
☒ Edelma Gonzalez 713-4364
☐ Lupe Garcia 713-4197
☐ Luqman Ragabi 713-4362

SITE PLAN REVIEW COMMENTS

☒ REQUIREMENTS (Indicated by checked boxes)

- ☒ Submit improvements plans detailing all proposed work; ☒ Subdivision Agreement will detail fees & bonding requirements
- ☒ Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- ☒ The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- ☒ A preconstruction conference is required prior to the start of any construction.
- ☒ Right-of-way dedication required. A title report is required for verification of ownership. ☒ by map ☐ by deed
- ☒ City Encroachment Permit Required which shall include an approved traffic control plan.
- ☐ CalTrans Encroachment Permit Required. ☐ CalTrans comments required prior to tentative parcel map approval. CalTrans contacts: David Deel (Planning) 488-4088
- ☒ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. **LLD TO BE FORMED**
- ☒ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☐ Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- ☒ Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- ☐ Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- ☐ Final Map & Improvements shall conform to the City's Waterways Policy. ☐ Access required on ditch bank, 12' minimum. ☐ Provide wide riparian dedication from top of bank.
- ☒ Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system. **EXTEND EXISTING SS ACROSS ALL STREET FRONTAGES. PROVIDE CAPACITY CALCS.**
- ☒ 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

ITEM NO: 4 DATE: OCTOBER 4TH, 2023

SITE PLAN NO.: 23-158
PROJECT TITLE: TEAKWOOD ESTATES
DESCRIPTION: THE PROJECT INVOLVES A TENTATIVE SUBDIVISION MAP TO CREATE 33 SINGLE-FAMILY RESIDENTIAL LOTS AND 2 REMAINDERS PARCELS ON 7.26 GROSS ACRES
APPLICANT: KENNETH SUMIDA & MOLLY BAUMEISTER
PROP. OWNER: SMITH BILLIE C(SOLE TR)(MCS & BCS FAM TR) AND SUMIDA KAMIO J & TAKAKO (TRS)
LOCATION: 3504 E DOUGLAS AVE
APN: 103-280-081 & 103-280-032

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. **EXTEND EXISTING SD MAIN ACCORDINGLY**

- ☒ Show Valley Oak trees with drip lines and adjacent grade elevations. ☒ Protect Valley Oak trees during construction in accordance with City requirements. ☒ A permit is required to remove Valley Oak trees. Contact Public Works Admin at (559)713-4428 for a Valley Oak tree evaluation or permit to remove. ☒ Valley Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application. ☒ A pre-construction conference is required.
- ☒ Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- ☒ Relocate existing utility poles and/or facilities. **AS NECESSARY PER LAYOUT. REQUIRED ON DOUGLAS AVE.**
- ☒ Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding. **REQUIRED ONSITE, SANDERS CT, SIMON ST, AND ROOSEVELT AVE.**
- ☒ Provide "R" value tests: **1** each at **300' INTERVALS AT CENTER LINE, REFER TO CITY PAVEMENT STANDARDS.**
- ☒ Traffic indexes per city standards: **REFER TO CITY PAVEMENT STDS**
- ☒ 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. **SANDERS CT, SIMON ST, ROOSEVELT AVE, AND DOUGLAS AVE.**
- ☒ All lots shall have separate drive approaches constructed to City Standards. **REFER TO CITY STDS**
- ☒ Install street striping as required by the City Engineer. **TO BE DETERMINED AT TIME OF CIVIL REVIEW**
- ☒ Install sidewalk: **5'** ft. wide, with **5'** ft. wide parkway on **SANDERS CT, SIMON ST, ROOSEVELT AVE, AND DOUGLAS AVE.**
- ☒ Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
- ☐ Subject to existing Reimbursement Agreement to reimburse prior developer:
- ☒ Abandon existing wells per City of Visalia Code. A building permit is required.
- ☒ Remove existing irrigation lines & dispose off-site. ☒ Remove existing leach fields and septic tanks.
- ☒ Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- ☒ If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- ☒ If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.

☐ Comply with prior comments ☐ Resubmit with additional information ☒ Redesign required

Additional Comments:

1. *Simon St and Roosevelt Ave to be dedicated with map as right of way dedication and not IOD.*
2. *Development will be subject to impact fees due at time of final map and building permit issuance.*
3. *Coordinate with city staff for City tentative subdivision map requirements and processing fees.*
4. *City does not support the two remainders as shown. TSM to show them as parcels instead of remainders.*
5. *Southwest parcel, shown as remainder 1, to dedicate 10' right of way along Douglas Ave frontage.*
6. *Frontage improvements required along entire subdivision frontage, including parcels that are shown as Remainder 1 and Remainder 2.*

7. *Frontage improvements required. Improvements to include, but may not be limited to, pavement, sidewalk, curb & gutter, utility extensions/undergrounding, sewer and storm extensions, curb ramps, street lighting, striping and signage.*
8. *Public street lighting to be installed per City Standards. An electrical plan with voltage drop calcs shall be submitted with civil plans. City will own and maintain the street lighting therefore a service pedestal will need to be installed.*
9. *Local streets shall comply with current City stds.*
10. *Install 20' radius curb ramp returns at connections of two local streets per City Std.*
11. *Call out curb return radius on TSM.*
12. *Public street bulb connection design to comply with City standards.*
13. *Public street striping to be determined at time of civil plan review.*
14. *Additional detail required at existing bulb connection and proposed extension of Sanders Ct. Transition sidewalk from back of curb to back of parkway area per current local City Stds.*
15. *Evaluate, and coordinate any oak trees with City arborist.*
16. *Refer to Building Dept. conditions for FEMA regulations regarding parcel 15 located in the high-risk flood plain.*
17. *Subdivision is located in the Northeast District. Additional impact fees apply.*
18. *A building permit is required, standard plan check and inspection fees apply.*
19. *Storm drainage and sewer for the proposed development will need to tied into existing lines in Sanders Ct. and Roosevelt Ave.*
20. *Parcels 31, 32, and 33 to connect to existing sewer main on Douglas Ave.*
21. *Install sewer laterals to service "Remainder" parcels with frontage improvements. City Records does not show existing laterals.*
22. *A Landscape and Lighting District will need to be formed for maintenance of public infrastructure, such as landscape, pavement and streetlights.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-158**

Date: **10/04/2023**

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

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

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

(Project type for fee rates: **(TENTATIVE SUBDIVISION MAP)**)

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

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$960/UNIT
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$52/LF
<input checked="" type="checkbox"/> Storm Drainage Acquisition Fee	\$3,811/AC
<input checked="" type="checkbox"/> Park Acquisition Fee	\$1,888/UNIT
<input checked="" type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths	\$1,693/AC
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$3,112/AC

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

City Reimbursement:

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



Edelma Gonzalez

City of Visalia

Building: Site Plan

Review Comments

SPR 23/58
TEAKWOOD ESTATES
103220032

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

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

Additional comments: _____

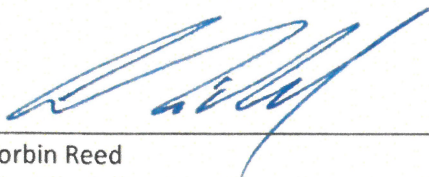
VAL GARCIA 10/4/23
Signature



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

Date	October 3, 2023
Item #	4
Site Plan #	23158
APN:	103280032

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Construction and demolition sites prior to and during construction shall comply with the attached **Access & Water Guidelines**.
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2022 CFC 505.1
- Residential developments shall be provided with **fire hydrants** every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided. The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. VMC 16.36.120(5); 2022 CFC §507, App B and C
- Zero lot line, multi-family or mobile home park developments shall be provided with **fire hydrants** every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided. The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. VMC 16.36.120(5); 2022 CFC §507, App B and C
- **All streets** shall meet the City of Visalia's Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.



Corbin Reed
Fire Marshal



Visalia Fire Department Access and Water Guidelines for Residential Construction

Effective July 1, 2019

Model Homes & Non-Model Homes

Model and Non-Model homes may be constructed once all of the following conditions have been met:

1. All portions of proposed residential construction shall be located and accessible within 150 feet of an existing, paved, city street.
2. **Exceptions:** If any portion of a model home or a non-model is located greater than 150 feet from an existing city street, a fire apparatus access road shall be installed and maintained unobstructed at all times. The fire access road, including curb and gutter, shall be installed per City Specifications and City Standard P-1 excluding the Asphalt Concrete layer, but in no circumstance shall have a structural section less than required under City Standard P-25 based on R-Value of existing subgrade unless otherwise specified on approved plans. Compaction tests, including testing of the aggregate base layer, shall be performed under City inspection and reports shall be submitted to the Public Works Inspector prior to City acceptance for the road to be used for fire access. The fire access roads shall be usable and maintained in place until permanent paved access has been provided meeting City standards and specifications.
3. All required fire hydrants shall be installed in the approved locations per the stamped and approved plans and shall be fully operational.

Exception: If fire hydrant installation has not been completed an onsite elevated water tank shall be provided. The minimum size of provided water tank shall be 10,000 gallons, and shall be designated as "Fire Department use only". Tanks shall be located within 300 feet travel distance of each structure being developed. Tanks shall remain in place until all fire hydrant installation has been completed and all hydrants are fully operational. Travel distance shall be measured by an approved fire apparatus access route.

Connection provided on water tanks shall be a four and one half inch National Hose thread male fitting and shall be gravity fed, with connection point located between 18 and 36 inches above ground level.

***If at any time the conditions of these guidelines are not being met the Fire Marshal/Fire Chief or his/her designee have the authority to issue a "Stop Work Order" until corrections have been made.**

*** This information is intended to be a guideline. The Fire Marshal and/or Fire Chief shall have the discretion to modify requirements at any time as set forth under CFC Appendix D.**

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

October 4, 2023

ITEM NO: 4 Added to Agenda MEETING TIME: 09:45
SITE PLAN NO: [SPR23158](#) ASSIGNED TO: Josh Dan Josh.Dan@visalia.city
PROJECT TITLE: Teakwood Estates
DESCRIPTION: The project involves a tentative subdivision map to create 33 single-family residential lots and 2 remainder parcels on 7.26 gross acres.
APPLICANT: Kenneth Sumida - Applicant
Molly Baumeister - Applicant
APN: 103280032
ADDRESS: 3504 E DOUGLAS AVE

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

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

Additional Comments:

Leslie Blair

Leslie Blair

City of Visalia

7579 Ave. 288, Visalia, CA 93277



Public Works

(559) 713-4465 Fax (559) 713-4501

SITE PLAN REVIEW DATE: 10/04/2023

WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 23158

TEAKWOOD ESTATES

PROJECT NAME:

THE PROJECT IS SUBJECT TO THE FOLLOWING REQUIREMENTS FROM WASTEWATER
PRETREATMENT DIVISION (QUALITY ASSURANCE):

☒ SUBMISSION OF WASTEWATER DISCHARGE PERMIT
APPLICATION/QUESTIONNAIRE/OTHER REGULATORY FORMS

- FORM REQUIRED Residential Development Form
- FORM REQUIRED
- FORM REQUIRED

☐ INSTALLATION OF SAND AND GREASE INTERCEPTOR

☐ INSTALLATION GREASE INTERCEPTOR

☐ OTHER

☐ SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE) AT
(559) 713-4529 OR JESSICA.SANDOVAL@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS:

FORM ATTACHED

DATE REVIEWED: 10/03/2023

A handwritten signature in blue ink, appearing to be "JR".



RESIDENTIAL HOUSING DEVELOPMENT QUESTIONNAIRE
FOR WASTEWATER DEPARTMENT USE

- Development Name: _____
- Development Location: _____
- Contact Name: _____
- Contact Phone: _____
- Contact Email: _____
- How many homes are estimated to be built? _____
- # of Bedrooms/ Bath Info If available: _____
- When does construction plan to begin? _____
- Will housing be built in phases? _____
- What is the anticipated rate of completion? (How many houses/structures per month/year)

- Estimated month/year of project completion? _____
- Provide an estimate of wastewater characteristics (using Wastewater Engineering 3rd Edition) by Metcalf & Eddy) of the following:
 - FLOW _____ mgd
 - BOD _____ lbs/day
 - TSS _____ lbs/day

If you have questions regarding the completion of this form, please contact:

Jessica Sandoval
Pretreatment Coordinator
Phone: 559-713-4529
Cell: 559 309-5170
Email: Jessica.sandoval@visalia.city

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

23158

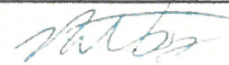
October 4, 2023

<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 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
<input checked="" type="checkbox"/>	Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
<input checked="" type="checkbox"/>	Bin enclosure gates are required
<input type="checkbox"/>	Hammerhead turnaround must be built per city standards.
<input checked="" 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 checked="" 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"/>	Customer to provide 40' minimum frontages at proposed culdesac corner parcels to allow for city standard (3-can) residential services to be placed for curbside collections.
Comment	

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

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

Nathan Garza, Solid Waste, 559-713-4532



Susan Currier

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Friday, October 6, 2023 4:55 PM
To: Susan Currier
Cc: lorena.mendibles@dot.ca.gov; Deel, David@DOT
Subject: Caltrans response to Visalia SPR 100423

Hi Susan,

I have reviewed Visalia's SPR Agenda for October 4, 2023, and here are my findings:

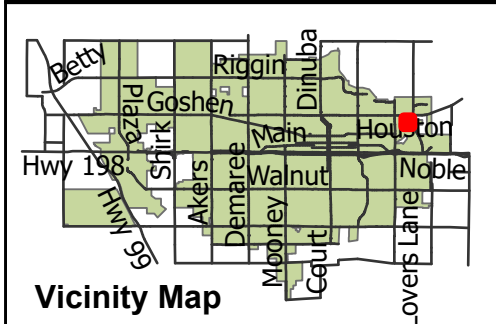
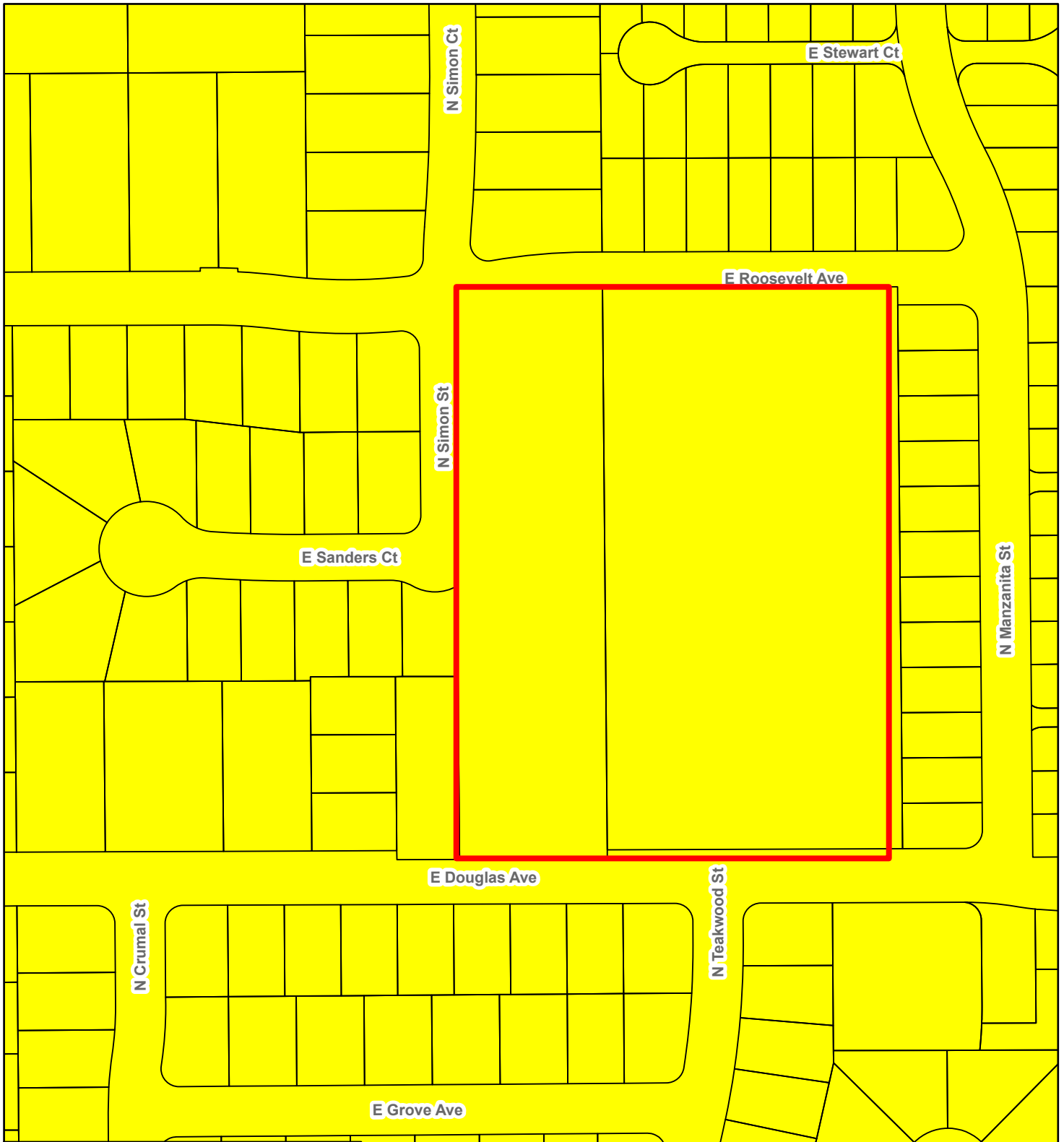
1. SPR 23155 – Monterey Water Company: No comments.
2. SPR 23156 -- Gillbert Rivas: No comments.
3. SPR 23157 – Colegio West: **Routed for review.**
4. **SPR 23158** – Teakwood Estates: No comments.
5. SPR 23159 – 4Creeks Expansion: No comments.

Respectfully,



Scott Lau

Associate Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
Cell: (559) 981-7341

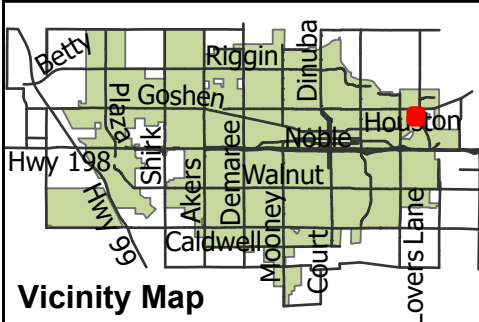
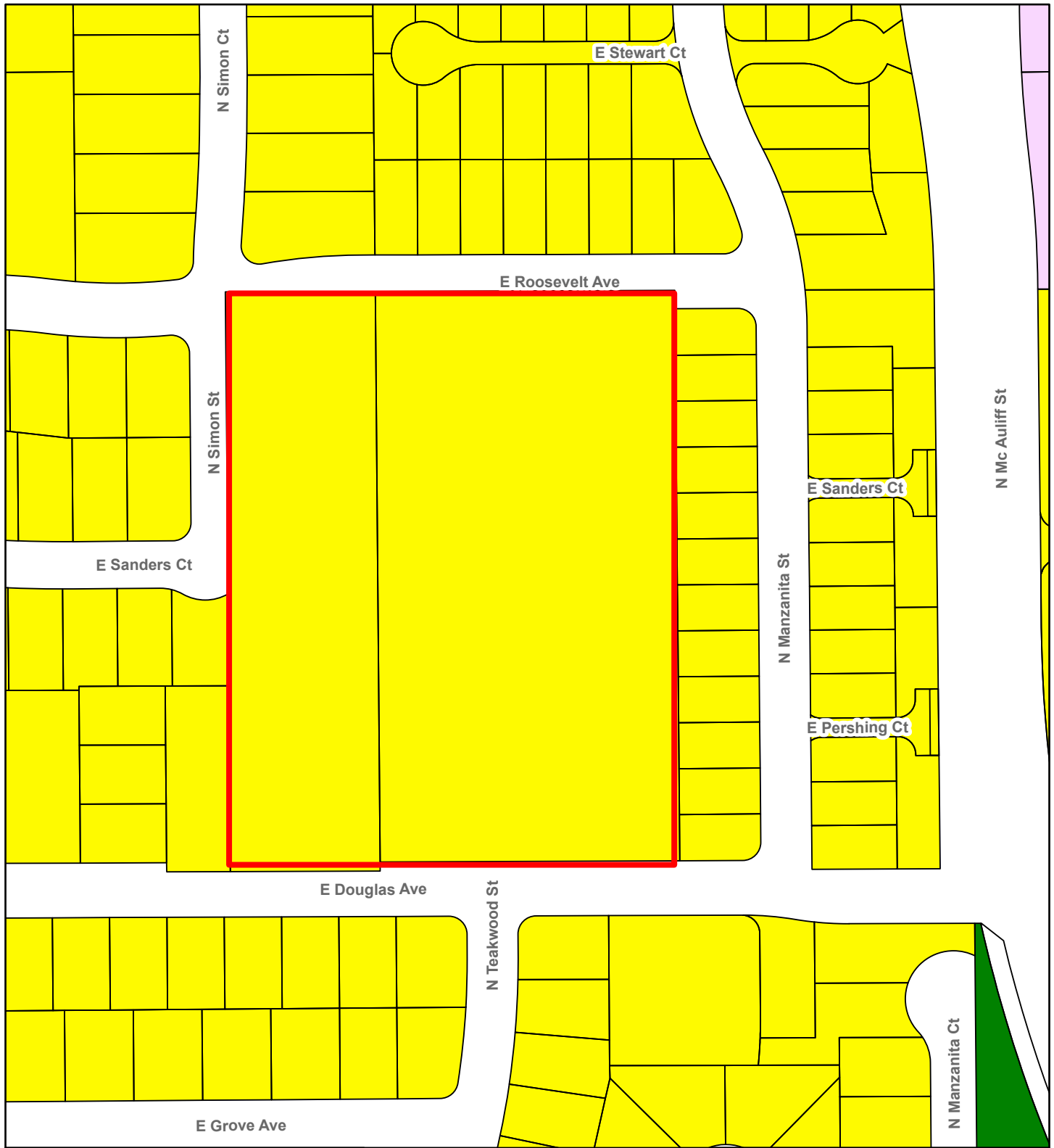


General Plan Land Use Map

0 0.01 0.03 0.05 Miles



Residential Low Density

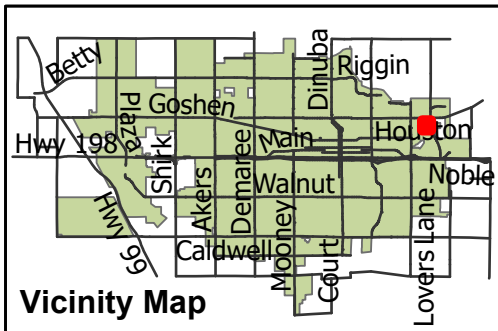


Zoning Map

0 0.01 0.03 0.05 Miles



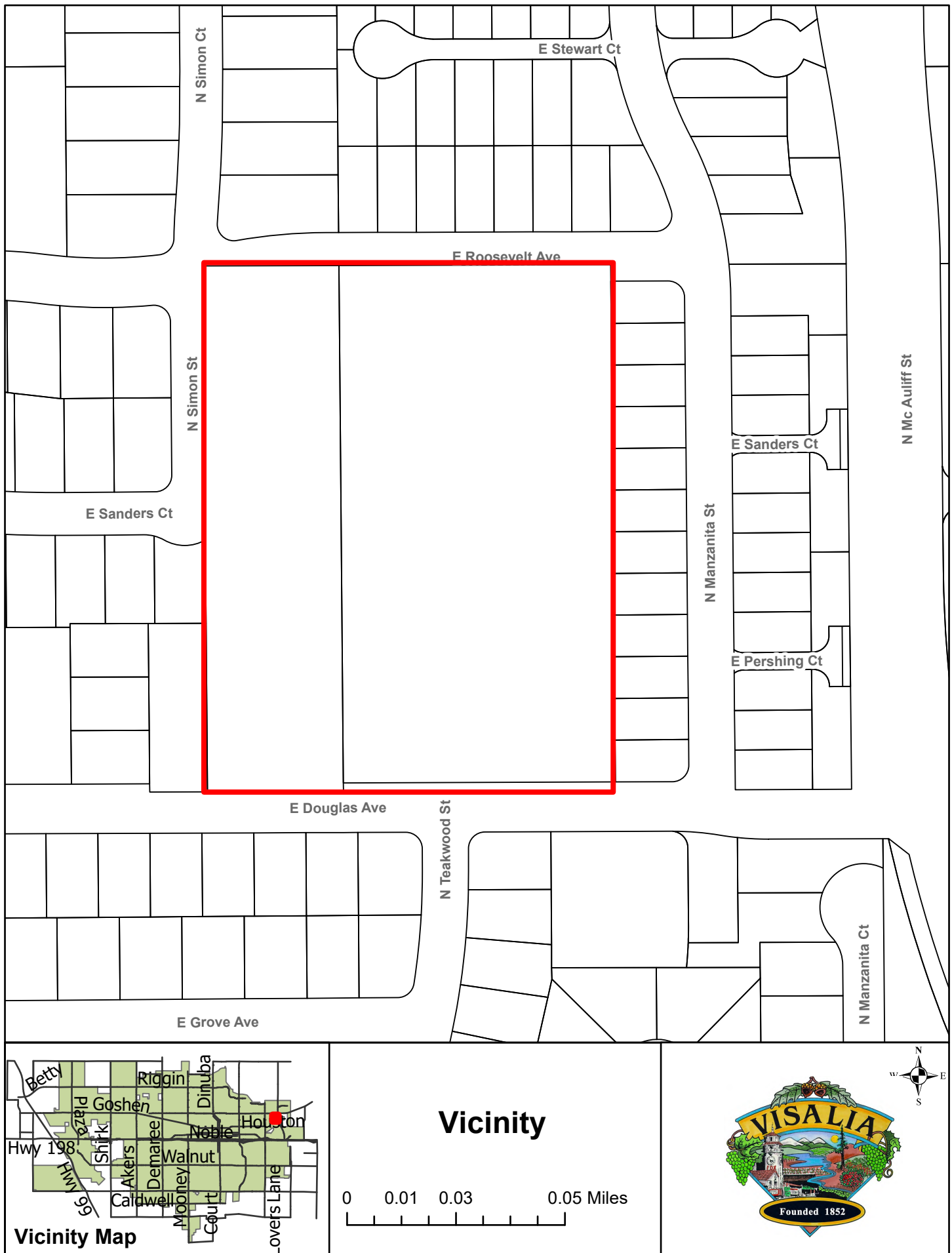
- R-1-5 Single-family Residential
- QP Quasi-Public
- C-MU Mixed Use Commercial



Aerial Map

0 0.01 0.03 0.06 Miles





City of Visalia



To: Planning Commission

From: Colleen Moreno, Assistant Planner (559-713-4031)

Date: June 10, 2024

Re: Public Comment for Planning Commission Agenda Item No. 9:

Teakwood Estates Tentative Subdivision Map No. 5599: A request to subdivide 7.26 acres of R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) zoned property into 35-lot single-family residential subdivision. The site is located on the southeast corner of East Roosevelt Avenue and North Simon Street (APN: 103-280-32 & 103-280-081).

The Planning Division received the attached e-mail correspondence on June 6, 2024, regarding the above referenced project. The e-mail states the following concerns regarding the proposed subdivision:

1. 35 houses is too many for small 7-acre lot

Staff Response: Lot sizes as proposed by the applicant comply with the R-1-5 zone lot standards. These lots meet the minimum lot size of 5,000 square feet and are an average of 7,192 square feet.

2. Strain on already overburdened infrastructure and increased traffic congestion

Staff Response: At the Site Plan Review (SPR) for this project, it was reviewed by the City Traffic Engineer and per the comments a Traffic Impact Analysis or a Trip Generation study were not required. At the same SPR, an engineer for the city indicated that the project will install sewer laterals and storm drainage that will tie in to the existing lines.

3. Environmental damage, destroying natural habitats and putting wildlife at risk.

Staff Response: Staff conducted a site visit on June 6, 2024 to the project location and observed that both parcels were fenced and appeared to be regularly plowed for weed/fire abatement. Staff did not observe any animals during the site visit. Photos from the visit are attached.

4. Alter aesthetic of area

Staff Response: Project improvements include the installation of pavement, curb and gutter, sidewalk, parkway landscaping with street trees and streetlights as well as frontage improvements along E. Roosevelt Avenue and East Douglas Avenue.

ATTACHMENTS

- E-mail from Michael and Elissa Carey, received June 6, 2024.
- Site Visit photos

City Of Visalia
315 E. Acequia Avenue
Visalia, CA 93291

To Whom It May Concern,

We are writing to express our strong opposition to the proposed housing development in our neighborhood. While we understand the need for affordable housing in our city, we believe that this project would have a detrimental impact on our community with the proposed development for lots APN: 103-280-032 and 103-280-081

First and foremost, the proposed development is simply too large for our area. 35 houses is too many for such a small 7-acre lot. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion. Also, we are already battling traffic with the many nearby schools and other new neighborhood construction. The proposed development of 35 homes would also increase noise pollution in our very quiet and calm neighborhood, and strain on our public services and more traffic means less safety in our quiet neighborhood.

Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting wildlife at risk. The current residents of the field are red foxes with litters, hawks, crows, and more. Moreover, the type of housing being proposed is simply not in keeping with the character of our neighborhood. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex. This project would also take away our view if the homes are more than one story.

Furthermore, we are deeply concerned about the impact this development would have on property values in the surrounding area. This influx of low-cost homes could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere.

While we aren't opposed to the lot being used for housing, we are opposed to so many homes being built.

- *We have concerns about the proposed construction process itself regarding dirt, dust, noise from construction, trash, and rodents running into our property from construction. With that risk to our children's health, and damage to our existing drought-proof yard, home, gardens, solar panels, and air conditioning.*
- *We have a concern about the quality of fencing and how close these properties would be to our property line.*

We request that the City of Visalia Planning Commission consider the long-standing taxpayers, homeowners, and their families like us who have lived here for so many years.

We would also like to see plans because we are homeowners closest to the development and will experience the most negative effects during this new residential development.

*Thank you for your attention to this matter.
Sincerely,*

Michael and Elissa Carey
3427 E. Sanders Ct.
Visalia, Ca 93292
559-350-3171







