

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Mary Beatie



VICE CHAIRPERSON:

Chris Tavarez

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

**MONDAY, SEPTEMBER 23, 2024**

**VISALIA COUNCIL CHAMBERS**

**LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA**

**MEETING TIME: 7:00 PM**

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. ROLL CALL –
4. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.  
  
The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
5. CHANGES OR COMMENTS TO THE AGENDA –
6. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
  - a. Time Extension Request for River Run Ranch Units 5-7 Tentative Subdivision Map No. 5505 and Conditional Use Permit No. 2005-54.
  - b. Time Extension Request for Visalia 35 Tentative Subdivision Map No. 5593
7. PUBLIC HEARING – Colleen Moreno, Assistant Planner  
**Conditional Use Permit No. 2024-30:** A request by DMCG Inc, dba Bail Hotline Bail Bonds to relocate and operate a bail bonds business in the C-MU (Mixed Use Commercial) zone. The project site is located at 1414 South Mooney Boulevard (APN: 096-311-001).  
**Environmental Assessment Status:** The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301, Categorical Exemption No. 2024-43.

8. PUBLIC HEARING – Colleen Moreno, Assistant Planner

**Conditional Use Permit No. 2024-33:** A request by Sola Salons to add massage services by leasing studio space within the salon to independent licensed massage therapists in the C-R (Regional Commercial) zone. The project site is located at 3501 South Mooney Boulevard (APN: 121-110-055).

**Environmental Assessment Status:** The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301, Categorical Exemption No. 2024-47.

9. PUBLIC HEARING – Josh Dan, Senior Planner

**Conditional Use Permit No. 2024-32:** A request by MEGA LED Technology to construct an electronic sign on a site utilized by The Ark Community Church in the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) zone. The project site is located at 1625 East Walnut Avenue (APN: 100-480-034).

**Environmental Assessment Status:** The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15311, Categorical Exemption No. 2024-46.

10. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

**Conditional Use Permit No. 2024-17:** A request by Derek Finnegan / Lars Anderson & Associates to amend Conditional Use Permit No. 2019-31, for the establishment of a 172,000 square foot commercial building for the sale of general retail merchandise with a fuel dispensing service station and a car wash, within the Commons at Visalia Parkway Shopping Center, located in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of South Mooney Boulevard and West Visalia Parkway (APNs: 121-620-004, 005, 006, 007, 008, 013, 014).

**Environmental Assessment Status:** An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant with the inclusion of mitigation measures. Mitigated Negative Declaration No. 2024-17 has been prepared for adoption with this project (State Clearinghouse No. 2024080917).

11. PUBLIC HEARING – Paul Bernal, Director

**Revocation of Conditional Use Permit No. 2011-18:** A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2011-18, which allows live entertainment and dancing in conjunction with Downtown Rookies Sports Bar and Grill located at 215 East Main Street, in the D-MU (Downtown Mixed Use) Zone (APN: 094-296-011).

12. CITY PLANNER UPDATE

- a. Public Comment for Visalia's Draft Single-Family Objective Design Standards and Accessory Dwelling Unit Ordinance
- b. Committees & Commissions Recognition Event Update
- c. Measure O Information

13. ADJOURNMENT

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

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

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

#### **APPEAL PROCEDURE**

**THE LAST DAY TO FILE AN APPEAL IS THURSDAY, OCTOBER 3, 2024, BEFORE 5:00 PM**

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

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, OCTOBER 14, 2024**

# City of Visalia

## **Memo**



To: Planning Commission

From: Brandon Smith, Principal Planner

Date: September 23, 2024

Re: Time Extension for River Run Ranch Units 5-7 Tentative Subdivision Map No. 5505 and Conditional Use Permit No. 2005-54

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of River Run Ranch Units 5-7 Tentative Subdivision Map No. 5505 and Conditional Use Permit No. 2005-54, extending the expiration date to February 14, 2026, pursuant to Section §66452.6(e) of the Subdivision Map Act.

### **BACKGROUND:**

On August 14, 2006, the Visalia Planning Commission approved River Run Ranch Units 5-7 Tentative Subdivision Map No. 5505 and Conditional Use Permit No. 2005-54 through adoption of Resolution Nos. 2006-85 and 2006-86.

The tentative subdivision map was a request to divide 42.9 acres into 156 lots for single-family residential development, and the Conditional Use Permit (CUP) was a request to allow a Planned Residential Development in the R-1-6 zone (later changed to the R-1-5 zone).

The project site is located south of St. Johns Parkway and north of Houston Avenue, beginning 900 feet east of McAuliff Avenue. River Run Ranch Units 1-4 are located to the west and northwest.

### **EXPIRATION AND FINAL MAP HISTORY:**

The original expiration date for the tentative subdivision map was August 14, 2008, two years from the date of approval by the Planning Commission. Between 2008 and 2015, the California State Legislature passed four legislative bills (Senate Bill 1185, Assembly Bills 333, 208, and 116) which provided statewide time extensions to all active tentative subdivision maps. The bills pushed the expiration date for the River Run Ranch Map and CUP to August 14, 2015.

Commission approved a one-year time extension for the subdivision on June 8, 2015, extending the map to expire on August 14, 2016.

In 2016, Assembly Bill 1303 was passed which provided another two year extension, to 2018.

Also in 2016, "Phase 5" of the subdivision map recorded, which provided a three-year extension to the tentative map to 2021.

In 2020, Assembly Bill No. 1561 authorized an automatic 18-month extension to the tentative map, extending the map to February 14, 2023.

Commission approved a 2nd one-year time extension to the subdivision on January 23, 2023, extending the map to February 14, 2024.

Commission approved a 3rd one-year time extension to the subdivision on December 11, 2023, extending the map to February 14, 2025.

Currently, the tentative portion of map applies to Phases 6 and 7. Improvement Plans for Units 6 and 7 of the subdivision have not been submitted.

### **REQUEST:**

The property owner of the Tentative Subdivision Map has submitted a written request received by the City of Visalia on August 27, 2024, for a one-year time extension. Time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. This would be the fourth (and final) time extension applied for and the sixth year overall under this code for the Tentative Subdivision Map and CUP.

Staff recommends that a one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission, will extend the expiration date of the Tentative Subdivision Map and CUP to February 14, 2026.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date, February 14, 2026, to record a final subdivision map. If the request is denied, the applicant would have to re-file a new tentative subdivision map.

### **ATTACHMENTS:**

- Letter of Request for the Time Extension
- Approved Resolution No. 2006-85 for CUP No. 2005-54
- Approved Resolution No. 2006-86 for Subdivision Map No. 5505
- Tentative Subdivision Map / CUP Site Plan
- Location Map

July 19, 2024

Dear Brandon Smith;

My name is Nicholas Stoker and I work with Darnell Development, LLC. We are needing to request an extension for The River Run Subdivision Map No. 5505 which runs with the Conditional Use Permit No. 2055-54. Can you please direct me in the right direction to pay the processing fee for this extension. You can reach me at 208-710-9752 or email me at [nstoker@darnelldevelopment.com](mailto:nstoker@darnelldevelopment.com) . Your help is greatly appreciated.

Thank you.



Darnell Development, LLC

Nick Stoker

2920 W Main St

Visalia, CA 93291

208-710-9752

RESOLUTION NO 2006-85

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING A REQUEST BY DLF COMPANY TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT IN THE R-1-6 (SINGLE FAMILY RESIDENTIAL, 6,000 SQUARE FOOT MINIMUM) ZONE. THE PROJECT SITE IS LOCATED ON VISALIA PARKWAY, BETWEEN ST. JOHNS PARKWAY AND HOUSTON AVE., CITY OF VISALIA, COUNTY OF TULARE. (APNS 103-020-053,54,55, 103-440-001, 103-450-015, AND PARCEL 3860).

**WHEREAS**, Conditional Use Permit No. 2005-54: A request by DLF Company to allow a Planned Residential Development in the R-1-6 (Single Family Residential, 6,000 square foot minimum) Zone. The project site is located on Visalia Parkway, between St. Johns Parkway and Houston Ave., City of Visalia, County of Tulare. (APNs 103-020-053,54,55, 103-440-001, 103-450-015, and Parcel 3860); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 14, 2006; and

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

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

**NOW, THEREFORE, BE IT RESOLVED**, that Negative Declaration No. 2006-074 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 approves the proposed conditional use permit based on the following specific findings and 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 an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2006-074 is hereby adopted.
  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 approves the Conditional Use Permit on the real property herein described in accordance with the terms of this resolution under the provisions of Section 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review 2005-024D
2. That the site be developed substantially consistent with the site plan shown in Exhibit "A" and the Design Booklet, Exhibit "B", both attached herein; except that the plan shall be revised to reconfigure the following lots:
  - a. Lots 42 and 110 shall have a minimum net lot size of 5,000 sq.ft.
  - b. Lots 23, 34, 42, 53, 54, 107, 108, 111, and 132 shall have a minimum side setback of five feet, and shall be limited to one-story heights.
3. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.

4. That the curbs of all cul-de-sacs shall be painted red to preclude on street parking.
5. That all applicable City codes and ordinances be met.
6. 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. 2005-55.
7. That Conditional Use Permit No. 2005-54 shall be null and void unless Tentative Subdivision Map No 5505 is approved.

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

AYES: Commissioners Logan, Pérez, Peck, Segrue, Salinas  
NOES:  
ABSTAINED:  
ABSENT:

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

ATTEST: Fred Brusuelas, AICP  
Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2006-85, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on August 14, 2006.



Fred Brusuelas, AICP  
Community Development Assistant Director



Sam Logan, Chairperson

RESOLUTION NO 2006-86

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING RIVER RUN RANCH PHASES 5-7 TENTATIVE SUBDIVISION MAP NO. 5505, A REQUEST BY DLF COMPANY TO DIVIDE 42.9 ACRES INTO 156 LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. THE PROJECT SITE IS LOCATED ON VISALIA PARKWAY, BETWEEN ST. JOHNS PARKWAY AND HOUSTON AVE., CITY OF VISALIA, COUNTY OF TULARE. (APNS 103-020-053,54,55, 103-440-001, 103-450-015, AND PARCEL 3860.

**WHEREAS**, River Run Ranch Phases 5-7 Tentative Subdivision Map No. 5505, is a request by DLF Company to divide 42.9 acres into 156 single-family residential lots. The project site is located on Visalia Parkway, between St. Johns Parkway and Houston Ave., City of Visalia, County of Tulare. (APNs 103-020-053, 54, 55, 103-440-001, 103-450-015, and Parcel 3860); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on August 14, 2006; and

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

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

**NOW, THEREFORE, BE IT RESOLVED** that Negative Declaration No. 2006-074 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 location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the tentative subdivision 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 an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2006-074 is hereby adopted.

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. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

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

1. That the site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-024D.
2. That the final map be developed in substantial compliance with the approved tentative subdivision map shown in Exhibit "A", attached herein; except that the following lots shall be redesigned as follows:
  - a. Lots 42 and 110 shall have a minimum net lot size of 5,000 sq. ft.
  - b. Lots 23, 34, 42, 53, 54, 107, 108, 111, and 132 shall have a minimum side setback of five feet, and shall be limited to one-story heights.
  - c. The applicant shall offer for dedication the future right-of-way for Visalia Parkway, between St. Johns Parkway and Houston Avenue.
3. That Tentative Subdivision Map No 5505 shall be null and void unless Conditional Use Permit No. 2005-54 is approved.
4. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.
5. That the curbs of all cul-de-sacs shall be painted red to preclude on street parking.
6. That all other City codes and ordinances be met.

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

AYES: Commissioners Logan, Pérez, Peck, Segrue, Salinas  
NOES:  
ABSTAINED:  
ABSENT:





# ***City of Visalia***

## **Memo**



To: Planning Commission

From: Josh Dan, Senior Planner

Date: September 23, 2024

Re: Time Extension for Visalia 35 Tentative Subdivision Map No. 5593

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of Visalia 35 Tentative Subdivision Map No. 5593, extending the expiration date to September 26, 2025, pursuant to Section §66452.6(e) of the Subdivision Map Act.

### **BACKGROUND:**

On September 26, 2022, the Visalia Planning Commission approved Visalia 35 Tentative Subdivision Map No. 5593 through adoption of Resolution No. 2022-31. The tentative subdivision map was a request to subdivide 35.06 acres into 96 lots for residential use and five additional lots for landscaping and lighting districts and a pocket park in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size), R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit), O-PA (Office Professional), and Q-P (Quasi Public) Zones. The project site is located on the east side of South Lovers Lane, approximately 678 feet south of East Tulare Avenue and 630 feet north of East Walnut Avenue within the jurisdiction of the City of Visalia (APN: 101-050-041).

The original expiration date for the tentative subdivision map is September 26, 2024, two years from the effective date of the approval.

### **REQUEST:**

The proponents of the Tentative Subdivision Map have submitted a written request received by the City of Visalia, on August 9, 2024, for a time extension of an unspecified period of time. Tentative map approvals together with time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. This would be the first-time extension applied to this Tentative Subdivision Map.

Staff recommends that a one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission according to the staff recommendation, will extend the expiration date of the Tentative Subdivision Map from September 26, 2024, to September 26, 2025.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date, September 26, 2025, to record a final subdivision map. If the request is denied, the applicant would have to re-file a new tentative subdivision map.

#### **ATTACHMENTS**

- Letter of Request for the Time Extension
- Resolution No. 2022-31
- Tentative Subdivision Map
- Location Map

**NORMAN L. ALLINDER, AICP**

Urban Planning and Design

Phone (209) 534-6252 • E-mail nallinder@yahoo.com

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August 08, 2024

City of Visalia Planning Commission  
315 E. Acequia Avenue  
Visalia, CA 93291

On behalf of the property owner and in accordance with Government Code Section 66452.6 as well as Chapter 16.16.130 of the Subdivision Ordinance of the City of Visalia , we would like to request an extension not exceed three years to the approved Tentative Subdivision Map titled Visalia 35, TSM number 5593 approved September 26th, 2022. The reason for the extension is that the market conditions, though improving, do not currently make it feasible to develop this property.

APN: 101-050-041

Property Owner: Forebay Farms  
PO Box 2717 Merced, CA

Sincerely,



Norman L. Allinder, AICP

# City of Visalia

315 E. Acequia Ave., Visalia, CA 93291



# Planning Division

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

January 18, 2023

Norman Allinder  
Urban Planning and Design  
163 N. Park Drive  
Madera, CA 93637

Forebay Farms, LLC  
P.O. Box 2717  
Merced, CA 95344

**Re: Approval of Visalia 35 Tentative Subdivision Map No. 5593:** A request by Forebay Farms, LLC to subdivide 35.06 acres into 96 lots for residential use, four Remainder lots for future development, and five lettered lots for parkway landscaping, walls, landscaping and a pocket park, located in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size), R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit), O-PA (Office Professional), and QP (Quasi Public) Zones. The project site is located on the east side of South Lovers Lane, approximately 678 feet south of East Tulare Avenue and 630 feet north of East Walnut Avenue. (Address: not yet assigned) (APN: 101-050-041).

On September 26, 2022, the Visalia City Planning Commission passed and adopted Resolution No. 2022-31 by a 4-0, Commissioner Gomez absent, vote, approving the Visalia 35 Tentative Subdivision Map No. 5593, as conditioned.

If you have any questions regarding this action, please contact me at (559) 713-4003.

Regards,

A handwritten signature in blue ink, appearing to read "Josh Dan".

Josh Dan, Associate Planner  
City of Visalia Community Development Department  
315 E. Acequia Avenue  
Visalia, CA 93291  
Phone: (559) 713-4003  
Email: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**Attachment(s):**

- Signed Resolution No. 2022-31

RESOLUTION NO 2022-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VISALIA 35 TENTATIVE SUBDIVISION MAP NO. 5593, A REQUEST BY FOREBAY FARMS, LLC TO SUBDIVIDE 35.06 ACRES INTO 96 LOTS FOR RESIDENTIAL USE, FOUR REMAINDER LOTS FOR FUTURE DEVELOPMENT, AND FIVE LETTERED LOTS FOR PARKWAY LANDSCAPING, WALLS, LANDSCAPING AND A NEIGHBORHOOD PARK, LOCATED IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, MINIMUM 5,000 SQUARE FOOT LOT SIZE), R-M-2 (MULTI-FAMILY RESIDENTIAL, 3,000 SQUARE FEET MINIMUM SITE AREA PER UNIT), O-PA (OFFICE PROFESSIONAL), AND QP (QUASI PUBLIC) ZONES. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF SOUTH LOVERS LANE, APPROXIMATELY 678 FEET SOUTH OF EAST TULARE AVENUE AND 630 FEET NORTH OF EAST WALNUT AVENUE. (ADDRESS: NOT YET ASSIGNED) (APN: 101-050-041)

**WHEREAS**, Visalia 35 Tentative Subdivision Map No. 5593 is a request by Forebay Farms, LLC to subdivide 35.06 acres into 96 lots for residential use, four Remainder lots for future development, and five lettered lots for parkway landscaping, walls, landscaping and a neighborhood park, located in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size), R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit), O-PA (Office Professional), and QP (Quasi Public) Zones. The project site is located on the east side of South Lovers Lane, approximately 678 feet south of East Tulare Avenue and 630 feet north of East Walnut Avenue. (Address: not yet assigned) (APN: 101-050-041); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 26, 2022; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Visalia 35 Tentative Subdivision Map No. 5593 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**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project; and

**WHEREAS**, the Planning Commission finds that Initial Study No. 2022-34 has identified the proposed project has no new effects that could occur 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby adopts Negative Declaration No. 2022-34 for Visalia 35 Tentative Subdivision Map No. 5593 that 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 approves the proposed tentative subdivision map based on the following specific findings and based on the evidence presented:

1. That the proposed location and layout of the Visalia 35 Tentative Subdivision Map No. 5593, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance. The 16.35-acre project site, which is the site of the proposed 59-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 Visalia 35 Tentative Subdivision Map No. 5593, 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 and two major streets.
3. That the site is physically suitable for the proposed tentative subdivision map. The Visalia 35 Tentative Subdivision Map No. 5593 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 and the future development of vacant parcels located to the south of 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 Visalia 35 Tentative Subdivision Map No. 5593, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance. The 35.06-acre project site, which is the site of the proposed 96-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 Candelas II Tentative Subdivision Map No. 5579, 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 59-lot subdivision is designed to comply with the City’s Engineering Improvement Standards. The development of the site with a 59-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 Vista Street to the east and frontage street improvements along Tulare Avenue.

6. That the Remainders, for public health and safety and for the necessary prerequisite to the orderly development of the surrounding area, shall require the construction of curb, gutter, curb returns, streetlights and sidewalks along those portions abutting South Lovers Lane and along the local streets.
7. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2022-34, is hereby adopted. Furthermore, the design of the subdivision or the proposed improvements is not likely to neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the tentative subdivision map on the real property herein above 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. 2020-124, incorporated herein by reference.
2. That the Visalia 35 Tentative Subdivision Map No. 5593 be prepared in substantial compliance with the subdivision map in Exhibits "A", "B", and "C".
3. That the setbacks for the single-family residential lots shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) zone district standards for the front, side, street side yard, and rear yard setbacks.
4. That the block walls located within the Landscape and Lighting District lots shall transition to three-foot height within the 15-foot front yard setback areas of the adjoining residential identified as Lot 1 of the Visalia 35 Tentative Subdivision Map No. 5593 (Exhibit "B").
5. That the construction of curb, gutter, curb returns, streetlights and sidewalks along the Remainders that abut South Lovers Lane and the local streets shall be installed with each phase of the Visalia 35 Tentative Subdivision Map.
6. That if, prior to development of the subdivision, the determination of water availability letter lapses, then the applicant/developer shall obtain and provide the City with a valid Will Serve letter from the California Water Service Company.
7. That all applicable federal, state, regional, and city policies and ordinances be met.

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

AYES: Commissioners Peck, Beatie, Tavarez, Hansen

NOES:  
ABSTAINED:  
ABSENT: Commissioner Gomez

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

ATTEST: Paul Bernal, Community Development Director

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2022-31, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 26, 2022.

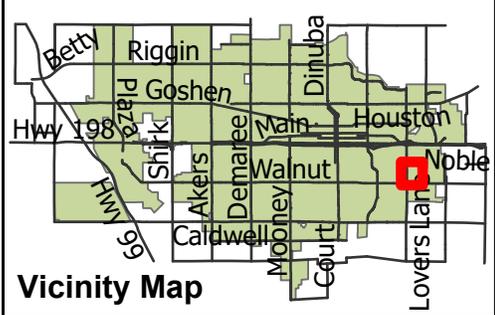
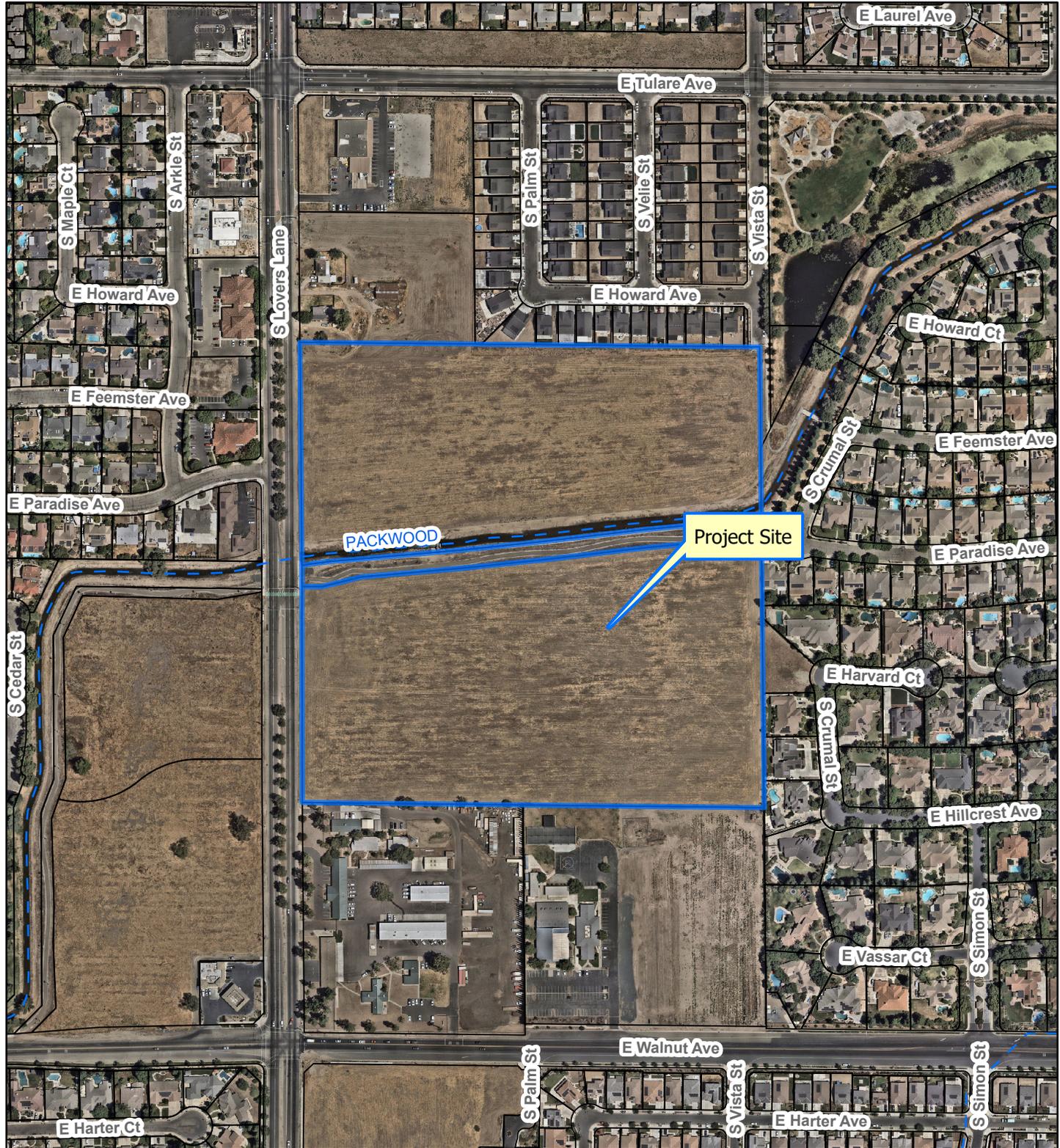
  
\_\_\_\_\_  
Paul Bernal, Community Development Director

  
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Marvin Hansen, Chairperson

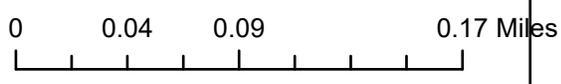








### Aerial Map





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** September 23, 2024

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

**SUBJECT: Conditional Use Permit No. 2024-30:** A request by DMCG Inc, dba Bail Hotline Bail Bonds to relocate and operate a bail bonds business in the C-MU (Mixed Use Commercial) zone. The project site is located at 1414 South Mooney Boulevard (APN: 096-311-001).

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-30 based upon the findings and conditions in Resolution No. 2024-50. Staff's recommendation is 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. 2024-30 based on the findings and conditions in Resolution No. 2024-50.

## PROJECT DESCRIPTION

Bail Hotline Bail Bonds is requesting to relocate and operate within a tenant space located at 1414 South Mooney Boulevard. Bail Hotline Bail Bonds operates over 32 offices throughout California and has been in business at the existing Visalia location (1107 South Mooney Boulevard) since 2011. The business is seeking to relocate from their current location as the existing location was purchased by a new owner who is requiring the Bail Hotline Bail Bond business to vacate the property.

The proposed project site, 1414 South Mooney Boulevard is located on the east side of South Mooney Boulevard and is approximately 0.2 miles from the existing location (Exhibit D). The new location consists of one 4,940 square foot building. The bail bonds business will occupy an approximately 1,649 square foot tenant space with three additional tenant spaces directly adjacent to the proposed space. The additional two tenant spaces are both currently occupied (a mattress store and an auto insurance and tax business). The proposed bail bond business will have primary frontage along South Mooney Boulevard and will have a primary point of entry independent from the other tenant spaces. The parcel consists of a shared



parking lot located directly behind the building and a two-way drive aisle that provides access to the lot (Exhibit A).

The Floor Plan (Exhibit B) details the proposed layout of the space, detailing a shared workspace with four desks, a waiting area, breakroom, restroom and shared back room utilized for office equipment and supplies. There are no exterior modifications proposed to the space and the applicant has stated in the Operational Statement (Exhibit C) that no new interior construction will be required or conducted within the tenant space.

Per the Operational Statement (Exhibit C), Bail Hotline Bail Bonds provides licensed and experienced professionals that assist individuals through personalized advice and support for all bail-related needs. The site will operate Monday through Sunday from 8:00 A.M. – 11:00 P.M. and will employ three (3) Bail Bond Agents and one (1) Office Manager, with only two of the three Bail Bond Agents operating at the office at a time. The estimated number of clients will be an average of five to six a day during operational hours. The business will provide crucial administrative tasks such as maintaining records, handling contacts, bookkeeping, and seeking new clients.

**BACKGROUND INFORMATION**

General Plan Land Use Designation	Mixed Use Commercial
Zoning	C-MU (Mixed Use Commercial)
Surrounding Zoning and Land Use	North: C-MU / Christian Supply Store South: C-MU / Big 5 Sporting Good Store East: R-M-3 (Multi-Family Residential) / Multi-family apartments West: C-MU / Appliance store
Environmental Review	Categorical Exemption No. 2024-43
Site Plan	SPR No. 2024-149

**Related Projects**

**Change of Zone No. 2016-09:** A request by the City to Update Title 16 (Subdivision) and Title 17 (Zoning) ordinances, the Visalia Zoning Map and General Plan Land Use Map of the Visalia Municipal Code, City wide. Updated Zoning Ordinance approved at Planning Commission and effective 2017.

**PROJECT EVALUATION**

Staff recommends approval of Conditional Use Permit No. 2024-30, as conditioned, based on the project’s consistency with the General Plan Land Use and Zoning Ordinance.

**Land Use Compatibility**

The City of Visalia Zoning Ordinance (Title 17) was updated in 2016 and became effective in 2017. The update included various changes and additions to the zoning ordinance, including the inclusion of bail bond uses. Per the Visalia Municipal Code, section 17.04.030 Definitions, bail bonds are defined as “*a facility that provides bail bonds, documents that ensure to the court system that a person facing charges, and who typically is in jail, will appear for future court appointments if released*” this definition and use was not specifically listed in the ordinance prior

to 2017. Staff conducted research on various bail bonds business that currently operate in the city including the proposed business in this conditional use permit request. Per City of Visalia Business Tax License, bail bonds businesses have been operating in the city since 2009, prior to the updated ordinance requiring a conditional use permit in the Mixed-Use Commercial (C-MU), Mixed Use Downtown (D-MU), and Professional/Administrative Office (O-PA) zones. Prior to the update, bail bonds use was classified as “*General Business and Professional (i.e., data processing services, employment agencies, insurance agencies, etc.)*,” per the Municipal Code. Per this classification, if the office use occupied a commercial tenant space less than 2,000 square feet, the use was permitted by right in all zones except for the Industrial Zones.

As stated in the operational statement, Bail Hotline Bail Bonds has been operating at the existing location in the City of Visalia since 2015. When the applicant submitted their application for a Business Tax Certificate, the application was sent to Planning for approval based on the use and zoning of the proposed location.

The proposed project use is not changing, the size of the new location is similar in size to the current location, and there is no proposed intensification of the use as well. The applicant is only seeking to relocate from the current location to the proposed location, which both are designated as Mixed-Use Commercial zones. Staff concludes that the project, as conditioned, is consistent with the land use given the areas’ land use and zoning designations. The proposed use will not have a negative impact on the project site and surrounding areas.

### **Parking**

The Zoning Ordinance does not have a parking requirement that is specific to the proposed bail bonds use. However, staff concluded that applying the offices, including all public and professional offices parking requirement of one parking space for each two hundred fifty (250) square feet of building area was appropriate based on the use of the building as a bail bonds office. Using the office parking requirement is supported under Section 17.34.020.G of the Zoning Ordinance, which states, “*for a use not specified in this section, the same number of off-street parking spaces shall be provided as are required for the most similar specified use*”.

However, pursuant to Assembly Bill 2097, which went into effect January 1, 2023, prohibits public agencies from imposing minimum parking requirements on sites that are located within a half-mile radius of a major transit stop (*Please note a major transit stop is defined as major transit stop” to include an existing or planned (1) rail or bus rapid transit station, (2) ferry terminal served by bus or rail transit, or (3) intersection of two or more major bus routes with service every 15 minutes or less during peak commute periods.*), the City of Visalia Transit operates bus service along Route 1 with bus stops located on Main Street and Mooney Boulevard. Route 1 meets the definition of a “major transit stop” and the project site is within a half mile of Route 1 bus stops. Therefore, the site meets parking provisions per AB 2097.

### **Environmental Review**

The project is Categorically Exempt under Section 15301 (Existing Facilities) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-43.

## **RECOMMENDED FINDINGS**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-43.

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2024-149, incorporated herein by reference.
2. That the use be in substantial compliance with Exhibits "A", "B" and "C". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
4. That all other federal, state and city laws, codes and ordinances be complied with.

### **APPEAL INFORMATION**

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. 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](http://www.visalia.city) or from the City Clerk.

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2024-50
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Exhibit "D" – Map of existing location to proposed site
- Exhibit "E" – 2015 Business Tax application approval
- Site Plan Review Comments No. 2024-149
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- 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. 2024-30

**PROJECT TITLE**

The site is located at 1414 S. Mooney Blvd (APN: 096-311-001)

**PROJECT LOCATION**

Visalia

**PROJECT LOCATION - CITY**

Tulare

**COUNTY**

A request by Hotline Bail Bonds to relocate and operate a bail bond business in the C-MU (Mixed Use Commercial) zone.

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

City of Visalia

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Alvina Mendieta, DMCG Inc, 3230 Vine St., Riverside CA 92507

**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 - State type and Section number: **Section 15301**
- Statutory Exemptions- State code number:

A request by Hotline Bail Bonds to relocate and operate a bail bonds business in the C-MU (Mixed Use Commercial) zone, constituting only minor changes to existing facilities with similar neighboring uses.

**REASON FOR PROJECT EXEMPTION**

Colleen A. Moreno, Assistant Planner

**CONTACT PERSON**

(559) 713-4031

**AREA CODE/PHONE**

August 30, 2024

**DATE**

Brandon Smith, AICP  
**Environmental Coordinator**

## **RELATED PLANS AND POLICIES**

### **Zoning Ordinance** **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. (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.

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. 2024-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-30, A REQUEST BY DMCG INC, DBA BAIL HOTLINE BAIL BONDS TO RELOCATE AND OPERATE A BAIL BONDS BUSINESS IN THE C-MU (MIXED USE COMMERCIAL) ZONE. THE PROJECT IS LOCATED AT 1414 SOUTH MOONEY BOULEVARD (APN: 096-311-001).

**WHEREAS**, Conditional Use Permit No. 2024-30, is a request by DMCG Inc, dba Bail Hotline Bail Bonds to relocate and operate a bail bonds business in the C-MU (Mixed Use Commercial) zone. The project is located at 1414 South Mooney Boulevard (APN: 096-311-001); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 23, 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 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:

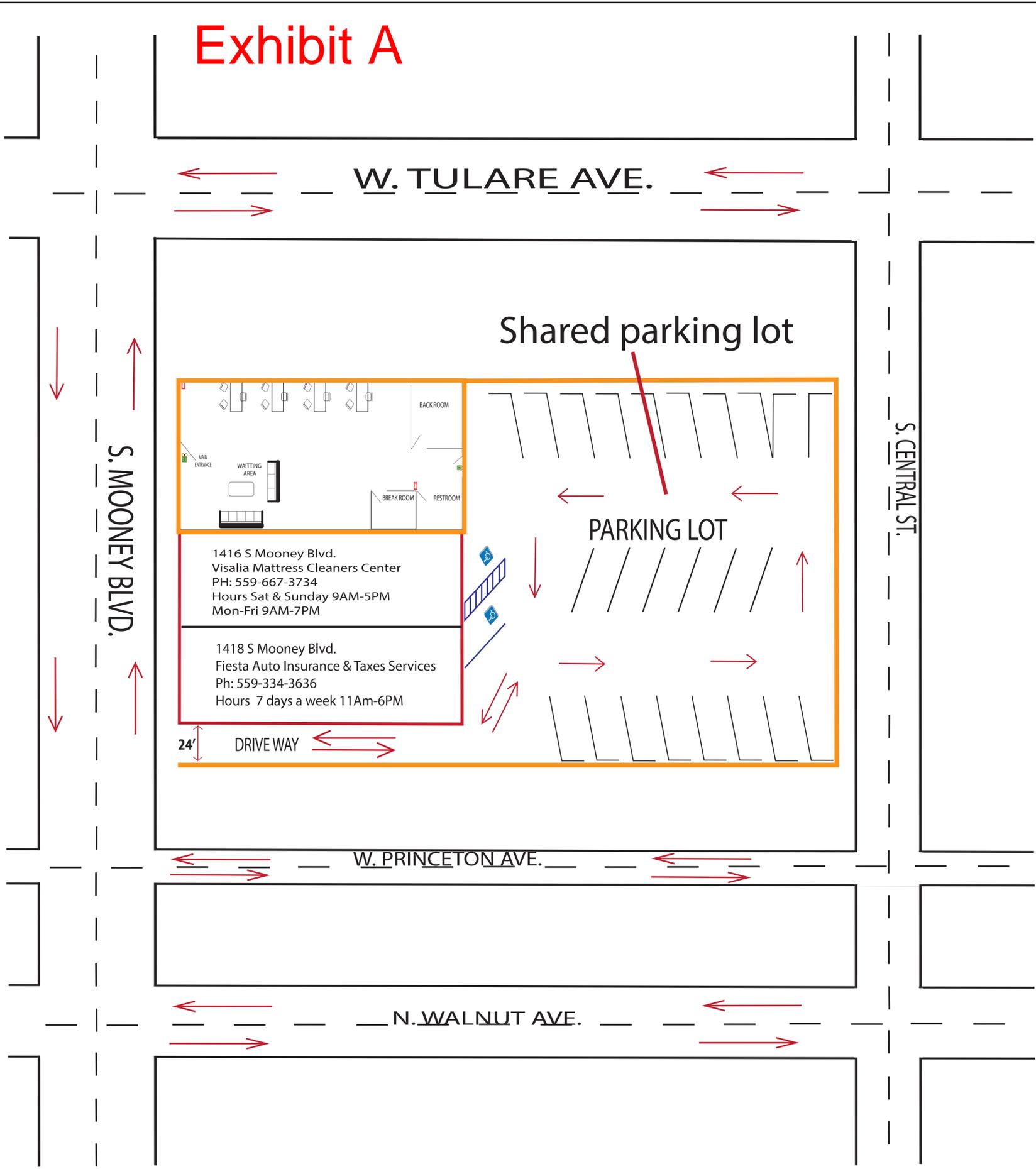
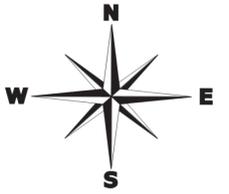
1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2024-43.

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2024-149, incorporated herein by reference.

2. That the use be in substantial compliance with Exhibits "A", "B" and "C". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
4. That all other federal, state and city laws, codes and ordinances be complied with.

# Exhibit A



1416 S Mooney Blvd.  
 Visalia Mattress Cleaners Center  
 PH: 559-667-3734  
 Hours Sat & Sunday 9AM-5PM  
 Mon-Fri 9AM-7PM

1418 S Mooney Blvd.  
 Fiesta Auto Insurance & Taxes Services  
 Ph: 559-334-3636  
 Hours 7 days a week 11Am-6PM

24' DRIVE WAY

**PROJECT #:**  
 SPR24149

**Legal Description:**  
 We are seeking a CUP to operate a bail bond office that will perform administrative tasks, such as maintaining records, and handling contacts, book keeping, and assisting new and existing clients.

**Property Owner:**  
 CMJ Investments LLC  
 P. O. BOX 1648  
 Stanwood, WA 98292

**Assessor's Parcel Number:**  
 096-311-001-000  
**Zoning:** C-MU  
**Flood Zone:** X02  
**Lot Size (Sqft):** 1,649 sqf  
**Full Building (Sqft):** 4,940 sqft

**Total No. of Parking Spaces:** 24  
**Total No. of Handicap Parking Spaces:** 2

**Utilities:**  
 Edison (Electrical) Account # 8155500341955305  
 Trash Account # 842137 (will be transfer)  
 Water Account # 2399781407 (will be transfer)

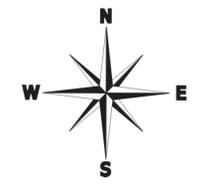
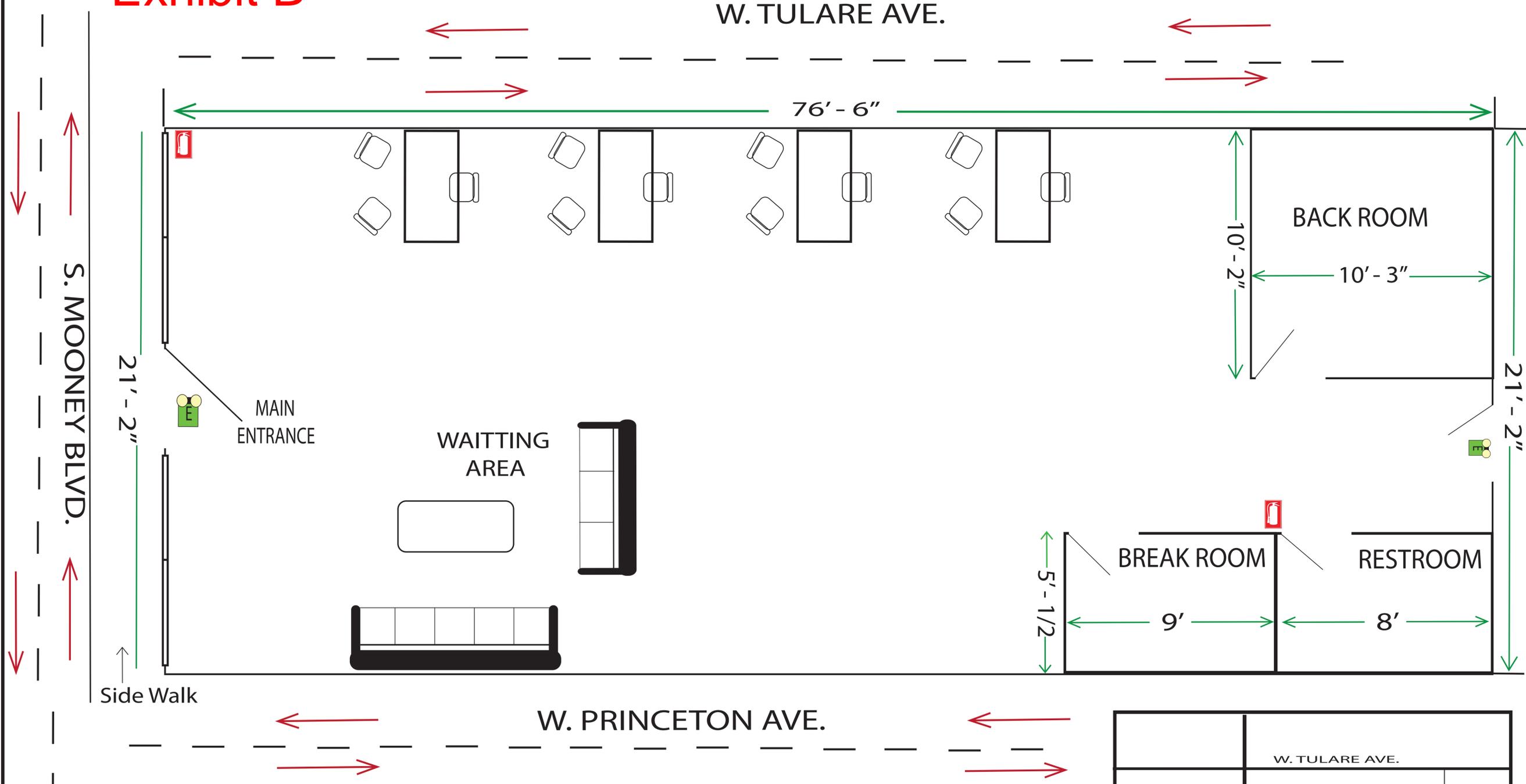
**Bail Hotline Bail Bonds**

1414 S. MOONEY BLVD.  
 VISALIA, CA 93277

Plans prepared by: Daisy Padilla  
 Company: DMCG, Inc.,  
 dba Bail Hotline Bail Bonds  
 Telephone: (323) 806-6946

LAST REVISION DATE:  
 7/31/2024

# Exhibit B



**Bail HotLine Bail Bonds**  
 1414 S. MOONEY BLVD.  
 VISALIA, CA 93277

Plans prepared by: Daisy Padilla  
 Company: DMCG, Inc.,  
 dba Bail Hotline Bail Bonds  
 Telephone: (323) 806-6946

LAST REVISION DATE:  
 7/31/2024

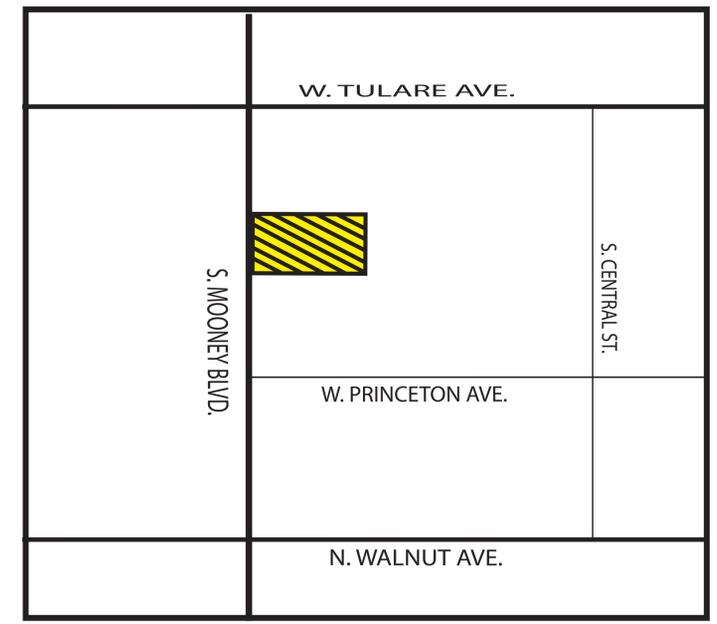
## LOT DESCRIPTION

A.P.N. 096-311-001-000  
 SITE ADDRESS: 1414 S. MOONEY BLVD. VISALIA, CA 93277

ZONING: C-MU

LEGAL OWNER:  
 CMJ INVESTMENTS LLC  
 P.O. BOX 1648  
 STANWOOD, WA 98292

-  Exit Signs  
W/emergency Lights
-  Fire Extinguishers



# Exhibit C

July 25, 2024

## **Operational Statement for Bail Hotline Bail Bonds**

**Site Address: 1414 S Mooney Blvd. Visalia CA 93277**

**Mission:** Our mission at Bail Hotline Bail Bonds is to provide fast, reliable, and affordable bail bond services to individuals in California, ensuring a smooth and stress-free process for our clients. We are committed to honesty, reliability, and high-quality customer service.

**Operations & Office Setup and Hours:** Bail Hotline Bail Bonds operates over 32 conveniently located offices throughout California, each adhering to strict business standards. Our expert team is dedicated to providing personalized advice and support for all bail-related needs.

In line with our commitment to efficiency and resourcefulness, there will be no new construction for our Visalia office setup. Instead, we will place four desks, each equipped with a computer, phones and a shared printer, in the existing office space. Our office will operate from 8 am to 11 pm, Monday- Sunday, to better serve our clients.

**Our Team:** Our staff at the Visalia office will be composed of three (3) Bail bond Agents, and One (1) Office Manager. There will normally be two (2) Agents at the office at a time. The Office Manager will be on site on different various hours and days.

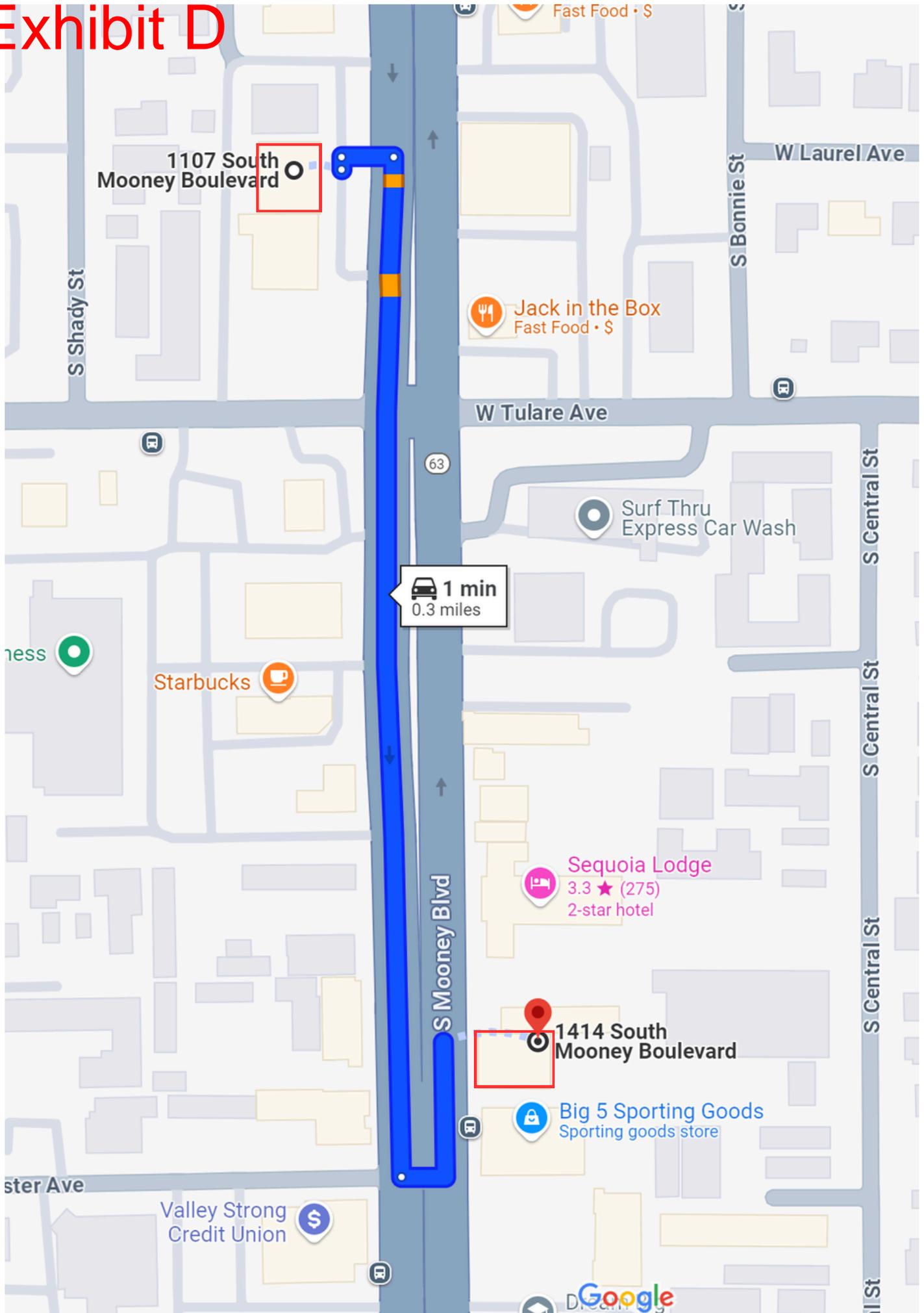
**Estimated Clients:** We expect to average around 5-6 clients a day that will be coming into the office at various business hours.

**Administrative Focus:** This office will perform crucial administrative tasks, including maintaining records, handling contacts, bookkeeping, and seeking new clients. By streamlining these operations, we aim to enhance our service delivery and client satisfaction.

**Customer Commitment:** At Bail Hotline, we understand the stress and emotional difficulty of arranging bail for a loved one. Our licensed and experienced professionals are committed to reducing this burden with a detailed duty of care, ensuring that our clients receive the support they need during challenging times.

By upholding our values of honesty, reliability, and openness, we have built a reputation as a trusted and dependable company. Our continued growth and success are testaments to our dedication to providing exceptional service to our clients.

# Exhibit D



# Exhibit E

City of Visalia

315 East Acequia Ave., Visalia, CA 93291

Business Tax

Tel (559) 713-4326 Fax (559) 713-4812



### APPLICATION

New  Change in Owner

**DMCGI Inc DBA:**

#### BUSINESS

Business Name: Bail Hotline Bail Bonds Profession: Bail Bonds  
 Address: 1189 S. Morgan Blvd Type of Sales: Insurance  
Visalia CA 93277 through \_\_\_\_\_  
 VISALIA Start (Open) Date: 10/19/2015  
 Estimated Gross Income: \$ Exempt Per month  
 Federal ID #: \_\_\_\_\_ Sellers Permit # N/A  
 State Employer #: \_\_\_\_\_ State Contractor License N/A  
 Email: Facilities@bailhotline.net Website: mybailhotline.com  
 Business Phone: 951-683-9685 Mobile Phone: N/A

#### BILLING

Billing Name: DMCGI Inc DBA: Bail Hotline Bail Bonds  
 Mailing Address: \_\_\_\_\_  
 City, State/Zip: \_\_\_\_\_

#### OWNER

Type (check one): Single Owner  Partnership  Corporation  Trust  LLC   
 Owner Name: Daniel McGuire ADD'L \_\_\_\_\_  
 Home Address: \_\_\_\_\_ Home Addr: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
 Social Security # \_\_\_\_\_ Social Security # \_\_\_\_\_  
 Home Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Drivers License No: \_\_\_\_\_ Drivers License No: \_\_\_\_\_

#### LANDOWNER

(If you rent or lease your business location)  
 Landowner Name: Coreval LLC and Phone: 951-685-2100  
 Landowner Addr: Martin Zeeb City/State/Zip: \_\_\_\_\_  
222 N. Garden St, Ste 100  
Visalia, CA 93291

A Business Tax Certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an illegal manner or to conduct the business without strictly complying with all of the provisions of the ordinances of the City of Visalia, including but not limited to those requiring a permit from any board, commission, department, or office of the City. A Business Tax Certificate does not constitute a permit to conduct business.

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature: Alicia Dominguez Date: 01/20/2015

#### FOR OFFICE USE ONLY:

Planning Authorization: Susan Corbin Billing Period: Jan-June July-Dec \_\_\_\_\_  
 Planning Auth Date: 10/9/15 Add'l Billing Period: \_\_\_\_\_  
 APN: BL44535 Zoning: \_\_\_\_\_  
 Account: 6200 Application Fee: Exempt  
 Code: 8999 Downtown Surcharge: \_\_\_\_\_  
 SIC Number: \_\_\_\_\_ Home Occupation Fee: \_\_\_\_\_  
 Shopping Area: m Cash/Check/Credit Card Total \$ \_\_\_\_\_

#### NEW OR RENEWAL OF BUSINESS TAX APPLICATION

On September 19, 2012 Governor Brown signed into law SB-1186 which adds a state fee of \$1 on any applicant for a local business license or similar instrument or permit, or renewal thereof. The purpose is to increase disability access and compliance with construction-related accessibility requirements and to develop educational resources for businesses in order to facilitate compliance with federal and state disability laws, as specified.

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

- o The Division of the State Architect at [www.dgs.ca.gov/dsa/Home.aspx](http://www.dgs.ca.gov/dsa/Home.aspx).
- o The Department of Rehabilitation at [www.rehab.ca.gov/ncf/any](http://www.rehab.ca.gov/ncf/any).
- o The California Commission on Disability Access at [www.cdda.ca.gov](http://www.cdda.ca.gov).



August 15, 2024

**Site Plan Review No. 2024-149:**

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 **July 31, 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 large, stylized blue loop.

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

**Attachment(s):**

- Site Plan Review Comments



MEETING DATE July 31, 2024  
 SITE PLAN NO. 2024-149  
 PARCEL MAP NO.  
 SUBDIVISION  
 LOT LINE ADJUSTMENT NO.

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

- RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.
- During site plan design/policy concerns were identified, schedule a meeting with
  - Planning  Engineering prior to resubmittal plans for Site Plan Review.
  - Solid Waste  Parks and Recreation  Fire Dept.

- REVISE AND PROCEED** (see below)
  - A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
  - Submit plans for a building permit between the hours of 7:30 a.m. and 5:00 p.m., Monday through Thursday, offices closed on Fridays.
  - Your plans must be reviewed by:
    - CITY COUNCIL  REDEVELOPMENT
    - PLANNING COMMISSION  PARK/RECREATION
    - Conditional Use Permit
    - HISTORIC PRESERVATION  OTHER:
    - 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

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

Date: July 31, 2024

SITE PLAN NO: 2024-149  
PROJECT: Bail Hotline Bail Bonds  
DESCRIPTION: CUP TO OPERATE A BAIL BOND OFFICE  
APPLICANT: DAISY PADILLA  
LOCATION: 1414 S MOONEY BLVD  
APN: 096-311-001

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Conditional Use Permit
- Building Permit

## **PROJECT SPECIFIC INFORMATION:** July 31, 2024

1. VMC 17.25.030 Use Table, Line S16 lists Bail Bonds as conditionally allowed in the C-MU (Mixed-Use Commercial) zone, a Conditional Use Permit shall be required.
2. With CUP submittal, a site plan, floor plan and operational statement must be submitted.
3. All signage shall require a separate Building Permit submittal.

## **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 MWEL standards is required indicating that the landscaping has been installed to MWEL standards.



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.

## Applicable Sections of the Visalia Municipal Code to review:

- 17.19. Mixed Use Zones
- 17.25 Zone Use Matrix

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

Signature:

**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

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

ITEM NO: 4 DATE: July 31, 2024

SITE PLAN NO.: 24-149  
 PROJECT TITLE: BAIL HOTLINE BAIL BONDS  
 DESCRIPTION: SEEKING CUP FOR BAIL BOND OFFICE  
 APPLICANT: DAISY PADILLA  
 PROP OWNER: CMJ INVESTMENTS LLC  
 LOCATION: 1414 S MOONEY BLVD  
 APN: 096-311-001

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with \_\_\_\_\_ radius;
- Install curb;  gutter
- Drive approach size:  Use radius return;
- Sidewalk: \_\_\_\_\_ width;  parkway width at \_\_\_\_\_
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**  
 Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: \_\_\_\_\_; maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .20%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

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

**Additional Comments:**

**1. A building permit is required, standard plan check and inspection fees will apply.**

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: **24-149**

Date: **July 31, 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: )

(Project type for fee rates: )

Existing uses may qualify for credits on Development Impact Fees.

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

**Reimbursement:**

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

*Sarah MacLennan*

**Sarah MacLennan**

SFR 24149  
BAIL HOTLINE BAIL BONDS  
1414 S MOONEY

City of Visalia  
Building: Site Plan  
Review Comments

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

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

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VAL CAROLIA 7/31/24  
Signature

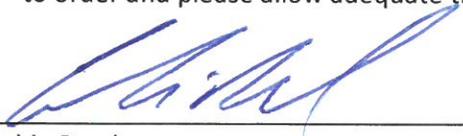


**Site Plan Comments**

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

Date	July 31, 2024
Item #	4
Site Plan #	24149
APN:	096311001

- 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](http://knoxbox.com) to order and please allow adequate time for shipping and installation. 2022 CFC 506.1

  
\_\_\_\_\_  
Corbin Reed  
Fire Marshal



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

Date: 07/31/24  
 Item: 4  
 Site Plan: SPR24149  
 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 around property to help deter crime  
\_\_\_\_\_
- Traffic Concerns:  
\_\_\_\_\_
- Surveillance Issues:  
interior/exterior surveillance cameras to help deter crime  
\_\_\_\_\_
- Line of Sight Issues:  
\_\_\_\_\_
- Other Concerns:  
enroll/participation in the Trespass Enforcement Program  
\_\_\_\_\_

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

July 31, 2024

ITEM NO: 4      **Added to Agenda**      MEETING TIME: 09:45  
SITE PLAN NO: [SPR24149](#)      ASSIGNED TO: Colleen Moreno [Colleen.Moreno@visalia.city](mailto:Colleen.Moreno@visalia.city)  
PROJECT TITLE: Bail Hotline Bail Bonds  
DESCRIPTION: We are seeking a CUP to operate a bail bond office that will perform administrative tasks, such as maintaining records, and handling contacts, book keeping, and assisting new and existing clients.  
APPLICANT: Daisy Padilla - Applicant  
APN: 096311001  
ADDRESS: 1414 S MOONEY BLVD  
LOCATION: 1414 S Mooney Blvd Visalia CA 93277

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.

---

**Leslie Blair**

- 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*

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**Leslie Blair**

## Susan Currier

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**From:** Ben Litwack  
**Sent:** Tuesday, July 30, 2024 8:46 AM  
**To:** Susan Currier  
**Cc:** Colleen Moreno; Jennifer Flores  
**Subject:** ite Plan Review 07.31.24 Wastewater Comments  
**Attachments:** 07.31.24 SPR24111-1 RSCL Enterprises LLC.pdf

Hello,

Below are my comments for this week's site plant review:

24130-1-1-1-1: No new comments

24111-1: Any tenant will have to fill out industrial user application.

24147: No comment

24149: No comment

24150: No comment

24152: No comment

Please let me know if you have any questions.

Regards,

**BEN LITWACK**

**PUBLIC WORKS MANAGER**

7579 Avenue 288 | Visalia, CA 93277

949.294.0577 cell | 559.713.4671 desk

[ben.litwack@visalia.city](mailto:ben.litwack@visalia.city)

[www.visalia.city](http://www.visalia.city)

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

24149

July 31, 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.

**Comment** Solid waste services are provided by the property owner's account. If solid waste service changes are required, the customer should reach out to property owner to schedule a waste assessment.

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

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**From:** Rajput, Rosy@DOT <Rosy.Rajput@dot.ca.gov>  
**Sent:** Thursday, August 1, 2024 1:15 PM  
**To:** Susan Currier; Colleen Moreno  
**Cc:** Padilla, Dave@DOT; Deel, David@DOT  
**Subject:** Response from D6 Caltrans : SITE PLAN REVIEW for 07-31-2024  
**Attachments:** Site Plan Review Agenda 07.31.2024.pdf; TUL-216-0.00 - SPR 24130 - (Commercial Development - The Hub).pdf

Hi Colleen and Susan,

This email summarizes our response to the following site plans:

- **SPR24130-1-1-1-1 – The Hub – Comments are still valid (Please see the attached letter that was sent on July 19<sup>th</sup>, 2024)**
- **SPR24111-1 – New 3,780 sf ground-up commercial building– No comment**
- **SPR24147- Oasis massage – No comment**
- **SPR24149- Bail Hotline Bail Bonds – No comment**
- **SPR24150 - Lot 44 Improvements – No comment**
- **SPR24152 – Smoke Shack – No comment**

Please let me know if you have any questions or require further clarification on any of these plans.

Thanks,





## CALIFORNIA WATER SERVICE

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

<b>Site Plan Review Comments From:</b> California Water Service Scott McNamara, Superintendent 216 N Valley Oaks Dr. Visalia, CA 93292 559-624-1622 <a href="mailto:smcnamara@calwater.com">smcnamara@calwater.com</a>	Date: 07/31/2024 Item #: 4 Site Plan #: 24-149 Project: Bail Hotline Bail Bonds Description: Applicant: Daisy Padilla APN: 096-311-001 Address: 1414 S Mooney
--	--

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

- No New Comments
- No Comment

**Water Mains**

**Comments:**

- Water main fronting your project
- No existing water main fronting this project

**Water Services**

**Comments:**

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

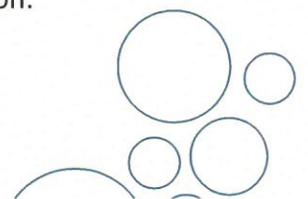
The following will be paid for by the property owner/developer:

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

**Fire Hydrants**

**Comments:**

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





## CALIFORNIA WATER SERVICE

### **Backflow Requirements**

#### ***Comments:***

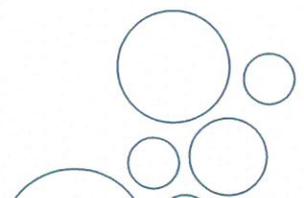
A backflow is required if any parcel meets any of the following parameters:

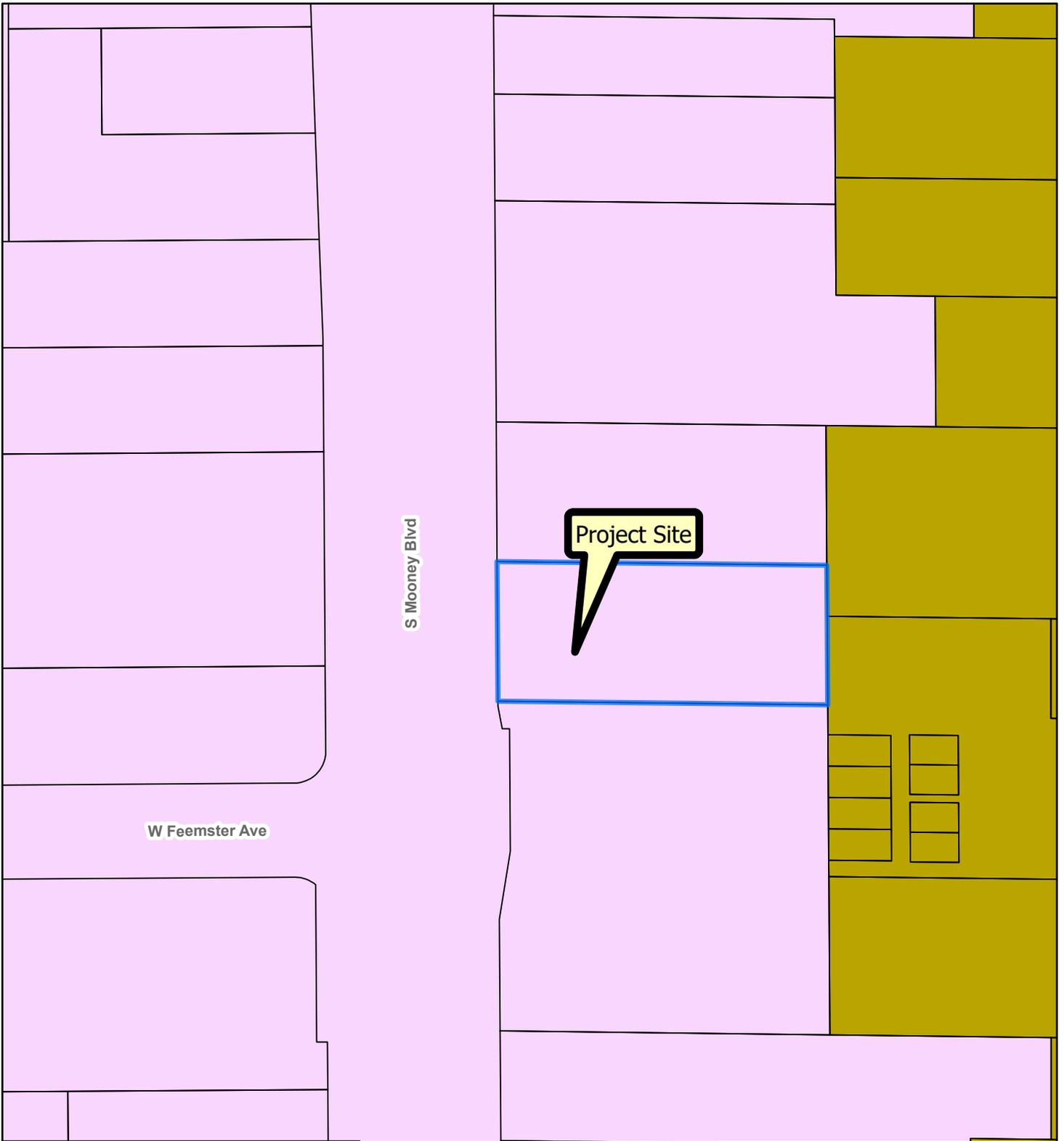
- Designated as multi-family
- Commercial building
- Has multiple dwellings (residential or commercial)
- Has multiple services
  - Any combination of the following:
    - Domestic/Commercial
    - Irrigation
    - Fire Protection

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

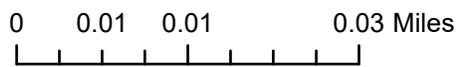
#### **Additional Comments:**

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

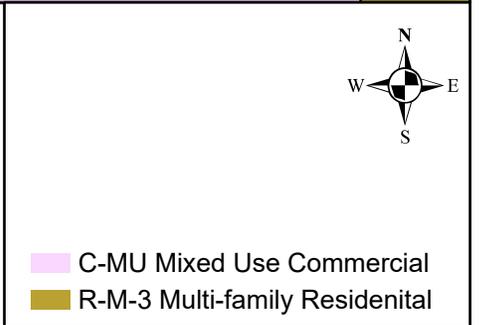
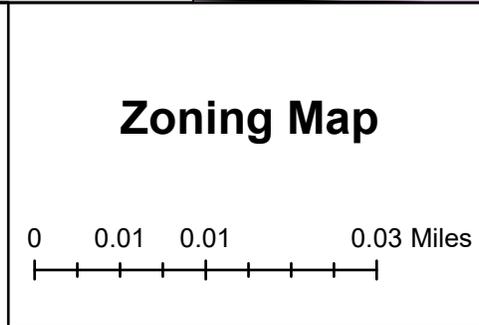
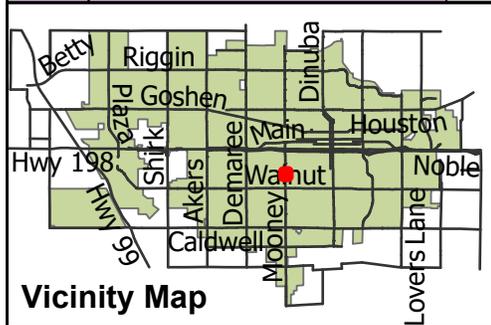
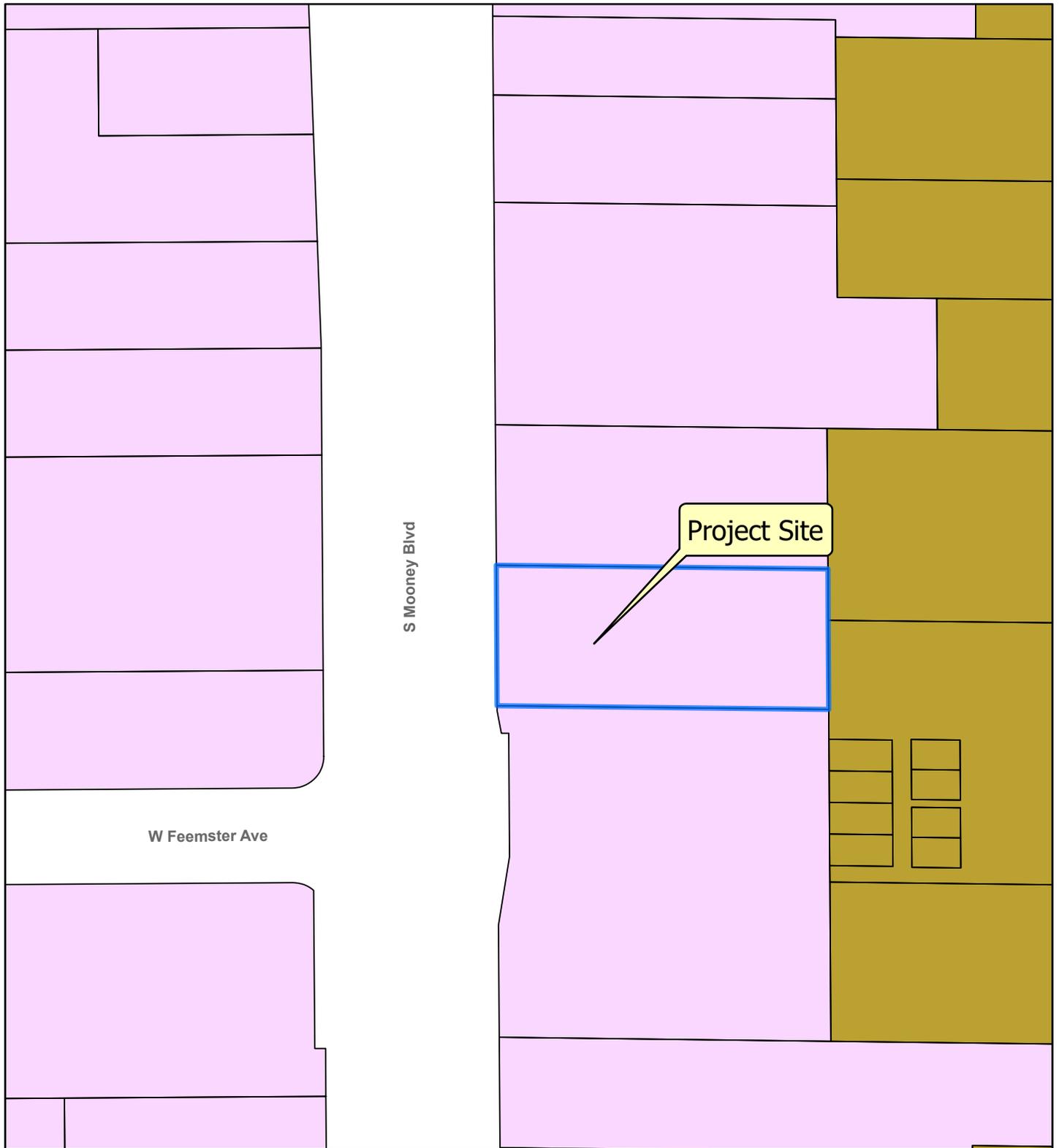




## General Plan Land Use Map



- Commercial Mixed Use
- Residential High Density

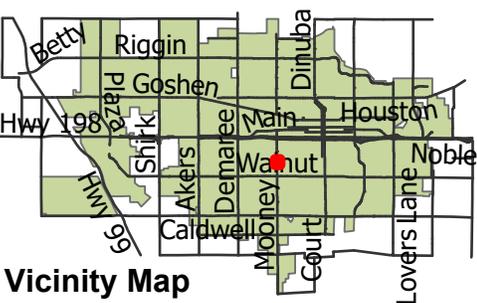




S Mooney Blvd

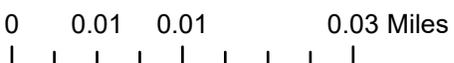
W Feemster Ave

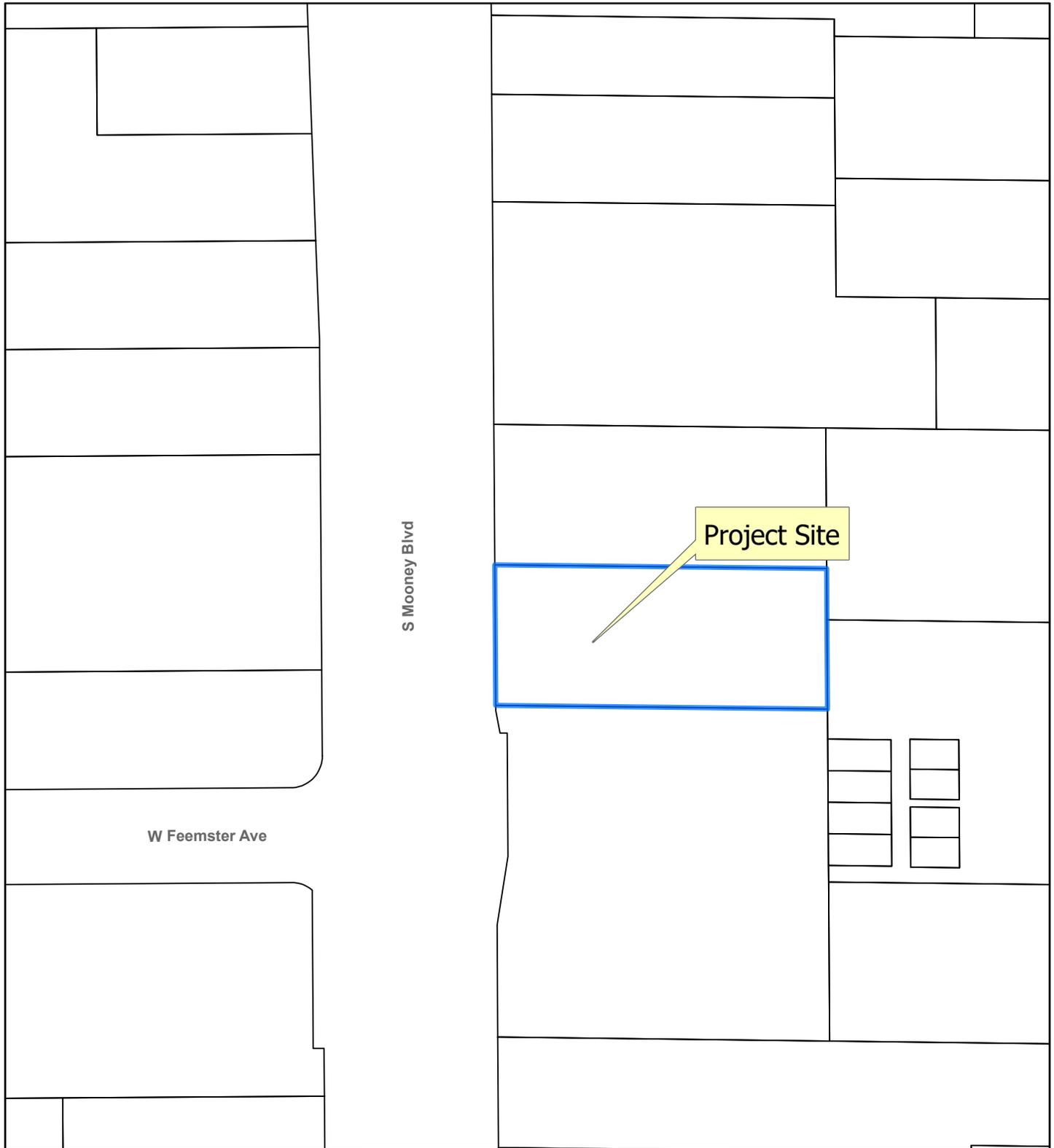
Project Site



Vicinity Map

### Aerial Map

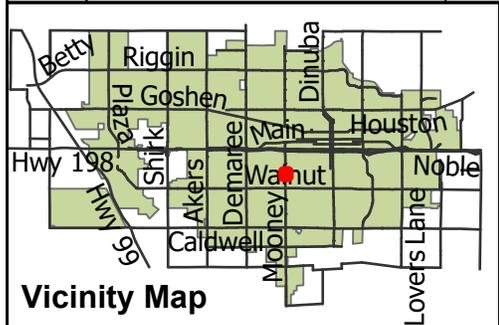




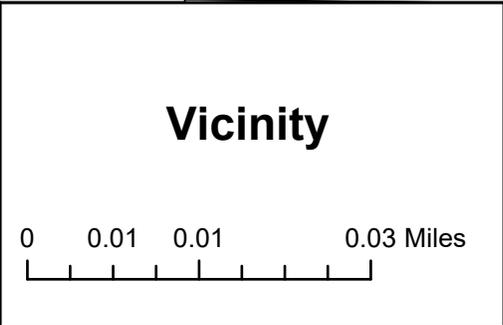
Project Site

S Mooney Blvd

W Feemster Ave



Vicinity Map



Vicinity

0 0.01 0.01 0.03 Miles





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** September 23, 2024

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

**SUBJECT: Conditional Use Permit No. 2024-33:** A request by Sola Salons to add massage services by leasing studio space within the salon to independent licensed massage therapists in the C-R (Regional Commercial) zone. The site is located at 3501 South Mooney Boulevard (APN: 121-110-055).

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-33 based on the findings and conditions in Resolution No. 2024-56. Staff's recommendation is based on the project's consistency with the Visalia General Plan and the Zoning Ordinance.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-33 based on the findings and conditions in Resolution No. 2024-56.

## PROJECT DESCRIPTION

The purpose of Conditional Use Permit No. 2024-33, a request by Sola Salons, is to permit the addition of massage services to the existing salon to accommodate four independent licensed massage therapists. Massage services require a conditional use permit in the Regional Commercial zone. Sola Salon currently operates at the existing location at 3501 South Mooney Boulevard, suite 130 and is part of the Sola Salon Studios franchise with over 720 locations nationwide. The applicant has provided an operational statement (Exhibit B) indicating that Sola Salons provides beauty professionals with professional, fully equipped salon suites in



return for a fixed rental amount using a 12-month license agreement. Each service provider owns and operates their own independent business from one of the studios located inside Sola Salon and are considered tenants of the salon. The existing Sola Salon uses currently provided are hairstylists, barbers, nail techs, estheticians, and make-up and/or eyelash artists.

The site is located within the Sequoia Mall shopping center, northeast of South Shady Street and West Caldwell Avenue. The salon has a 7,005-square foot building area and has primary frontage within the shopping center, facing Caldwell Avenue (Exhibit A, page 2). The floor plan (Exhibit A, page 3) details the interior of the salon which consists of thirty-seven (37) suites, each between 100 – 240 square feet in size and available for leasing to independent beauty service providers. The site also consists of a common area break room and three public restrooms. The area that will be designated for the four (4) massage therapy uses is located in the rear north of the building as indicated in the floor plan (Exhibit A, page 4). Sola Salon currently operates Monday through Saturday from 8:00 A.M. to 7:00 P.M. and

Sundays from 9:00 A.M. to 5:00 P.M. The tenants may operate anytime during the standard hours of operation of the Salon. At no time may any tenants operate outside of the standard Sola Salon business hours.

All utilities and operational expenses are paid by Sola Salons, and prior to entering a lease agreement with a potential service provider, Sola Salon ensures all tenants have proper licenses and/or certificates to operate in California as well as within the city the salon operates in. The applicant of this specific Sola Salon franchise also owns and operates six additional Sola Salon locations in the Fresno and Clovis area.

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Regional Commercial
Zoning:	C-R (Regional Commercial)
Surrounding Zoning and Land Use:	North: C-R / Sequioa Mall South: C-R / Starbucks, fast food restaurant East: C-R / Shopping Center West: C-R / Vacant commercial building
Environmental Document	Categorical Exemption No. 2024-47
Site Plan:	2024-159

## PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2024-33, as conditioned, based on the project's consistency with the General Plan Land Use and the Zoning Ordinance.

### Land Use Compatibility

Visalia has traditionally been the regional retail hub for Tulare and neighboring Kings counties, with Mooney Boulevard serving as the core for these uses. The General Plan both responds to a general community desire to maintain and strengthen Mooney Boulevard (Visalia General Plan, page 2-49). This approach allows the city to respond to the market, capitalizing on opportunities in a proactive way. The addition of the Sola Salon studios has reinvigorated the vacant Sears retail building as well as the Sequioa Mall by promoting economic vitality and protecting the City's existing retail base and development (Visalia General Plan, page 2-49). The project site lies within the Sequioa Mall which provides a mixture of different commercial businesses, including a quick serve restaurant, bookstore and specialty grocery store. The project supports *"the continued development and revitalization of the Mooney Boulevard corridor (Mooney Boulevard between Noble and Caldwell) as integral parts of the community"* (General Plan Land Use Policy LU-P-61).

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

### Urgency Interim Ordinance and Sola Salon Rules and Regulations Enforcement

Due to a recent increase in requests for CUPs to operate massage establishments, Council approved the urgency interim ordinance at the March 4, 2024 Council meeting. The interim Ordinance No. 2024-05 now requires a CUP in all zones within the city in an effort to reduce the potential for criminal and unsafe activity at locations as well as provide safety measures that will prohibit establishments from becoming business fronts for illicit activity.

The applicant/business owner was made aware of the requirement of the Conditional Use Permit and the Urgency Ordinance. The operational statement (Exhibit B) provides comprehensive details in how Sola Salons addresses concerns within the salon's operations. Sola Salon has two full-time onsite managers that oversee the day-to-day operations as well as facility maintenance. The onsite managers continually enforce the salon's rules and regulations (Exhibit C, page 11-12) and proper conduct by all service providers (tenants) and their clients. To address concerns that have resulted in the Urgency Interim Ordinance, the salon has provided background information on enforcement and supervision of the salon that includes:

- The reporting of suspicious activity and/or improper conduct which can result in revoking of the license agreement.
- Managers onsite have the right, via the lease agreement, to enter any of the private studios upon need or suspicion.
- Managers enter each studio space at least four times annually for regularly scheduled maintenance.
- Security cameras are installed inside and outside the building providing constant surveillance of the common hallways which are typically reviewed monthly or upon need based on any concerns or suspicions.
- All massage therapists entering into a lease agreement with Sola Salon must provide a copy of their certification from the California Massage Therapy Council (CAMTC).

In addition to the rules and regulations enforced by Sola Salons, the Planning Division is also requiring all massage businesses operating within Sola Salons to individually submit to Site Plan Review, as stated in Condition #14.

### **Parking**

Pursuant to Section 17.34.020 of the Zoning Ordinance, similar uses such as barber shops and beauty salons require two (2) spaces per practitioner, with a minimum of four (4) spaces. The proposed site is within a large shopping center that provides shared parking for all uses within the center, therefore the shopping center provides ample parking for the use.

However, pursuant to Assembly Bill (AB) 2097, which went into effect January 1, 2023, a public agency is prohibited from imposing minimum parking requirements on sites that are located within a half-mile radius of a major transit stop. The City of Visalia Transit operates bus service along Route 1 with bus stops located on Main Street and Mooney Boulevard. Route 1 meets the definition of a "major transit stop" (i.e., having 15-minute intervals), and the project site is within a half mile of Route 1 bus stops and the transit center. Therefore, the site meets parking provisions per AB 2097.

### **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) Categorical Exemption No. 2024-47.

## **RECOMMENDED FINDINGS**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible with the conditions of project approval of the conditional use permit.

4. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) Categorical Exemption No. 2024-47.

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-159, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, operational statement, and License Agreement and Rules and Regulations in Exhibits "A", "B", "C" and "D". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. That the hours of operation for the massage establishment will coincide with the standard hours of operation of Sola Salon, which are Monday through Saturday from 8:00 A.M. to 7:00 P.M. and Sundays from 9:00 A.M. to 5:00 P.M. At no times may a massage therapist tenant operate outside of the standard hours of operation.
4. If any suite leased by a massage therapist consists of windows fronting a public street, walkway or parking area, those windows shall not block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.
5. All front, reception, hallway, or front exterior doors, except back or rear exterior doors used for employee entrance to and from the massage establishment, shall be kept unlocked during business hours.
6. No massage shall be given within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked, unless the only door is an exterior door.
7. Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.
8. Living quarters are prohibited anywhere within the tenant space. No person or persons shall be allowed to reside, dwell, occupy, or live inside the establishment at any time. Beds and floor mattresses shall not be permitted on the premises.
9. The operator and/or on duty Responsible Employee consents to the inspection of the massage establishment by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department, and the County's Health Department for the purpose of determining that the provisions of this ordinance or other applicable laws or regulations are met.
10. The City's Building and Safety Division, Code Enforcement Division, Fire Department, and Police Department, and the County's Health Department, may, from time to time, make unannounced inspections of each massage establishment for the purpose of determining that the provisions of this chapter, State laws or other applicable laws or regulations are met.
11. No person shall enter, be or remain in any part of a Massage Establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs.
12. The Owner, Operator, or Responsible Managing Employee shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.
13. No massage establishment shall operate a school of massage or use the same facilities as that of a school of massage.

14. Each individual massage business operating within Sola Salon shall require their own Site Plan Review submittal.
15. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2024-33, per Visalia Municipal Code Section 17.38.040.
16. That all other federal, state and city laws, codes and ordinances be complied with, including Chapter 5.68 Massage Establishments of the City of Visalia.

### **APPEAL INFORMATION**

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

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2024-56
- Exhibit A – Site Plan & Floor Plan
- Exhibit B – Operational Statement
- Exhibit C – Sola Salons Studio License Agreement & Rules and Regulations
- Exhibit D – Massage Ordinance No. 2024-05
- Site Plan Review Comments
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Location Map

**NOTICE OF EXEMPTION**

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

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

Conditional Use Permit No. 2024-33

**PROJECT TITLE**

3501 S. Mooney Blvd (APN: 121-110-055)

**PROJECT LOCATION**

Visalia

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

A request to establish by Sola Salons to add massage services by leasing studio space within the salon to licensed massage therapists.

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

City of Visalia

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Shawna Bortolussi, Sola Salons Studios, 2622 Garden House Rd, Carlsbad CA 92009

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

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

**REASON FOR PROJECT EXEMPTION**

Colleen A Moreno, Assistant Planner

(559) 713-4031

**CONTACT PERSON**

**AREA CODE/PHONE**

September 11, 2024

**DATE**

**ENVIRONMENTAL COORDINATOR**  
Brandon Smith, AICP

**Related Plans & 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.

**17.38.020 Application procedures**

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

**17.38.030 Lapse of conditional use permit**

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

**17.38.040 Revocation**

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

### **17.38.050 New application**

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

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

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

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

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

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

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

### **17.38.090 Investigation and report**

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

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

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

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

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

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

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

**17.38.130 Effective date of conditional use permit**

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

RESOLUTION NO. 2024-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-33, A REQUEST BY SOLA SALONS TO ADD MASSAGE SERVICES BY LEASING STUDIO SPACE WITHIN THE SALON TO INDEPENDENT LICENSED MASSAGE THERAPISTS IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE SITE IS LOCATED AT 3501 SOUTH MOONEY BOULEVARD (APN: 121-110-055).

**WHEREAS**, Conditional Use Permit No. 2024-33 is a request by Sola Salons to add massage services by leasing studio space within the salon to independent licensed massage therapists in the C-R (Regional Commercial) zone. The site is located at 3501 South Mooney Boulevard (APN: 121-110-055); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on September 23, 2024; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15301.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible with the conditions of Project Approval of the conditional use permit.
4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) Categorical Exemption No. 2024-47.

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

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-159, incorporated herein by reference.

2. That the use shall be operated in substantial compliance with the site plan, floor plan, operational statement, and License Agreement and Rules and Regulations in Exhibits "A", "B", "C" and "D". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. That the hours of operation for the massage establishment will coincide with the standard hours of operation of Sola Salon, which are Monday through Saturday from 8:00 A.M. to 7:00 P.M. and Sundays from 9:00 A.M. to 5:00 P.M. At no times, may a massage therapist tenant operate outside of the standard hours of operation.
4. If any suite leased by a massage therapist consists of windows fronting a public street, walkway or parking area, those windows shall not block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.
5. All front, reception, hallway, or front exterior doors, except back or rear exterior doors used for employee entrance to and from the massage establishment, shall be kept unlocked during business hours.
6. No massage shall be given within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked, unless the only door is an exterior door.
7. Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.
8. Living Quarters are prohibited. No person or persons shall be allowed to reside, dwell, occupy, or live inside a massage establishment at any time. Beds and floor mattresses shall not be permitted on the premises.
9. The operator and/or on duty Responsible Employee consents to the inspection of the massage establishment by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this ordinance or other applicable laws or regulations are met.
10. The City's Building and Safety Division, Code Enforcement Division, Fire Department, and Police Department and the County Health Department, may, from time to time, make unannounced inspections of each massage establishment for the purpose of determining that the provisions of this chapter, State laws or other applicable laws or regulations are met.
11. No person shall enter, be or remain in any part of a Massage Establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs.
12. The Owner, Operator, or Responsible Managing Employee shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.
13. No massage establishment shall operate a school of massage or use the same facilities as that of a school of massage.
14. Each individual massage business operating within Sola Salon shall require their own Site Plan Review submittal.

15. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2024-33, per Visalia Municipal Code Section 17.38.040.
16. That all other federal, state and city laws, codes and ordinances be complied with, including Chapter 5.68 Massage Establishments, of the City of Visalia.

# Exhibit A

## CUP Applicant:

Shawna Bortolussi  
Owner, Sola Salon Studios  
2622 Garden House Rd.  
Carlsbad, CA 92009  
760-274-3836

## Property Owner:

Paynter Realty &  
Investments, Inc  
South C Street, Ste 200  
Tustin, CA 92780  
714-731-8892

## Bldg Interior Size:

7,005 sq ft

## Site Approval Ref #:

For all additional information needed on the building footprints, parking, streets, details, elevations, uses, zoning, landscaping, signage, utility locations, legal boundaries, phasing, site dimensions etc- Please reference approved Sequoia Mall Renovation Shell plan #B22-5457

For Sola Salon Tenant Improvement Plans please reference project # B23-3511

## Plans Prepared By:

Shawna Bortolussi  
Owner, Sola Salon Studios  
2622 Garden House Rd.  
Carlsbad, CA 92009

## Utility Providers:

Gas: SoCal Gas  
Electric: PGE  
Water: Cal Water  
Internet Provider: Comcast  
Trash- Landlord Provided

## **Operational Statement- Sola Salon Studios, 3501 S. Mooney Blvd, Suite 130 Visalia, CA 93277**

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Sola Salon Studios is the nation's largest franchiser of salon suite establishments with over 720+ locations, hosting a community of over 21,000 independent beauty professionals. Sola provides beauty professionals with turn-key, fully equipped salon suites in return for a fixed rental amount using a 12 month license agreement. Each service provider owns and operates their own independent business from one of our studios. Each studio measures between 100-240 sf. All services, utilities and operational expenses are paid by Sola. There is a common area break room and 3 public restrooms that are shared by the 37 total suites at our Visalia location. We lease to a variety of beauty and wellness related professionals allowable by zoning and our master landlord. We ensure all of our tenants have proper licenses or certifications to operate in California as well as within the city we operate in. We, as an owners group, own and operate 6 additional Sola locations in the Fresno and Clovis area. The primary purpose of this submittal is to permit and allow business licenses for several licensed Massage Therapist businesses to operate at our Sola Visalia location.

Sola has 2 full time managers that oversee all of the day to day operations and facility maintenance at our locations. They are continually enforcing our rules and regulations and enforcing proper conduct by all service providers (tenants) and their clients. We, as owners, are well-integrated into our day to day operations and have constant contact with our employees. To address some of the obvious concerns that have resulted in this oversight of the massage profession we would like to offer up these observations and enforcement suggestions.

1. Our managers have a very good sense for who is working in their studios regularly and who they see traversing the Sola halls. They have every reason to report any suspicion or misconduct to us and tenants' leases can be easily revoked if there is anything improper suspected by the service provider. Our managers are here to protect the integrity of our brand and have no interest keeping a tenant inside Sola that is, in any way, improper.
2. We have a community of active business owners sharing a common space. They are happy to observe the activities of the surrounding businesses and point out to owners /management anything they find suspicious or simply don't like. In other words, these beauty professionals are not shy and can be very curious about the other businesses or clients traversing the overall Salon. As a result, there is heightened scrutiny on every studio working at our Sola locations by their peers and this is totally different than the lack of oversight at a private storefront.
3. We have the right via our lease to enter any of the private studios upon need or suspicion. We enter at least 4 times annually, to do regularly scheduled maintenance on all the studios. The tenants are made vaguely aware of these entries. This will be an opportunity for management to observe minor operational details of the massage businesses. We can arrange to report our entries and observations into a report or log and keep this for records, if the city desires.
4. We have security cameras inside and outside of our building providing constant surveillance of our common hallways. These are typically reviewed monthly or upon need based on any concerns.
5. We fully understand that oversight of the massage industry by the City of Visalia is necessary. This will help stop potential illegal activity in the massage sector. We, at Sola Salons, support this effort and can help ensure only licensed and well-intended massage therapist are operating within our walls. Unlike a private massage storefront operated by owner, our organization has ZERO vested interest in keeping open an illegitimate business and bad players will be immediately terminated.

Massage therapists are very common at Sola as well as many other types of beauty services including but not limited to hairstylist, barbers, nail techs, estheticians, make-up or eyelash artists, microbladers, hair braiding, and many other specialty services. All professionals must be licensed and certified in their trade. This is enforced via the leasing process. Specifically for a massage applicant, we require they provide us a copy of their certification from the California Massage Therapy Council. The CMTC's mission is to protect the public by certifying massage professionals in CA and providing a layer of industry oversight. **Their applicants must meet many requirements and background checks and they only approve professionals certified by quality massage programs meeting the minimum standards for training and curriculum.** Anyone with a CACMT license has been well vetted and we will ensure to ONLY take these applicants.

Sola is requesting 4 massage permits for individual massage businesses under this request. We feel that as a multi-unit operator of 7 Sola Salons since 2016, we have the business experience and an established business model to ensure the safety and professionalism of these massage establishments. We want to ensure the City of Visalia that the massage business permits issued to Sola will be managed by a professional organization having a high level of scrutiny upon them. Attached, please find our License Agreement that is required of all of our Licensee's as well as a copy of our Rules and Regulations.

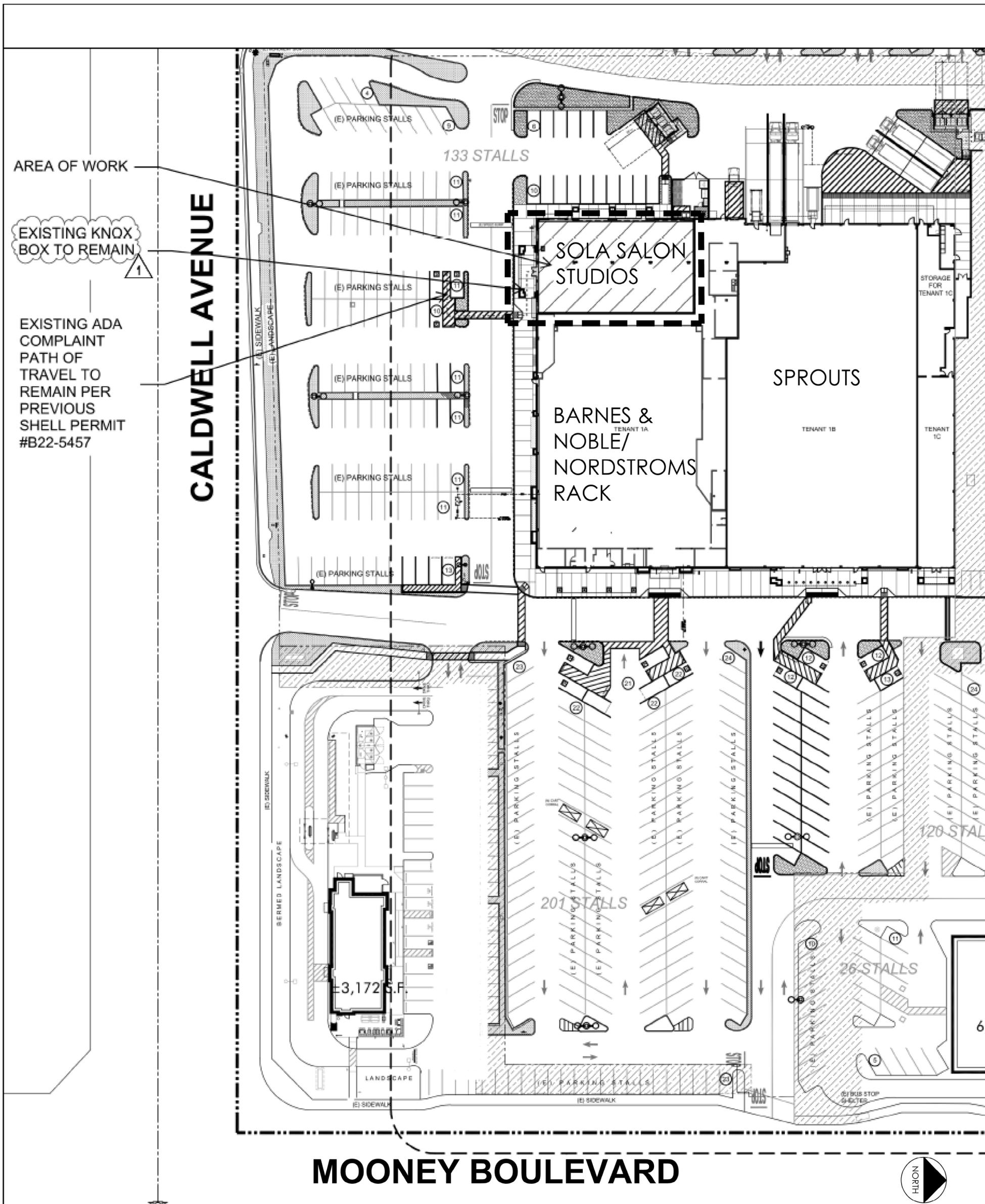
## **Sola Salon Studios- Conditional Use Permit (Massage Licensing)**

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3501 S. Mooney Blvd- Suite #130, Visalia, CA 93277- APN #121-110-055

1 of 4

08/23/24



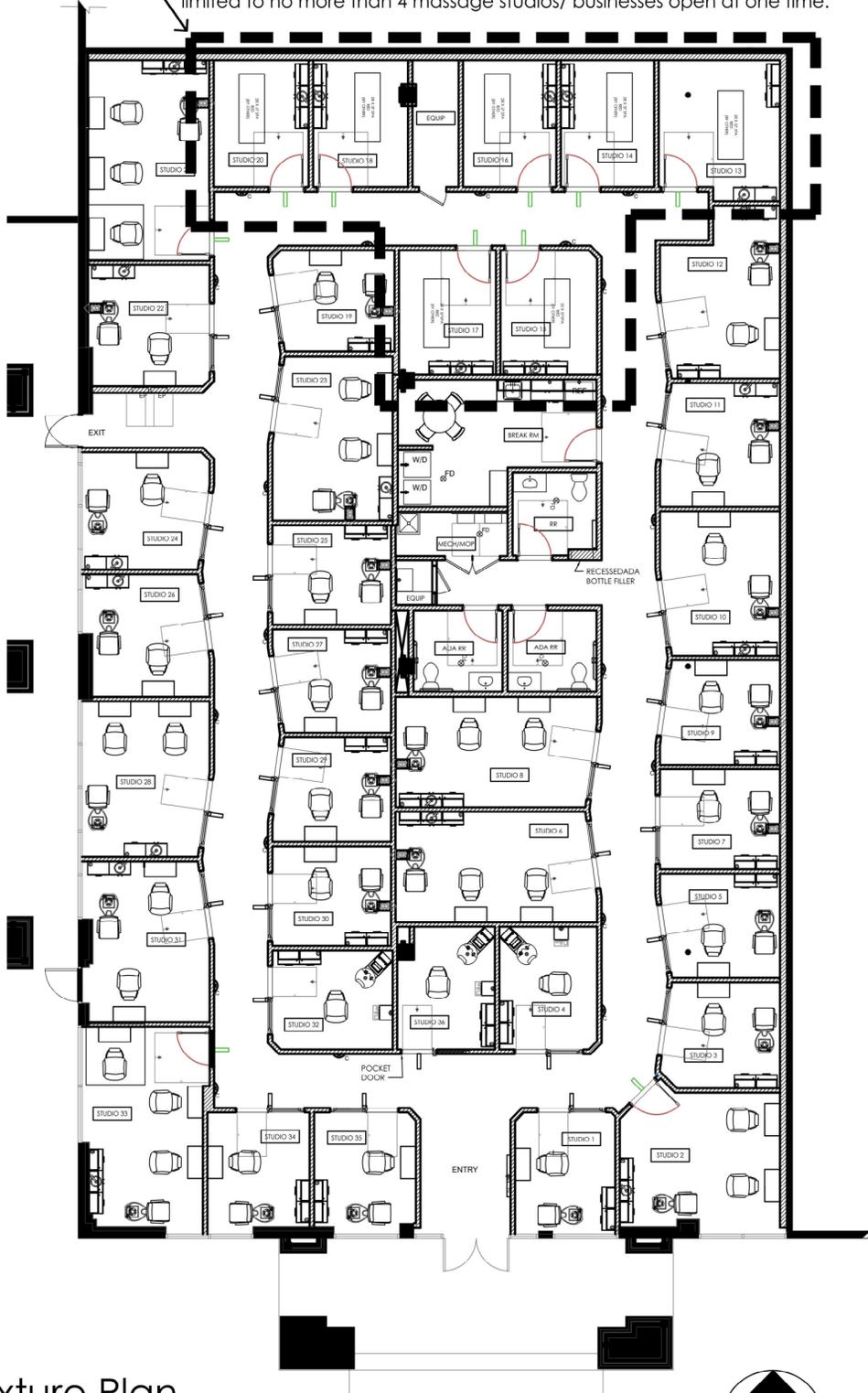
Sola Salon Studios- Conditional Use Permit (Massage Licensing)

3501 S. Mooney Blvd- Suite #130, Visalia, CA 93277- APN #121-110-055

2 of 4

08/23/24

The studios in the rear of our store are set up to accommodate non-hair services such as aestheticians, nail or massage professionals (studios #13-18 and #20). They are also in the quiet zone of our facility. It would likely be in these studios (based on availability) that we would place one of our massage business owners. We would like to pursue 4 total permits for individual massage businesses/ studios as part of this process. We would be limited to no more than 4 massage studios/ businesses open at one time.



Fixture Plan

Scale: 1" = 10'-0"

## Location Photos



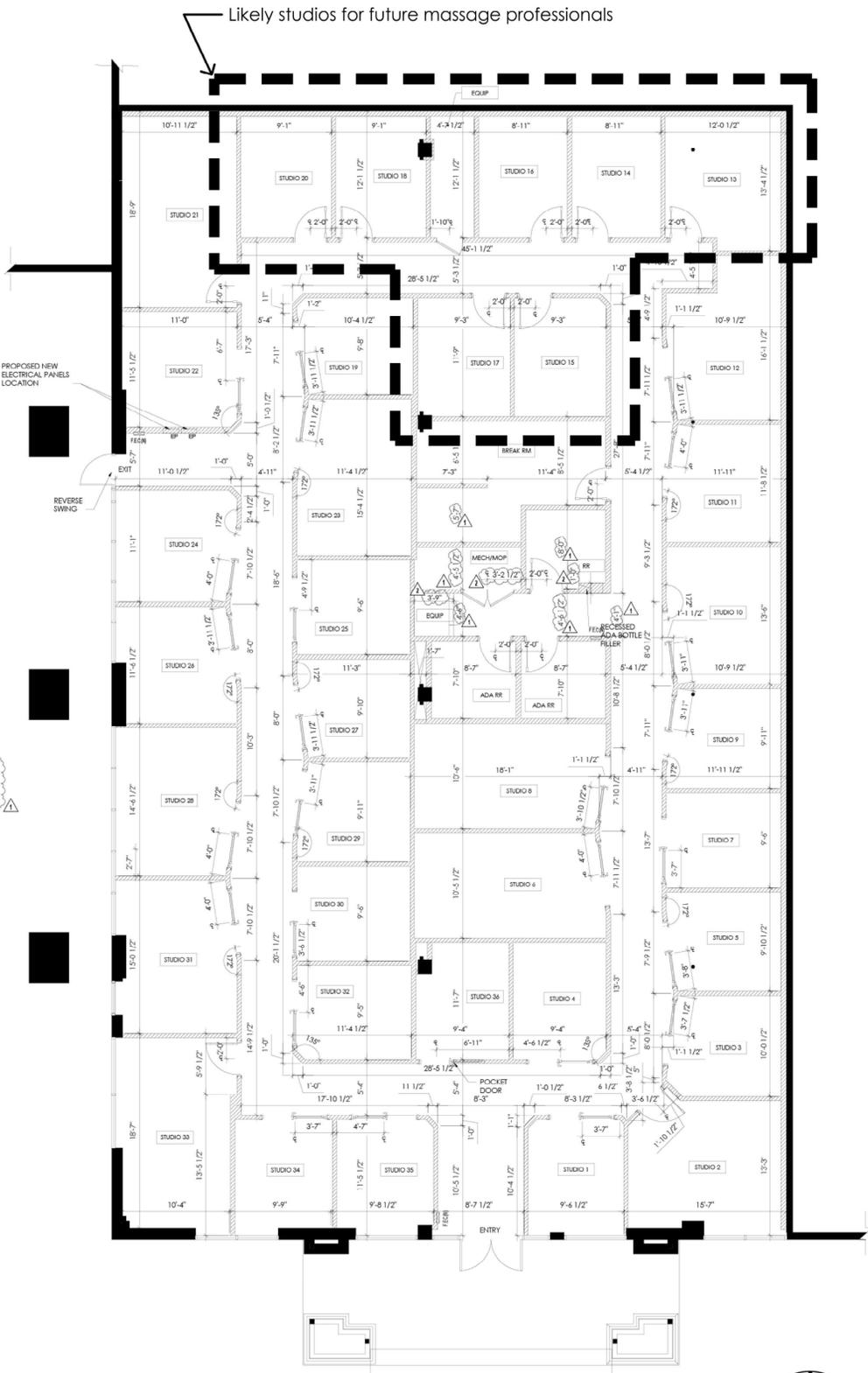
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3501 S. Mooney Blvd- Suite #130, Visalia, CA 93277- APN #121-110-055

3 of 4

08/23/24

Location Photos



Dimension Plan  
Scale: 1" = 10'-0"



Sola Salon Studios- Conditional Use Permit (Massage Licensing) APN #121-110-055

3501 S. Mooney Blvd- Suite #130, Visalia, CA 93277



8-23-24

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Thank you for your consideration,  
Shay Stevenson, Shawna & Brett Bortolussi  
Owners  
Visalia Salon Concepts, LLC DBA Sola Salons



**SOLA SALONS- STUDIO LICENSE AGREEMENT**

DEFINED TERMS

CONTRACT DATE: \_\_\_\_\_

LICENSEE / EMAIL: \_\_\_\_\_

LICENSEE ADDRESS: \_\_\_\_\_

LEASED PREMISES ADDRESS: \_\_\_\_\_

SOLA BUILDING: \_\_\_\_\_

STUDIO (studio number): \_\_\_\_\_

COMMENCEMENT DATE: \_\_\_\_\_

END DATE: \_\_\_\_\_

LICENSE FEE YEAR ONE (per week): \_\_\_\_\_

First Payment Date: \_\_\_\_\_ First Payment Amount: \_\_\_\_\_

LICENSE FEE YEAR TWO (per week): \_\_\_\_\_

FEE COLLECTION DAY: \_\_\_\_\_

END-OF-TERM INCREASE (per week): \_\_\_\_\_

PERMITTED USE: \_\_\_\_\_

DEPOSIT AMOUNT: \_\_\_\_\_

NOTES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## **RECITALS:**

WHEREAS, Licensor leases from Master Landlord (or its successors or assigns) space commonly known as the Sola Salons at the Leased Premises under the terms and conditions of a master lease (“**Master Lease**”).

WHEREAS, Licensee represents that Licensee (including Licensee’s business) (a) has all licenses and permits necessary for the operation of a professional beauty services business in the State of the Leased Premises; (b) has a valid business license to operate a business in the State of the Leased Premises; and (c) has the authority to enter into this Agreement without violating any third-party agreements.

WHEREAS, Licensee desires to license the Studio to operate a professional beauty services business under the terms and conditions of this Agreement.

WHEREAS, Licensor desires to grant Licensee a limited and revocable license to use the Studio within the Leased Premises for the Permitted Use under the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the above and the mutual consideration as set forth herein, the parties hereby agree as follows:

## **AGREEMENT**

1. License. Licensor hereby licenses the Studio to Licensee under the terms and conditions of this Agreement, together with the non-exclusive rights to use the common areas leased to Licensor under the Master Lease and the common areas in the Leased Premises, which may include the hallways, vestibule, laundry and break room, and bathrooms.
2. License Fee. Licensee shall pay Licensor the First Payment Amount on the First Payment Date. Thereafter, Licensee shall commence paying Licensor the weekly License Fee for the ensuing workweek on or before the close of business on each Fee Collection Day by recurring electronic funds transfer from Licensee’s bank account. Any additional fees (by way of example insurance programs, cable television subscription or parking) agreed to in writing by Licensee and Licensor will be collected in the same manner as the weekly License Fee. Licensor may charge a \$25 fee (or the maximum amount permitted by applicable law) for any late payment or for any funds or check returned to Licensor due to insufficient funds. In the case of Agreement Default, the License Fees are owed for the entire duration of the Term period outlined in Section 3.
3. Term. The license granted hereunder is for the Term. Nothing contained in this paragraph shall be construed to limit Licensor’s right to terminate this Agreement sooner than expiration of the Term in the event of Licensee’s default hereunder. The license granted hereunder shall automatically terminate in the event of the expiration or termination, for any reason whatsoever, of the Master Lease. The terms of this



Agreement are subject to the terms of the Master Lease. LICENSEE will provide SOLA with thirty (30) days written notice prior to move out provided they are not in default of the Master Lease.

4. Early Termination Option. After the first 180 days of the Term, Licensee may terminate this Agreement for any reason and remove the obligation to pay the License Fee for the remainder of the Term by:

a. **Delivering sixty (60) days' advance written notice** of the desire to terminate this Agreement to Licensor. Official notice date must be acknowledged by Sola

OR

b. **Paying the Early Termination Fee of \$1,500 and any overdue license fees before vacating the studio. Vacating can happen immediately thereafter. ("Early Termination Option").**

All damage deposits are sacrificed when terminating the lease agreement before its end date, regardless of how many days are left on the term. Licensee's obligation to pay the License Fee will continue until (i) any overdue license fees and the Early Termination Fee are paid; (ii) the Studio keys are returned to Licensor; and (iii) the Studio is surrendered to Licensor in broom clean condition with all personal property removed. In the event of Licensee's early termination of this License Agreement, the Damage Deposit is forfeited and will not count towards the Early Termination Fee, any unpaid rents or any fee due to Licensor.

c. Upon payment in full of the Early Termination Fee and all unpaid License Fees due, LICENSEE will be released from the obligation of payment for the License Fees through the term as noted in the License Agreement. In the case of default or early termination any incentives, discounts or other noted benefits in the Agreement, will be forfeited and applied to the final balance due to Sola.

5. Renewal. At the end of the Term, this Agreement will automatically renew for a successive one (1) year period ("Renewal Term") unless, not less than thirty (30) days prior to the end of the then-current term, either party notifies the other party of the desire not to renew this Agreement. These automatic annual renewals will continue in perpetuity until proper notice of termination or vacating is given. Upon the expiration of the initial Term and then on an annual basis thereafter (until the Agreement is terminated or expired pursuant to the terms set forth herein), the License Fee may be increased up to a maximum of six percent (6%) and a minimum of one-and-a half percent (1.5%) over the prior year's License Fee. The licensor will be notified in EMAIL ONLY of the renewal Agreement terms, execution dates, license fees and any modifications to this license Agreement herein. A signature on the renewal notice is not legally required. All increase in license fees will be given a 30 day minimum notice before they are executed and withdrawn from licensee. ~~but in no event shall the License Fee be greater than the rate then in effect for like studios in the Leased Premises.~~ The maximum increase in the license fee can be exceeded if the licensee



was brought into the Agreement on a promotional license fee rate. If either party elects not to renew this Agreement pursuant to the terms herein, Licensee must vacate the Studio and pay all arrearages due under this Agreement on or before the end of the then-current term.

6. Use. Licensee agrees that the services set forth in the Permitted Use and only those services will be performed by Licensee, and by no other person, in the Studio. No services and uses shall be permitted without Licensor's prior written permission, which may be withheld or granted in Licensor's sole discretion. All services other than those set forth in the Permitted Use are specifically prohibited.
7. Damage Deposit. Upon execution of this Agreement, Licensee shall pay the Damage Deposit to Licensor. The Damage Deposit shall be refunded to Licensee within thirty (30) days of the termination or expiration of this Agreement and or any renewals, provided however, Licensee is not in default of any obligations herein and has not damaged the Studio or Leased Premises in any manner. Licensor will deduct any damage and default damage (default required fee of \$100 wall repair cost) from said Damage Deposit. The Damage Deposit may not be used as the final License Fee payment due under this Agreement OR used to pay the Early Termination Fee, if applicable. Licensor need not segregate the Damage Deposit; and may, at its discretion, commingle the Damage Deposit with other funds. If the Licensee exercises the Early Termination Option (as defined above) or otherwise abandons the Studio prior to the end of Term, the Damage Deposit is forfeited.
8. Utilities. Licensor shall pay for all ordinary electricity, heating, water, trash, cleaning of common area, cooling and lighting used in the Studio and the Leased Premises. Licensor will not be responsible for temporary interruptions of service to utilities or services including, but not limited to, water, gas, electric, and internet.
9. Licensee's Obligations.
  - a. Licensee will comply with all the terms contained in this Agreement and abide, and require all Licensee's customers to abide, by the Rules and Regulations, as may be amended and communicated by Licensor from time to time, a copy of which has been delivered to Licensee and is attached hereto as "Exhibit - Sola Rules and Regulations."
  - b. Licensee shall, at his/her own cost, obtain and maintain all licenses as required by local or state laws/rules/regulations, including, if applicable, any local business license, sales tax licenses, cosmetology or other professional service license, or salon and establishment license.
  - c. Licensee shall comply, at all times, with all applicable rules, orders, regulations, and laws and will timely submit to any required inspections by any governmental agency, board, or officer. Licensee will not permit any activity in the Studio or the Leased Premises that is in violation of any applicable rule, order, regulation, or law or that is prohibited by the Master Lease.



- d. Licensee shall be responsible for all matters concerning Licensee's business operations and clientele, including without limitation, obtaining clients, scheduling of appointments, setting their own hours of work, maintenance of an appointment book, setting their own rates, processing their own payments, and collection of money for services rendered by their clients or customers. Licensee shall have sole discretion to decide the number of clients and which clients for whom they will provide services.
- e. Licensee shall be responsible for the purchasing, delivery and storage of their supplies and equipment to be used for the operation of Licensee's business. Licensee recognizes that Licensor will be licensing similar studios within the Leased Premises and agrees to secure and properly store all supplies and equipment. LICENSEE SPECIFICALLY RECOGNIZES AND AGREES THAT LICENSOR WILL NOT BE RESPONSIBLE FOR THE LOSS OF OR DAMAGE TO EQUIPMENT, TOOLS, SUPPLIES, MONIES AND OR NEGOTIABLE INSTRUMENTS OF LICENSEE OR LICENCEE'S GUESTS, CUSTOMERS, AND INVITEES.
- f. Licensee shall obtain and maintain at Licensee's expense the following types and amounts of insurance, proof of which must be provided to Licensor:
  - i. General liability insurance, on a form reasonably approved by Licensor, covering bodily injury, property damage, economic harm and personal injury arising from the use of the Studio or the operation of Licensee's business. This insurance will be maintained for not less than \$1,000,000 per occurrence.
  - ii. Professional liability insurance, on a form reasonably approved by Licensor, covering bodily injury, property damage, economic harm and personal injury arising from errors or omissions in performing services or operations of Licensee's business. This insurance will be maintained for not less than \$1,000,000 per occurrence.
  - iii. Such other policies in such amounts as Licensor may reasonably require from time to time upon written notice to Licensee.

All such policies must be issued by a reputable insurance company qualified to do business in the State of the Leased Premises and must name Licensor, Master Landlord, and any other entity reasonably required by Licensor as additional insured and loss payees and must provide notice by such insurance carrier of cancellation not less than thirty (30) days prior to the effective date of such cancellation. If available, Licensee, in satisfaction of some or all of these requirements, may be eligible to enroll under Licensor's insurance policy as set forth in the attached "Exhibit – Sola Insurance Program." Such enrollment may require Licensee to pay an additional pass-through charge.



- g. Licensee shall keep the Studio clean, serviceable, and attractive. Licensee shall pay for all damage to the chair, cabinets, the Studio and the Leased Premises (including, but not limited to glass breakage) caused by Licensee and/or Licensee's customers that exceeds ordinary wear and tear.
  - h. Licensee shall have a set of keys and/or security card/device to gain admission to the Leased Premises and Studio. Licensee shall be responsible for all costs incurred by Licensor in replacing/recoding lost keys or security devices for the Leased Premises and the Studio should these keys/security card/devices be lost or damaged by Licensee.
  - i. Licensee nor any of Licensee's guests, customers or invitees shall be a nuisance or act in any manner that does or could interfere with the quiet enjoyment by other licensees or users of the Leased Premises. Licensee shall operate the Studio free from any unreasonable noises, loud music, unpleasant odors, and disruptive behavior or actions. Licensor and Sola Management may attempt, at anytime, to mitigate noise or other issues coming from your Studio if they determine them to be disruptive in any way.
  - j. Licensee will comply with all parking regulations as established by Licensor or Master Landlord.
  - k. Licensee is required to provide a 30 day written notice if vacating the studio on the License Agreement Expiration Date (or any date after the expiration date). Failure to provide a 30 day notice forfeits the Deposit.
10. Alterations. No alterations may be made to the Studio or the Leased Premises without Licensor's prior written consent, including, but not limited to, painting of the Studio. Any alterations to the Studio shall be at the expense of the Licensee. All contractors performing work at the Studio shall be approved in advance by Licensor and Licensee shall keep the Leased Premises free from liens of any kind. Licensee shall be responsible for any damage, other than ordinary wear and tear, to the Studio.
11. Entry. Licensor may enter the Studio at any time to perform maintenance, to confirm compliance with this Agreement and the Rules & Regulations, to deliver notices or packages, to inspect our owned fixtures, cabinets or infrastructure, or for any urgent or emergency situation as reasonably determined by Licensor.
12. Assignment and Subletting. Licensor shall be free to assign any interest in this Agreement at its sole discretion and without the consent of Licensee.

Licensee shall have no right to assign the Studio or any rights under this Agreement to any person. LICENSEE cannot sublet, sublicense or otherwise share the STUDIO unless prior written consent is given by SOLA. This includes anyone working in the studio that is not on the executed License Agreement including but not limited to: trainees, employees, family members, helpers and assistants. This Agreement is personal in nature to the Licensee and Licensee may not sublet or share the Studio under any circumstances without the prior written consent of Licensor.



- a. Upon proper execution of Sola's Subletting Agreement and upon Subletor starting work the licensee agrees to pay an extra \$25 per week sublet sharing fee.
  - b. LICENSEE will be fully responsible for anyone working in the STUDIO and will ensure all are in compliance with the terms contained in this Agreement, duly licensed by the state to provide such services and abide by SOLA's Rules & Regulations.
  - c. LICENSEE will contact SOLA to acquire the necessary paperwork to be completed by the Sublicensee. LICENSEE will ensure the paperwork is completed, signed and returned to SOLA Management for approval. The Subleaser CANNOT work in the STUDIO until Authorized to do so by SOLA.
  - d. LICENSEE agrees to continue to make all payments directly to SOLA including the \$25 sharing fee unless otherwise authorized to split the fees with the sublicensee through ACH weekly drafts. If the Sublicensee signs a license agreement with SOLA they may pay SOLA directly thus reducing the license fee for the licensee.
  - e. In the case where the Sublicensee will provide their own insurance, LICENSEE will ensure it is in compliance with the provided Insurance Requirements for SOLA. If the sublicensee will join SOLA's group insurance policy the weekly insurance fee will be added to the total License Fee for the studio. This is IN ADDITION to the weekly insurance fee for the LICENSEE.
13. Option to Relocate Studio or Studio Transfers. Licensor reserves the right to relocate Licensee to another studio within the Leased Premises at any time during the Term at Licensor's expense. Should Licensee desire to move to another studio, such move will only be made with Licensor's prior written consent, and then only upon the execution of a new license agreement at the then-prevailing rates.
- a. The fee for licensor to move studios is \$500 if transferring to the same size or smaller studio. If transferring to a larger studio, there will be no transfer fee.
  - b. The deposit from the original studio will transfer to the new studio (less any damage fees removed). If the deposit on the new studio is greater than the amount being held the licensee will pay the difference prior to move in of the new studio.
  - c. When licensee wishes to move studios they are financially responsible for all studio painting and cabinet modifications. Sola management will only be responsible to repair the wall damage, fixtures, cabinets and studio infrastructure (electrical, plumbing etc) as well as clean the studio.
  - d. Any damages incurred to the old studio will be taken out of the damage deposit and any difference will be collected from licensee.



- e. The Studio number will not transfer with the LICENSEE.
  - f. LICENSEE will be required to sign a new one-year License Agreement at the then current market rate.
14. Surrender. At the expiration of the Term or earlier termination of the Agreement, Licensee will return the Studio to Licensor in clean and good condition with all personal property removed. If, after expiration or termination of this Agreement, Licensee fails to surrender the Studio, Licensor may take possession of the Studio and all supplies, materials, and tools of the Licensee located in the Leased Premises shall be deemed abandoned. Licensor may dispose of such property in accordance with applicable law in the State of the Leased Premises.
15. Relationship of the Parties. Licensor is licensing space to Licensee for the Permitted Use. The conduct and control of all services performed by Licensee will lie solely with the Licensee. Licensee is not an agent, independent contractor, or employee of Licensor for any purpose, and is not entitled to any benefits that arise out of an employer/employee relationship. The parties further acknowledge that (1) Licensor does not have the right to control how the services permitted as a Permitted Use will be performed but may reserve the right to control what services will be operated in the Premises in keeping with the Master Lease, zoning, and standard of quality of the Leased Premises; (2) Licensee pays Licensor for the use of the Studio; (3) Licensor is not paid any percentage of the Licensee's receipts; and (4) Licensee set Licensee's own prices and work schedule and is solely responsible for the operation of Licensee's business.
16. Liability. Licensee assumes all responsibility and covenants to hold Licensor harmless and indemnify Licensor from all liability for damage or injury to persons or property to Licensee, Licensee's business (or any loss of income there from), merchandise or other property of Licensee, Licensee's employees, clients and customers or any other Licensee invitee or guest on or about the Leased Premises together with attorney's fees and costs.
17. Default. The occurrence of any one or more of the following shall constitute a material default and breach of the Agreement by Licensee:
- a. Failure by Licensee to timely pay the License Fee or any other payment required to be made by Licensee under this Agreement.
  - b. Failure by Licensee to comply with or abide by any of the provisions of the Rules & Regulations.
  - c. The voluntary filing for relief under bankruptcy laws by Licensee or the involuntary filing of bankruptcy against Licensee if such involuntary filing is not dismissed within thirty (30) days of such filing.
  - d. Making or allowing any false or misleading statements in or during the application by Licensee for the license of the Studio.



- e. The assignment of this Agreement by Licensee or the transfer of any portion of Licensee's interest in this Agreement without the prior written consent of Licensor, or the sublet or the sharing of the Studio, under any circumstances, without Licensor's prior written approval.
- f. The loss or suspension of Licensee's professional or business licenses.
- g. The receipt by Licensor of notification from any insurer that the various insurance coverages required herein will lapse.
- h. Violation of any other term and condition of this Agreement.

18. Remedies. On the occurrence of any default by Licensee, Licensor may, at any time thereafter, with or without notice or demand and without limiting Licensor in the exercise of any right or remedy provided by law:

- a. Terminate this Agreement, in which case Licensee shall surrender possession of the Studio and the keys to Licensor and deliver the Studio in broom clean condition within 48 hours of the time notice of such termination is given (or, if more time is required by local law, then the minimum time required by such law after the notice of such termination). If Licensee fails to surrender such Studio, Licensor may take possession of the Studio, and all supplies, materials and tools of the Licensee located in the Leased Premises shall be deemed abandoned. Licensor may dispose of such property in accordance with applicable State law. Licensor shall be entitled to recover from Licensee all damages incurred by Licensor by reasons of Licensee's default.
- b. Pursue any other remedy at law or equity available to Licensor under State law.

19. Holdover. If Licensee remains in possession of the Studio or any part thereof past the specified expiration or termination date, such occupancy will be deemed a week-to-week holdover tenancy and the weekly fee will be equal to 150% of the License Fee last paid prior to the start of the holdover tenancy plus all other charges payable hereunder, and upon all the terms hereof. This does not apply when parties agree to auto renew this Agreement at the expiration of the first 1-year term and all subsequent auto renewals.

20. Notice. Any notices required or permitted pursuant to this Agreement shall be in writing and shall be deemed served, given, delivered and received when: (i) if to Licensee, such notice is sent to the Licensee email address provided herein OR notice is sent via text to the cell number provided herein ~~herein and such notice is also posted conspicuously inside the Studio;~~ and (ii) if to Licensor, such notice is sent via overnight delivery to Licensor at [Property.UserDefinedField("Notice Address")]. Licensee may change the email address for the purpose of this paragraph by giving written notice of such change to Licensor. Licensor may change its delivery address by providing notice to Licensee.

18. Attorneys' Fees. Should any dispute arise hereunder, the parties agree that the prevailing party shall be awarded, in addition to any sums or the relief ordered by the court, reasonable attorneys' fees, court costs, and the expenses of suit.



**19. Miscellaneous Provisions.**

- a. In the event the Studio or the Leased Premises is partially or totally destroyed by fire or other casualty, so as to become partially or totally untenable Licensor may elect to terminate this Agreement by providing written notice to Licensee.
- b. In the event of any litigation arising out of this Agreement, the parties stipulate and agree that venue will be had in any court of competent jurisdiction in the County and State of the Leased Premises and that the laws of the State of the Leased Premises shall apply. Licensee understands that any unpaid Agreement fees whether from property damage or weekly license fees can be sent to a state licensed collection agency at any time deemed appropriate by licensor.
- c. This Agreement, together with all its exhibits and attachments, embodies the entire agreement and understanding between the parties relating to the matters in this Agreement. There are and were no verbal representations, warranties, understandings, agreements or promises pertaining to the matters in this Agreement made by either party, except as set forth herein and except as set forth in the exhibits to this Agreement which are incorporated herein by reference. All amendments to this Agreement shall be in writing and signed by the parties.

IN WITNESS WHEREOF, each of the Parties hereto has executed this Studio License Agreement on the day and year first above written.

**LICENSOR**

X  
 \_\_\_\_\_  
**Sola Representative**

By: Sola Representative

**LICENSEE**

X  
 \_\_\_\_\_

By: [FirstName()] [LastName()]



## EXHIBIT - SOLA RULES AND REGULATIONS

### **You Must:**

1. Abide by all Rules and Regulations of any STATE Board regulating your business.
2. Maintain all relevant and required licenses, permits and insurance.
3. Maintain a professional environment and decorate your studio in a professional manner.
4. Keep music to a moderate level so as to not disturb your neighbors.
5. Maintain your studio in a neat and orderly manner.
6. Ensure any children present are properly supervised and inside your Studio at all times.
7. Get prior approval for painting, floor covering, and/or installation of lighting, plumbing or other electrical fixtures inside your Studio.
8. Ensure that the side of any window treatment facing the corridors is fully finished and solid white in color and hit the ground in in a full height window or glass door.
9. Adhere to any parking restrictions or regulations established by Licensor or Master Landlord.
10. Keep the laundry room and breakroom clean (The laundry room refrigerator, microwave, washers/ dryers (if available at the location) are shared use and maintained by all tenants.
11. Use designated trash and recycling containers for salon trash.
12. All glass door or window décor or signage which face (or are clearly visible from) the common hallways or storefront are at the discretion of the Sola ownership and can be controlled by the Master landlord. Prior approval for any item clearly visible to others is required or Sola may ask you to remove it.
13. Return the Master studio key, when issued to you by your request (for a lock-out) to its locked box at Sola within 30 minutes of its issue to you. Failure to do so will result in us revoking your privileges to use this Master key. Loss of this Master key will be a \$150 Fine.

### **You Must Not:**

14. Smoke or vape inside the premises (Smoking is permitted only outside the building and in accordance with city ordinances and State law).
15. Cause or create any disruption or disturbance in, about, or off of the premises or permit any clients or customers to cause any disruption or disturbance in or about the premises.
16. Use appliances other than those approved by Licensor or typical salon/styling appliances.
17. Use candles, incense, or any combustible materials.
18. Consume or serve alcohol or any illegal drugs on the premises.
19. Bring or permit pets or animals on the premises unless registered service dogs as defined by the ADA.
20. Affix signage, stickers, or decals on more than ¼ of your glass studio door (and in such event only on the inside surface), or any area of the premises, without prior approval.



21. Use Sola trash/recycling containers for your salon trash. All personal trash must be removed by you and placed in the centers trash/recycling collection
22. Allow children or infants to be present with you while working in your studio on a regular, full or part time basis. Temporary or occasional presence of children in the studios is acceptable, however as a long term solution this is not allowed due to noise issues.
23. Allow your clients to be processing or waiting, WHILE IN an appointment, in the common areas of the salon. The common areas and common seating are to be utilized for guests waiting to start an appointment on a temporary basis.



**EXHIBIT - SOLA INSURANCE PROGRAM**

1. In accordance with Licensee’s obligations under the Sola Salons Studio License Agreement signed with Licensor, Licensee is required to have, and maintain in good standing, general liability coverage no less than \$1,000,000 per occurrence and professional liability insurance no less than \$1,000,000 per occurrence.
2. Licensor offers each Licensee the choice of participation in the Sola Insurance Program (“Sola Insurance”) or to obtain coverage independently. **All Licensees may decline the Sola Insurance coverage and accept the obligation to provide Licensor with proof of insurance as required in the Sola Salons Studio License Agreement within thirty (30) days or prior to the renewal date. You must add [Property.UserDefinedField("Business Name")], [Property.UserDefinedField("Master Landlord")] and any other entity reasonably required as additional insureds. Failure to provide proof of insurance within 30 days will result in automatic enrollment in the Sola Insurance and payment of the fees described below.**
3. If Licensee elects to participate in Sola Insurance, Licensee will have the following coverage:
  - a. General liability and professional liability coverage of no less than \$1,000,000 per occurrence. Claims are limited to \$2,000,000 per occurrence with a \$3,000,000 policy max pay out.
  - b. \$10,000 in property coverage for salon equipment with a \$500 deductible; limited to Licensee’s Sola based business.
  - c. Business interruption coverage subject to the applicable waiting period.
4. Sola Insurance is only available to Licensee (and Licensee’s Sola Salons business) during his/her tenure at Sola Salons. Coverage will terminate upon leaving Sola Salons.
5. Coverage is limited to Sola Salons business related activities (including trade shows, weddings, etc.) conducted on or off premises. Coverage does not include any business outside of Sola Salons in which Licensee is an owner, operator, or employee.
6. Licensor will notify Licensee of changes to the insurance program, including terms and fees.
7. Fees for coverage of [ $\$insinterval=$ Tenant.UserDefinedField("Insurance Frequency");system.if( $\$insinterval=$ "Annually", "\$"&Tenant.UserDefinedField("Insurance Amount")&" will be collected through electronic funds transfer each year on or before "&Tenant.UserDefinedField("Insurance Anniversary Date")&" and prorated weekly for new subscribers", "\$"&Tenant.UserDefinedField("Insurance Amount")&" weekly will be collected through electronic funds transfer")] unless canceled by Licensee or Licensor in writing, provided the requirements of item 2 above are satisfied. The fee is charged for each Licensee.

**The Sola Insurance program is designed and administered by Taggart Insurance (303) 442-1484. Claims may be made directly with Taggart**

Please mark the choice below:

**if(length(Tenant.UserDefinedField("Insurance"))>2, "X", "")** I hereby agree to participate in the Sola Insurance and agree to have Licensor collect my payment via electronic funds transfer as specified above.

**if(length(Tenant.UserDefinedField("Insurance"))<3, "X", "")** I hereby decline the Sola Insurance and agree to provide Licensor with proof of insurance as specified above within 30 days.

# Exhibit D

## ORDINANCE NO. 2024-05

### AN INTERIM ORDINANCE TO FURTHER REGULATE MESSAGE ESTABLISHMENTS

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED: April 23, 2024

BRIAN POOCHIGIAN, MAYOR

ATTEST:



LESLIE B. CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY



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

I, Leslie B. Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2024-05 passed and adopted by the Council of the City of Visalia at a special meeting held on April 23, 2024 and certify a summary of this ordinance will be published in the Visalia Times Delta.

Dated: April 23, 2024

LESLIE B. CAVIGLIA, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk



September 5, 2024

**Site Plan Review No. 2024-159:**

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 **August 07, 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 large, light blue oval shape.

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

**Attachment(s):**

- Site Plan Review Comments



MEETING DATE August 7, 2024  
 SITE PLAN NO. 2024-159  
 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
    - HISTORIC PRESERVATION  OTHER –
    - ADDITIONAL COMMNTS:**

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: August 7, 2024

SITE PLAN NO: 2024-159  
PROJECT: Shawna Bortolussi – Sola Salon Studios  
APPLICANT: Shawna Bortolussi  
DESCRIPTION: We operate a salon suites concept and wish to apply for several permits allowing us to lease to licensed Massage therapist businesses at our already open location  
ADDRESS: 3501 S. MOONEY BLVD.  
APN: 000-015-806  
GENERAL PLAN: COMMERCIAL REGIONAL  
ZONING: C-R (REGIONAL COMMERCIAL)

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Conditional Use Permit

### **PROJECT SPECIFIC INFORMATION:** August 7, 2024

1. VMC Use Table 17.25.030, Line M52 lists Massage Therapist as requiring a conditional use permit.
2. A complete CUP application will include detailed exhibits of the following:
  - a. Operational Statement – including hours of operation, number of employees, CAMTC certifications, evidence of good standing, etc.
  - b. Site Plan – indicating unit number and surrounding businesses
  - c. Floor Plan
  - d. Building elevations, if necessary.
3. Comply with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments). This shall include certification from the California Massage Therapy Council.
4. Comply with all requirements of Visalia Municipal Code Interim Ordinance No. 2024-05.
5. All signage shall be through a separate Building Permit submittal.
6. Note: Each individual massage business operating within Sola Salon shall require their own Site Plan Review submittal.
7. Meet all other codes and ordinances.

### Notes:

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

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

- 17.18 Commercial Zones
- 17.30 Development Standards
- 17.34 Off-street parking and loading facilities

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

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



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



**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

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

<b>ITEM NO: 83 DATE: AUGUST 7, 2024</b>	
SITE PLAN NO.:	24-159
PROJECT TITLE:	SHAWNA BORTOLUSSI - SOLA SALON STUDIOS
DESCRIPTION:	WE OPERATE A SALON SUITES CONCEPT AND WISH TO APPLY FOR SEVERAL PERMITS ALLOWING US TO LEASE TO LICENSED MESSAGE THERAPIST BUISNESSES AT OUR ALREADY OPEN LOCATION.
APPLICANT:	SHAWNA BORTOLUSSI
PROP OWNER:	
LOCATION:	3501 S MOONEY BLVD UNIT 130
APN:	000-015-806

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (indicated by checked boxes)
  - Install curb return with ramp, with \_\_\_\_\_ radius;
  - Install curb;  gutter
  - Drive approach size:  Use radius return;
  - Sidewalk: \_\_\_\_\_ width;  \_\_\_\_\_ parkway width at \_\_\_\_\_
  - Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
  - Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
  - Right-of-way dedication required. A title report is required for verification of ownership.
  - Deed required prior to issuing building permit;
  - City Encroachment Permit Required. FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**  
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
  - CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
  - Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
  - Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
  - Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: \_\_\_\_\_ : \_\_\_\_\_ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
  - Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
  - Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .20%, V-gutter = 0.25%)
  - Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
  - All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

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

**Additional Comments:**

**1. No comments.**

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: **24-159**

Date: **08/07/2024**

**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:**07/01/2024**)

(Project type for fee rates: )

Existing uses may qualify for credits on Development Impact Fees.

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

**Reimbursement:**

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

  
 \_\_\_\_\_  
**Luqman Ragabi**

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

APR 24 159  
SOLA SALON STUDIOS  
3501 S MOONEY BLVD #130

**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.
- 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 3/7/24  
Signature



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

Date: 08/07/24  
 Item: 8  
 Site Plan: SPR24159  
 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: \_\_\_\_\_
- Traffic Concerns: \_\_\_\_\_
- Surveillance Issues: \_\_\_\_\_
- Line of Sight Issues: \_\_\_\_\_
- Other Concerns: \_\_\_\_\_

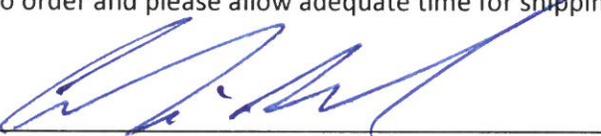


**Site Plan Comments**

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

Date	August 7, 2024
Item #	8
Site Plan #	24159
APN:	000015806

- 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.
- 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](http://knoxbox.com) to order and please allow adequate time for shipping and installation. 2022 CFC 506.1

  
\_\_\_\_\_  
Corbin Reed  
Fire Marshal

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

August 7, 2024

ITEM NO: 8      **Added to Agenda**      MEETING TIME: 10:45  
SITE PLAN NO: [SPR24159](#)      ASSIGNED TO: Cristobal Carrillo [Cristobal.Carrillo@visalia.ci](mailto:Cristobal.Carrillo@visalia.ci)  
PROJECT TITLE: Shawna Bortolussi- Sola Salon Studios  
DESCRIPTION: We operate a salon suites concept and wish to apply for several permits allowing us to lease to license  
Massage therapist businesses at our already open location.  
APPLICANT: Shawna Bortolussi - Applicant  
APN: 000015806  
ADDRESS: 3501 S MOONEY BLVD UNIT 130  
LOCATION: 3501 S. Mooney Blvd, Unit 130

**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

24159

August 7, 2024

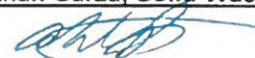
- No comments.
- See comments below
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ALL refuse enclosures 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.

**Comment** Existing solid waste services. If any changes to existing services are needed the customer is to reach out to the City of Visalia's Utility Billing Division at 559-713-4499.

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

Nathan Garza, Solid Waste, 559-713-4532





## CALIFORNIA WATER SERVICE

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

<b>Site Plan Review Comments From:</b> California Water Service Scott McNamara, Superintendent 216 N Valley Oaks Dr. Visalia, CA 93292 559-624-1622 <a href="mailto:smcnamara@calwater.com">smcnamara@calwater.com</a>	Date: 08/07/2024 Item #: 8 Site Plan #: 24-159 Project: Sola Salon Description: Salon Suites Applicant: Shawna Bortolussi APN: 000-015-806 Address: 3501 S Mooney, Unit 130
--	--

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

- No New Comments
- Pulled from agenda

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**Water Mains**

**Comments:**

- Water main fronting your project
- No existing water main fronting this project

**Water Services**

**Comments:**

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

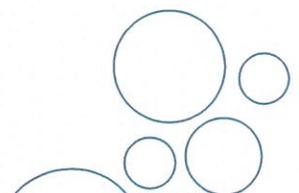
The following will be paid for by the property owner/developer:

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

**Fire Hydrants**

**Comments:**

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





## CALIFORNIA WATER SERVICE

### **Backflow Requirements**

#### ***Comments:***

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

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

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

### **Additional Comments:**

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



## Susan Currier

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**From:** Rajput, Rosy@DOT <Rosy.Rajput@dot.ca.gov>  
**Sent:** Thursday, August 8, 2024 8:54 AM  
**To:** Susan Currier; Cristobal Carrillo  
**Cc:** Padilla, Dave@DOT; Deel, David@DOT  
**Subject:** Response from D6 Caltrans : SITE PLAN REVIEW for 08-07-2024  
**Attachments:** TUL-198-5\_199\_(SPR\_24100\_Etchegaray\_Industrial).pdf; SPR Agenda 08-07-2024.pdf

Hi Cristobal and Susan,

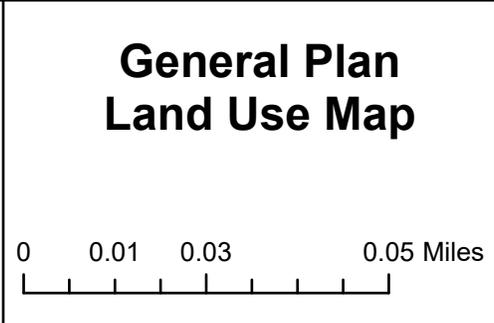
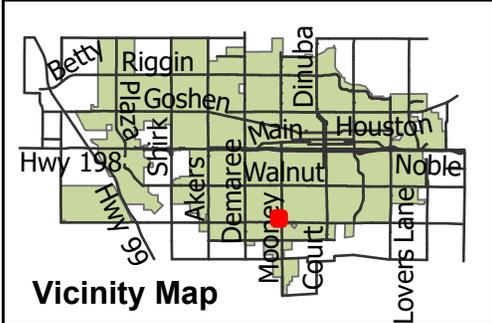
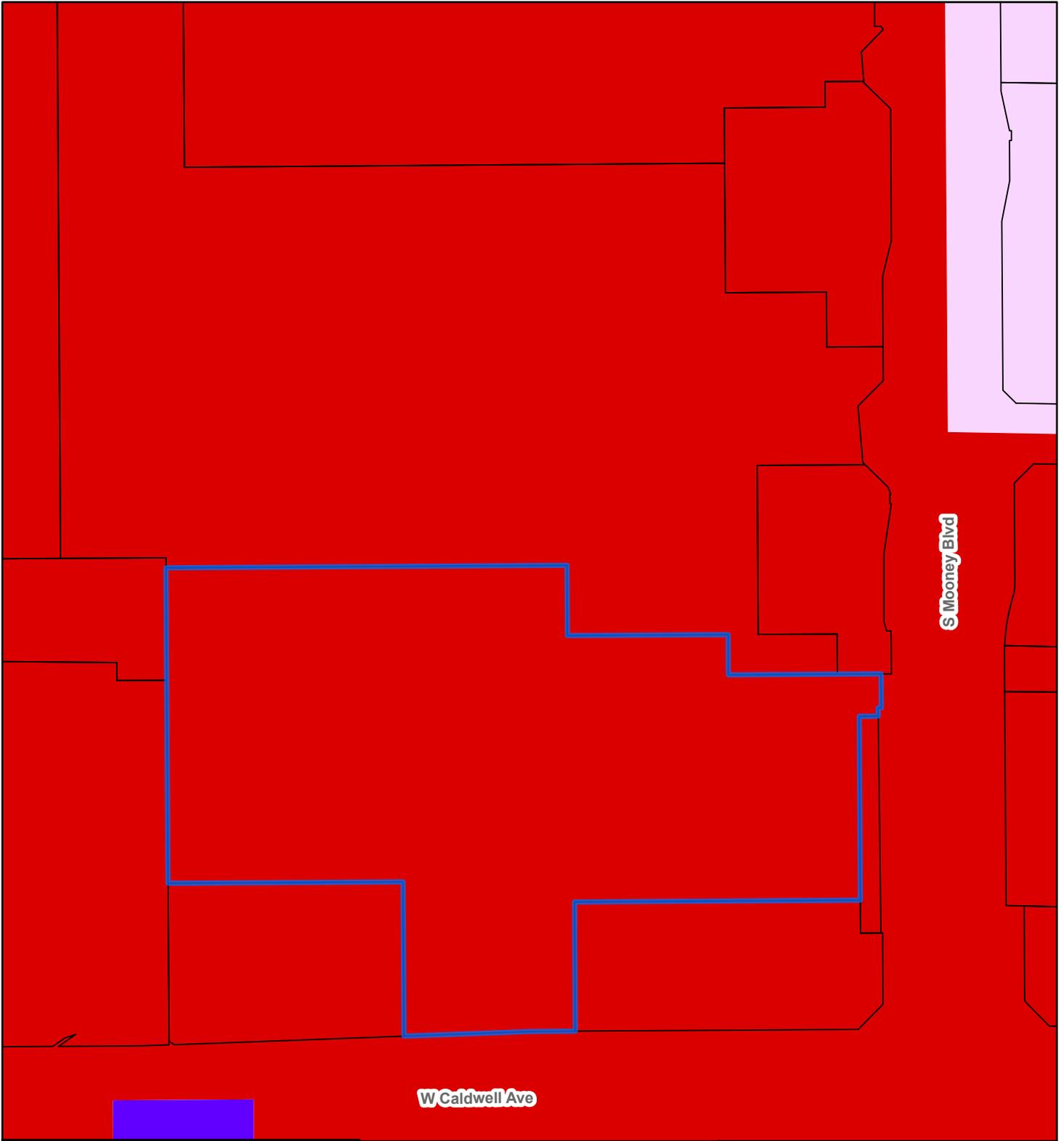
This email summarizes our response to the following site plans:

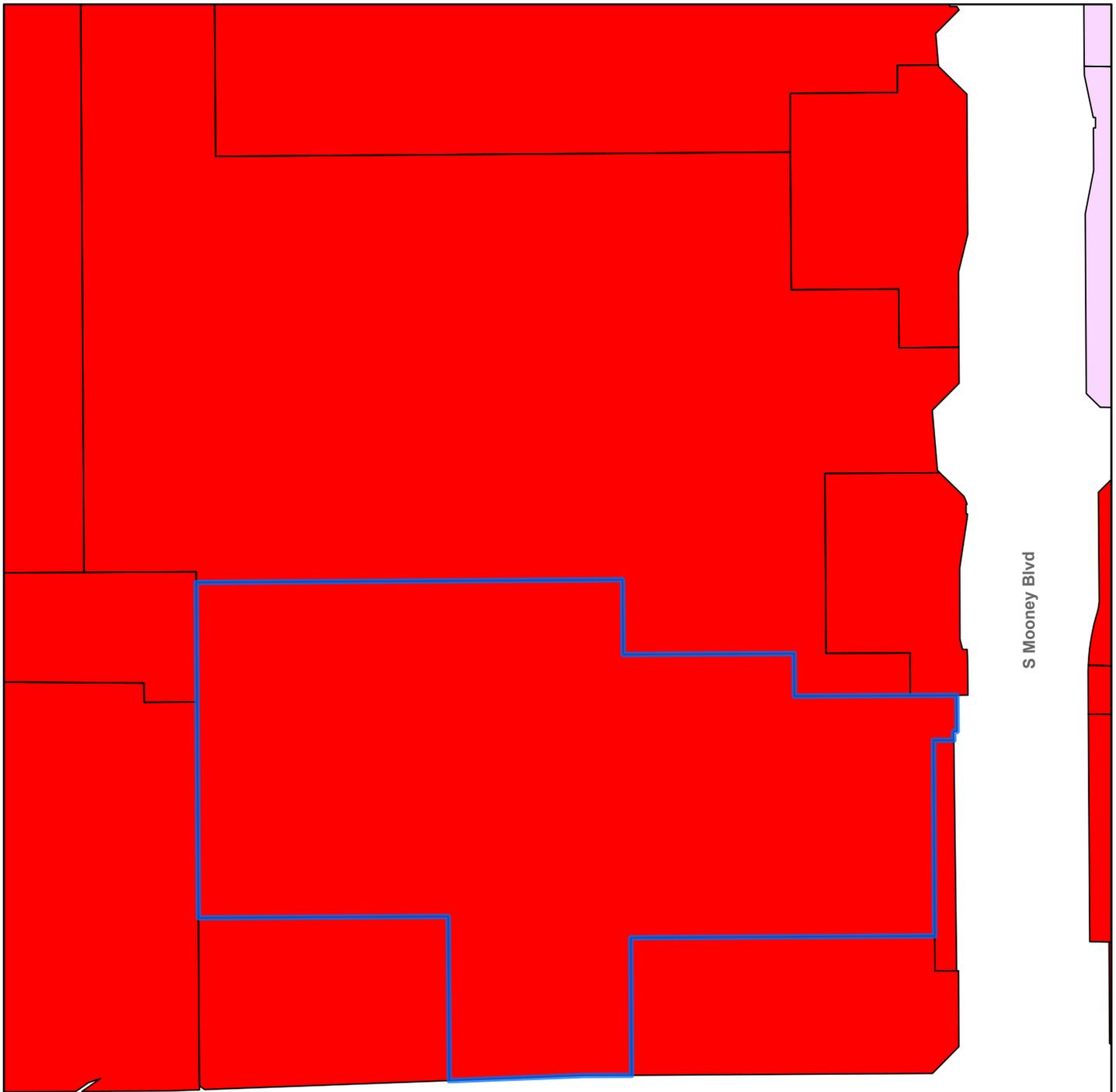
- **SPR24100-1 - Etchegaray Industrial:** Caltrans comments from the June 13, 2024 letter still apply. Please see the attached letter.
- **SPR24153 – Medical Spa:** No comment.
- **SPR24154 – Skillful Hands:** No comment.
- **SPR24155 – Proposed new office (5000sf):** Routed for comment.
- **SPR24156 – New Restaurant (Tenant Improvement):** No comment.
- **SPR24157 – Habitat for Humanity Roundabout:** No comment.
- **SPR24158 – Visalia Kia (Building Additions):** No comment.
- **SPR24159 – Sola Salon Studios:** No comment.

Please let me know if you have any questions or require further clarification on any of these plans.

Thanks,

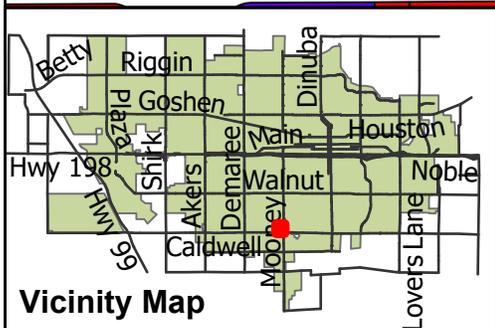






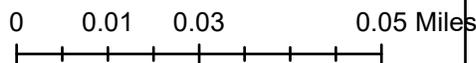
W Caldwell Ave

S Mooney Blvd

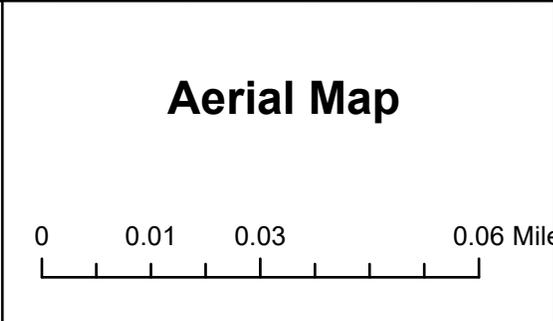
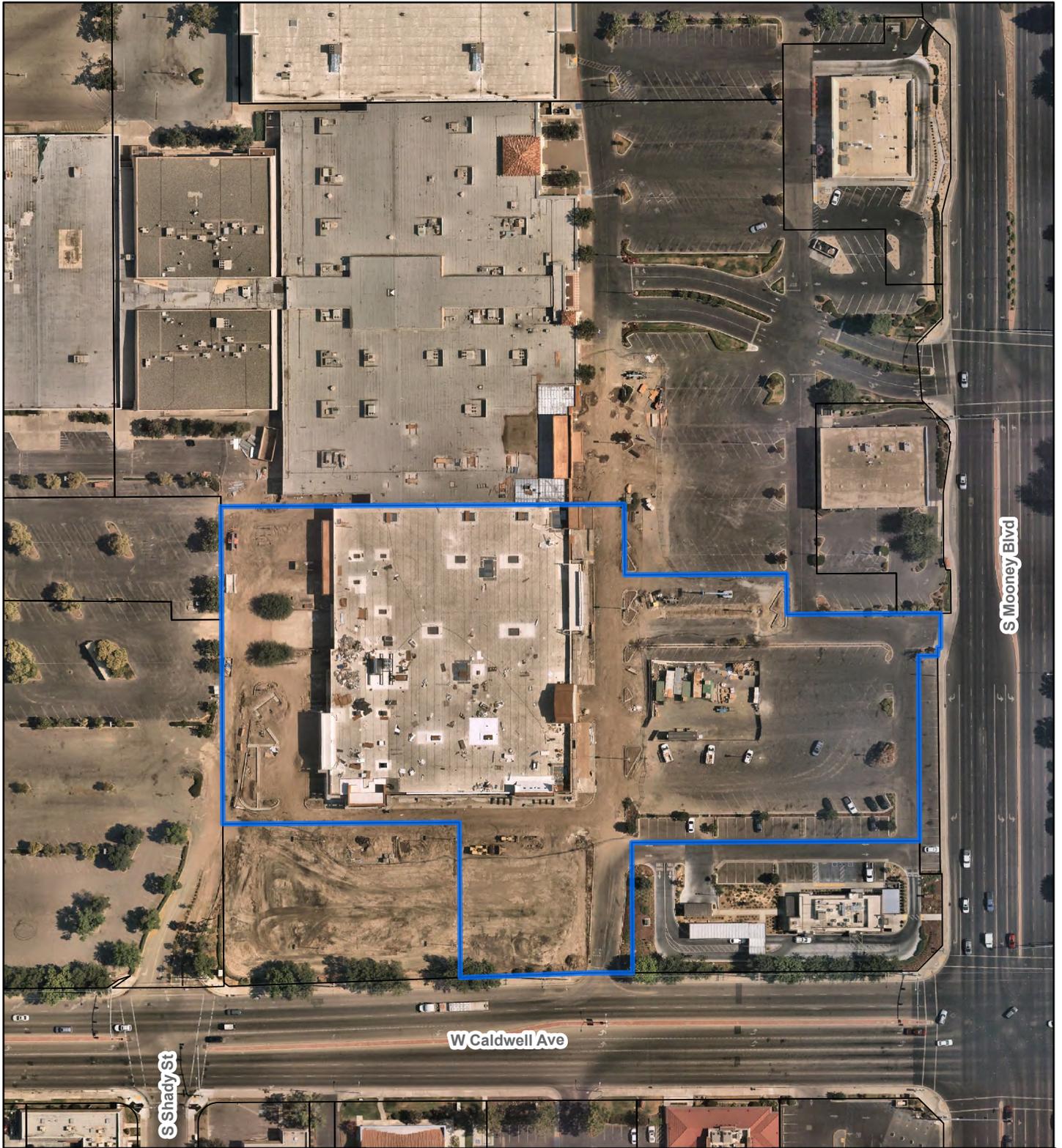


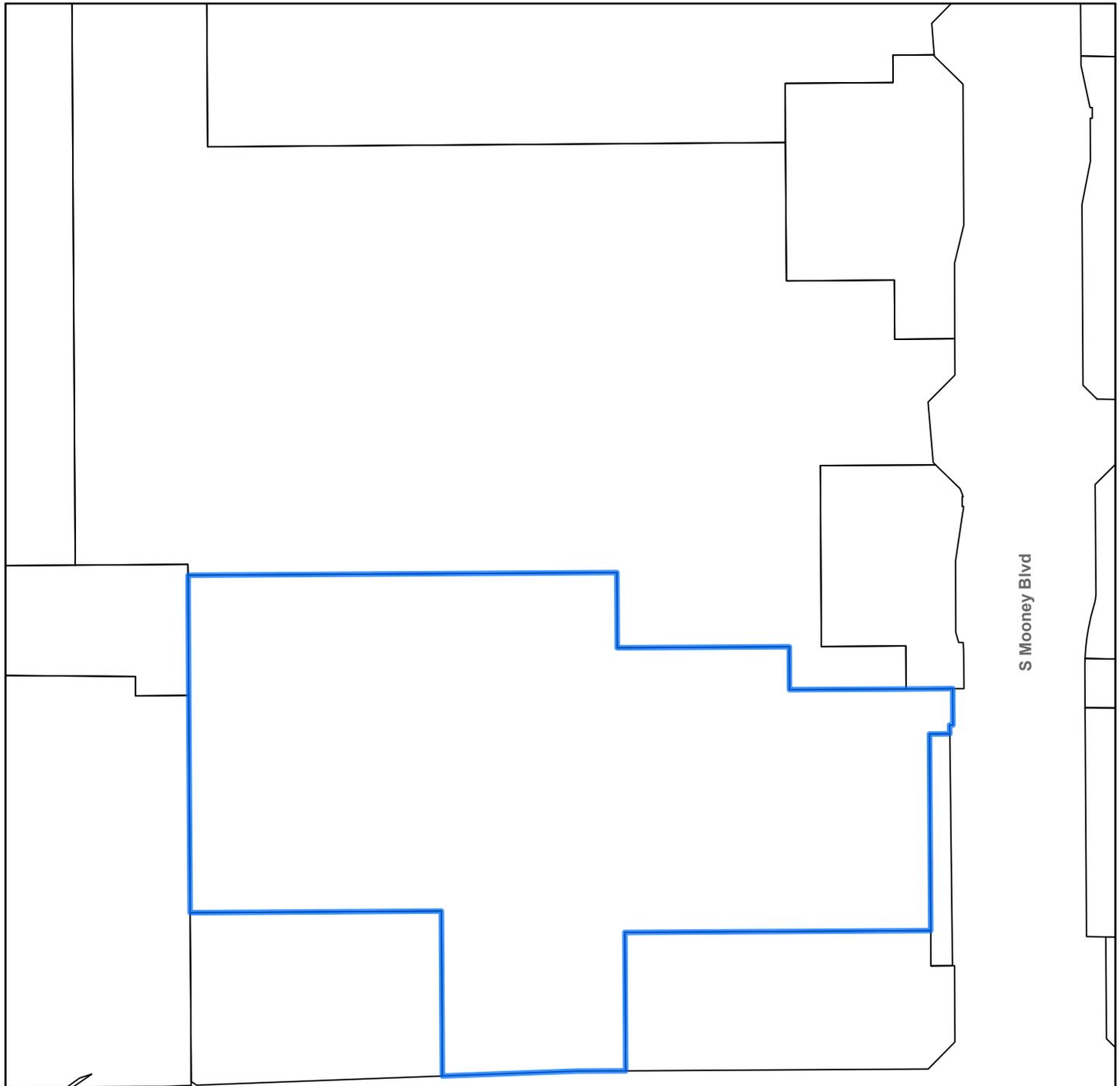
Vicinity Map

## Zoning Map



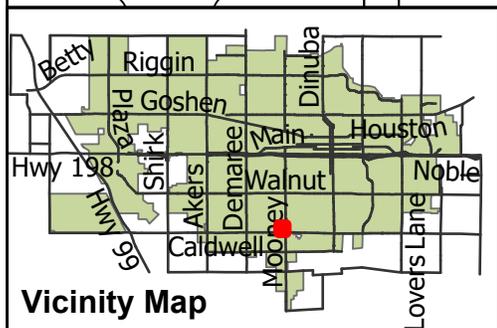
- C-R Regional Commercial
- C-MU Mixed Use Commercial
- O-PA Professional / Admin Office





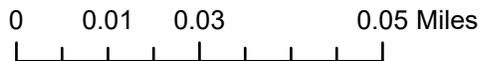
W Caldwell Ave

S Mooney Blvd



Vicinity Map

### Vicinity





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** September 23, 2024

**PROJECT PLANNER:** Josh Dan, Senior Planner  
Phone No. (559) 713-4003  
Email: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**SUBJECT: Conditional Use Permit No. 2024-32:** A request by MEGA LED Technology to construct an electronic sign on a site utilized by The Ark Community Church in the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) zone. The project site is located at 1625 East Walnut Avenue (APN: 100-480-034).

## STAFF RECOMMENDATION

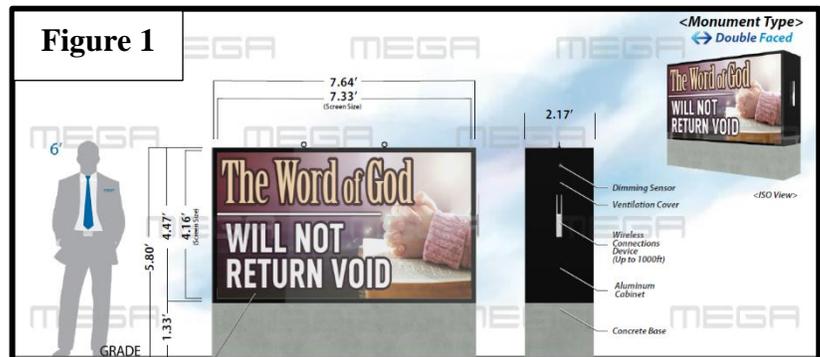
Staff recommends approval of Conditional Use Permit No. 2024-32, as conditioned, based upon the findings and conditions in Resolution No. 2024-56. Staff's recommendation is based on the conclusion that the request is consistent with the City's General Plan and Zoning Ordinance.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-32 based on the findings and conditions in Resolution No. 2024-56.

## PROJECT DESCRIPTION

Conditional Use Permit No. 2024-32 is a request by MEGA LED Technology to allow one changeable copy electronic monument sign (see Figure 1). The sign replaces a previously existing, now removed static monument sign at approximately the same location, on East Walnut Avenue approximately 94 feet from the intersection with South Ben Maddox Way as shown in Exhibit "A". Like the former monument sign, the electronic monument sign will have sign fields on both the east and west facing sides.



The elevations in Exhibit "B" depict the electronic sign mounted on a 1.33-foot tall concrete base that would match the footprint of the electronic sign. The overall height of the monument sign is 5-feet, 8-inches. The sign will utilize LED (light emitting diode) electronic copy signage, with each side of the screen measuring 4.16" x 7.33', or 30.5 square feet, in size. The total signage area including the border around the screen, not including the base, will be 34.15 square feet per side, which is consistent with the maximum 35 square foot sign area permitted for monument signs.

## BACKGROUND INFORMATION

General Plan Land Use Designation	Residential Low Density
Zoning	R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size)
Surrounding Zoning and Land Use	North: R-M-2 / Multi-family residential (Castlewood Subdivision) South: R-1-5 / Single-family residential (Briarwood Estates) West: R-1-5 / Sierra Baptist Church of Visalia East: C-N / Rite Aid drug store
Environmental Review	Categorical Exemption No. 2024-46
Site Plan Review	Site Plan Review No. 2024-159

### RELATED PROJECTS

**2016 Sign Ordinance Update:** On July 20, 2016, the update to the City's Sign Ordinance went into effect, providing regulations and standards for allowing electronic copy signs in the City of Visalia.

### SIMILAR PROJECTS

**Conditional Use Permit No. 2016-29:** On December 12, 2016, the Planning Commission approved Conditional Use Permit No. 2016-29 to replace an existing freestanding sign with a new sign having changeable electronic sign copy, associated with an existing church in the Single-family Residential (R-1-6) Zone at 5200 W. Caldwell (NE corner of Akers & Caldwell). The LED electronic copy sign measured 22.5 square feet. The total sign copy area per side, not including the base, was approved at 35 square feet.

**Conditional Use Permit No. 2021-18:** On October 24, 2022, the Planning Commission approved Conditional Use Permit No. 2021-18 to replace an existing freestanding sign with a new changeable copy electronic sign associated with the Milan Institute and located at 6500 S. Mooney Blvd., within the C-MU (Commercial Mixed Use) Zone District.

**Conditional Use Permit No. 2023-10:** On April 24, 2023, the Planning Commission approved Conditional Use Permit No. 2023-10 to construct an electronic monument sign on a site zoned Q-P (Quasi Public) at 3737 South Akers Street (SW corner of Akers & Caldwell). The LED electronic copy sign measured 17.5 square feet and was approved as being just over five feet in total height with a total sign area—fixed and electronic copy—of 35 square feet.

## PROJECT EVALUATION

Staff supports the requested Conditional Use Permit (CUP), as conditioned, based on project consistency with the General Plan and the Zoning Ordinance.

### Sign Ordinance Regulations

The Ark Community Church is located within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) zone. The Visalia Municipal Code (VMC) Chapter 17.48 (Signs) includes standards pertaining to electronic signs with changeable copy. The Sign Ordinance for quasi-public uses located in a residential zone permits one freestanding sign (VMC Section 17.48.090.G). The Sign Ordinance further allows electronic copy as a display medium wherever

monument signs are permitted, subject to the issuance of a Conditional Use Permit (VMC Section 17.48.080.E).

### **Compliance with Development Standards**

VMC Section 17.48.090.G, provides development standards for the installation of specific signage types, such as monument (i.e., freestanding) signs. The applicable regulations are as follows:

1. **Maximum Number.** One freestanding sign and one wall sign.
2. **Maximum Area.** Freestanding signs shall not be more than 35 square feet in area.
3. **Maximum Height.** Freestanding signs shall not be more than 6 feet above grade.
4. **Setback.** Freestanding signs shall be setback a minimum of 10 feet from the public right-of-way.
5. **Illumination.** Signs may be internally illuminated.

Per Exhibit "A", staff finds that the proposed monument sign meets the regulations prescribed by this section of the VMC. The structure contains 34.15 square feet of signage area per face, is approximately 5.80 feet in height, and is setback ten feet from property line. In addition, because the two faces of the sign are separated by more than two feet of sign cabinet, the per-side signage area is recognized as the total signage area per VMC Section 17.48.070's rules for double-faced signs. Staff recommends inclusion of Condition of Approval No. 4 requiring an onsite inspection by Planning Staff prior to finalization of a Building Permit for the monument sign to verify compliance with all VMC development standards.

### **Compliance with Electronic Copy Standards**

VMC Section 17.48.080.E provides sign regulations for any sign with electronic copy. In addition to requiring the issuance of a CUP, all signs are required to comply with certain physical and operational standards described in the Sign Ordinance. The regulations are as follows:

1. **Location.** Electronic copy is allowed as a display medium wherever monument signs are allowed. A CUP is required for the installation of any electronic sign except an interior electronic sign or digital display, which are regulated as permanent window signs.
2. **Physical Standards.**
  - a. The sign display face must be directed in a manner that is not visible from the front or side yards of residential properties located in a residential zone district.
  - b. Electronic display faces must be an integral part of the remainder of the sign area.
3. **Operational Standards.**
  - a. Electronic display shall be limited to no more than 30 lumens output, measured at 10 feet from the sign face.
  - b. No portion of the electronic display (either sign copy or pictures) shall change more frequently than once every six seconds.
  - c. No audible output from any portion of the sign shall be permitted.
  - d. Electronic signs shall be operative only during the hours of operation of the associated business.
  - e. Sign copy or electronic picture displays shall be limited to advertising related to the use(s) on the property for which the monument sign is located, except for message substitution, as allowed in Section 17.48.080 D.

- f. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.
- g. No display shall create a potential distraction to drivers by virtue of the frequency of changes of images (i.e., the time between images expressed in seconds), and the Planning Commission may impose limitations on the number of images that can be displayed over a specified time period for reasons of traffic safety.

Per the Operational Statement in Exhibit “C”, the church holds services on Saturdays and Sundays from 7:00 a.m. to 2:00 p.m., with afternoon meetings and various class studies being held between 2:00 p.m. and 9:00 p.m., weekends. Chaplain hours and church offices are operated from 7:00 a.m. to 6:00 p.m., Monday through Friday. Various other meetings and events are held most weekday evenings from 6:00 p.m. to 9:00 p.m.

The church is requesting approval of their electronic monument sign to display information on church events between the hours of 6:00 a.m. and 10:00 p.m., consistent with previously approved CUP No. 2023-10 which was a request for an electronic monument sign for Visalia First. As such, staff has included Condition Nos. 2, and 4, requiring the proposed sign to comply with the operational standards of VMC 17.48.080.E.3.d requiring that electronic signs shall only be operative only during the hours of operation of the associated business, which are Saturday and Sundays during service times.

### **Visibility from Residences**

The Sign Ordinance’s standards regarding electronic sign copy state that electronic sign displays “*must be directed in a manner that is not visible from the front or side yards of residential properties located in a residential zone district*” (VMC Section 17.48.080.E.2.a). The proposed monument sign, as situated, will not be within sight distance of a residence and is considered compliant with the code section listed above. All surrounding residences have their side or rear yards backing onto the site and are separated by a block wall.

### **Environmental Review**

The requested action is considered to be Categorically Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-46). Projects determined to meet this classification consist of the construction of minor accessory structures, such as on-premises signage.

## **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. The display face of the proposed monument sign is not located near in a manner to shine onto or toward any residences. Furthermore, the sign is situated in a manner that is not inconsistent with the purpose and intent of monument sign development standards.
  - 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, or

materially injurious to properties or improvements in the vicinity. The sign is situated in a manner that is consistent with the purpose and intent of monument sign development standards.

3. That the project is considered Categorically Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-46).

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the sign be developed in substantial compliance with the site and sign plans attached as Exhibit "A" and Exhibit "B" respectively.
2. That the sign be developed in substantial compliance with the operational statement attached as Exhibit "C", including that the sign's LED electronic copy display shall not be illuminated between the hours of 10:00 p.m. through 6:00 a.m., daily.
3. That signage shall require a separate building permit and shall be designed consistent with Visalia Municipal Code Chapter 17.48 (Sign Ordinance).
4. That staff shall verify that all aspects of the proposed monument sign comply with all requirements of Visalia Municipal Code Chapter 17.48. Compliance shall be verified via an onsite inspection conducted prior to finalization of the Building Permit for the monument sign.
5. That all other federal and state laws and city codes and ordinances be complied with.

### **APPEAL INFORMATION**

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

#### **Attachments:**

- Related Plans & Policies
- Resolution No. 2024-56
- Exhibit "A" – Site Plan
- Exhibit "B" – Sign Elevation
- Exhibit "C" – Operational Statement
- Categorical Exemption No. 2024-46
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

## RELATED PLANS AND POLICIES

### VISALIA MUNICIPAL CODE

#### Chapter 17.12

#### SINGLE-FAMILY RESIDENTIAL ZONES

[17.12.040](#) Conditional uses.

[17.12.137](#) Signs.

#### Chapter 17.38

#### CONDITIONAL USE PERMITS

##### Sections:

[17.38.010](#) Purposes and powers.

[17.38.020](#) Application procedures.

[17.38.030](#) Lapse of conditional use permit.

[17.38.040](#) Revocation.

[17.38.050](#) New application.

[17.38.060](#) Conditional use permit to run with the land.

[17.38.065](#) Abandonment of conditional use permit.

[17.38.070](#) Temporary uses or structures.

[17.38.080](#) Public hearing—Notice.

[17.38.090](#) Investigation and report.

[17.38.100](#) Public hearing—Procedure.

[17.38.110](#) Action by planning commission.

[17.38.120](#) Appeal to city council.

[17.38.130](#) Effective date of conditional use permit.

#### Chapter 17.48

#### SIGNS

##### Sections:

[17.48.070](#) Rules for Sign Measurement

[17.48.080](#) General Sign Standards.

[17.48.090](#) Sign Standards for Agricultural and Residential Zones.

[17.48.110](#) Standards for Specific Sign Types.

**NOTICE OF EXEMPTION**

City of Visalia  
315 E. Acequia Ave.  
Visalia, CA 93291  
(559) 713-4359

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

Conditional Use Permit No. 2024-46

**PROJECT TITLE**

The project site is located at 1625 East Walnut Avenue (APN: 100-480-034).

**PROJECT LOCATION**

Visalia

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

A request by MEGA LED Technology to construct an electronic monument sign.

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

City of Visalia, Attn: Josh Dan, Planner, 315 E. Acequia Avenue, Visalia, CA 93291, Email: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

George Kim, MEGA LED Technology, 2601 Pinewood Rd., Grand Prairie TX 75051, 213-746-7445

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

George Kim, MEGA LED Technology, 2601 Pinewood Rd., Grand Prairie TX 75051, 213-746-7445

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

**EXEMPT STATUS:** (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15311**
- Statutory Exemptions- State code number:

A request to replace an existing freestanding monument sign with a new changeable copy electronic sign on a site within the R-1-5 (Single Family Residential) zone. The exemption is appropriate in that the project consists of the construction of minor accessory structures, as on-premises signage.

**REASON FOR PROJECT EXEMPTION**

**CONTACT PERSON**

(559) 713-0000

**AREA CODE/PHONE**

**DATE**

**ENVIRONMENTAL COORDINATOR**  
Brandon Smith, AICP

RESOLUTION NO. 2024-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-32, A REQUEST BY MEGA LED TECHNOLOGY TO CONSTRUCT AN ELECTRONIC SIGN ON A SITE UTILIZED BY THE ARK COMMUNITY CHURCH IN THE R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQUARE FOOT MINIMUM SITE AREA) ZONE. THE PROJECT SITE IS LOCATED AT 1625 EAST WALNUT AVENUE (APN: 100-480-034).

**WHEREAS**, Conditional Use Permit No. 2024-32, is a request by MEGA LED Technology to construct an electronic sign on a site utilized by The Ark Community Church in the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) zone. The project site is located at 1625 East Walnut Avenue (APN: 100-480-034); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 23, 2024; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2024-32, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, 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 15311.

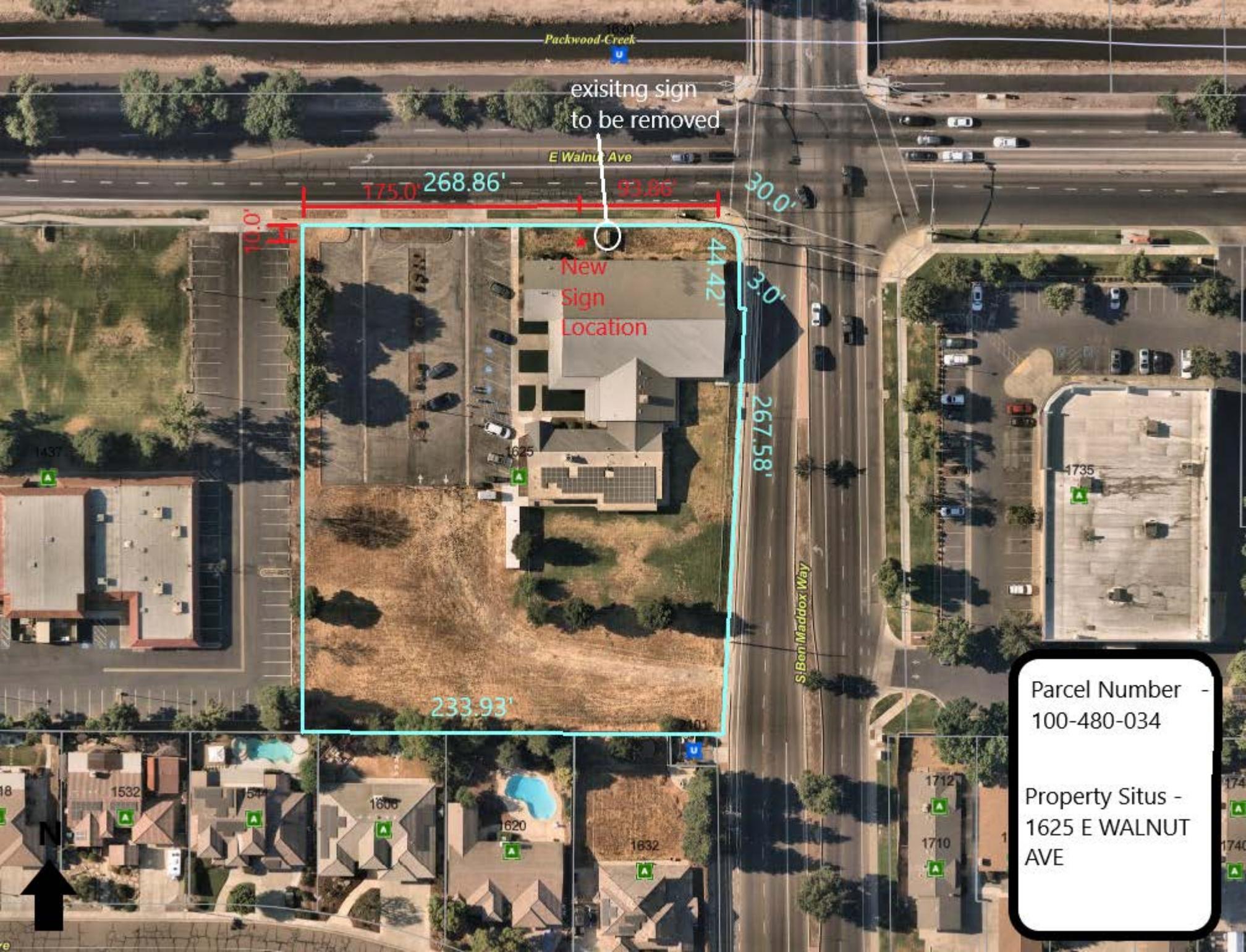
**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

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. The display face of the proposed monument sign is not located near in a manner to shine onto or toward any residences. Furthermore, the sign is situated in a manner that is not inconsistent with the purpose and intent of monument sign development standards.
  - 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, or materially injurious to properties or improvements in the vicinity. The sign is situated in a manner that is consistent with the purpose and intent of monument sign development standards.

3. That the project is considered Categorical Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-46)

**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 sign be developed in substantial compliance with the site and sign plans attached as Exhibit "A" and Exhibit "B" respectively.
2. That the sign be developed in substantial compliance with the operational statement attached as Exhibit "C", including that the sign's LED electronic copy display shall not be illuminated between the hours of 10:00 p.m. through 6:00 a.m., daily.
3. That signage shall require a separate building permit and shall be designed consistent with Visalia Municipal Code Chapter 17.48 (Sign Ordinance).
4. That staff shall verify that all aspects of the proposed monument sign comply with all requirements of Visalia Municipal Code Chapter 17.48. Compliance shall be verified via an onsite inspection conducted prior to finalization of the Building Permit for the monument sign.
5. That all other federal and state laws and city codes and ordinances be complied with.



Packwood-Creek

existing sign  
to be removed

E Walnut Ave

New  
Sign  
Location

S Ben Maddox Way

Parcel Number -  
100-480-034

Property Situs -  
1625 E WALNUT  
AVE

The **Premier** Series

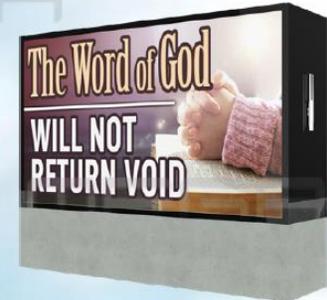
+ **FULL** COLOR LED MESSAGE BOARD

PRODUCTION RENDERING

PREMIER-MP6-47-SMD-DF

SCALE: 3/8" = 1'  
WHEN PRINTING, SET PAGE SCALING TO "NONE".

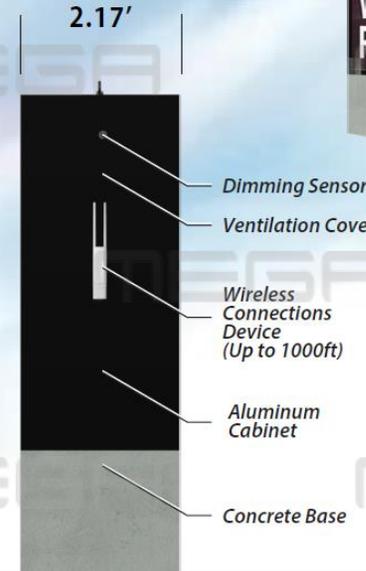
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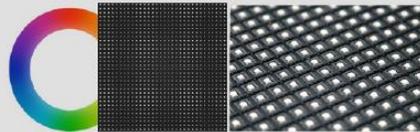
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<Left View>



6mm Pitch, Full Color SMD  
4' 2-3/8" x 7' 4-1/4" Display Dimension  
192 x 336 Pixel Dimension  
Wifi Wireless, PC Data Input Type  
Max. 24 Text Lines / HD Image / Video Contents Available

**CABINET SURFACE COLOR**  
BLACK MATTE - 38/80020 50% GLOSS - JET BLACK

NOTE: All Copy is initially checked by MEGA SIGN INC. Final proofreading and corrections are the sole responsibility of the client. Subsequent revision for typographical error will be done at clients expense. Colors depicted here are for representation only. Actual color samples can be obtained from your sales representative upon request. All dimensions are approximate.



CLIENT NAME	MODEL NUMBER	UNIT	SALES CONSULTANT	DATE
INSTALL ADDRESS			APPROVED BY	DATE
DESCRIPTION				

ARTIST : PHILIP K.  
PG 1 OF 1

2601 PINWOOD DR, GRAND PRAIRIE, TX 75051  
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TOLL FREE : 888.315.7446  
www.MEGASIGNINC.com

**Operational Statement for Electronic Sign for The Ark Community Church located at  
1625 E Walnut Ave, Visalia, CA 93292**

Dear Planning Commission,

We would like to provide an operational statement for inclusion with our application for the electronic sign at 1625 E Walnut Ave. The sign will be used to share our church service hours as well as messages with the public about church events, community services, and other outreach activities. Its purpose is to inform the community of upcoming services, programs, and gatherings, and to invite engagement with the church throughout the week, beyond the church service hours.

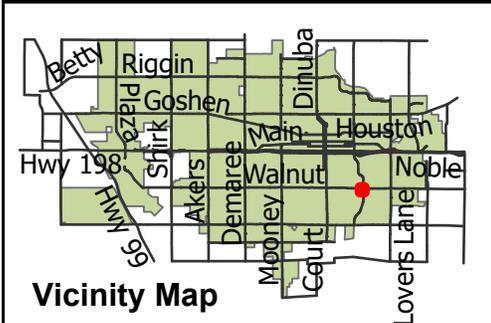
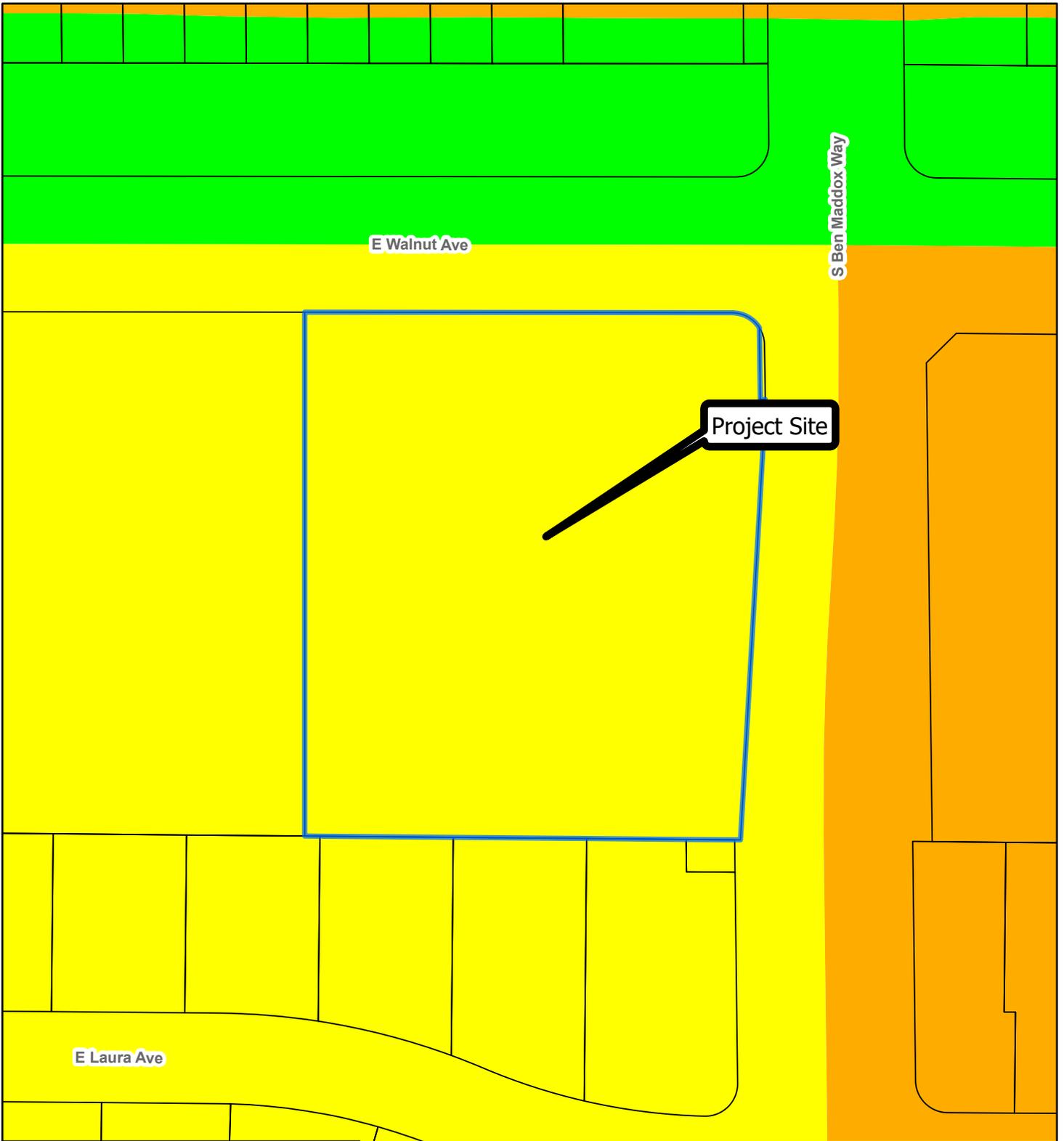
On Saturdays and Sundays we hold morning church services from 7a-2p and afternoon meetings and various class studies from 2p-9p. On Monday through Fridays our office & chaplain hours are from 7a-6p. In the evenings we hold various meetings/events from 6p-9p - Pathfinder Club meetings, church vespers, youth night, family night, weekly Bible study meetings, Men's and Women's Ministry meetings/events, and other functions that rotate throughout the seasons.

In line with prior approvals, such as the one granted to Visalia First Assembly Church, we respectfully request that the sign be operational from 6 AM to 10 PM. This schedule aligns with the city's previously approved hours for similar signage.

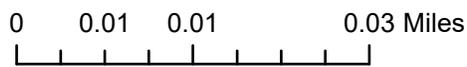
We hope this operational schedule will be acceptable, as it provides ample opportunity to communicate with the community while respecting neighborhood sensitivities. Please let us know if any further details or clarifications are required.

Thank you for your consideration.

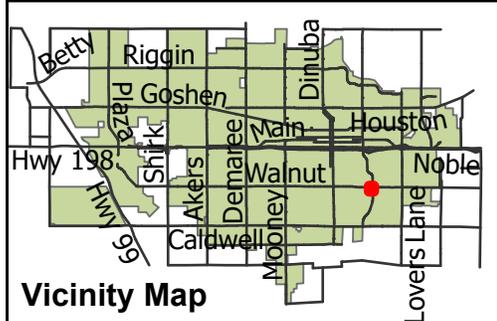
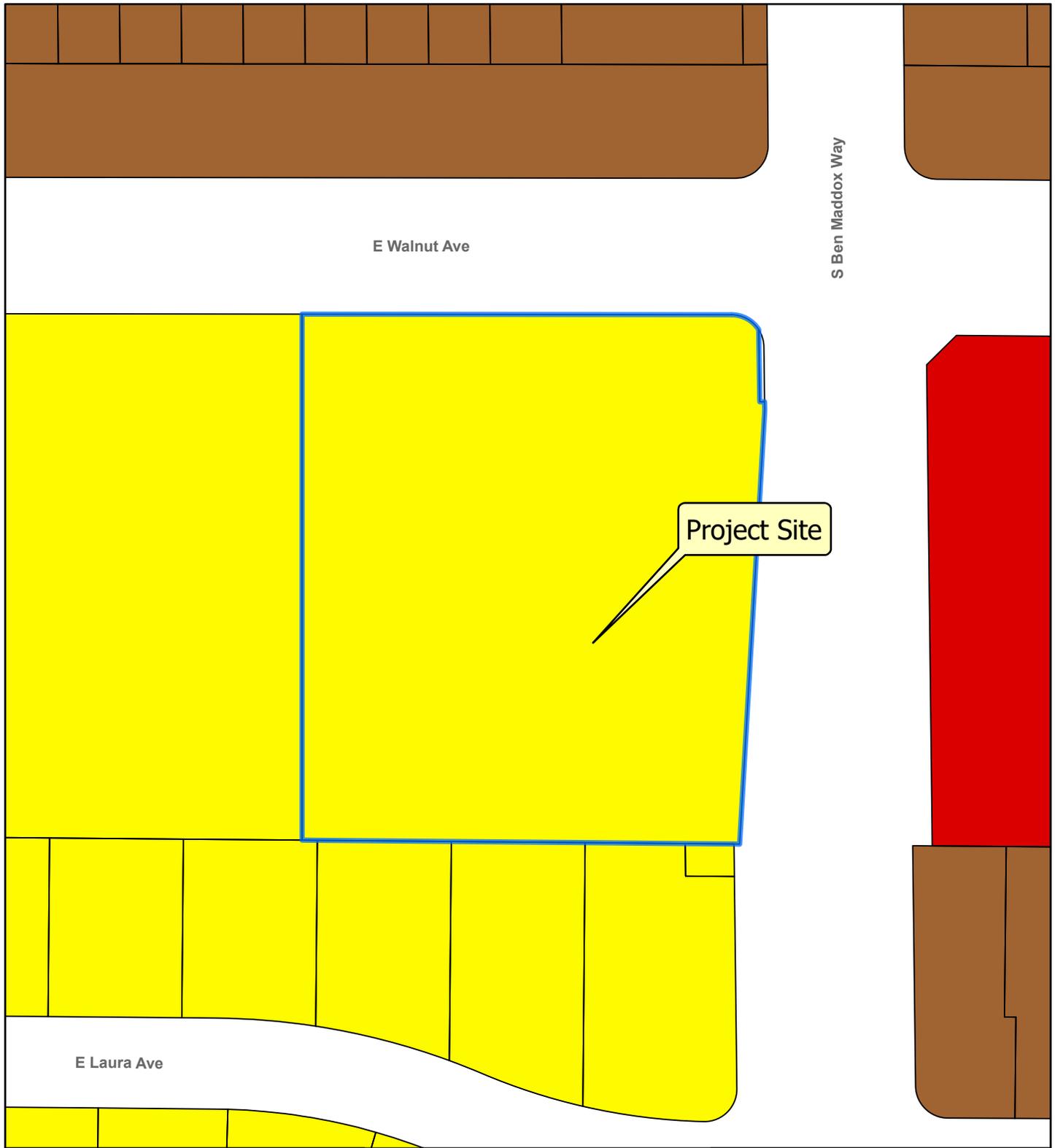
Best regards,  
The Ark Community Church



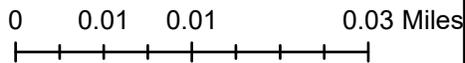
## General Plan Land Use Map



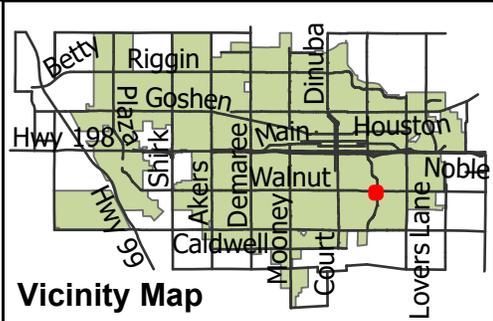
- Conservation
- Residential Low Density
- Residential Medium Density



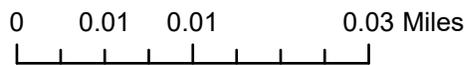
## Zoning Map

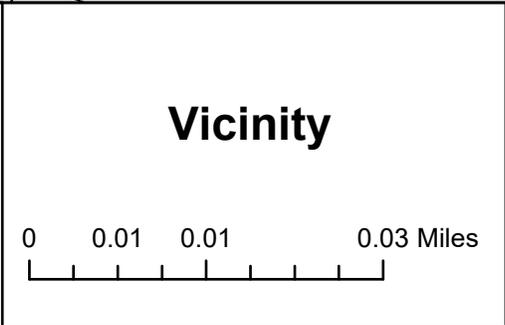
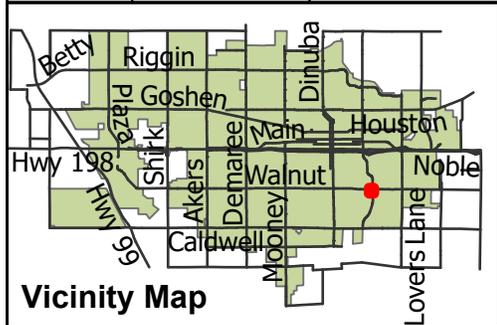
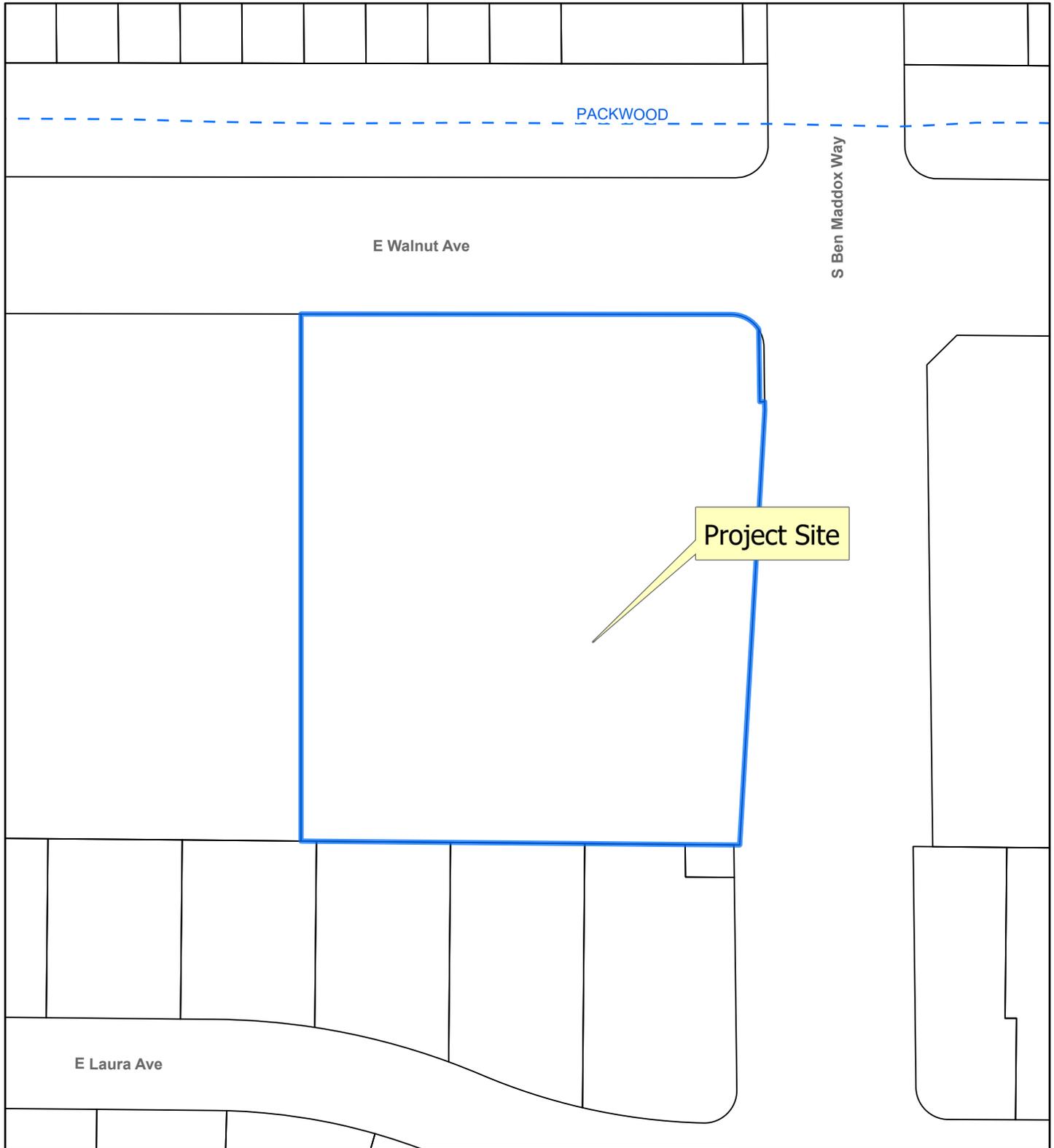


- C-N Neighborhood Commercial
- R-1-5 Single-family Residential
- R-M-2 Multi-family Residential



### Aerial Map





# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** September 23, 2024

**PROJECT PLANNER:** Cristobal Carrillo, Associate Planner  
Phone: (559) 713-4443  
E-Mail: [cristobal.carrillo@visalia.city](mailto:cristobal.carrillo@visalia.city)

**SUBJECT: Conditional Use Permit No. 2024-17:** A request by Derek Finnegan / Lars Anderson & Associates to amend Conditional Use Permit No. 2019-31, for the establishment of a 172,000 square foot commercial building for the sale of general retail merchandise with a fuel dispensing service station and a car wash, within the Commons at Visalia Parkway Shopping Center, located in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of South Mooney Boulevard and West Visalia Parkway (APNs: 121-620-004, 005, 006, 007, 008, 013, 014)

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-17, as conditioned, based upon the findings and conditions in Resolution No. 2024-48. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance and the Commons at Visalia Parkway Shopping Center Master Plan

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-17, based on the findings and conditions in Resolution No. 2024-48.

## PROJECT DESCRIPTION

Conditional Use Permit No. 2024-17 is a request to amend Conditional Use Permit No. 2019-31, which established the Commons at Visalia Parkway master planned commercial shopping center. The original conditional use permit (CUP) conditionally facilitated the development of 17.43 acres of a 28.7 acre site, consisting of approximately 138,188 sq. ft. of commercial uses, including the establishment of four retail buildings of varying sizes (56,800 sq. ft., 29,800 sq. ft. and two 10,000 sq. ft. buildings), a 4,088 sq. ft. gas station/convenience store with six fueling stations and a 3,060 sq. ft. canopy, a 7,500 sq. ft. sit-down restaurant, two 3,000 sq. ft. drive-thru restaurants, and a 5,000 sq. ft. automotive repair shop. The amendment to the CUP proposes consolidation of the retail and office uses, removal of the convenience store, and relocation and expansion of the service station, to accommodate the establishment of the following:

- A 172,000 square foot big box retail membership club store. – Per the Operational Statement in Exhibit "L", the store will offer "...*bulk merchandise at discounted prices to members, typically requiring annual subscriptions for access to exclusive products and services*". Additional services include a tire shop and a service station (discussed below). The use will operate seven days a week, 10:00 A.M. to 8:00 P.M. Monday through Friday, 9:00 A.M. to 8:00 P.M. Saturdays, and 10:00 A.M. to 6:00 P.M. Sundays. Specialized "early shopping" hours will also be provided, 8:00 A.M. to 10:00 A.M. Monday through Friday, and 8:00 A.M. to 9:00 A.M. on Saturday. Delivery activities would occur 7:00 A.M. to 10:00 P.M., seven days a week. The number of employees proposed was not provided.

The building will be located east and north of an existing senior mobile home park. Loading docks will be situated at the south end of the retail store, approximately 90 feet from the southern property boundary shared with residential uses, with 10-foot-tall screening walls placed in between. A trash enclosure is proposed at the southwest corner of the project site, setback between 5 to 10 feet from property boundaries shared with residential uses, with landscaping proposed in between. A trash compactor is also proposed along the western wall of the building, near the southwest corner of the retail store.

- An expanded service station containing 14 fueling stations, a 9,000 square foot fueling station canopy, and 200 square foot fueling station building – Per Exhibit “L”, this use will operate in conjunction with the big box retail store, and will maintain similar hours of operation. The facility will sell gasoline and diesel fuels, exclusively to store members. Deliveries of fuel would be received “*around the clock unless restricted by the authority having jurisdiction* (City of Visalia)”. Employee numbers specific to this use were not provided. Per the Site Plan in Exhibit “A”, the facility will provide vehicle queuing for up to 70 vehicles. Per the Site Plan, the closest fuel station will be setback approximately 100 feet from the western property boundary shared with residential uses.
- A 7,500 square foot carwash facility. – The applicant proposes an automated and manual full-service car wash facility with 22 drying stations. Additional services such as waxing and detailing will also be provided. The hours of operation and employee numbers have not been provided by the applicant. Per Exhibit “A”, the facility will provide vehicle queuing for up to 24 vehicles. The Site Plan indicates that the carwash will be set back approximately 470 feet from the nearest residential uses to the west. Per Building Elevations in Exhibit “F”, the tenant is identified as a Mister Car Wash.
- A 5,588 square foot fast-food restaurant with a drive-thru lane for 35 vehicles. – The applicant proposes a fast-food restaurant with a dual drive-thru lane. Per Exhibit “L”, the user will provide “*...quick service dining options through a streamlined assembly-line approach to food preparation and service.*” The hours of operation or employee numbers have not been provided by the applicant. Per Exhibit “A”, the dual drive-thru lane will provide vehicle queuing for up to 35 vehicles. Please note that this use is permitted by-right in the C-R Zone, as its design and location comply with all drive-thru performance standards listed within Visalia Municipal Code Section 17.32.162.

As a result of the proposed changes, the total building square footage of the shopping center will increase from 138,188 square feet to 200,398 square feet, primarily due to the addition of the big box retail store. The application materials submitted by the applicant, including the Operational Statement (Exhibit “L”) do not specifically list the proposed tenant for the big box retail store/service station or fast-food restaurant. Both the big box retail store and fast-food restaurant are permitted by right in the C-R (Regional Commercial) Zone. Only the expanded service station and addition of a carwash require discretionary approval in the C-R Zone, necessitating the CUP amendment.

The area affected by the new uses is composed of seven parcels totaling 22.2 acres out of the 28.7-acre shopping center. The parcels will be reconfigured as part of an ongoing Lot Line Adjustment (see Related Projects) that will consolidate the seven parcels into three parcels, the largest containing the retail store and service station. The parcels are currently primarily vacant, with portions developed with a parking field, drive-aisles, curb/gutter/sidewalk, parking lot lighting, and landscaping. New on and off-site improvements to support the proposed changes are depicted in Exhibit “A” and consist of the following:

- Relocation of the existing easternmost Visalia Parkway drive approach and drive aisle approximately 250 feet to the west, installation of additional curb/gutter/sidewalk at the northwest corner of the project site and at the location of the relocated drive approach.
- Development of the parking field, increasing stalls provided from 744 to 1,141.
- Installation of on-site parking lot lighting, consisting of 30-foot-tall light poles and wall pack lighting at a height of 24 feet.
- Installation of onsite landscaping.
- Installation of underground storage tanks for the service station use.
- Installation of accompanying utilities for all proposed uses.

The project will also be responsible for completing the widening of the southern half of West Visalia Parkway, from the project site westerly to South Dans Street (approximately 0.4 miles), as required by the original Commons at Visalia Parkway shopping center approval. Per the Phasing Plan in Exhibit "G", the project will be developed in two phases, with the drive-thru restaurant, carwash, and related improvements proposed during the first phase, and the big box retail store, service station, majority of the parking field, and related improvements proposed for the second phase. Timeframes for when development will occur have not been provided. The remainder of the shopping center has been developed, and includes a sit-down restaurant (Texas Roadhouse), two drive-thru restaurants (Dutch Bros. Coffee and Panda Express), and a tire shop (Les Schwab Tires). Accompanying onsite parking, lighting, landscaping, block walls, and on/off-site infrastructure improvements (including the widening of both Visalia Parkway and Mooney Boulevard across the project frontages, and improvement of the Visalia/Mooney intersection) have also been previously completed.

Building elevations for the proposed uses are provided in Exhibit "F". Both the carwash and fast-food restaurant will feature treatments typical of other franchise locations. The retail store and service station will feature blue, gray, and "urbane bronze" colorations, with smooth/split face CMU and precast panel walls, and parapet walls of varying heights along the front façade.

The applicant also seeks to alter provisions of the Master Sign Program approved with the original shopping center application. Modifications include the following:

- Relocation of a proposed service station monument sign from the northeast corner of the project site (the original location of the convenience store and service station), to the northwest corner of the project site, west of the westernmost Visalia Parkway drive-aisle, adjacent to the relocated service station. The monument sign would be used for the big box membership club retail store and service station.
- Enlargement of the proposed big box membership club retail store/service station monument sign faces, from 35 square feet to 46 square feet, located on each side of the structure.
- Addition of a 25-foot tall, 258 square foot pylon sign, with 98 square foot sign faces, located at the northeast corner of the parcel to contain the proposed Mister Car Wash.

Proposed Master Sign Program modifications are depicted and described in Exhibit "H".

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Regional
Zoning:	C-R (Regional Commercial)
Surrounding Zoning and Land Use:	North: C-R / Packwood Creek Shopping Center. South: C-R, R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) / Westlake Village senior mobile home park, mixed office and commercial uses. East: C-R / Oaks Marketplace Shopping Center, Aldi, vacant commercial land. West: R-1-5 / Westlake Village senior mobile home park.
Environmental Review No.:	Mitigated Negative Declaration No. 2024-26 (State Clearinghouse No. 2024080917)
Special Districts:	Not applicable.
Site Plan Review No.:	2023-202

### **RELATED PLANS & POLICIES**

See separate Municipal Ordinance chapter pertaining to conditional use permits.

### **RELATED PROJECTS**

**Conditional Use Permit No. 2019-31:** A request by Lars Anderson & Associates to establish a master planned commercial development consisting of approximately 138,188 sq. ft. of commercial uses, including the establishment of three retail buildings of varying sizes (56,800 sq. ft., 29,800 sq. ft., and 10,000 sq. ft.), a 10,000 sq. ft. credit union building, a 4,088 sq. ft. gas station/convenience store with a 3,060 sq. ft. canopy, a 7,500 sq. ft. sit-down restaurant, two 3,000 sq. ft. drive-thru restaurants, and a 5,000 sq. ft. automotive repair store, on parcels with less than the minimum five acre site area requirement, including a parcel with no public street frontage, affecting 17.43 acres of a 28.7 acre site in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of S. Mooney Boulevard (State Route 63). (APN: 126-960-001). The Visalia Planning Commission reviewed and approved the proposal on April 13, 2020. This development is called the Commons at Visalia Parkway Shopping Center and is located on the southwest corner of W. Visalia Parkway and S. Mooney Blvd., west of the project site.

**Tentative Parcel Map No. 2019-13:** A request by Lars Anderson & Associates, Inc. to subdivide a 28.7-acre site into an 11-lot commercial subdivision in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of S. Mooney Boulevard (State Route 63). (APN: 126-960-001). The Visalia Planning Commission reviewed and approved the proposal on April 13, 2020. This project is associated with the Commons at Visalia Parkway Shopping Center and is located on the southwest corner of W. Visalia Parkway and S. Mooney Blvd., west of the project site.

**Lot Line Adjustment Nos. 2024-07 and 2024-08:** A request by Visalia Parkway Partners, LLC to merge a total of six parcels into three parcels, located within the C-R (Regional Commercial) Zone. The parcels are at the southwest corner of West Visalia Parkway and South Mooney Boulevard (APNs: 121-620-004, 005, 006, 007, 013, 014).

## PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2024-17, as conditioned, based on the project's consistency with the General Plan, the Zoning Ordinance, and the Commons at Visalia Parkway Shopping Center master plan.

### **Land Use Compatibility**

The proposed retail building and fast-food restaurant meets all drive-thru performance standards are permitted uses "by right" within the C-R Zone. Ancillary uses conducted within the general retail store, such as the sale of merchandise, groceries, tire sales & service (excluding major repairs), optical exams and sales, hearing aid testing and sales, fast food, specialty food (i.e. butcher), alcohol sales, and propane sales are all permitted as standalone or incidental uses in this zone. The service station and carwash uses are also permitted through approval of a CUP. The proposed uses identified in Exhibit "A" will be situated within an established shopping center and will be compatible with the surrounding commercial areas to the north and east which contain either fully developed and/or developing shopping centers (Packwood Shopping Center to the north, Oaks Marketplace to the east). Furthermore, the General Plan identifies the Regional Commercial designation as one which allows for "*Shopping malls, large format, or "big-box" retail*" [and] "*...supporting uses such as gas stations and hotels*". The uses proposed within the revised Commons at Visalia Parkway master planned commercial shopping center fit under the Regional Commercial land use designation.

Areas to the south and west are primarily residential, containing the Westlake Village senior mobile home park. Potential impacts to residential areas from air quality, noise, and lighting will be addressed through a combination of design, mitigation measures, and conditions of approval. Mitigation measures include placement of an eight-foot-tall block wall along the western property boundary shared with residential uses and restricted delivery/loading dock hours of operation to limit noise impacts from the retail store and service station (Condition No. 16). Conditions of approval will also require the placement of an eight-foot-tall block wall along the southern and western property boundary shared with residential uses (Condition No. 12), and adjustments to onsite lighting to reduce glare, including verification of compliance with photometric plans submitted (see Exhibit "E") prior to occupancy of any proposed building (Condition Nos. 8, 9, and 10). Staff also recommends Condition No. 13 requiring relocation of the proposed trash enclosure for the retail building, further away from the adjacent residential uses. The applicant has also included design elements such as screening walls for the loading docks, parapet walls to screen HVAC equipment, orientation of the carwash so that blowers face eastward towards Mooney Boulevard away from residences, and installation of parking lot light poles no closer than 50 feet to residential areas. Previous mitigation measures and conditions of approval applied during the original approval of the shopping center shall continue to be applicable via Condition No. 1. With all the identified measures in place, the proposed development will be compatible with surrounding land uses.

### **Air Quality/Health Risk Assessment**

Residences located to the west and south of the proposed project are considered sensitive receptors susceptible to air quality impacts from the proposed use. As a result, a Health Risk Assessment (HRA) was submitted and is included with the Mitigated Negative Declaration. The HRA analyzed potential impacts from carcinogenic, chronic, and acute toxic air contaminants (TAC) produced by the proposed service station on nearby sensitive receptors. The HRA identified residences located within 92 feet of the underground gasoline storage tanks as the nearest sensitive receptors. The HRA noted that a 50-foot separation is recommended for typical gas dispensing facilities and that siting 'new' sensitive land uses within 300 feet of a large gas

station (facility with a throughput of 3.6 million gallons per year or greater) should be avoided. The HRA noted that while the service station is anticipated to sell 7.5 million gallons of gasoline and 1.2 million gallons of diesel fuel annually, the recommendation related to 300 feet is related to siting new sensitive receptors adjacent to existing gasoline dispensing facilities. The fuel dispensing area is located approximately 100 feet from the nearest existing sensitive receptor (residence).

The HRA analyzed volatile organic compounds (VOC) emissions, diesel emissions from truck traffic and idling, and emission rates provided in the California Air Resources Board and California Air Pollution Control Officers Association's Gasoline Service Station Industrywide Risk Assessment Technical Guide (February 18, 2022), to estimate emissions associated with the operation of the gasoline service station.

Lastly, the HRA employed the SJVAPCD Prioritization Calculator to determine the "Total Max Score" of Project specific toxic emissions as discussed above. Projects with a Prioritization score of 10 or higher require a Health Risk Assessment with dispersion modeling. Toxic emissions associated with the Project were used as inputs to the Prioritization Calculator which generated the prioritization score for the Project. Results indicated that toxic emissions associated with the Project would generate a max score of 8.62 for sensitive receptors within 328 feet of the Project. Project emissions associated with the Project will not trigger dispersion modeling since the Total Max Score is less than 10. As a result, dispersion modeling was not required for the Project considering the SJVAPCD's methodology/threshold.

Overall, the HRA concluded that TAC emissions generated during service station operations would not expose sensitive receptors to substantial pollutant concentrations. Therefore, mitigation is not warranted since there is a less than significant impact from Project operational emissions.

## **Noise**

The amended project will result in noise generation typical of urban development. The Visalia Noise Element and City Ordinance contain criterion for acceptable noise levels inside and outside residential living spaces. This standard is 65 dB DNL for outdoor activity areas associated with residences and 45 dB DNL for indoor areas.

An Acoustical Analysis was prepared for the proposed project, addressing the proposed commercial retail building, service station, and automated car wash uses [*Environmental Noise & Vibration Assessment: SWC W. Visalia Parkway & S. Mooney Boulevard Development. Bollard Acoustical Consultants, Inc., July 15, 2024*]. Impacts from the proposed drive-thru restaurant were not included given its lack of proximity to residential uses (approximately 750-foot separation at its closest point), and the fact that it is a use permitted by right in the C-R Zone. The purpose of the study was to determine if noise levels associated with the project would comply with the City's applicable noise level standards, particularly upon the existing single-family residential mobile home park uses to the west and south. The acoustical analysis was intended to determine project-related noise levels for all aspects of the proposed project.

The Acoustical Analysis concluded that an exterior noise level in excess of the 65 dB DNL standard for noise-sensitive land uses, specified in the City's Noise Element, exists on the project site. To ensure that community noise standards are met for the development, the project developers have proposed an increase in height of an existing block wall located on the west side of the main project site to an overall height of eight feet, limited hours of operation to loading dock and truck delivery activities, and construction related compliance with Visalia Municipal Code Noise Ordinance measures and best practices to reduce impacts. The recommendations are included as mitigation measures (see Condition No. 16) and will allow for development of the

proposal in accordance with the standards contained in the City's Noise Element and Ordinance. As described in the analyses, the mitigation measures are as follows:

1. All project loading dock activities shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).
2. The height of the existing 7-foot-tall masonry wall along the western project property boundary shall be increased to a minimum height of 8-feet. Related to this, please note the following:
  - a. VMC Section 17.36.050 (Fences, Walls and Hedges – Commercial and Mixed-Use Zones) limits the height of commercial walls to seven feet when located in a rear yard. The VMC permits 20% deviations in height limitations when special circumstances are identified, through the Administrative Adjustment process. Approvals are typically administrative, provided by the Planning and Community Preservation Director. As a result, it is recommended that the Planning Commission include as part of its decision, an approval to permit the height of the block wall to eight feet, as recommended by the Noise Study.
  - b. To further mitigate impacts, staff recommends inclusion of Condition No. 12, requiring placement of an eight-foot-tall block wall along the southern property boundary shared with residential zonings. As above, it is recommended that the Planning Commission include approval of the height deviation in its decision.
3. All on-site delivery truck circulation shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).
4. To the maximum extent practical, the following measures should be incorporated into the project construction operations:
  - a. All on-site noise-generating construction activities should occur pursuant to Visalia Municipal Code Section 8.36.050 (Noise - Exterior noise standards--Mobile noise sources prohibition against use).
  - b. All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
  - c. All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
  - d. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
  - e. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive uses.
  - f. Project area and site access road speed limits shall be established and enforced during the construction period.
  - g. Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

The acoustical analysis also notes that noise levels will increase temporarily during the construction of the project. However, analysis indicates that construction related noise levels shall remain within the limits defined by the City of Visalia Noise Ordinance. The temporary increase in ambient noise levels associated with construction are less than significant. Please also note that previous mitigation measures for noise identified during review of the original shopping center request will continue to be applicable via Condition No. 1. Lastly, Condition No. 7 is also included, requiring the applicant/developer to have their acoustical noise consultant conduct noise measurements for the uses upon completion, to verify compliance with the acoustical analysis and VMC noise measures. Failure to meet the noise requirements as specified in the acoustical analysis shall result in the applicant/developer implementing additional measures as needed to achieve noise level standards for the residences.

### **Street Improvements/Traffic**

Right of way improvements originally required for the overall shopping center are largely completed. The off-site improvements that remain to be completed as identified in the original approval is the widening of the southern half of West Visalia Parkway between the project site and South Dans Street, including a portion west of the Dans Street and Visalia Parkway intersection. The right-of-way improvements shall include installation curb, gutter, park strip landscaping, sidewalks, ramps, streetlights, fire hydrants, and other improvements as required. These improvements will be reimbursed back to the developer via the City's Traffic Impact Fee Program. These improvements are still required and are included as Condition No. 1.

Street improvements for this project will consist of the relocation of the existing easternmost driveway providing access onto Visalia Parkway. The relocation of this driveway further west is proposed to accommodate placement of a parking field for the future fast-food restaurant. Additional minor improvements to the westernmost Visalia Parkway driveway are also proposed, to accommodate truck and vehicle traffic. Installation of missing sidewalk and landscaping shall occur as well.

A Traffic Memo [*Technical Memorandum: Trip Generation Comparison, Visalia Commons Shopping Center, Visalia California. Peters Engineering Group, August 19, 2024*] was provided by the applicant, comparing potential trip generation from the amended project to what was originally analyzed in the Traffic Impact Analysis Report (TIA) conducted for the overall shopping center (*ref.: Traffic Impact Analysis: Proposed Commons at Visalia Parkway Shopping Center. Peters Engineering Group, January 10, 2020*). Based on the analysis provided in the Traffic Memo, trips generated by the revised project will be less than the vehicle trips identified in the original TIA.

As previously stated, required street improvements identified in the original TIA have been largely completed, which included the widening of West Visalia Parkway and South Mooney Boulevard to their ultimate widths along the project site frontage, and improvement of the Visalia Parkway/Mooney Boulevard intersection. Due to the completion of improvements and conclusions of the Traffic Memo, and update to the TIA was not required nor new street improvements or mitigation measures recommended. The original TIA performed remains applicable and covers the projected trip generation for the amended project.

Comment on the Mitigated Negative Declaration was received from Caltrans on September 3, 2024, and is included with the report under "Environmental Review Comments Received". Per the e-mail provided, Caltrans agreed with the findings of the Traffic Memo/Technical Memorandum and had no further comments.

## **Access and Circulation**

With the proposed project, the shopping center will continue to have a total of five access drive points: three along Visalia Parkway and two along Mooney Boulevard. Only the easternmost driveway along Visalia Parkway will change locations. As such, onsite circulation will remain largely unaltered from its original design. Per the Phasing Plan, four of the drive-aisles have already been constructed. Phase 1 of the proposed development will relocate the easternmost Visalia Parkway driveway to the west. The fifth driveway, at the northwest corner of the project site, will be developed with Phase 2.

The driveways will be connected by 25- to 30-foot-wide drive aisles that will function as the main thoroughfares for the shopping center. The drive aisles will be fully installed upon completion of the 2<sup>nd</sup> Phase of the development. Condition No. 6 is included requiring all existing CC&R's and shared use/access/parking agreements to be updated and recorded to reflect the proposed shopping center alterations. This shall be required prior to issuance of building permits for the uses proposed.

## **Vehicle Queuing for the Service Station, Car Wash, and Fast-Food Restaurant**

At the City's request during the project's consideration through Site Plan Review, three studies have been prepared to address the management of vehicles queuing at the proposed fuel station and car wash (see Exhibit "M"). The studies provide data verifying that vehicle queuing will rarely exceed the available queuing amounts provided in each lane. The study for the drive-thru restaurant also provides various "lane busting" tactics to be employed to expediently move vehicles through queuing lanes in the event capacity is exceeded. This includes staff taking and receiving payment for orders from customers while they are in queuing lanes and providing greater staff numbers when there is an increase of customers, and asking customers to park if an order is expected to be delayed. Enforcement of the studies is addressed in the CUP's recommended Condition No. 3.

## **Parking**

Per VMC Chapter 17.34 (Off-Street Parking and Loading Facilities) the required number of parking stalls for a major shopping center is one stall for every 225 sq. ft. of building area. Total square footage for all buildings proposed is 200,398 sq. ft., requiring 890 parking stalls. Per Exhibits "A" and "L", a total of 1,141 parking stalls are proposed, thereby exceeding the VMC requirement. The applicant has indicated that the site will have shared parking, which will accommodate minor variations in parking demand between the commercial uses.

The overall parking layout of the shopping center meets City parking design standards, with the exception that some areas of the parking field, such as for the fast-food restaurant, do not contain sufficient tree wells. The VMC requires one 80 square foot tree well for every 10 contiguous parking stalls. Condition No. 11 is recommended requiring compliance with the tree well parking standard.

## **Development Standards**

The proposed development largely complies with building and landscape setbacks for the C-R Zone. Mooney Boulevard landscaping setbacks will be consistent with the Packwood Creek commercial developments to the north. Only the proposed fast-food restaurant drive-thru lane appears to encroach into the 20-foot landscape setback along South Mooney Boulevard. Staff recommends the inclusion of Condition No. 14, requiring compliance with all building and landscape setbacks for the C-R Zone.

Please note that a fast-food restaurant, with a drive-thru lane in compliance with all VMC performance standards, is not subject to discretionary review. As such, issues relating to the setback encroachment of the fast-food restaurant drive-thru lane will be addressed during Building Permit review.

### **Architectural Theme**

A common architectural theme and color palette was adopted for the retail, drive-thru, and office buildings proposed with the original shopping center development. Despite this, individual users identified at the time of the original approval (Texas Roadhouse, 7-11 convenience store, and Les Schwab Tires) were permitted to retain typical franchise building exteriors, in contrast to the common theme. As such, the shopping center was never fully planned to maintain a unified appearance. This submittal removes the previously approved common architectural theme, as none of the original identified uses will be carried over. New Building Elevations provided in Exhibit "F" permit the new users to apply franchise design elements, in keeping with what was permitted for the existing tenants of the shopping center. Please also note, although it is encouraged that all buildings within a shopping center have a unified architectural theme, it is not a VMC requirement for a master planned development.

### **Lighting**

The project will create new sources of light that are typically associated with commercial retail use. The applicant has prepared a photometric study (Exhibit "E") showing the installation of wall pack lighting for the retail store and 30-foot-tall parking lot pole lights. The plan demonstrates that the use will meet the standard of producing no more than 0.5-foot candles crossing at property line, in particular along the boundaries shared with the existing residential development to the south and west.

Staff has addressed lighting compliance in the CUP's recommended Condition Nos. 8, 9, and 10. The conditions require the developer to conduct a lighting measurement verifying compliance with the photometric plan prior to occupancy of the proposed buildings and requires any onsite lighting to be designed so as to screen lighting and direct it downward, reducing impacts to nearby residential areas.

### **Master Sign Program**

A master sign program was adopted with the original commercial center approval. The program included standards for wall and monument signage that largely matched existing requirements for signage in the VMC. Larger wall sign faces for the major anchor buildings were permitted as part of the program, up to 250 square feet shared amongst all building exteriors. This will be applied to any signage for the big box retail store.

The sign program previously permitted the placement of four monument signs (three multi-tenant and one service station pricing sign) and included a provision allowing for a monument sign on each parcel within the shopping center. Relocation of the previously approved service station monument sign is considered consistent with the plan, as the signage was always intended to be located adjacent to the service station use. Similarly, placement of a fifth monument sign on the parcel planned for a car wash is also consistent with the master sign program and VMC signage standards.

The applicant proposes that the relocated retail store/service station monument sign and new car wash monument sign be built at sizes exceeding monument sign development standards and master sign program allocations. Per VMC Chapter 17.48 (Signs), monument signs are permitted to be 12 feet tall and contain 35 square feet of sign area per side (70 square feet in total), with

the overall structure not exceeding a size of 140 square feet. These provisions were incorporated into the original master sign program.

For the relocated retail store/service station monument sign, the applicant proposes an eight-foot-tall monument sign, with sign faces of up to 46 square feet per face (totaling 92 square feet of sign face area), at an overall structural size of 128 square feet. For the new car wash monument sign, the applicant proposes a 25-foot-tall monument sign, with 98 square foot sign faces (totaling 196 square feet of sign face area), at an overall structural size of 258 square feet. Neither structure meets all VMC standards or master sign program requirements. The proposed sign face and total sign face area for the retail store/service station monument sign will exceed the maximum sign face allowances of the Sign Ordinance. The proposed height, sign face area, and structure size of the car wash monument sign exceeds all maximum allowances for monument signage prescribed in the Sign Ordinance.

VMC Section 17.48.140 allows master sign programs to deviate from the dimensional standards and other limitations of the Sign Ordinance, provided they achieve a result that is superior to what would otherwise be allowed. To determine a superior design the following findings must be made:

1. That the proposed signs are in harmony and visually related to other signs in the master sign program, their respective buildings, and surrounding development; and
2. That the proposed signs will comply with all the provisions of the sign ordinance, except with regard to number of signs allowed and location and height of signs.

Staff concludes that the two proposed monument signs do not meet the provisions of the Sign Ordinance, nor do they comply with the master sign program originally adopted for the shopping center. Neither monument sign, as depicted in Exhibit "H", are designed in a manner that is visually related to the established signs for the shopping center. In particular, the carwash monument sign drastically exceeds all sign allowances of the master sign program, Sign Ordinance, and monument sign approvals previously provided to stand-alone uses in the City of Visalia. Furthermore, the shopping center already provides three monument signs with available area for the display of advertising by the proposed retailer/service station and car wash. The applicant has not provided a justification for the increase in sign area and monument sign height. Given the above, staff does not support the request for monument signage as proposed. Staff recommends the Planning Commission adopt Condition No. 15, requiring that all monument signage be developed consistent with VMC standards for commercial monument signs.

### **Public Comment**

Public comment (one phone call, two e-mails) was received from three individuals associated with or residing within the Westlake Village senior mobile home park located south and west of the project site. The individuals shared concerns from residents of the mobile home community, citing potential negative impacts from the uses relating to late hours of operation, noise production, location of the solid waste enclosure, insufficient wall heights (listed as currently five feet, seven inches tall, as measured from Westlake Village properties), impairment of aesthetic scenery, and reduction to air quality. The individuals made requests further limiting proposed hours of operation, requiring 9- to 10-foot-tall screening walls, planting of trees and greenery along shared property boundaries, and relocation of proposed trash enclosures. Concerns were also shared regarding the timeframe given to provide public comment on the contents of the Planning Commission staff report, which is typically published the Friday before a Monday public hearing date. Comments noted that too little time was given for members of the public to review reports and provide comment.

Staff notes that a Noise Study has been conducted by the applicant as part of this project, which is included in the Initial Study / Mitigated Negative Declaration attached to this report. Mitigation measures identified in the study, including construction of an eight-foot-tall wall and limited hours of operation for loading/delivery activities, have been incorporated into the project via Condition No. 16 and are considered adequate to address any potential impacts from the proposed uses. A Health Risk Assessment was also prepared which evaluated potential air impacts from the proposed service station use and concluded the service station operations would not expose sensitive receptors to substantial pollutant concentrations. Therefore, mitigation is not warranted since there is a less than significant impact from Project operational emissions. Staff also notes that a public notice was published, and individual notices mailed over 30 days prior to the public hearing date, in compliance with State requirements for projects affecting State facilities (Mooney Boulevard/State Route 63).

Staff has also included Condition No. 13, requiring relocation of the trash enclosure. Per the Landscape Plan in Exhibit "D", the applicant has already incorporated the installation of trees and shrubbery along the property boundaries shared with the adjacent residential uses. Given the above, staff believes that the comments in the letters have been adequately addressed and conditioned. No other public comment has been received as of the publication of this report.

### **Environmental Review**

An Initial Study and Mitigated Negative Declaration were prepared for the proposed project. Initial Study and Mitigated Negative Declaration No. 2024-26 (State Clearinghouse 2024080917) that environmental impacts are determined to be less than significant with the incorporation of mitigation to address significant impacts to the following resources:

- Three (3) mitigation measures pertaining to Noise to address impacts to surrounding sensitive land uses.

A 30-day review and comment period through the State Clearinghouse for the Initial Study began on August 22, 2024, and ended on September 20, 2024. Mitigation measures are included as Condition No. 16.

The City of Visalia received one "no comment" e-mail from Caltrans in response to the Initial Study / Mitigated Negative Declaration. The e-mail is included with the Initial Study / Mitigated Negative Declaration.

## **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. The proposed retail building and fast-food restaurant meeting all drive-thru performance standards are permitted uses "by right" within the C-R Zone. Ancillary uses conducted within the general retail store, such as the sale of merchandise, groceries, tire sales & service (excluding major repairs), optical exams and sales, hearing aid testing and sales, fast food, specialty food (i.e. butcher), alcohol sales, and propane sales are all permitted as standalone or incidental uses in this zone. The service station and carwash uses are also permitted through approval of a CUP. All proposed uses identified in the site plan

exhibit will be situated within an established shopping center and will be compatible with the surrounding commercial areas to the north and east which contain either fully developed and/or developing shopping centers (Packwood Shopping Center to the north, Oaks Marketplace to the east). Furthermore, the General Plan identifies the Regional Commercial designation as one which allows for “*Shopping malls, large format, or “big box” retail*” [and] “*...supporting uses such as gas stations and hotels*”. The uses proposed within the revised Commons at Visalia Parkway master planned commercial shopping center fit under the Regional Commercial land use designation.

- 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 General Plan identifies the Regional Commercial designation as one which allows for “*Shopping malls, large format, or “big box” retail*” [and] “*...supporting uses such as gas stations and hotels*”. The uses proposed within the revised Commons at Visalia Parkway master planned commercial shopping center fit under the Regional Commercial land use designation. The project is conditioned properly to ensure that all impacts have been properly mitigated.
3. That an Initial Study was prepared for the proposed project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2024-26 (State Clearinghouse No. 2024080917) can be adopted for this project.

## **RECOMMENDED CONDITIONS**

1. That the project shall comply with all conditions of approval and mitigation measures required by Conditional Use Permit No. 2019-31 and Tentative Parcel Map No. 2019-13, except as modified or superseded by conditions of approval and/or mitigation measures listed below.
2. That the project be developed in substantial compliance with Site Plan Review No. 2023-202.
3. That the project will be developed in substantial compliance with the site plan in Exhibit "A", street improvements/cross sections in Exhibit "C", conceptual landscaping plan in Exhibit "D", conceptual photometric plan and lighting information in Exhibit "E", building elevations in Exhibit "F", phasing plan in Exhibit "G", pedestrian connectivity exhibit in Exhibit "I", floor plans in Exhibit "J", anchor tenant roof plan and sight lines exhibit in Exhibit "K", operational statement in Exhibit "L", and queuing analysis' in Exhibit "M". Any subsequent changes to the plans depicted in Exhibits "A", "C", "D", "E", "F", "G", "I", "J", "K", "L", and "M" shall be reviewed and approved by the Site Plan Review Committee and may be subject to an amendment of the Conditional Use Permit.
4. That the project will be developed in substantial compliance with the monument signage and master sign program in Exhibit "H", except as modified by the conditions of approval for Conditional Use Permit No. 2024-17.
5. That solid landscape screening, such as a 3-foot-high solid hedge, or a screening wall shall be installed where parking areas or drive-thru lanes and landscape setbacks meet.
6. That any CC&R's, shared access, and shared parking agreements applicable to the overall shopping center complex shall be revised to address the inclusion of the proposed facilities, approved by City staff, and recorded with the Tulare County Recorder, prior to issuance of Building Permits for the proposed uses.
7. That prior to final occupancy of the big box retail store, service station, and carwash facility, the applicant/developer shall verify that the uses do not exceed Community Noise levels as

identified in the noise analysis (Acoustical Engineering Services, Inc., May 2024 Environmental Noise & Vibration Assessment: SWC W. Visalia Parkway & S. Mooney Boulevard Development. Bollard Acoustical Consultants, Inc., July 15, 2024). The applicant/developer shall have their acoustical noise consultant conduct noise measurements for the uses and the measurement shall be submitted and verified by Planning staff for acceptance. Failure to meet the noise requirements as specified in the acoustical analysis shall result in the applicant/developer implementing additional measures as needed to achieve noise level standards for the residences.

8. That prior to final occupancy of any building proposed in Exhibit "A", the applicant/developer shall verify that the parking lot lighting does not exceed an output of 0.5-foot candles measured at property line, in accordance with the site photometric plan submitted in Exhibit "E". The applicant/developer shall have their electrical or construction contractor conduct a light measurement to be submitted and verified by Planning staff prior to final occupancy. Failure to meet requirements as specified in the photometric plan shall result in non-operation of the site until light levels are met.
9. Parking lot pole lighting and building wall pack lighting on the building exteriors shall be designed and screened so as to direct light downward and shall not produce glare onto adjacent residential areas to the south and west of the project site.
10. That flat lens fixtures be utilized for the service station under canopy lights to preclude direct light glare beyond the fuel islands.
11. That not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more. All new parking areas as depicted in Exhibit "A" and Exhibit "D" shall be revised to reflect this requirement.
12. That the applicant shall install an eight-foot-tall block wall along the southern and western boundary of the project site adjacent to residential zonings. The height of the block wall shall be measured from the adjacent grade.
13. That the applicant shall relocate the proposed trash enclosure at the southwest corner of the project site, away from residential uses. The proposed new location of the trash enclosure shall be finalized during Building Permit review.
14. That all buildings shall comply with the building and landscape setbacks for the C-R (Regional Commercial) Zone specified in Visalia Municipal Code Chapter 17.18.
15. That monument signage for the proposed service station and car wash shall be developed consistent with Visalia Municipal Code standards for monument signs pertaining to commercial uses, specified in Visalia Municipal Code Section 17.48.110.
16. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2024-26 (State Clearinghouse No. 2024080917) are hereby incorporated as conditions of Conditional Use Permit No. 2024-17.
17. That all of the conditions and responsibilities of Conditional Use Permit No. 2024-17 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
18. All on-site truck deliveries, including trucks delivery fuel, for the big box retail membership club store and associated service station shall be limited to daytime hours only from 7:00 a.m. to 10:00 p.m.
19. The applicant and all successors in interest shall comply with all applicable federal, state and city codes and ordinances.

## 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 CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.visalia.city](http://www.visalia.city) or from the city clerk.

### Attachments:

- Related Plans and Policies
- Resolution No. 2024-28
- Exhibit "A" – Revised Commons at Visalia Parkway Master Plan
- Exhibit "B" – Original Commons at Visalia Parkway Master Plan
- Exhibit "C" – Street Improvements / Cross Sections
- Exhibit "D" – Conceptual Landscaping Plan
- Exhibit "E" – Conceptual Photometric Plan and Lighting Information
- Exhibit "F" – Building Elevations
- Exhibit "G" – Phasing Plan
- Exhibit "H" – Proposed Master Sign Program Modifications
- Exhibit "I" – Pedestrian Connectivity Exhibit
- Exhibit "J" – Floor Plans
- Exhibit "K" – Anchor Tenant Roof Plan and Sight Lines Exhibit
- Exhibit "L" – Operational Statement
- Exhibit "M" – Queuing Analysis' (Service Station, Carwash, Fast Food Restaurant)
- Planning Commission Resolution Nos. 2019-55 and 2019-42, for the Commons at Visalia Parkway Shopping Center (Conditional Use Permit No. 2019-31 and Tentative Parcel Map No. 2019-13)
- Initial Study / Mitigated Negative Declaration No. 2024-26
- Technical Memorandum: Trip Generation Comparison, Visalia Commons Shopping Center, Visalia California. Peters Engineering Group, August 19, 2024.
- Environmental Noise & Vibration Assessment: SWC W. Visalia Parkway & S. Mooney Boulevard Development. Bollard Acoustical Consultants, Inc., July 15, 2024.
- Health Risk Assessment / City of Visalia. JK Consulting Group, LLC, March 14, 2024.
- Archaeological Letter Report In Consideration of the SWC Visalia Parkway and Mooney Blvd. Development Project. Culturescape, August 2024.
- Environmental Review Comments Received
- Public Comment Letters

- Site Plan Review No. 2023-202 Revise & Proceed Comments, November 15, 2023
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

## RELATED PLANS AND POLICIES

### TITLE 17 – ZONING

#### Chapter 17.18 Commercial Zones

##### 17.18.010 Purpose and intent.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;

2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;

3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;

4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;

5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;

6. Ensure compatibility with adjacent land uses.

B. The purposes of the individual commercial zones are as follows:

1. Neighborhood Commercial Zone (C-N). The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

2. Regional Commercial Zone (C-R). The purpose and intent of the regional commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.

3. Service Commercial Zone (C-S). The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7310)

#### **17.18.015 Applicability.**

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

#### **17.18.020 Permitted uses.**

Permitted uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

#### **17.18.030 Conditional and temporary uses.**

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

#### **17.18.040 Required conditions.**

A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in [Chapter 17.28](#).

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;

C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee. (Ord. 2017-01 (part), 2017: prior code § 7319)

#### **17.18.050 Off-street parking and loading facilities.**

Off-street parking and off-street loading facilities shall be provided as prescribed in [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: prior code § 7325)

#### **17.18.070 Development standards in the C-R zone.**

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

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):

1. Front: twenty (20) feet;
2. Rear: zero (0) feet;
3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
4. Side: zero (0) feet;
5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
  1. Front: twenty (20) feet;
  2. Rear: five (5) feet;
  3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
  4. Side: five (5) feet (except where a building is located on side property line);
  5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
  6. Street side on corner lot: ten (10) feet. (Ord. 2017-01 (part), 2017)

### **Excerpt from Chapter 17.32: Special Provisions**

#### **17.32.162 Drive-thru lanes performance standards.**

A. Purpose and Intent. It is the purpose of this section to specify performance standards applicable to uses that seek to incorporate a drive-thru lane in association with a specified use.

This section does not apply to carwashes and lube and oil changing stations.

B. Performance standards:

1. Separation from residences. The drive-thru lane shall be no less than two hundred fifty (250) feet from the nearest residence or residentially zoned property.
2. Stacking. The drive-thru lane shall contain no less than ten (10) vehicle stacking, measured from pickup window to the designated entrance to the drive-thru lane. There shall be no less than three vehicle spaces distance from the order menu/speaker (or like device) to the designated entrance to the order window.
3. Circulation. No portion of the drive-thru lane shall obstruct any drive aisles or required onsite parking. The drive-thru shall not take ingress or egress from a local residential road.
4. Noise. No component or aspect of the drive-thru lane or its operation shall generate noise levels in excess of 60 dB between the hours of 7:00 p.m. and 6:00 a.m. daily.
5. Screening. The entire drive-thru lane shall be screened from adjacent street and residential view to a height of three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the City Planner.
6. Menu boards and signage. Shall be oriented or screened to avoid direct visibility from adjacent public streets.

### **Excerpt from Chapter 17.36: Fences, Walls and Hedges**

#### **17.36.050 Commercial and mixed use zones.**

The following standards shall apply to sites within a C-N, C-R, C-S, C-MU, or D-MU zone:

A. Where a site in the C-N, C-R, C-S, C-MU, or D-MU zone adjoins an R-1 or R-M zone, either a concrete block masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained or a landscaped buffer be provided as approved by the planning commission.

B. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from an R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height, if the city planning commission finds said use to be unsightly. A landscaped buffer can be approved by the planning commission in place of a required wall as an exception.

C. Open storage of materials and equipment, except commercial vehicles and used car sales lots, shall be permitted only within an area surrounded and screened by a concrete block or masonry wall not

less than six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.

D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed in a required front yard to a height of four feet provided that the additional one-foot height is not of a solid material, upon approval of the city planner.

E. Exceptions may be granted in accordance with [Chapter 17.42](#). (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7516)

## **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. (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. 2024-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-17, A REQUEST BY DEREK FINNEGAN / LARS ANDERSON & ASSOCIATES TO AMEND CONDITIONAL USE PERMIT NO. 2019-31, FOR THE ESTABLISHMENT OF A 172,000 SQUARE FOOT COMMERCIAL BUILDING FOR THE SALE OF GENERAL RETAIL MERCHANDISE WITH A FUEL DISPENSING SERVICE STATION AND A CAR WASH, WITHIN THE COMMONS AT VISALIA PARKWAY SHOPPING CENTER, LOCATED IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF SOUTH MOONEY BOULEVARD AND WEST VISALIA PARKWAY (APNS: 121-620-004, 005, 006, 007, 008, 013, 014).

**WHEREAS**, Conditional Use Permit No. 2024-17 is a request by Derek Finnegan / Lars Anderson & Associates to amend Conditional Use Permit No. 2019-31, for the establishment of a 172,000 square foot commercial building for the sale of general retail merchandise with a fuel dispensing service station and a car wash, within the Commons at Visalia Parkway Shopping Center, located in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of South Mooney Boulevard and West Visalia Parkway (APNs: 121-620-004, 005, 006, 007, 008, 013, 014); and

**WHEREAS**, after published notice, a public hearing was held before the Planning Commission on September 23, 2024; 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 which disclosed that no significant environmental impacts would result from this project with the incorporation of mitigation measures.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby adopts Mitigated Negative Declaration No. 2024-26 (State Clearinghouse 2024080917) for Conditional Use Permit No. 2024-17, which 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 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. The proposed retail building and fast-food restaurant meeting all drive-thru performance standards are permitted uses “by right” within the C-R Zone. Ancillary uses conducted within the general retail store, such as the sale of merchandise, groceries, tire sales & service (excluding major repairs), optical exams and sales, hearing aid testing and sales, fast food, specialty food (i.e. butcher), alcohol sales, and propane sales are all permitted as standalone or incidental uses in this zone. The service station and carwash uses are also permitted through approval of a CUP. All proposed uses identified in the site plan exhibit will be situated within an established shopping center and will be compatible with the surrounding commercial areas to the north and east which contain either fully developed and/or developing shopping centers (Packwood Shopping Center to the north, Oaks Marketplace to the east). Furthermore, the General Plan identifies the Regional Commercial designation as one which allows for “*Shopping malls, large format, or “big box” retail*” [and] “*...supporting uses such as gas stations and hotels*”. The uses proposed within the revised Commons at Visalia Parkway master planned commercial shopping center fit under the Regional Commercial land use designation.
  - 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 General Plan identifies the Regional Commercial designation as one which allows for “*Shopping malls, large format, or “big box” retail*” [and] “*...supporting uses such as gas stations and hotels*”. The uses proposed within the revised Commons at Visalia Parkway master planned commercial shopping center fit under the Regional Commercial land use designation. The project is conditioned properly to ensure that all impacts have been properly mitigated.
3. That an Initial Study was prepared for the proposed project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2024-26 (State Clearinghouse No. 2024080917) can be adopted for this project.

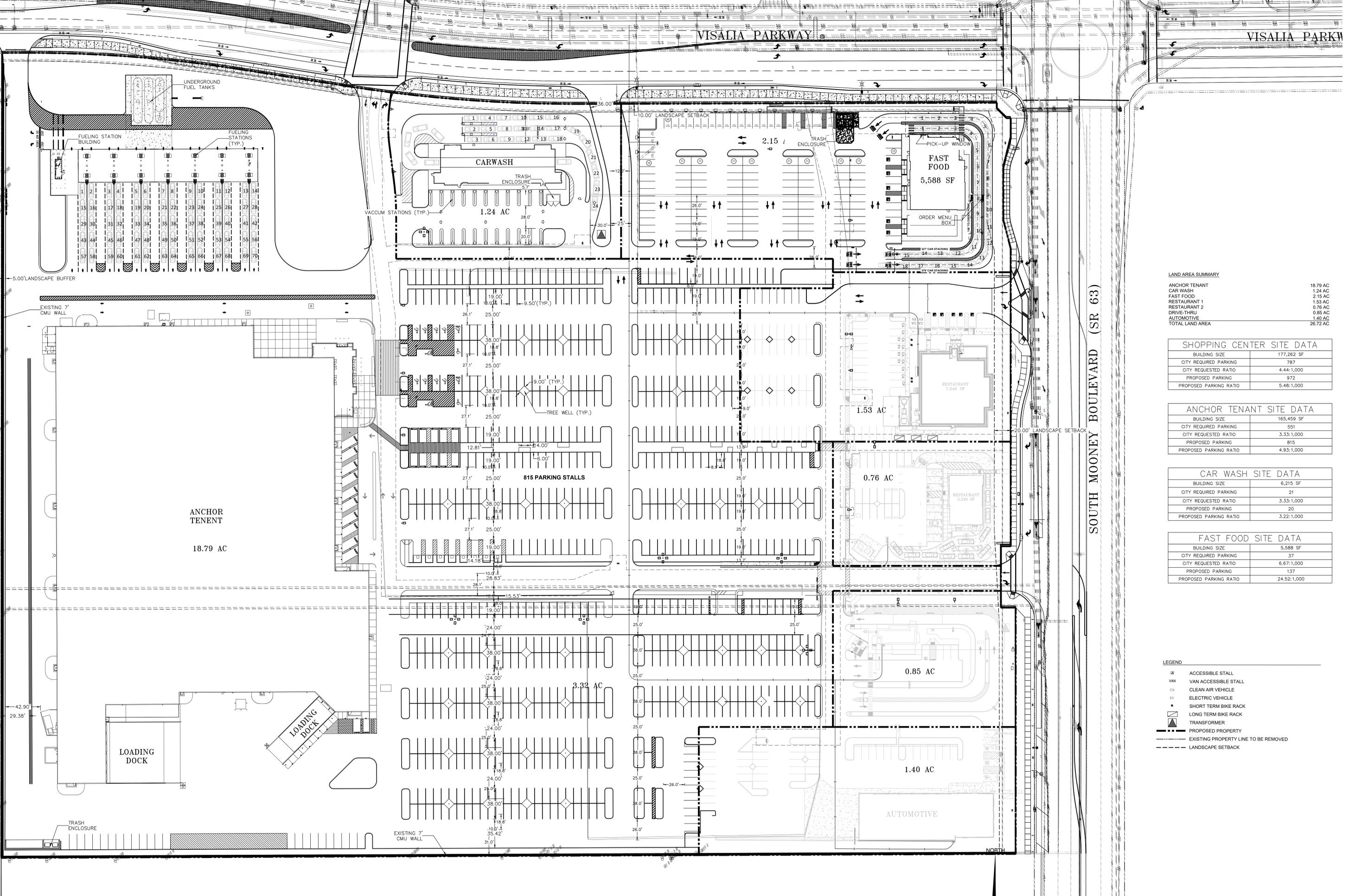
**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project shall comply with all conditions of approval and mitigation measures required by Conditional Use Permit No. 2019-31 and Tentative Parcel Map No. 2019-13, except as modified or superseded by conditions of approval and/or mitigation measures listed below.
2. That the project be developed in substantial compliance with Site Plan Review No. 2023-202.
3. That the project will be developed in substantial compliance with the site plan in Exhibit "A", street improvements/cross sections in Exhibit "C", conceptual

landscaping plan in Exhibit “D”, conceptual photometric plan and lighting information in Exhibit “E”, building elevations in Exhibit “F”, phasing plan in Exhibit “G”, pedestrian connectivity exhibit in Exhibit “I”, floor plans in Exhibit “J”, anchor tenant roof plan and sight lines exhibit in Exhibit “K”, operational statement in Exhibit “L”, and queuing analysis’ in Exhibit “M”. Any subsequent changes to the plans depicted in Exhibits “A”, “C”, “D”, “E”, “F”, “G”, “I”, “J”, “K”, “L”, and “M” shall be reviewed and approved by the Site Plan Review Committee and may be subject to an amendment of the Conditional Use Permit.

4. That the project will be developed in substantial compliance with the monument signage and master sign program in Exhibit “H”, except as modified by the conditions of approval for Conditional Use Permit No. 2024-17.
5. That solid landscape screening, such as a 3-foot-high solid hedge, or a screening wall shall be installed where parking areas or drive-thru lanes and landscape setbacks meet.
6. That any CC&R’s, shared access, and shared parking agreements applicable to the overall shopping center complex shall be revised to address the inclusion of the proposed facilities, approved by City staff, and recorded with the Tulare County Recorder, prior to issuance of issuance of Building Permits for the proposed uses.
7. That prior to final occupancy of the big box retail store, service station, and carwash facility, the applicant/developer shall verify that the uses do not exceed Community Noise levels as identified in the noise analysis (Acoustical Engineering Services, Inc., May 2024 Environmental Noise & Vibration Assessment: SWC W. Visalia Parkway & S. Mooney Boulevard Development. Bollard Acoustical Consultants, Inc., July 15, 2024). The applicant/developer shall have their acoustical noise consultant conduct noise measurements for the uses and the measurement shall be submitted and verified by Planning staff for acceptance. Failure to meet the noise requirements as specified in the acoustical analysis shall result in the applicant/developer implementing additional measures as needed to achieve noise level standards for the residences.
8. That prior to final occupancy of any building proposed in Exhibit “A”, the applicant/developer shall verify that the parking lot lighting does not exceed an output of 0.5-foot candles measured at property line, in accordance with the site photometric plan submitted in Exhibit “E”. The applicant/developer shall have their electrical or construction contractor conduct a light measurement to be submitted and verified by Planning staff prior to final occupancy. Failure to meet requirements as specified in the photometric plan shall result in non-operation of the site until light levels are met.
9. Parking lot pole lighting and building wall pack lighting on the building exteriors shall be designed and screened so as to direct light downward and shall not produce glare onto adjacent residential areas to the south and west of the project site.
10. That flat lens fixtures be utilized for the service station under canopy lights to preclude direct light glare beyond the fuel islands.

11. That not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more. All new parking areas as depicted in Exhibit "A" and Exhibit "D" shall be revised to reflect this requirement.
12. That the applicant shall install an eight-foot-tall block wall along the southern and western boundary of the project site adjacent to residential zonings. The height of the block wall shall be measured from the adjacent grade.
13. That the applicant shall relocate the proposed trash enclosure at the southwest corner of the project site, away from residential uses. The proposed new location of the trash enclosure shall be finalized during Building Permit review.
14. That all buildings shall comply with the building and landscape setbacks for the C-R (Regional Commercial) Zone specified in Visalia Municipal Code Chapter 17.18.
15. That monument signage for the proposed service station and car wash shall be developed consistent with Visalia Municipal Code standards for monument signs pertaining to commercial uses, specified in Visalia Municipal Code Section 17.48.110.
16. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2024-26 (State Clearinghouse No. 2024080917) are hereby incorporated as conditions of Conditional Use Permit No. 2024-17.
17. That all of the conditions and responsibilities of Conditional Use Permit No. 2024-17 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
18. All on-site truck deliveries, including trucks delivery fuel, for the big box retail membership club store and associated service station shall be limited to daytime hours only from 7:00 a.m. to 10:00 p.m.
19. The applicant and all successors in interest shall comply with all applicable federal, state and city codes and ordinances.



**LAND AREA SUMMARY**

ANCHOR TENANT	18.79 AC
CAR WASH	1.24 AC
FAST FOOD	2.15 AC
RESTAURANT 1	1.53 AC
RESTAURANT 2	0.76 AC
DRIVE-THRU	0.85 AC
AUTOMOTIVE	1.40 AC
TOTAL LAND AREA	26.72 AC

**SHOPPING CENTER SITE DATA**

BUILDING SIZE	177,262 SF
CITY REQUIRED PARKING	787
CITY REQUESTED RATIO	4.44:1,000
PROPOSED PARKING	972
PROPOSED PARKING RATIO	5.48:1,000

**ANCHOR TENANT SITE DATA**

BUILDING SIZE	165,459 SF
CITY REQUIRED PARKING	551
CITY REQUESTED RATIO	3.33:1,000
PROPOSED PARKING	815
PROPOSED PARKING RATIO	4.93:1,000

**CAR WASH SITE DATA**

BUILDING SIZE	6,215 SF
CITY REQUIRED PARKING	21
CITY REQUESTED RATIO	3.33:1,000
PROPOSED PARKING	20
PROPOSED PARKING RATIO	3.22:1,000

**FAST FOOD SITE DATA**

BUILDING SIZE	5,588 SF
CITY REQUIRED PARKING	37
CITY REQUESTED RATIO	6.67:1,000
PROPOSED PARKING	137
PROPOSED PARKING RATIO	24.52:1,000

**LEGEND**

- ACCESSIBLE STALL
- VAN ACCESSIBLE STALL
- CLEAN AIR VEHICLE
- ELECTRIC VEHICLE
- SHORT TERM BIKE RACK
- LONG TERM BIKE RACK
- TRANSFORMER
- PROPOSED PROPERTY
- EXISTING PROPERTY LINE TO BE REMOVED
- LANDSCAPE SETBACK

ANCHOR TENANT  
18.79 AC

815 PARKING STALLS

3.32 AC

0.76 AC

0.85 AC

1.40 AC

AUTOMOTIVE

FAST FOOD  
5,588 SF

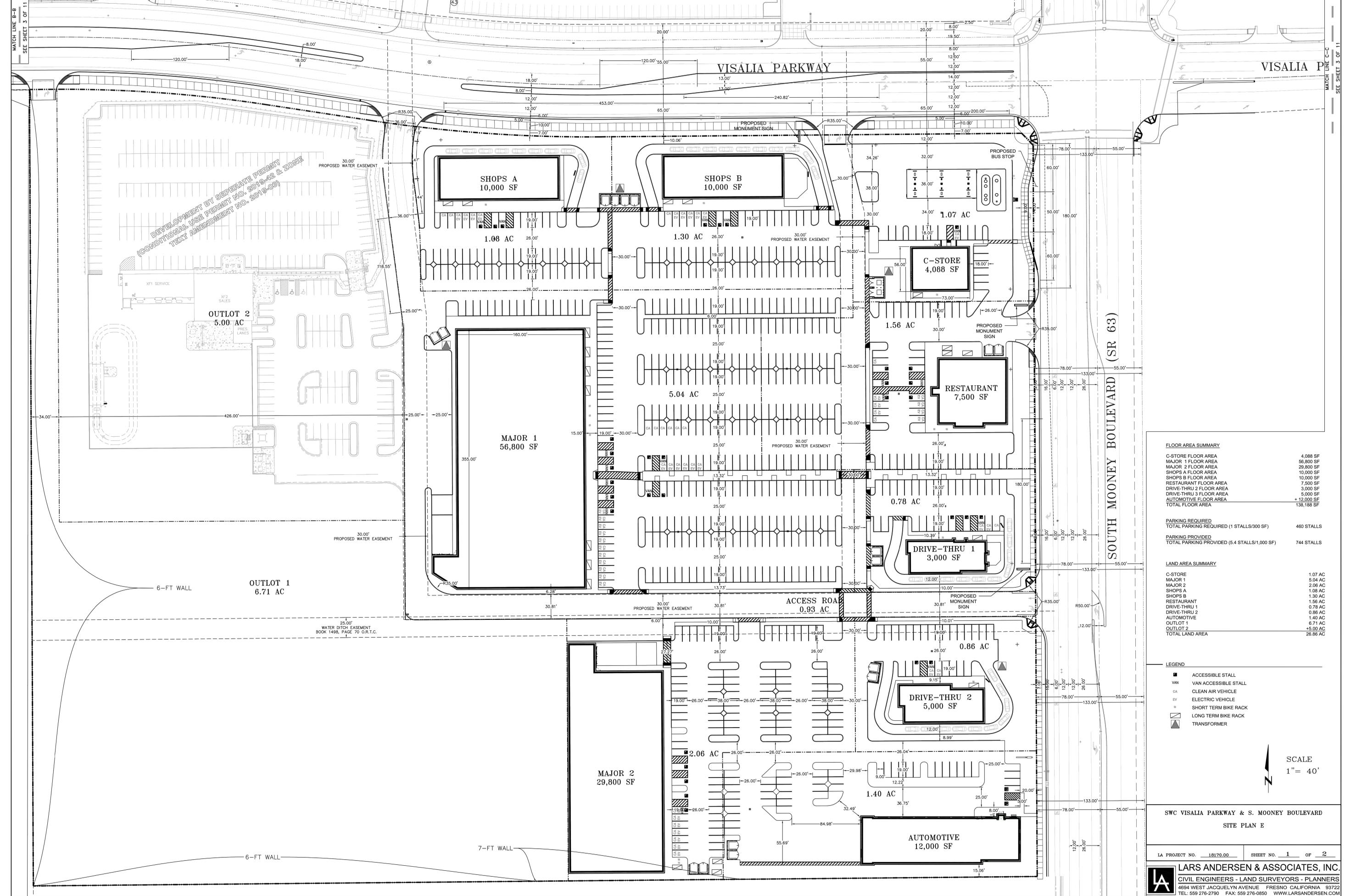
CARWASH  
1.24 AC

LOADING DOCK

LOADING DOCK

SCALE: 1"=40'-0"





**FLOOR AREA SUMMARY**

C-STORE FLOOR AREA	4,088 SF
MAJOR 1 FLOOR AREA	56,800 SF
MAJOR 2 FLOOR AREA	29,800 SF
SHOPS A FLOOR AREA	10,000 SF
SHOPS B FLOOR AREA	10,000 SF
RESTAURANT FLOOR AREA	7,500 SF
DRIVE-THRU 2 FLOOR AREA	3,000 SF
DRIVE-THRU 3 FLOOR AREA	5,000 SF
AUTOMOTIVE FLOOR AREA	+ 12,000 SF
<b>TOTAL FLOOR AREA</b>	<b>138,188 SF</b>

**PARKING REQUIRED**

TOTAL PARKING REQUIRED (1 STALLS/300 SF)	460 STALLS
--	------------

**PARKING PROVIDED**

TOTAL PARKING PROVIDED (5.4 STALLS/1,000 SF)	744 STALLS
--	------------

**LAND AREA SUMMARY**

C-STORE	1.07 AC
MAJOR 1	5.04 AC
MAJOR 2	2.06 AC
SHOPS A	1.08 AC
SHOPS B	1.30 AC
RESTAURANT	1.56 AC
DRIVE-THRU 1	0.78 AC
DRIVE-THRU 2	0.86 AC
AUTOMOTIVE	1.40 AC
OUTLOT 1	6.71 AC
OUTLOT 2	5.00 AC
<b>TOTAL LAND AREA</b>	<b>26.86 AC</b>

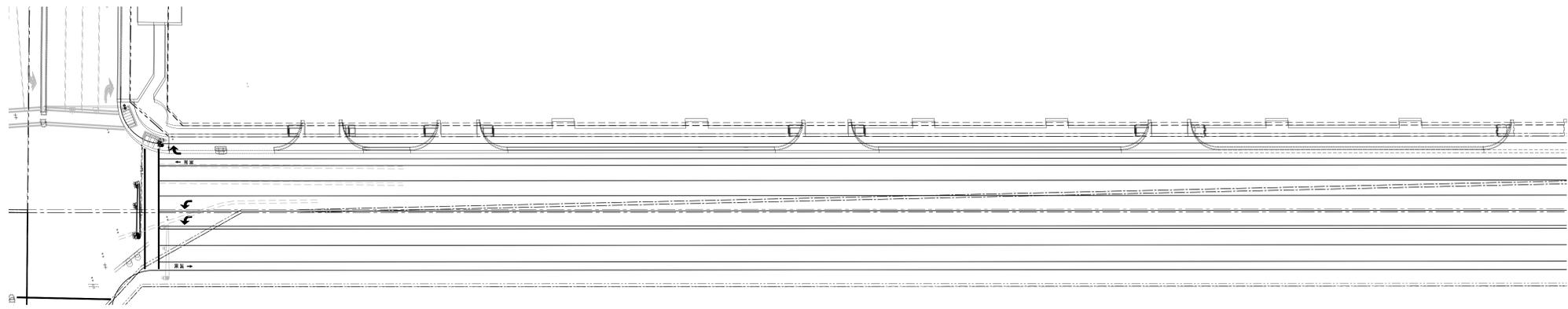
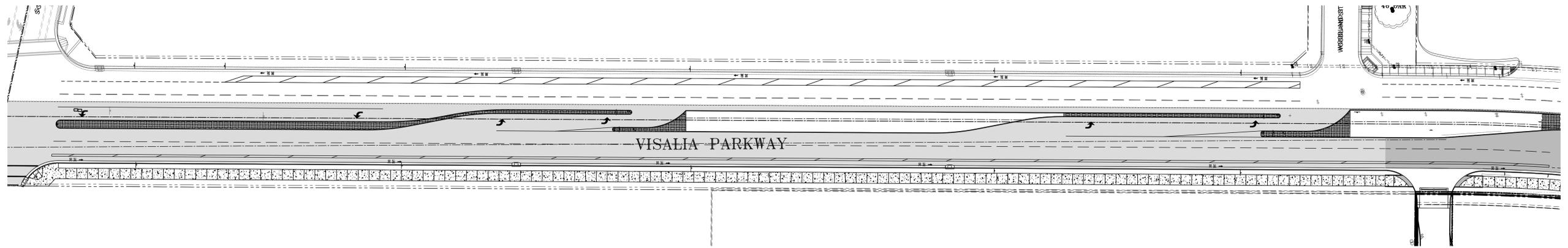
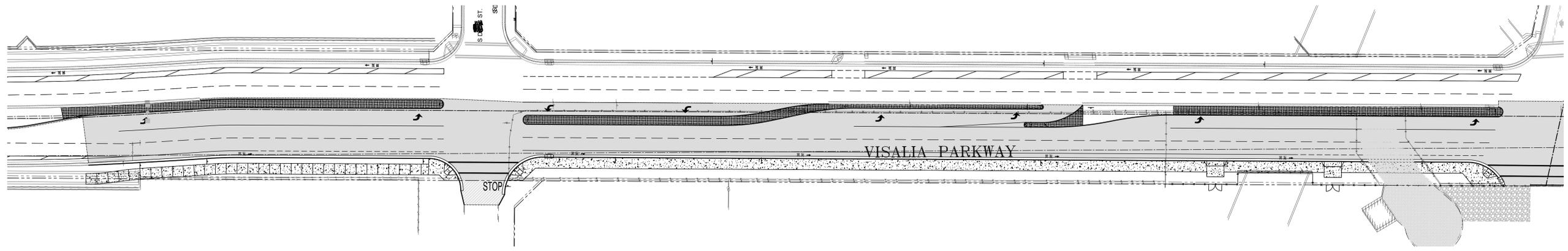
- LEGEND**
- ACCESSIBLE STALL
  - VAN ACCESSIBLE STALL
  - CA CLEAN AIR VEHICLE
  - EV ELECTRIC VEHICLE
  - ▣ SHORT TERM BIKE RACK
  - ▣ LONG TERM BIKE RACK
  - ▲ TRANSFORMER

SCALE  
1" = 40'

SWC VISALIA PARKWAY & S. MOONEY BOULEVARD  
SITE PLAN E

LA PROJECT NO. 18170.00 SHEET NO. 1 OF 2  
**LARS ANDERSEN & ASSOCIATES, INC.**  
 CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
 4694 WEST JACQUELYN AVENUE FRESNO CALIFORNIA 93722  
 TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM

EXHIBIT B



MATCH LINE A-A  
ON THIS SHEET

MATCH LINE B-B  
SEE SHEET 2 OF 17

MATCH LINE C-C  
ON SHEET 2 OF 17

MATCH LINE A-A  
ON THIS SHEET

MATCH LINE B-B  
SEE SHEET 2 OF 17

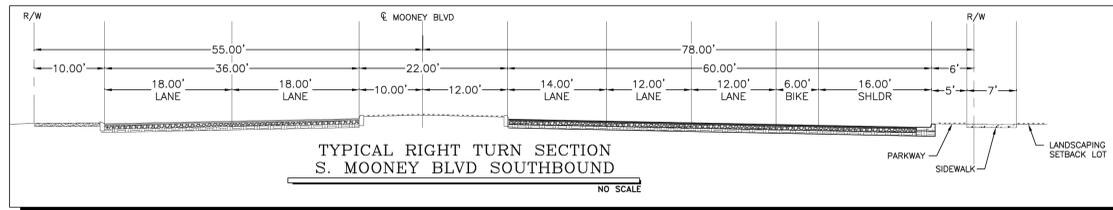
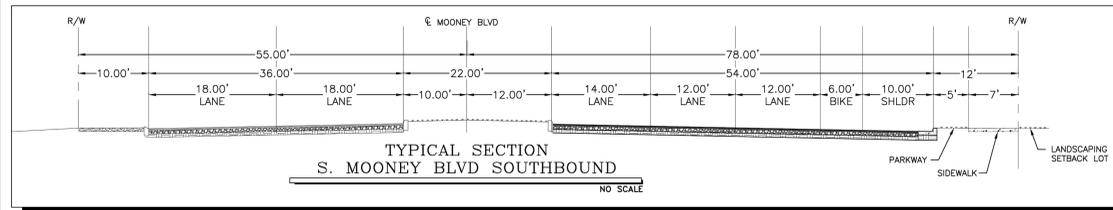
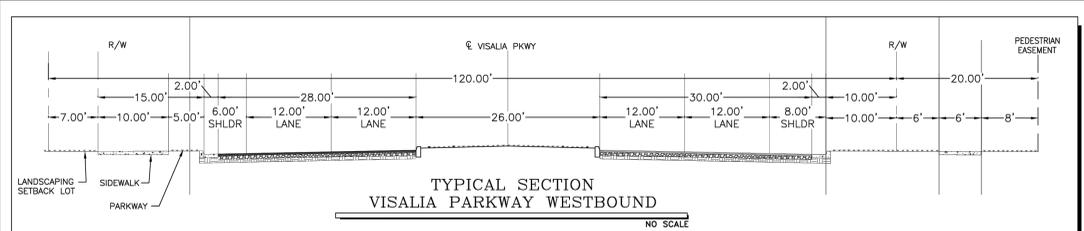
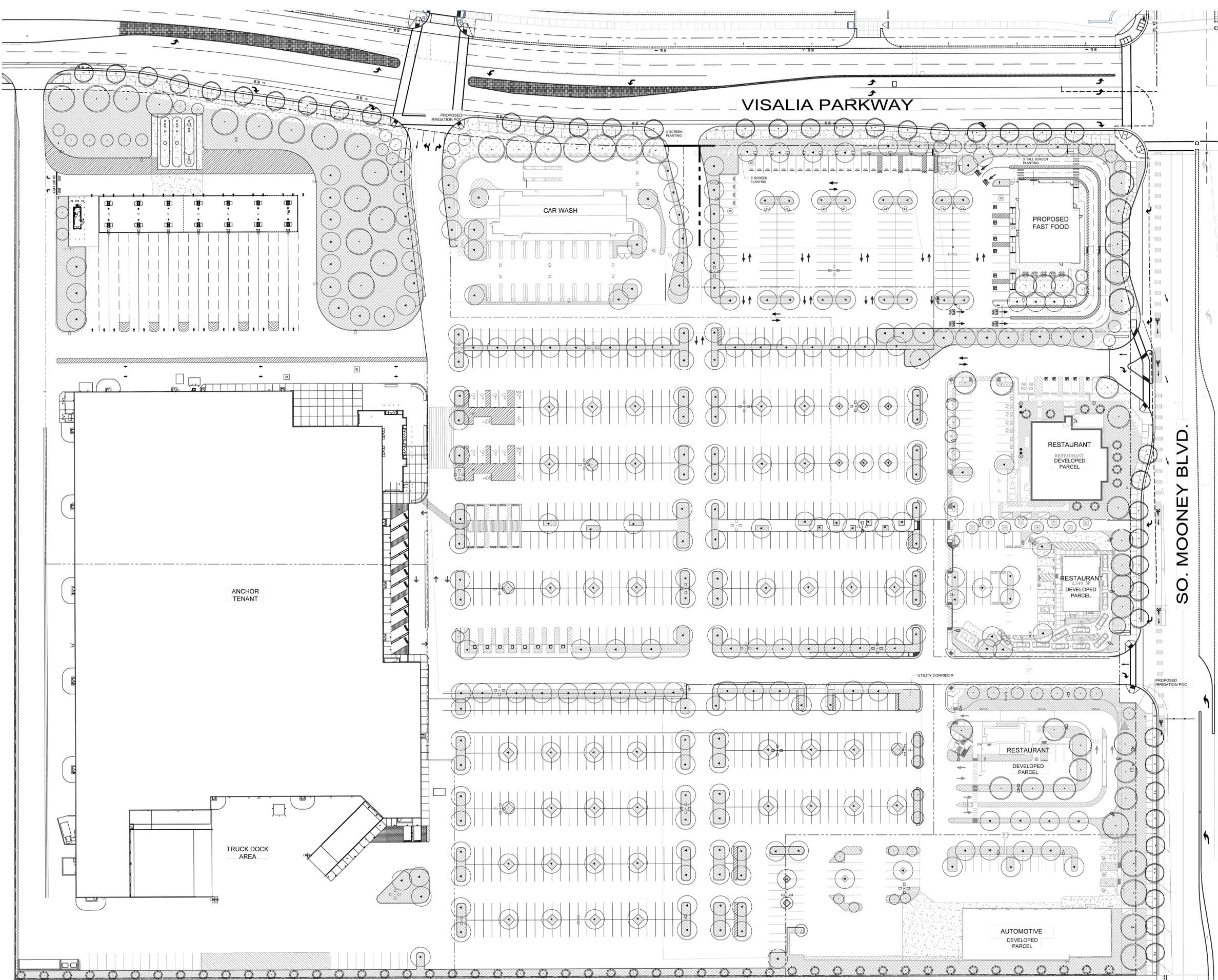


EXHIBIT C



**TREE LEGEND**

NOTE: ALL TREES WILL BE SELECTED TO MEET REQUIRED WATER BUDGET AND DESIGN GUIDELINES

**STREET TREES**  
 STREET TREES TO BE PLANTED IN CITY RIGHT OF WAY. APPROXIMATE SPACING IS 48' OC, WITH SOME VARIATION TO ACCOMMODATE UTILITIES, SIGHT TRIANGLES AND ARCHITECTURAL FEATURES. SPECIES OF TREE TO BE APPROVED BY CITY. TREE SIZE TO BE 24" BOX.

**PARKING LOT TREES**  
 THESE TREES WILL HELP PROVIDE SHADE FOR VEHICLES AND SHOPPERS AND SOFTEN THE APPEARANCE OF THE PROJECT AREA.  
 SUGGESTED TREES INCLUDE:  
 • KEITH DAVEY PISTACHE  
 • SAWLEAF ZELKOVA  
 • AUSTRALIAN WILLOW  
 • OAKS

**SITE TREES IN ADDITION TO REQUIRED PARKING LOT TREES**  
 TREES WILL BE INSTALLED ON SHOP AND RESTAURANT PROPERTIES TO MEET TREE AND LANDSCAPE REQUIREMENTS BASED ON THE FINAL DESIGN OF THESE DEVELOPMENTS, ALSO FOR SHADE OF DRIVE THRU LANES.  
 • ANY OF THE TREES LISTED AS "PARKING LOT TREES"  
 • MAGNOLIA, ESPECIALLY "LITTLE GEM" OR OTHER SMALLER VARIETY  
 • FRUITLESS OLIVE  
 • STRAWBERRY TREE (ARBUTUS SPP)

**ORNAMENTAL TREES**  
 SMALLER TREES PLANTED IN NARROWER PLANTERS AND AS ACCENTS AROUND PROJECT BUILDINGS, PARKING LOTS AND DRIVE-THRU AREAS.  
 SUGGESTED TREES INCLUDE:  
 • OKLAHOMA REDBUD  
 • PHOENIX (THORNLESS) MESQUITE  
 • CRAPE MYRTLE  
 • PURPLE LEAF PLUM, ESPECIALLY "PURPLE PONY" OR OTHER  
 • FRUITLESS VARIETY  
 • ITALIAN CYPRESS AS AN ACCENT  
 • SHOESTRING ACACIA  
 • PALMS

**EVERGREEN SCREENING TREES**  
 CONIFERS, OR A MIX OF DENSE CANOPY AND UNDERSTORY SHRUBS, TO PROVIDE SCREENING BETWEEN THE PROJECT SITE AND NEIGHBORING PROPERTY.  
 • PINUS SPP.  
 • GRECIAN LAUREL  
 • YEW PINE (PODOCARPUS SPP)  
 • JAPANESE BLUEBERRY TREE (ELAEOCARPUS SPP)

**SHRUB LEGEND**

NOTE: FINAL SELECTIONS OF SHRUBS WILL FOLLOW DESIGN GUIDELINES FOR THE PROJECT.

**MIXED SHRUBS WITH WUCOLS "LOW" WATER USE.**  
 LOW WATER USE SHRUBS SELECTED FOR ATTRACTIVENESS AND SUITABILITY FOR PARKING LOT INTERIOR AND PERIMETER LOCATIONS. IRRIGATION WILL BE BY IN-LINE SUBSURFACE DRIP OR BY BUBBLERS. SUGGESTED PLANTS INCLUDE:  
 • FORTNIGHT LILY  
 • YEDDO HOLLY (RHAPHIOLEPIS U. 'MINOR')  
 • LITTLE JOHN BOTTLEBRUSH  
 • DEER GRASS, PINK MUHLY, FEATHER REED GRASS  
 • ROCKROSE  
 • LANTANA  
 • JUNIPER SPP. (PRIMARILY PROSTRATE JUNIPERS)  
 • PINEAPPLE GUAVA

**MIXED WUCOLS "LOW" AND "MEDIUM" WATER USE PLANTS**  
 THESE AREAS WILL OFFER A REFLECT GREATER BLEND OF ORNAMENTAL PLANTS IN HIGH VISIBILITY AREAS. SELECTED FOR ATTRACTIVE APPEARANCE BUT VERY LOW MAINTENANCE AND WATER EFFICIENCY. EXAMPLES INCLUDE:  
 • ANY OF THE PLANTS LISTED ABOVE IN THE "LOW" CATEGORY  
 • INDIAN HAWTHORN  
 • FLOWER CARPET ROSE  
 • ICEBERG ROSE  
 • HEAVENLY BAMBOO

**SCREEN SHRUBS NEAR DRIVE THRU LANES**  
 THESE PLANTING AREAS WILL HAVE "HEDGE" TYPE PLANTING TO SCREEN DRIVE THRU AREAS FROM VIEW AND INTERCEPT HEADLIGHT GLARE FROM OTHER PASSING VEHICLES.  
 • DWARF OLEANDER  
 • PRIVET  
 • ICEBERG ROSE

**BARK MULCH**  
 BARK MULCH WILL BE USED IN PLANTING AREAS PER STATE AND CITY CODE.

**IRRIGATION**  
 • NEW POINT OF CONNECTION FOR MAIN PARKING AREAS AND OUTLOTS (STORES, SHOPS AND RESTAURANTS). INTERNAL LOOPED MAINLINE AND TWO-WIRE IRRIGATION SYSTEM.  
 • CONTROLLER AND ALL IRRIGATION EQUIPMENT TO MEET WATER EFFICIENT LANDSCAPE STANDARDS. TOTAL WATER USED WILL MEET THE REQUIREMENTS OF THE CITY'S WATER EFFICIENCY REGULATIONS.  
 • IRRIGATION CRITERIA FOR ALL PROJECTS ON SITE WILL BE COORDINATED BY DEVELOPMENT GUIDELINES.

**PRELIMINARY CALCULATIONS**

1. SHADE CALCULATION:		
SF OF PAVING:		741,221 SF
LESS GAS CANOPY (8,960 SF)		732,261 SF
334 PARKING LOT TREES AT 962 SF/EA (LARGE)	321,308 SF	
114 PARKING LOT TREES AT 314 SF/EA (SMALL)	35,798 SF	
TOTAL	357,106 SF	
SHADING PERCENTAGE	48.2%	
SHADING PERCENTAGE WITHOUT UNSHADEABLE GAS QUEUE (27,907 SF)	50.7%	

THIS SHADING IS ACHIEVED UTILIZING ONLY THE TREES DIRECTLY ADJACENT TO PAVEMENT. FINAL CALCULATIONS BASED ON ACTUAL TREE SPECIES WILL BE SUBMITTED WITH PLANS FOR INDIVIDUAL PARCELS AND EACH WILL BE REQUIRED TO MEET SHADE REQUIREMENT.

2. SITE-WIDE PRELIMINARY WATER BUDGET  
 MAWA = 2,398,786 GAL/YR  
 ETWU = 2,166,912 GAL/YR

ETWU=MAWA THEREFORE SCHEMATIC PLAN IS IN COMPLIANCE WITH WELO. PERMIT PLANS WILL INCLUDE FINAL WATER BUDGETS BASED ON SELECTED PLANTS AND FINAL IRRIGATION.

3. TREE COUNT

NUMBER OF PARKING SPACES:	828
TOTAL NUMBER OF TREES (EXCLUDING STREET TREES)	462
RATIO OF TREES TO PARKING SPACES:	1 TREE/1.8 PKG SPACE
NUMBER OF STREET TREES	47
APPROX SPACING, MOONEY BLVD.	36' OC
APPROX SPACING, VISALIA PARKWAY (DRIVEWAYS EXCLUDED)	36' OC

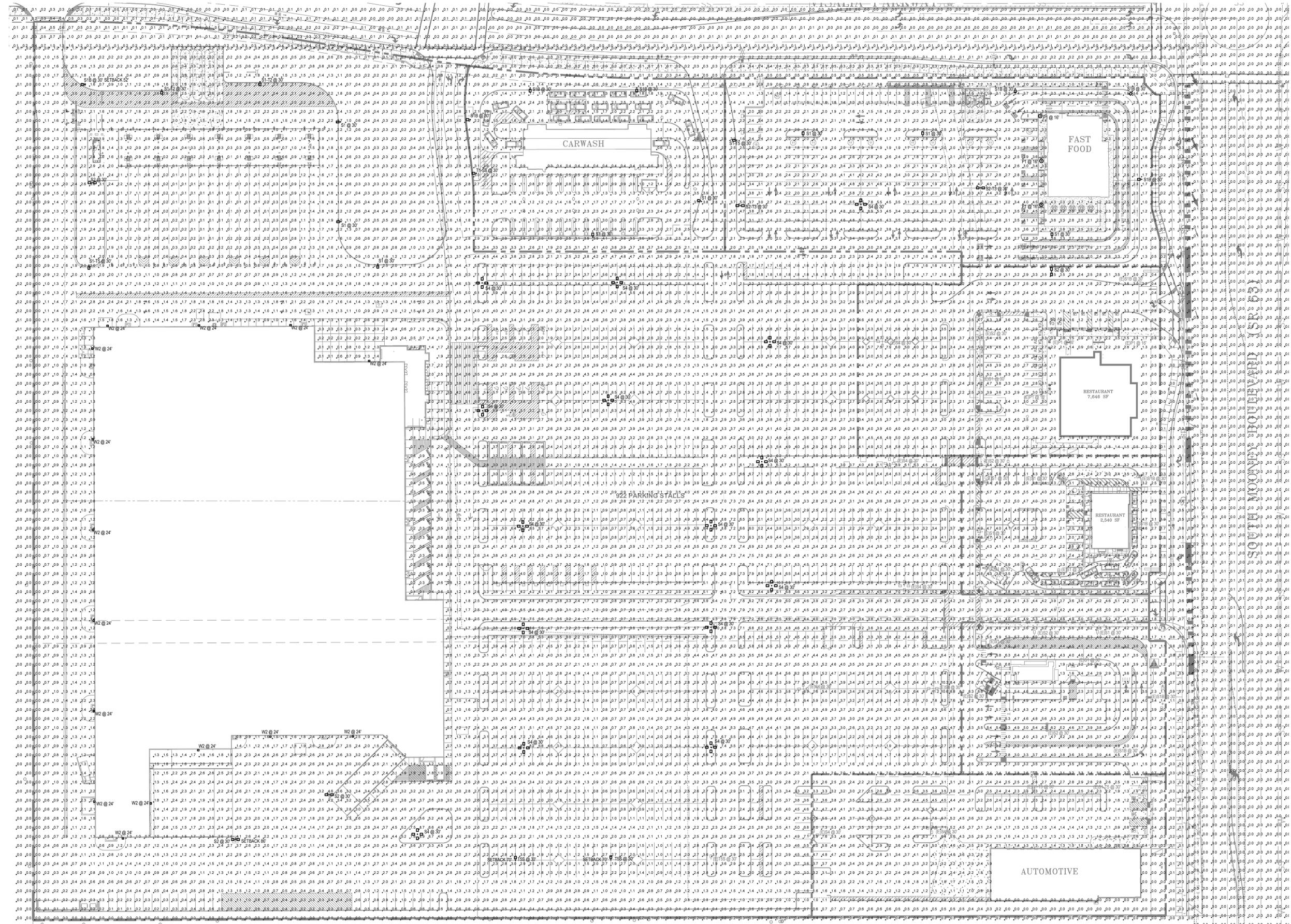
**SCALE**  
 1" = 40'

EXHIBIT D

**Sierra Designs, Inc**  
 Landscape Architecture Planning  
 113 N. Church Street, Suite 307  
 Visalia, California 93291  
 Tel: 559 786 2361 c 559 733 9890  
 SDI No. 19-007 • 6.19.2024

GENERAL NOTES

- 1. BUILDING MOUNTED LIGHTING FIXTURES ARE PROVIDED AND INSTALLED BY FUTURE TENANT AS PART OF BUILDING PERMIT SCOPE OF WORK BY OTHERS. SHOWN HERE FOR PHOTO-METRIC REFERENCE ONLY.
- 2. REFER TO EP11 FOR LIGHT FIXTURE SCHEDULE AND STATISTICS.
- 3. ALL OUTDOOR LIGHTING TO BE PROVIDED WITH LATEST LIGHTING CONDITIONS IN COMPLIANCE WITH THE OUTDOOR CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS (TITLE 24, PART 6).
- 4. SITE LIGHTS TO BE CONNECTED TO A TITLE 24 APPROVED TIME CLOCK TO COMPLY WITH THE AUTOMATIC SCHEDULING REQUIREMENTS.



SCALE: 1"=40'-0"



EXHIBIT E

STATISTICS						
DESCRIPTION	SYMBOL	AVERAGE	MAXIMUM	MINIMUM	MAXMIN	AVERAGEMIN
SITE	+	2.3 ft	11.2 ft	0.0 ft	N/A	N/A

LIGHT FIXTURE SCHEDULE									
TABLE	QTY	MANUFACTURER	CATALOG NUMBER	DESCRIPTION	LAMP	LUMENS	LLF	WATTAGE	
(EP)1	3	SELUX CORPORATION	SACL-R5-X-LG4700-4 0-MVOLT	CAST ALUMINUM HEATSINK / HOUSING, INNER SPECULAR ALUMINUM REFLECTORS, CLEAR GLASS ENCLOSURE ABOVE FLAT BLACK POST-TOP MOUNT ON 14'-0" POLE.	LED	5589	0.91	68.3	
(E)S1	9	LITHONIA LIGHTING	DSX2 LED P1 40K T3M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18410	0.91	140.0	
(E)S1B	6	LITHONIA LIGHTING	DSX2 LED P1 40K BLC MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT AND BACK LIGHT CONTROL MOUNTED ON 30' SSS POLE	LED	15538	0.91	140.0	
(E)S1-T5	2	LITHONIA LIGHTING	DSX2 LED P1 40K T5M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	19676	0.91	140.0	
(E)S2	5	LITHONIA LIGHTING	DSX2 LED P1 40K T2M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18912	0.91	280.0	
(E)S4	7	LITHONIA LIGHTING	DSX2 LED P1 40K T3M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18410	0.91	560.0	
(E)T5S	1	LITHONIA LIGHTING	DSX2 LED P1 40K T5S MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	19726	0.91	140.0	
P1	3	SELUX CORPORATION	SACL-R5-X-LG4700-4 0-MVOLT	CAST ALUMINUM HEATSINK / HOUSING, INNER SPECULAR ALUMINUM REFLECTORS, CLEAR GLASS ENCLOSURE ABOVE FLAT BLACK POST-TOP MOUNT ON 14'-0" POLE.	LED	5589	0.91	68.3	
S1	8	LITHONIA LIGHTING	DSX2 LED P1 40K T3M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18410	0.91	140.0	
S1B	7	LITHONIA LIGHTING	DSX2 LED P1 40K BLC MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT AND BACK LIGHT CONTROL MOUNTED ON 30' SSS POLE	LED	15538	0.91	140.0	
S1-T2	2	LITHONIA LIGHTING	DSX2 LED P1 40K T2M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18912	0.91	140.0	
S1-T5	2	LITHONIA LIGHTING	DSX2 LED P1 40K T5M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	19676	0.91	140.0	
S2	4	LITHONIA LIGHTING	DSX2 LED P1 40K T2M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18912	0.91	280.0	
S2-T3	2	LITHONIA LIGHTING	DSX2 LED P1 40K T3M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18410	0.91	280.0	
S4	15	LITHONIA LIGHTING	DSX2 LED P1 40K T3M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	18410	0.91	560.0	
T5S	3	LITHONIA LIGHTING	DSX2 LED P1 40K T5S MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT MOUNTED ON 30' SSS POLE	LED	19726	0.91	140.0	
W2	15	LITHONIA LIGHTING	DSX1 LED P3 40K T4M MVOLT	DIE-CAST ALUMINUM HOUSING W/INTEGRAL HEAT SINK LED AREA LIGHT WALL MOUNTED AT 24" AFF	LED	12309	0.91	102.0	

## D-Series Size 2 LED Area Luminaire

**Ordering Information** DSX2 LED P1 40K T3M/RCL/TSS DWHXD

Part Number: DSX2 LED P1 40K T3M/RCL/TSS DWHXD

Options: S1, S1B, S1-T, S1-TS, S2, S2-T, S4, S4-TS

Lighting Facts: DLC, IES, ENEC, CE, RoHS, Energy Star, 5-year warranty

### Specifications

EPA: 1.1 ft (0.33 m)  
Length: 40" (1.01 m)  
Width: 15" (0.38 m)  
Height 1: 7.1/4" (0.18 m)  
Height 2: 3.5" (0.09 m)  
Weight: 36lbs

### Introduction

The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. The Size 2 is ideal for replacing 400-1000W metal halide in area lighting applications with energy savings of up to 50% and expected service life of over 100,000 hours.

### Ordering Information

EXAMPLE: DSX2 LED P7 40K T3M MVOLT SPA NPLAIR2 PIRHN DBDXD

Series	LED	4000K	T3M/RCL/TSS	MVOLT SPA	NPLAIR2	PIRHN DBDXD
DSX2 LED	P1	4000K	T3M/RCL/TSS	MVOLT SPA	NPLAIR2	PIRHN DBDXD

### Forward Optics

Optics	Beam Spread	Beam Diameter @ 100'	Beam Diameter @ 200'	Beam Diameter @ 300'	Beam Diameter @ 400'	Beam Diameter @ 500'	Beam Diameter @ 600'	Beam Diameter @ 700'	Beam Diameter @ 800'	Beam Diameter @ 900'	Beam Diameter @ 1000'
P1	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P2	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P3	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P4	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P5	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P6	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P7	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P8	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P9	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P10	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P11	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'
P12	15°	15'	30'	45'	60'	75'	90'	105'	120'	135'	150'

### Other Options

DSX2 LED Rev. 01/2019 Page 6 of 8

### Ordering Information

#### Accessories

DSX2 LED P1 40K T3M/RCL/TSS DWHXD

#### Options

#### EGS - External Glare Shield

#### Drilling

#### HANDHOLE ORIENTATION

#### Tenon Mounting Slifitter\*\*

Mounting System	Drilling Template	Slifitter	2.0 in (50.8 mm)	2.25 in (57.15 mm)	2.5 in (63.5 mm)	2.75 in (70.15 mm)	3.0 in (76.2 mm)	3.25 in (82.75 mm)	3.5 in (88.9 mm)	3.75 in (95.25 mm)	4.0 in (101.6 mm)
DSX2 LED	Rev. 01/2019	Page 6 of 8									

### Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area Size 2 homepage.

Isoluminance plots for the DSX2 LED ROC 1000-40K. Distances are in units of mounting height (M).

DSX2 LED Rev. 01/2019 Page 7 of 8

### Performance Data

#### Lumen Ambient Temperature (LAT) Multipliers

Temperature	Multiplier
0°C	1.00
5°C	0.99
10°C	0.98
15°C	0.97
20°C	0.96
25°C	0.95
30°C	0.94
35°C	0.93
40°C	0.92

#### Projected LED Lumen Maintenance

Hours	0	2500	5000	10000
LM-79-02	1.00	0.96	0.92	0.85

#### Capable Luminaire

This item is an A+ Certified luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

#### Features & Specifications

##### INTENDED USE

The DSX2 LED Area Luminaire is a number of control options. Due to down controls can be utilized for optional NEMA hood photoelectric receptacles. Integrated motion sensors with on-board photoelectric feature field-adjustable programming and are suitable for mounting heights up to 30 feet.

##### CONSTRUCTION

Spigot-style die-cast aluminum housing has integral heat sink to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future lighting upgrades. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP69K (E1, I1) for optimized pole-wind loading).

##### FINISH

Exterior parts are protected by a zinc-fluoride Super Durable TiCo2 thermoseal powder coat finish that provides corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that will withstand extreme climate change without cracking or peeling. Available in both textured and non-textured finishes.

##### OPTICS

Precision-molded polycarbonate lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in 3000 K, 4000 K, or 5000 K (DC-CRI) configurations. The D-Series Size 2 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEECP and Green Globe™ criteria for minimizing wasteful uplight.

##### ELECTRICAL

Light engine configurations consist of high-utility LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life up to 100,000 hrs at 25°C. Class 1 electronic drivers are designed to have a power factor >0.95, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easy-serviceable 10V surge protection device meets a minimum Category C Low All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

##### INSTALLATION

Individual mounting blocks and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block around to poles and walls, enabling the D-Series Size 2 to be utilized in a 2-D or 3-D orientation (not using an ADO-CIM-3B). The D-Series Size 2 utilizes the ADO™ sense pole-drilling pattern (Template #B). NEMA photoelectric receptacle is available.

##### WARRANTY

5-year limited warranty. Complete warranty terms located at: [www.lithonia.com/ConsumerServiceTermsandConditions.aspx](http://www.lithonia.com/ConsumerServiceTermsandConditions.aspx). In an ADO, Class 1 electronic drivers are designed to have a power factor >0.95, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easy-serviceable 10V surge protection device meets a minimum Category C Low All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

### Performance Data

#### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-09. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

#### Forward Optics

LED Color	Optical out	Power Factor	Light Beam	Beam Type	Beam Diameter @ 100'	Beam Diameter @ 200'	Beam Diameter @ 300'	Beam Diameter @ 400'	Beam Diameter @ 500'	Beam Diameter @ 600'	Beam Diameter @ 700'	Beam Diameter @ 800'	Beam Diameter @ 900'	Beam Diameter @ 1000'
80	510	P1	140W	T35	15.175	30.35	45.525	60.7	75.875	91.05	106.225	121.4	136.575	151.75
80	700	P2	180W	T35	20.233	40.466	60.699	80.932	101.165	121.398	141.631	161.864	182.097	202.33
80	850	P5	210W	T35	22.729	45.458	68.187	90.916	113.645	136.374	159.103	181.832	204.561	227.29
80	1050	P4	270W	T35	32.811	65.622	98.433	131.244	164.055	196.866	229.677	262.488	295.299	328.11

### Performance Data

#### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-09. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

#### Forward Optics

LED Color	Optical out	Power Factor	Light Beam	Beam Type	Beam Diameter @ 100'	Beam Diameter @ 200'	Beam Diameter @ 300'	Beam Diameter @ 400'	Beam Diameter @ 500'	Beam Diameter @ 600'	Beam Diameter @ 700'	Beam Diameter @ 800'	Beam Diameter @ 900'	Beam Diameter @ 1000'
100	1200	P5	320W	T35	26.366	52.732	79.098	105.464	131.83	158.196	184.562	210.928	237.294	263.66
100	1500	P4	410W	T35	37.711	75.422	113.133	150.844	188.555	226.266	263.977	301.688	339.399	377.11
100	1200	P7	380W	T35	26.366	52.732	79.098	105.464	131.83	158.196	184.562	210.928	237.294	263.66
100	1350	P6	460W	T35	40.545	81.09	121.635	162.18	202.725	243.27	283.815	324.36	364.905	405.45

### Performance Data

#### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-09. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

#### Forward Optics

LED Color	Optical out	Power Factor	Light Beam	Beam Type	Beam Diameter @ 100'	Beam Diameter @ 200'	Beam Diameter @ 300'	Beam Diameter @ 400'	Beam Diameter @ 500'	Beam Diameter @ 600'	Beam Diameter @ 700'	Beam Diameter @ 800'	Beam Diameter @ 900'	Beam Diameter @ 1000'
90	510	P10	150W	T35	15.175	30.35	45.525	60.7	75.875	91.05	106.225	121.4	136.575	151.75
90	700	P11	200W	T35	20.233	40.466	60.699	80.932	101.165	121.398	141.631	161.864	182.097	202.33
90	850	P12	250W	T35	22.729	45.458	68.187	90.916	113.645	136.374	159.103	181.832	204.561	227.29
90	1050	P13	340W	T35	32.811	65.622	98.433	131.244	164.055	196.866	229.677	262.488	295.299	328.11

### Performance Data

#### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-09. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

#### Forward Optics

LED Color	Optical out	Power Factor	Light Beam	Beam Type	Beam Diameter @ 100'	Beam Diameter @ 200'	Beam Diameter @ 300'	Beam Diameter @ 400'	Beam Diameter @ 500'	Beam Diameter @ 600'	Beam Diameter @ 700'	Beam Diameter @ 800'	Beam Diameter @ 900'	Beam Diameter @ 1000'
90	1400	P14	400W	T35	40.545	81.09	121.635	162.18	202.725	243.27	283.815	324.36	364.905	405.45

## D-Series Size 1 LED Area Luminaire



**Specifications**

Depth: 3.37" (86mm)  
Length: 13.5" (343mm)  
Height H1: 7-1/2" (190mm)  
Height H2: 3-1/2" (91mm)  
Weight (max): 27 lbs (12.2kg)

**Ordering Information**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD  
DSX1 LED P5 40K BLC/T2M/T4M DWHKD  
DSX1 LED P5 40K BLC/T2M/T4M DWHKD  
DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Introduction**

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficiency, long-life luminaire.

The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 750W metal halide in pedestrian and area lighting applications with typical energy savings of 65% and expected service life of over 100,000 hours.

**Accessories**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD  
DSX1 LED P5 40K BLC/T2M/T4M DWHKD  
DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Options**

E65 - External Glare Shield

**Drilling**

HANDHOLE ORIENTATION

**Tenon Mounting Splitter\*\***

Series ID	Mounting	Single-Unit	2 in 1	3 in 1	4 in 1
2-1/2"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380
3"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380
3-1/2"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380
4"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380

**Mounting Options**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Control options**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Shipped installed**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Shipped separately**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

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DSX1-LED Rev. 12/16/18 Page 1 of 8

## Ordering Information

**Accessories**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Options**

E65 - External Glare Shield

**Drilling**

HANDHOLE ORIENTATION

**Tenon Mounting Splitter\*\***

Series ID	Mounting	Single-Unit	2 in 1	3 in 1	4 in 1
2-1/2"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380
3"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380
3-1/2"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380
4"	SPMBA	AS3-119	AS3-208	AS3-290	AS3-380

**Mounting Options**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Control options**

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DSX1-LED Rev. 12/16/18 Page 2 of 8

## Photometric Diagrams

To see complete photometric reports or download files for this product, visit Lithonia Lighting's D-Series Size 1 homepage.

**Lumen Output**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Beam Spread**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

**Footcandle**

DSX1 LED P5 40K BLC/T2M/T4M DWHKD

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DSX1-LED Rev. 12/16/18 Page 3 of 8

## Performance Data

**Lumen Ambient Temperature (LAT) Multipliers**

Use these factors to determine relative lumen output for average ambient temperatures from 0°C (32°F) to 40°C (104°F).

Ambient Temp (°C)	Multiplier	Ambient Temp (°F)	Multiplier
0°C	1.00	32°F	1.00
5°C	0.98	41°F	0.98
10°C	0.96	50°F	0.96
15°C	0.94	59°F	0.94
20°C	0.92	68°F	0.92
25°C	0.90	77°F	0.90
30°C	0.88	86°F	0.88
35°C	0.86	95°F	0.86
40°C	0.84	104°F	0.84

**Projected LED Lumen Maintenance**

Use these factors to determine projected lumen output for the luminaire based on the number of operating hours and the number of operating hours per year.

Operating Hours (per year)	Projected Lumen Maintenance (%)
10,000	0.95
20,000	0.90
30,000	0.85
40,000	0.80
50,000	0.75

**Electrical Load**

Configuration	LED Watts	Power Factor	Current (A)					
P1	50	0.95	54	0.45	0.23	0.19	0.18	0.12
P2	70	0.95	74	0.59	0.34	0.28	0.28	0.16
P3	100	0.95	106	0.88	0.50	0.41	0.38	0.21
P4	120	0.95	126	1.06	0.60	0.46	0.37	0.21
P5	140	0.95	148	1.26	0.67	0.51	0.41	0.29
P6	160	0.95	168	1.46	0.78	0.64	0.51	0.34
P7	180	0.95	189	1.66	0.88	0.68	0.53	0.38
P8	200	0.95	210	1.86	0.97	0.76	0.64	0.40
P9	220	0.95	231	1.96	1.01	0.80	0.68	0.41
P10	240	0.95	252	2.16	1.11	0.87	0.73	0.42
P11	260	0.95	273	1.15	1.15	0.87	0.73	0.42
P12	280	0.95	294	1.25	1.15	0.87	0.73	0.42
P13	300	0.95	315	1.35	1.15	0.87	0.73	0.42

**Capable Luminaire**

This item is an A+ Capable Luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

**Features & Specifications**

**INTENDED USE**

The sleek design of the D-Series Size 1 reflects the embedded high performance LED technology. It is ideal for many commercial and municipal applications, such as parking lots, plazas, campuses, and streetscapes.

**CONSTRUCTION**

Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future light engine upgrades. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPC (0.1 ft) for optimized pole wind loading.

**FINISH**

Exterior parts are protected by a zinc-nickel-fluoride (ZnNiF) thermoplastic powder coat finish that provides superior resistance to corrosion and weathering. A highly controlled multi-stage process ensures a minimum 3 mil thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

**OPTICS**

Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in standard 300K, 400K and 500K (70-CRI) configurations. The D-Series Size 1 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is compliant with the IEEE and IEEE C92.1 criteria for eliminating unwanted uplight.

**ELECTRICAL**

Light engine configurations consist of high-efficiency LED mounted to metal-core circuit boards to maximize heat dissipation and promote long life up to 100,000 hours at 25°C. Class E electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily removable IEM large protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

**STANDARD CONTROLS**

The D-Series Size 1 LED area luminaire has a number of control options. Dusk to dawn controls can be utilized with optional NEMA twist-lock photo-cell receptacles. Integrated motion sensors with optional photo-cell feature field-adjustable programming and are suitable for mounting heights up to 30 feet.

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DSX1-LED Rev. 12/16/18 Page 4 of 8

## Performance Data

**Lumen Output**

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, with the tolerance allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

**Rotated Optics**

LED Count	Beam Spread	Power Factor	System Watts	Beam Type	Beam Angle	Beam Diameter	Beam Length	Beam Area											
30	510	P1	54W	T15	6.0/2	2	0	2	130	6.9/6	2	0	2	129	7.0/4	2	0	2	130
30	700	P2	70W	T25	6.0/8	2	0	2	130	6.9/8	2	0	2	129	7.0/7	2	0	2	131
30	1020	P5	102W	T35	6.0/12	2	0	2	130	6.9/12	2	0	2	129	7.0/11	2	0	2	132
30	1320	P4	132W	T45	6.0/16	2	0	2	130	6.9/16	2	0	2	129	7.0/15	2	0	2	132
30	140	P5	138W	T55	6.0/20	2	0	2	130	6.9/20	2	0	2	129	7.0/19	2	0	2	133

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DSX1-LED Rev. 12/16/18 Page 5 of 8

## Performance Data

**Lumen Output**

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**Rotated Optics**

LED Count	Beam Spread	Power Factor	System Watts	Beam Type	Beam Angle	Beam Diameter	Beam Length	Beam Area											
40	1250	P6	125W	T65	6.0/24	2	0	2	130	6.9/24	2	0	2	129	7.0/23	2	0	2	134
40	1400	P7	139W	T75	6.0/28	2	0	2	130	6.9/28	2	0	2	129	7.0/27	2	0	2	135
40	1950	P8	207W	T85	6.0/32	2	0	2	130	6.9/32	2	0	2	129	7.0/31	2	0	2	136
40	1250	P9	121W	T95	6.0/36	2	0	2	130	6.9/36	2	0	2	129	7.0/35	2	0	2	137

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DSX1-LED Rev. 12/16/18 Page 6 of 8

## Performance Data

**Lumen Output**

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**Rotated Optics**

LED Count	Beam Spread	Power Factor	System Watts	Beam Type	Beam Angle	Beam Diameter	Beam Length	Beam Area											
60	1500	P10	150W	T105	6.0/40	2	0	2	130	6.9/40	2	0	2	129	7.0/39	2	0	2	138
60	1700	P11	170W	T115	6.0/44	2	0	2	130	6.9/44	2	0	2	129	7.0/43	2	0	2	139
60	1950	P12	207W	T125	6.0/48	2	0	2	130	6.9/48	2	0	2	129	7.0/47	2	0	2	140
60	1250	P13	121W	T135	6.0/52	2	0	2	130	6.9/52	2	0	2	129	7.0/51	2	0	2	141

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DSX1-LED Rev. 12/16/18 Page 7 of 8

## Performance Data

**Lumen Output**

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, with the tolerance allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

**Rotated Optics**

LED Count	Beam Spread	Power Factor	System Watts	Beam Type	Beam Angle	Beam Diameter	Beam Length	Beam Area											
80	1500	P14	150W	T145	6.0/56	2	0	2	130	6.9/56	2	0	2	129	7.0/55	2	0	2	142
80	1700	P15	170W	T155	6.0/60	2	0	2	130	6.9/60	2	0	2	129	7.0/59	2	0	2	143
80	1950	P16	207W	T165	6.0/64	2	0	2	130	6.9/64	2	0	2	129	7.0/63	2	0	2	144
80	1250	P17	121W	T175	6.0/68	2	0	2	130	6.9/68	2	0	2	129	7.0/67	2	0	2	145

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DSX1-LED Rev. 12/16/18 Page 8 of 8



### FEATURES & SPECIFICATIONS

**INTRODUCTION** — These specifications are for the standard only. Check with factory for Canadian specifications. Square Straight Steel is a general purpose light pole for up to 30-foot mounting heights.

**CONSTRUCTION** — Pole shaft: The pole shaft is of uniform dimensions and wall thickness and is made of a suitable grade, hot rolled, commercial quality steel tubing with a minimum yield of 55 KSI (11 gauge), 116KSI (10 gauge), 135KSI (9 gauge), 170KSI (8 gauge) or one-piece with full-height high-frequency electric resistance weld. Uniformly square in cross-section with flat sides, small corner radii and excellent torsional qualities. Available shaft widths are 4", 5" and 6".

**Pole Top** — A flat non-rotatable top cap is provided for all poles that will receive drilling patterns for site-mounted luminaire arm assemblies or when ordered with FT option.

**Handhole** — A reinforced handhole with grommeting provision is provided at 18" from the base on side A. Provision for handhole cover may not be possible and requires engineering review. Consult Lith Support/Order for further information. Every handhole includes a cover and cover attachment hardware. The handhole has a nominal diameter of 2.5" x 4".

**Base Cover** — A durable ABS plastic cover piece full base cover, finished to match the pole, is provided with each pole assembly. Additional base cover options are available upon request.

**Anchor Base** — **Notes:** Anchor base is fabricated from steel that meets ASTM A36 standards and can be altered to meet existing foundations. Consult factory for modifications. Anchor bolts are manufactured to ASTM F1554 Standard grade 35, (33 KSI) minimum yield strength and tensile strength of 75-95 KSI. Top threaded portion (TTP) is hot-dipped galvanized per ASTM A153.

**PAINT** — All structural fasteners are high-strength galvanized carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.

**FINISH** — Color finishes standard powder-coat finishes include Steel Bronze, White, Black, Medium Bronze and Natural Aluminum colors. Classic finishes include Sandstone, Charcoal Gray, Forest Green, Bright Red and Steel Blue colors. Architectural Colors and Special Finishes are available by quote and include, but are not limited to: Hot-Dipped Galvanized, Fluoropolymer (Kynar), Clear Coat, Custom Colors and Extended Warranty Finishes. Factory-applied primer paint finish is available for customer field paint applications.

**WARRANTY** — 1-year limited warranty. Complete warranty terms located at: [www.lithonia.com/CustomerResources/Terms\\_and\\_conditions](http://www.lithonia.com/CustomerResources/Terms_and_conditions)

**NOTE:** Actual performance may differ as a result of end-use environment and application. Specifications subject to change without notice.

Catalog Number: SSS-30-5G-DMXX-DWIXD/SSS-14-4C-DMXX-DWIXD

Notes:

Type:

Anchor Base Poles

SSS

SQUARE STRAIGHT STEEL

See footnote next page.

OUTDOOR POLE-555

### SSS Square Straight Steel Poles

Lead times will vary depending on options selected. Consult with your sales representative. Example: SSS 20 5C DM19 DDB

ORDERING INFORMATION		Lead times will vary depending on options selected. Consult with your sales representative.		Example: SSS 20 5C DM19 DDB	
SSS	SO I 4	5G/4C	DMXX	Options	DWIXD
Series	Nominal diameter mounting height	Nominal diameter (pole/wall thickness)	Mounting	Options installed	Finish*
SSS	10'-5" to 30'-0"	4" to 11"	3000 mounting	Standard colors	DMDBD Dark bronze
	10'-5" to 11'-0"	4" to 7 1/2" (1.75")	PT	LAB	DMDBD White
	11'-0" to 12'-0"	4" to 7 1/2" (1.75")	PT	Open top (includes top cap)	DMDBD White
	12'-0" to 13'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	13'-0" to 14'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	14'-0" to 15'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	15'-0" to 16'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	16'-0" to 17'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	17'-0" to 18'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	18'-0" to 19'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	19'-0" to 20'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	20'-0" to 21'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	21'-0" to 22'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	22'-0" to 23'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	23'-0" to 24'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	24'-0" to 25'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	25'-0" to 26'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	26'-0" to 27'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	27'-0" to 28'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	28'-0" to 29'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	29'-0" to 30'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	30'-0" to 31'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	31'-0" to 32'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	32'-0" to 33'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	33'-0" to 34'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	34'-0" to 35'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	35'-0" to 36'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	36'-0" to 37'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	37'-0" to 38'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	38'-0" to 39'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	39'-0" to 40'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	40'-0" to 41'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	41'-0" to 42'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	42'-0" to 43'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	43'-0" to 44'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	44'-0" to 45'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	45'-0" to 46'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	46'-0" to 47'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	47'-0" to 48'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	48'-0" to 49'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	49'-0" to 50'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	50'-0" to 51'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	51'-0" to 52'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	52'-0" to 53'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	53'-0" to 54'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	54'-0" to 55'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	55'-0" to 56'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	56'-0" to 57'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	57'-0" to 58'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	58'-0" to 59'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	59'-0" to 60'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	60'-0" to 61'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	61'-0" to 62'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	62'-0" to 63'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	63'-0" to 64'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	64'-0" to 65'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	65'-0" to 66'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	66'-0" to 67'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	67'-0" to 68'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	68'-0" to 69'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	69'-0" to 70'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	70'-0" to 71'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	71'-0" to 72'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	72'-0" to 73'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	73'-0" to 74'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	74'-0" to 75'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	75'-0" to 76'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	76'-0" to 77'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	77'-0" to 78'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	78'-0" to 79'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	79'-0" to 80'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	80'-0" to 81'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	81'-0" to 82'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	82'-0" to 83'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	83'-0" to 84'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	84'-0" to 85'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	85'-0" to 86'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	86'-0" to 87'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	87'-0" to 88'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	88'-0" to 89'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	89'-0" to 90'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	90'-0" to 91'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	91'-0" to 92'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	92'-0" to 93'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	93'-0" to 94'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	94'-0" to 95'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	95'-0" to 96'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	96'-0" to 97'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	97'-0" to 98'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	98'-0" to 99'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White
	99'-0" to 100'-0"	4" to 7 1/2" (1.75")	PT	DM2AS1L 2.4x 30" 30"	DMDBD White

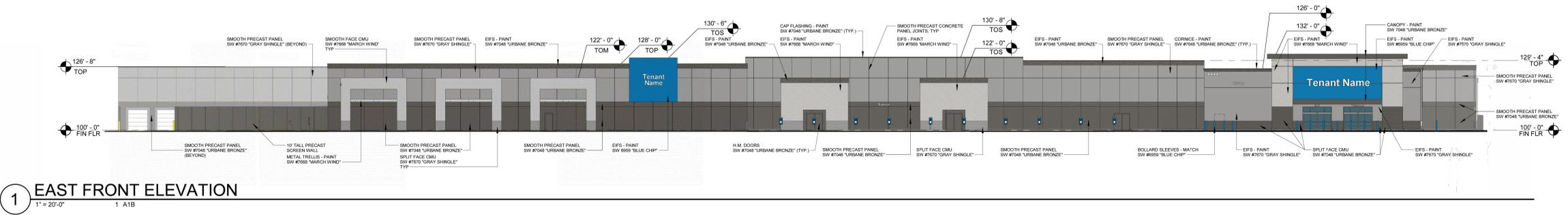
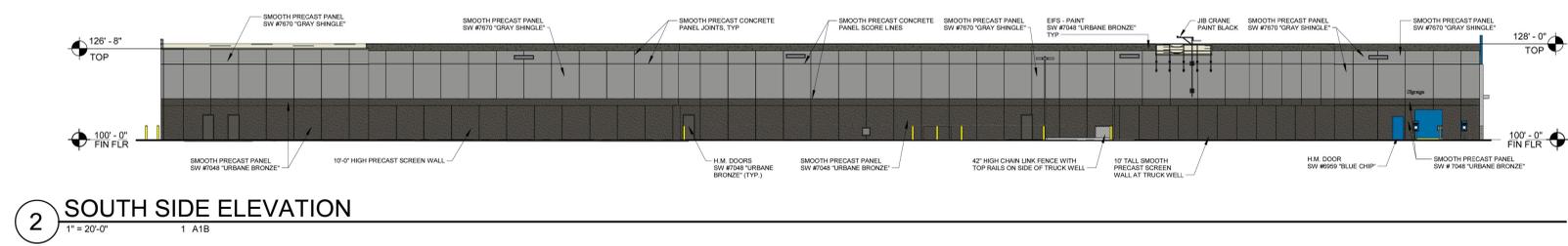
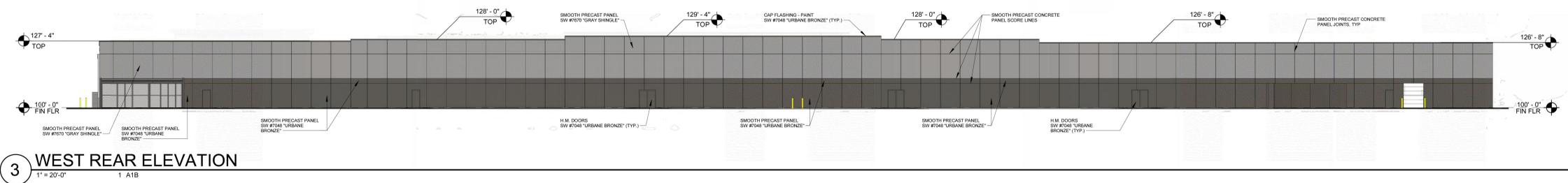
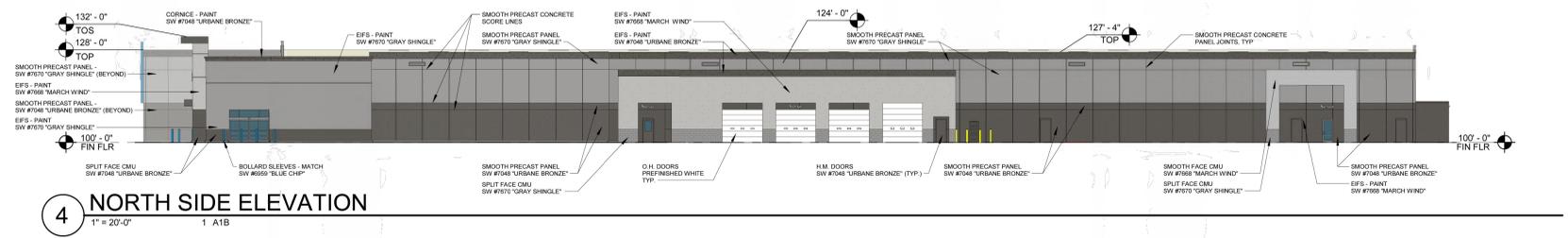
1. Wall thickness will be specified with "C" (11 Gauge) or a "D" (12 Gauge) in increments of ".015625" (1/16") "C" or ".015625" (1/16") "D".
2. FT means pole includes top cap. When ordering new mounting and 48" mounting for the same pole, follow the example: DM2AS1L 2.4x 30" 30" FT. The modification includes a complete handhole.
3. Refer to the fixture spec sheet for the correct drilling template pattern and installation compatibility.
4. Inward "T" or "F" to designate finish size (e.g. DM1802L).
5. Specify finish and installation when ordering options for "X". Specify the height above the base of pole in feet or inches, specify the end finish with "F" or "E" (e.g. DM20 30' 30" F).
6. FT means pole includes top cap. When ordering new mounting and 48" mounting for the same pole, follow the example: DM2AS1L 2.4x 30" 30" FT. The modification includes a complete handhole.
7. Combination of mounting top and 48" end includes extra handhole.
8. Also add required number of luminaire poles.
9. The when wall thickness are required.
10. Member national commercial items.
11. Additional colors available: see [www.lithonia.com/ArchitecturalColors](http://www.lithonia.com/ArchitecturalColors) brochure (Form No. 79-13). Available by formal quote only, consult factory for details.

OUTDOOR: One Lithonia Way, Corry, GA 30012 Phone: 800-279-8041 www.lithonia.com ©1994-2018 Acuity Brands Lighting, Inc. All rights reserved. Rev. 05/20/18

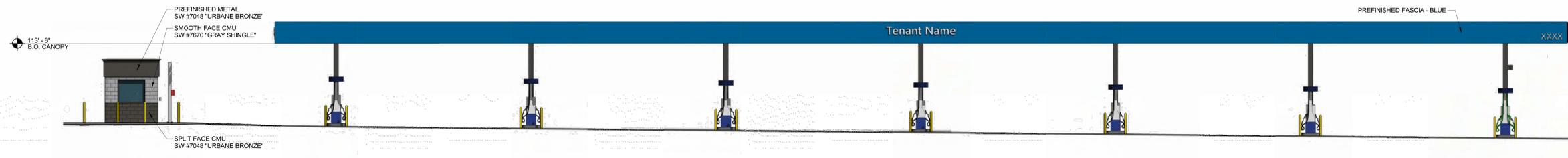
### TECHNICAL INFORMATION — EPA (F2) with 1.3 gust

Catalog Number	Nominal Shaft Length (ft.)	Pole Shaft Size (Base to Top) (in. x ft.)	Wall thickness (in.)	Gauge	80 MPH	90 MPH	100 MPH	110 MPH	120 MPH	130 MPH	140 MPH	150 MPH	160 MPH	170 MPH	180 MPH	190 MPH	200 MPH	Approximate ship weight (lbs.)
SSS 10 4C	10	4.0x10.0	0.1196	11	30.6	36.2	42.8	50.5	59.3	69.3	80.5	92.9	106.5	121.3	137.4	154.7	173.2	75
SSS 12 4C	12	4.0x12.0	0.1196	11	30.6	36.2	42.8	50.5	59.3	69.3	80.5	92.9	106.5	121.3	137.4	154.7	173.2	90
SSS 14 4C	14	4.0x14.0	0.1196	11	30.6	36.2	42.8	50.5	59.3	69.3	80.5	92.9	106.5	121.3	137.4	154.7	173.2	105
SSS 16 4C	16	4.0x16.0	0.1196	11	30.6	36.2	42.8	50.5	59.3	69.3	80.5	92.9	106.5	121.3	137.4	154.7	173.2	120
SSS 18 4C	18	4.0x18.0	0.1196	11	30.6	36.2	42.8	50.5	59.3	69.3	80.5	92.9	106.5	121.3	137.4	154.7	173.2	135
SSS 20 4C	20	4.0x20.0	0.1196	11	30.6	36.2	42.8	50.5	59.3	69.3	80.5	92.9	106.5	121.3	137.4	154.7	173.2	150
SSS 22 4C	22	4.0x22.0	0.1196	11	30.6	36.2	42.8	50.5	59.3	69.3	80.5	92.9	106.5	121.3	137.4	154.7	173.2	165
SSS 24 4C	24	4.0x24.0																

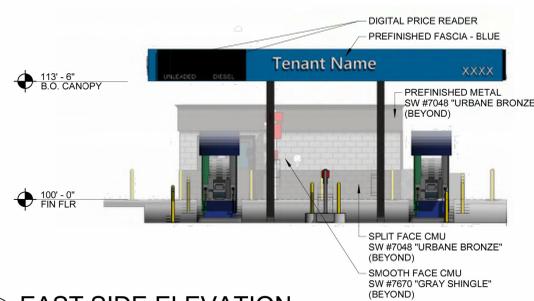




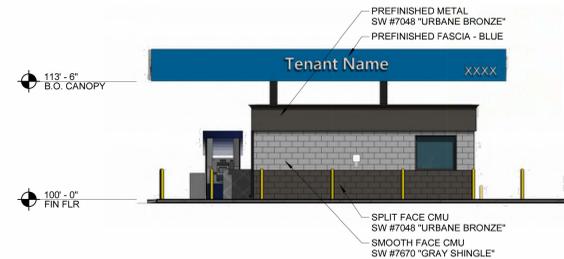
# ANCHOR TENANT ELEVATIONS



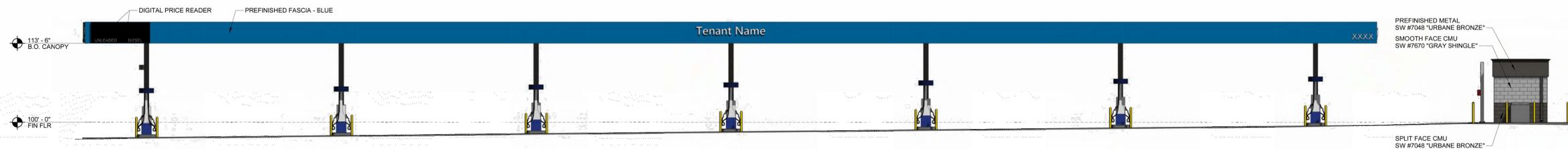
4 SOUTH REAR ELEVATION  
1/8" = 1'-0" 1 6



3 EAST SIDE ELEVATION  
1/8" = 1'-0" 1 6



2 WEST SIDE ELEVATION  
1/8" = 1'-0" 1 6

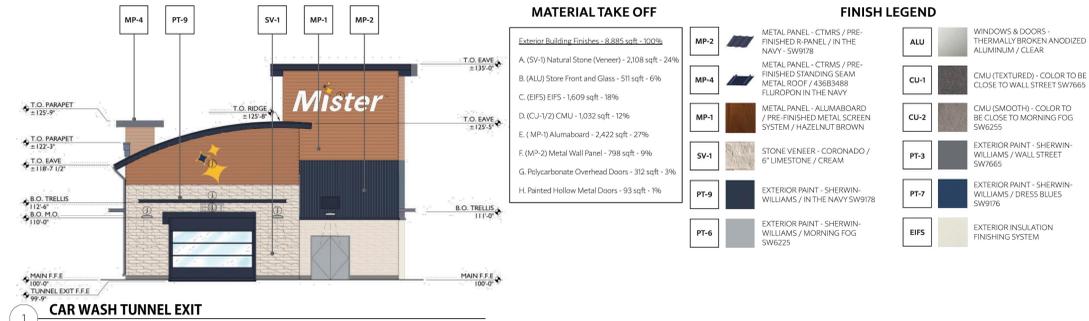


1 NORTH FRONT ELEVATION  
1/8" = 1'-0" 1 6

# ANCHOR TENANT GAS STATION ELEVATIONS



# FAST FOOD ELEVATIONS



**MATERIAL TAKE OFF**

- Exterior Building Finishes - 8,885 sqft - 502%**
- A. (SV-1) Natural Stone (Veneer) - 2,108 sqft - 24%
  - B. (ALU) Store Front and Glass - 511 sqft - 6%
  - C. (EIPS) EIPS - 1,609 sqft - 18%
  - D. (CU-1/2) CMU - 1,032 sqft - 12%
  - E. (MP-1) Alumaboard - 2,422 sqft - 27%
  - F. (MP-2) Metal Wall Panel - 798 sqft - 9%
  - G. Polycarbonate Overhead Doors - 312 sqft - 3%
  - H. Painted Hollow Metal Doors - 93 sqft - 1%

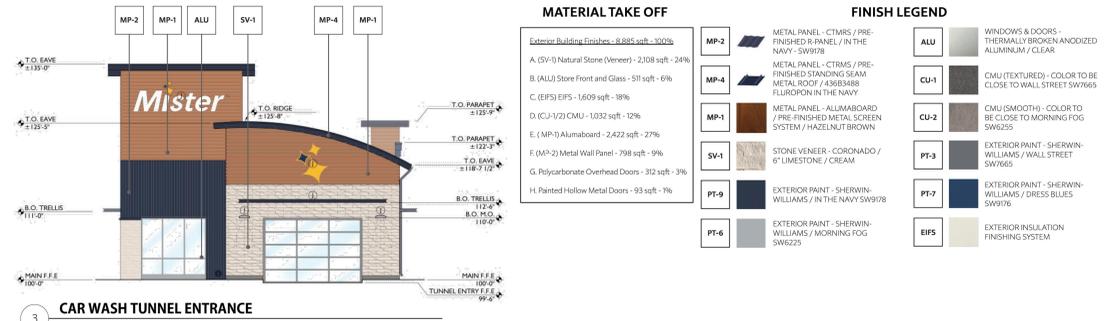
**FINISH LEGEND**

- |             |  |             |  |
|-------------|--|-------------|--|
| <b>MP-2</b> | METAL PANEL - CTMRS / PRE-FINISHED R-PANEL / IN THE NAVY - SW978                             | <b>ALU</b>  | WINDOWS & DOORS - THERMALLY BROKEN ANODIZED ALUMINUM / CLEAR |
| <b>MP-4</b> | METAL PANEL - CTMRS / PRE-FINISHED STANDING SEAM METAL ROOF / 43653488 FLUOROPON IN THE NAVY | <b>CU-1</b> | CMU (TEXTURED) - COLOR TO BE CLOSE TO WALL STREET SW9765     |
| <b>MP-1</b> | METAL PANEL - ALUMABOARD / PRE-FINISHED METAL SCREEN SYSTEM / HAZELNUT BROWN                 | <b>CU-2</b> | CMU (SMOOTH) - COLOR TO BE CLOSE TO MORNING FOG SW6255       |
| <b>SV-1</b> | STONE VENEER - CORONADO / 6" LIMESTONE / CREAM   | <b>PT-3</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / WALL STREET SW9765       |
| <b>PT-9</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / IN THE NAVY SW978  | <b>PT-7</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / DRESS BLUES SW976        |
| <b>PT-6</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / MORNING FOG SW625  | <b>EIPS</b> | EXTERIOR INSULATION FINISHING SYSTEM                         |

1 CAR WASH TUNNEL EXIT  
NOT TO SCALE



2 CAR WASH TUNNEL WALL ELEVATION  
NOT TO SCALE



**MATERIAL TAKE OFF**

- Exterior Building Finishes - 8,885 sqft - 502%**
- A. (SV-1) Natural Stone (Veneer) - 2,108 sqft - 24%
  - B. (ALU) Store Front and Glass - 511 sqft - 6%
  - C. (EIPS) EIPS - 1,609 sqft - 18%
  - D. (CU-1/2) CMU - 1,032 sqft - 12%
  - E. (MP-1) Alumaboard - 2,422 sqft - 27%
  - F. (MP-2) Metal Wall Panel - 798 sqft - 9%
  - G. Polycarbonate Overhead Doors - 312 sqft - 3%
  - H. Painted Hollow Metal Doors - 93 sqft - 1%

**FINISH LEGEND**

- |             |  |             |  |
|-------------|--|-------------|--|
| <b>MP-2</b> | METAL PANEL - CTMRS / PRE-FINISHED R-PANEL / IN THE NAVY - SW978                             | <b>ALU</b>  | WINDOWS & DOORS - THERMALLY BROKEN ANODIZED ALUMINUM / CLEAR |
| <b>MP-4</b> | METAL PANEL - CTMRS / PRE-FINISHED STANDING SEAM METAL ROOF / 43653488 FLUOROPON IN THE NAVY | <b>CU-1</b> | CMU (TEXTURED) - COLOR TO BE CLOSE TO WALL STREET SW9765     |
| <b>MP-1</b> | METAL PANEL - ALUMABOARD / PRE-FINISHED METAL SCREEN SYSTEM / HAZELNUT BROWN                 | <b>CU-2</b> | CMU (SMOOTH) - COLOR TO BE CLOSE TO MORNING FOG SW6255       |
| <b>SV-1</b> | STONE VENEER - CORONADO / 6" LIMESTONE / CREAM   | <b>PT-3</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / WALL STREET SW9765       |
| <b>PT-9</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / IN THE NAVY SW978  | <b>PT-7</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / DRESS BLUES SW976        |
| <b>PT-6</b> | EXTERIOR PAINT - SHERWIN-WILLIAMS / MORNING FOG SW625  | <b>EIPS</b> | EXTERIOR INSULATION FINISHING SYSTEM                         |

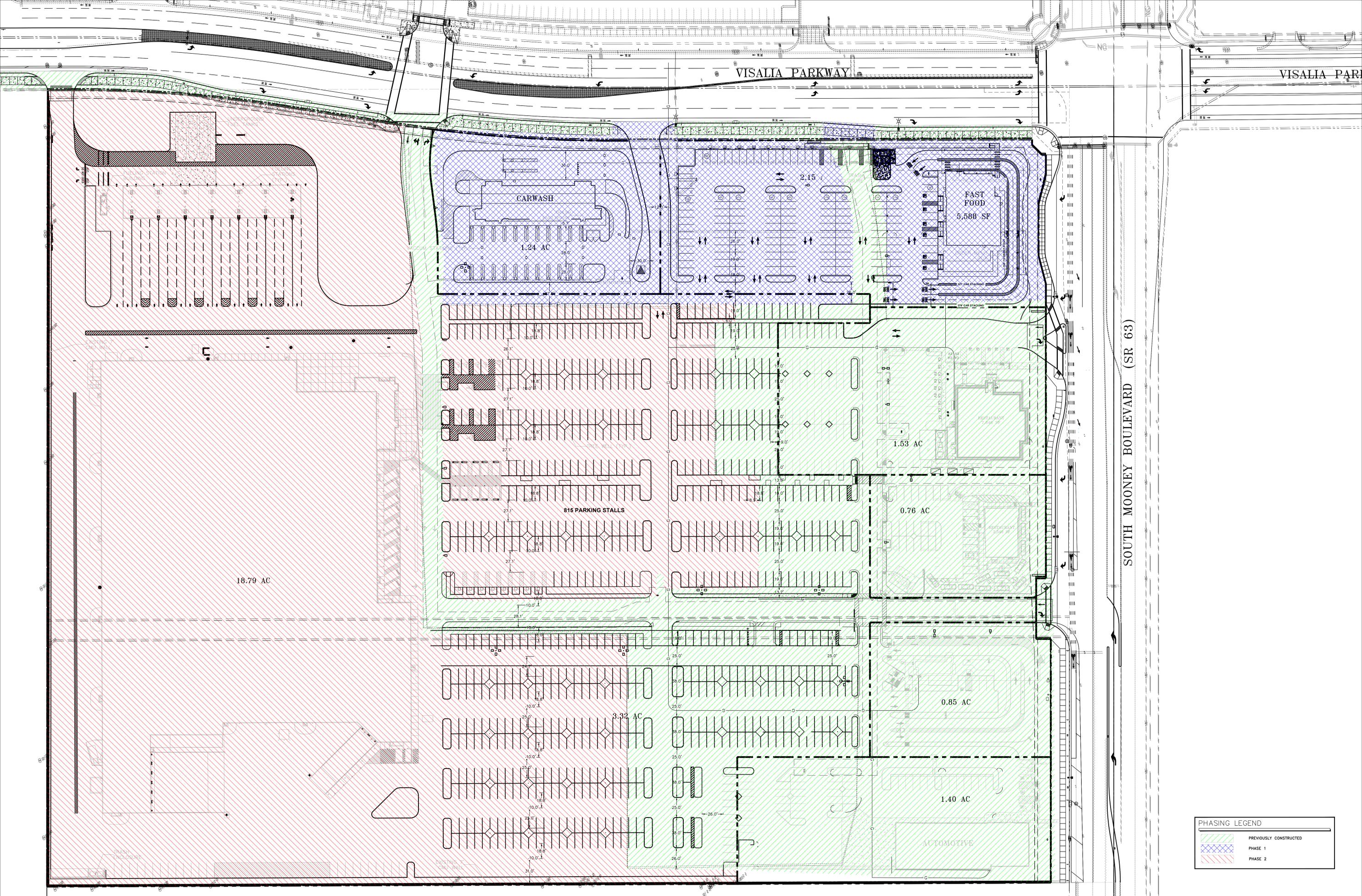
3 CAR WASH TUNNEL ENTRANCE  
NOT TO SCALE



4 BUSINESS/ MECHANICAL ELEVATION  
NOT TO SCALE



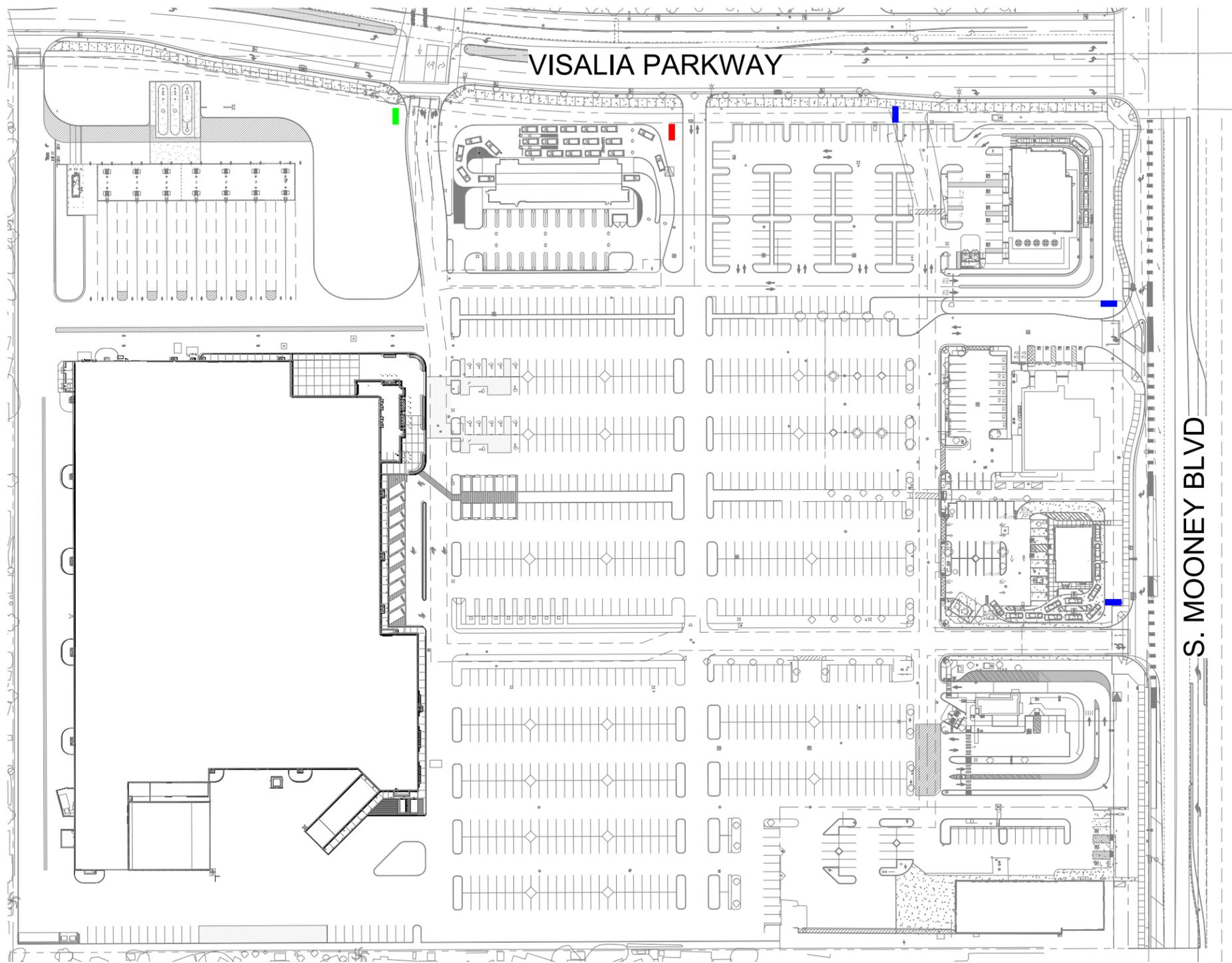
# CAR WASH ELEVATIONS



PHASING LEGEND	
	PREVIOUSLY CONSTRUCTED
	PHASE 1
	PHASE 2

EXHIBIT G

MASTER SIGN PLAN



LEGEND

- TENANT MONUMENTS
- FUEL PRICE MONUMENT
- CAR WASH FREESTANDING

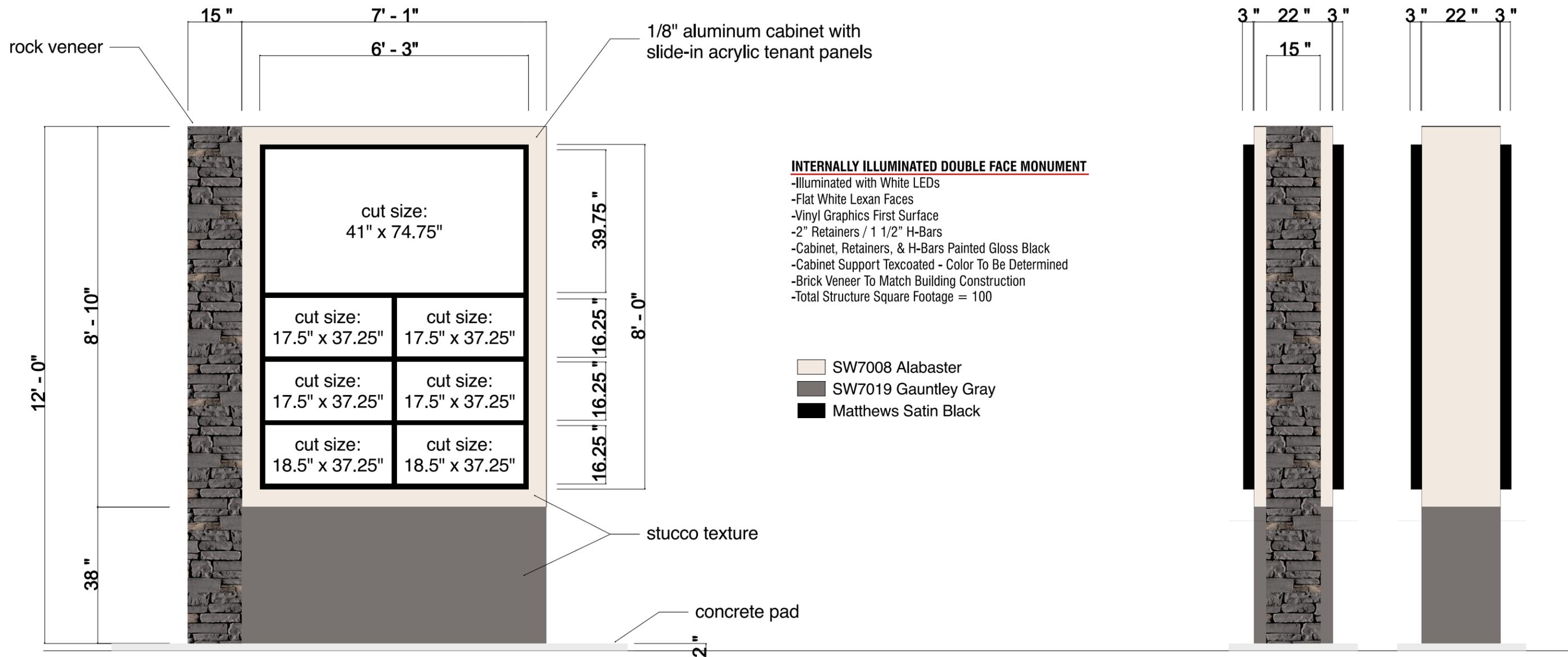
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

CLIENT:	LARS ANDERSEN	STORE NO.:		REV.:	R1 01/20/20 JAS	REV.:		REV.:		REV.:	
LOCATION:	VISALIA, CALIFORNIA	DATE:	11/12/19	REV.:	R2 02/27/20 JAS	REV.:		REV.:		REV.:	
ACCOUNT REP.:	ROSALYN HOLDERFIELD	DRAWN BY:	JAS	REV.:	R3 03/09/20 MEC	REV.:		REV.:		REV.:	
DRAWING NO.:	LARS ANDERSEN-VISALIA CA-SIGN EXHIBIT	REV.:		REV.:		REV.:		REV.:		REV.:	

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EXHIBIT H



**INTERNALLY ILLUMINATED DOUBLE FACE MONUMENT**

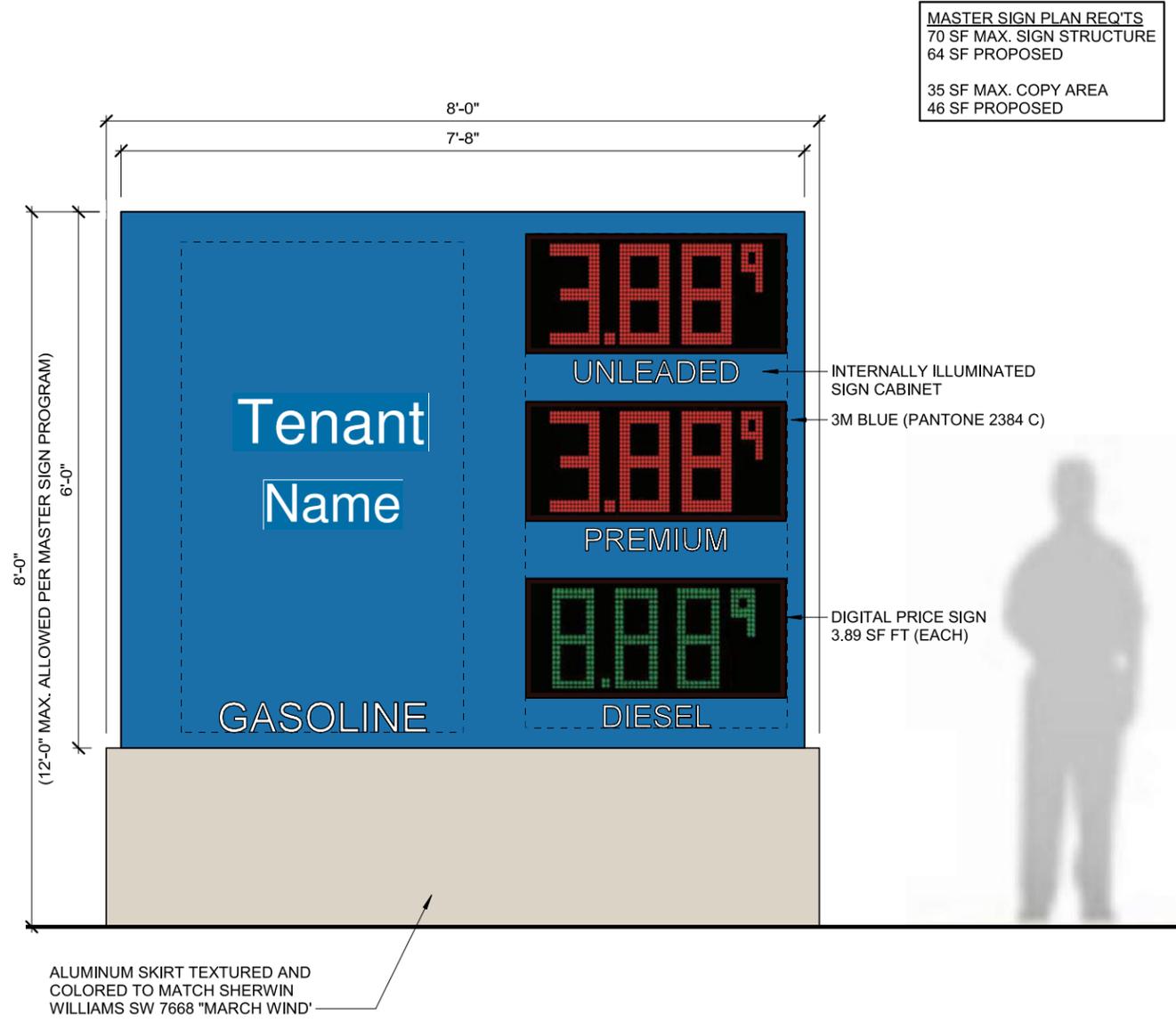
- Illuminated with White LEDs
- Flat White Lexan Faces
- Vinyl Graphics First Surface
- 2" Retainers / 1 1/2" H-Bars
- Cabinet, Retainers, & H-Bars Painted Gloss Black
- Cabinet Support Texcoated - Color To Be Determined
- Brick Veneer To Match Building Construction
- Total Structure Square Footage = 100

- SW7008 Alabaster
- SW7019 Gauntley Gray
- Matthews Satin Black

Qty: 3

THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

CLIENT:	LARS ANDERSEN	STORE NO.:		REV.:	R1 01/20/20 JAS	REV.:		REV.:		REV.:	
LOCATION:	VISALIA, CALIFORNIA	DATE:	11/12/19	REV.:	R2 02/27/20 JAS	REV.:		REV.:		REV.:	
ACCOUNT REP.:	ROSALYN HOLDERFIELD	DRAWN BY:	JAS	REV.:	R3 03/09/20 MEC	REV.:		REV.:		REV.:	
DRAWING NO.:	LARS ANDERSEN-VISALIA CA-SIGN EXHIBIT	REV.:		REV.:		REV.:		REV.:		REV.:	



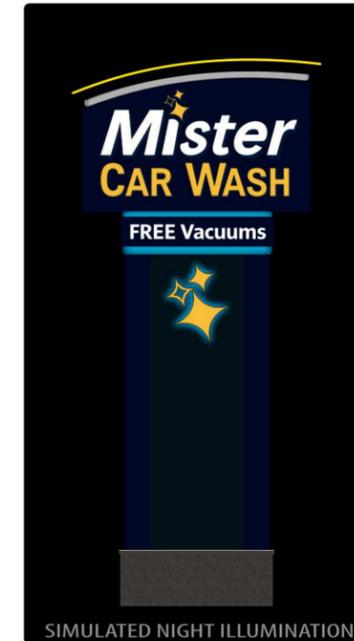
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

CLIENT:	LARS ANDERSEN	STORE NO.:		REV.:	R1 01/20/20 JAS	REV.:		REV.:		REV.:	
LOCATION:	VISALIA, CALIFORNIA	DATE:	11/12/19	REV.:	R2 02/27/20 JAS	REV.:		REV.:		REV.:	
ACCOUNT REP.:	ROSALYN HOLDERFIELD	DRAWN BY:	JAS	REV.:	R3 03/09/20 MEC	REV.:		REV.:		REV.:	
DRAWING NO.:	LARS ANDERSEN-VISALIA CA-SIGN EXHIBIT	REV.:		REV.:		REV.:		REV.:		REV.:	

2

**SIGN - A**

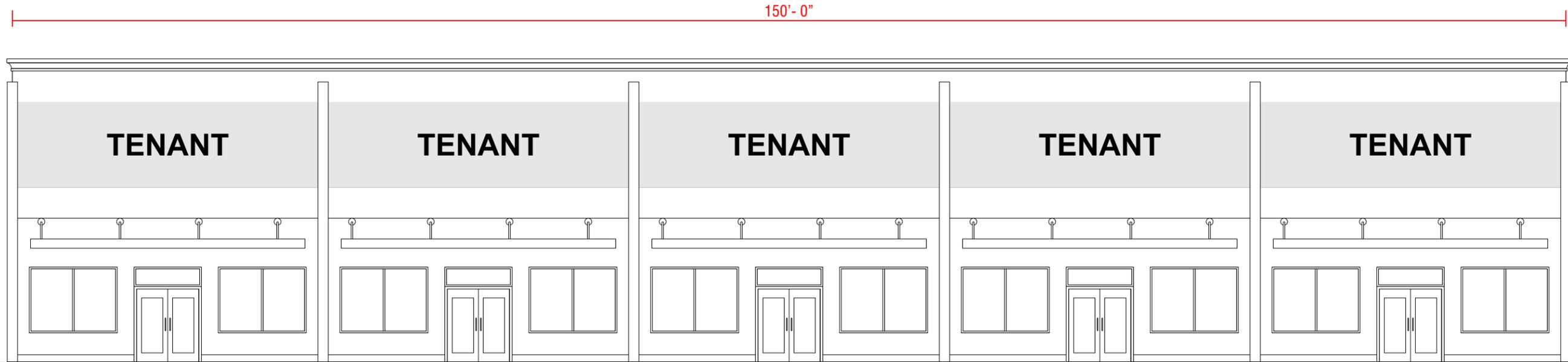
**NEW 6'- 10" x 10'- 4" Pylon Sign @ 25' OAH - 98 sq ft**



CORPORATE COLORS:					
<b>PMS</b>	<table border="0"> <tr> <td></td> <td></td> </tr> <tr> <td>PMS 123 C</td> <td>PMS 2955 C</td> </tr> </table>			PMS 123 C	PMS 2955 C
					
PMS 123 C	PMS 2955 C				
<b>VINYL</b>	<table border="0"> <tr> <td></td> <td></td> </tr> <tr> <td>3630-125</td> <td>Custom Vinyl 3630-8335</td> </tr> </table>			3630-125	Custom Vinyl 3630-8335
					
3630-125	Custom Vinyl 3630-8335				
<b>FLEX</b>	<table border="0"> <tr> <td></td> <td></td> </tr> <tr> <td>Match 3M Color</td> <td>Match 3M Color</td> </tr> </table>			Match 3M Color	Match 3M Color
					
Match 3M Color	Match 3M Color				

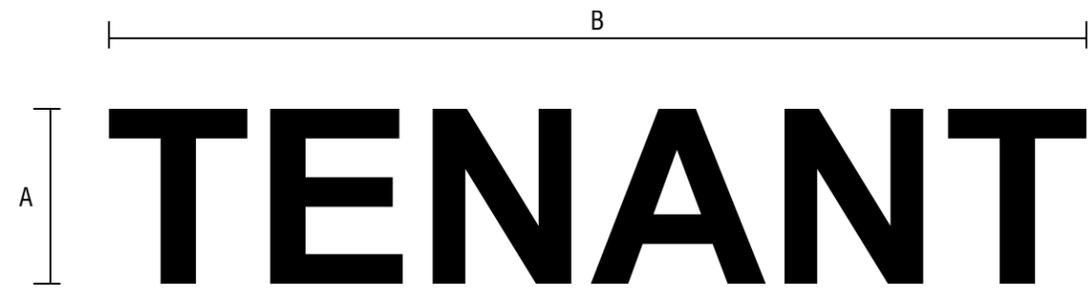
BUILDING COLORS:	
	SW 6255 Morning Fog
	SW 7665 Wall Street
	SW 9178 In The Navy

**TYPICAL MULTI-TENANT RETAIL BUILDING**



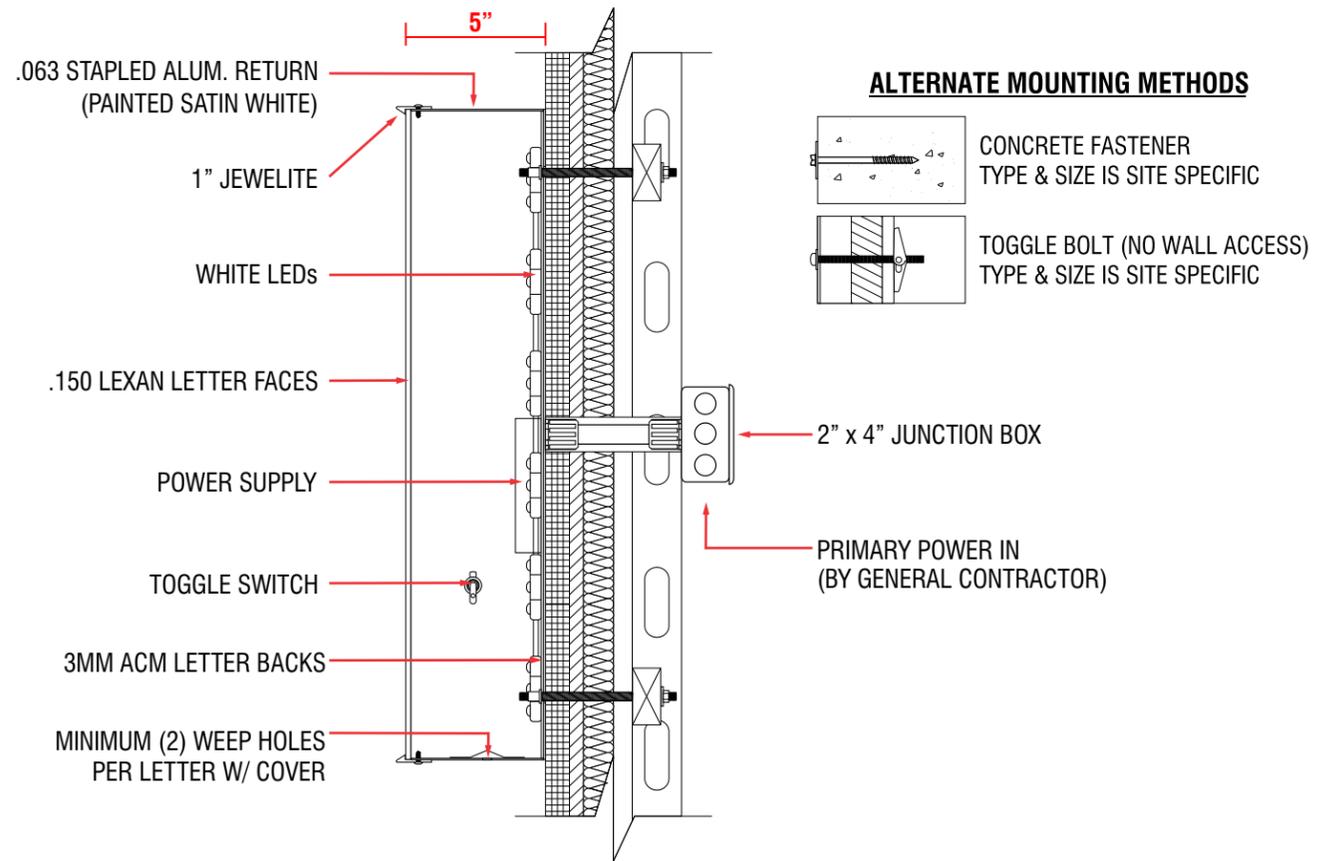
**FRONT ELEVATION**  
SCALE: 3/32" = 1'

**2X BUILDING FRONTAGE, MAXIMUM 150 SQUARE FEET.  
NOT TO EXCEED 80% OF STOREFRONT WIDTH**



**INTERNALLY ILLUMINATED CHANNEL LETTERS**

- Illuminated with White LEDs
- Flat White Lexan Faces
- Vinyl Graphics First Surface If Applicable

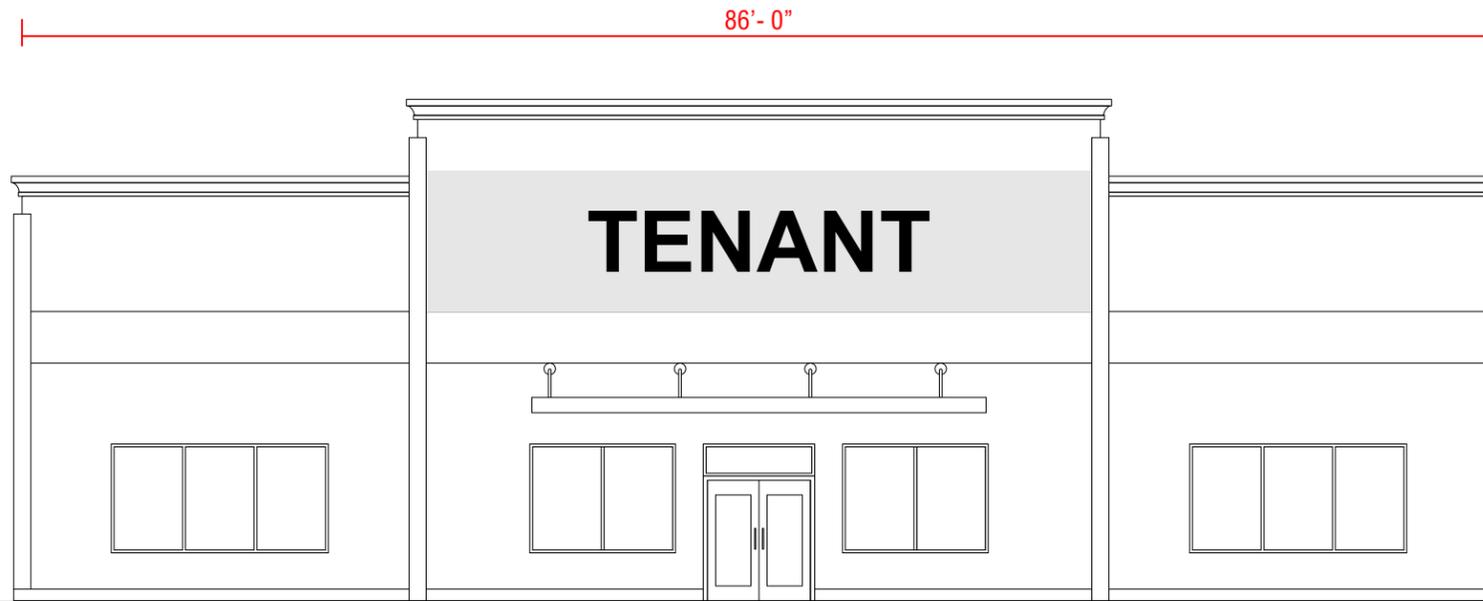


**TYPICAL CHANNEL LETTER DESIGN**

**THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.**

CLIENT:	LARS ANDERSEN	STORE NO.:		REV:	R1 01/20/20 JAS	REV:		REV:	
LOCATION:	VISALIA, CALIFORNIA	DATE:	11/12/19	REV:	R2 02/27/20 JAS	REV:		REV:	
ACCOUNT REP.:	ROSALYN HOLDERFIELD	DRAWN BY:	JAS	REV:		REV:		REV:	
DRAWING NO.:	LARS ANDERSEN-VISALIA CA-SIGN EXHIBIT	REV:		REV:		REV:		REV:	

TYPICAL TENANT RETAIL BUILDING



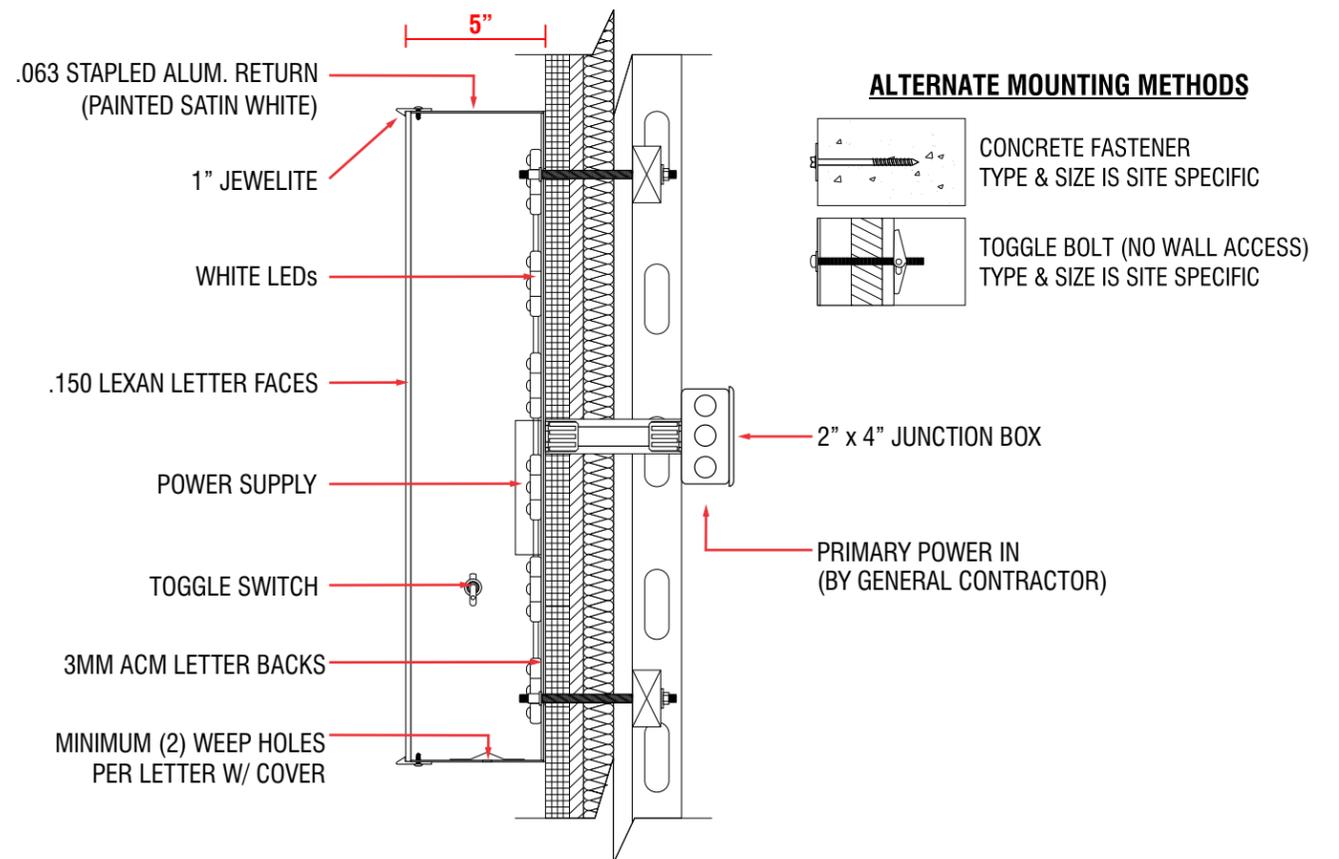
FRONT ELEVATION  
SCALE: 3/32" = 1'

2X BUILDING FRONTAGE, MAXIMUM 150 SQUARE FEET.  
NOT TO EXCEED 80% OF STOREFRONT WIDTH



**INTERNALLY ILLUMINATED CHANNEL LETTERS**

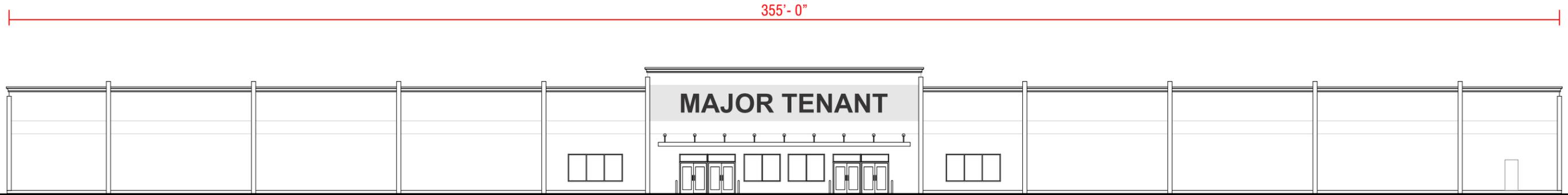
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- Flat White Lexan Faces
- Vinyl Graphics First Surface If Applicable



TYPICAL CHANNEL LETTER DESIGN

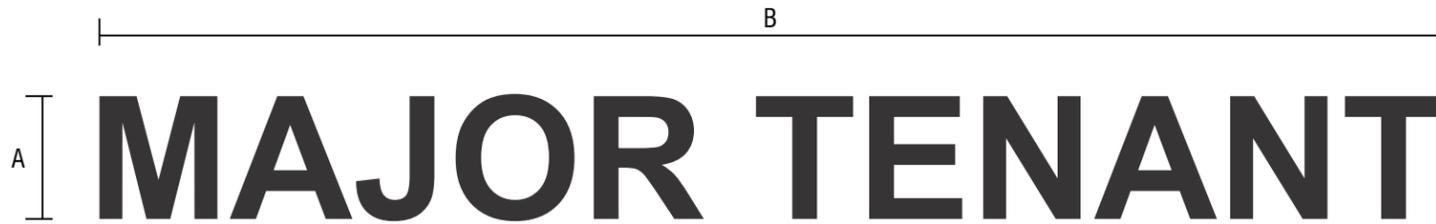
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

CLIENT:	LARS ANDERSEN	STORE NO.:		REV:	R1 01/20/20 JAS	REV:		REV:		REV:	
LOCATION:	VISALIA, CALIFORNIA	DATE:	11/12/19	REV:	R2 02/27/20 JAS	REV:		REV:		REV:	
ACCOUNT REP.:	ROSALYN HOLDERFIELD	DRAWN BY:	JAS	REV:		REV:		REV:		REV:	
DRAWING NO.:	LARS ANDERSEN-VISALIA CA-SIGN EXHIBIT	REV:		REV:		REV:		REV:		REV:	



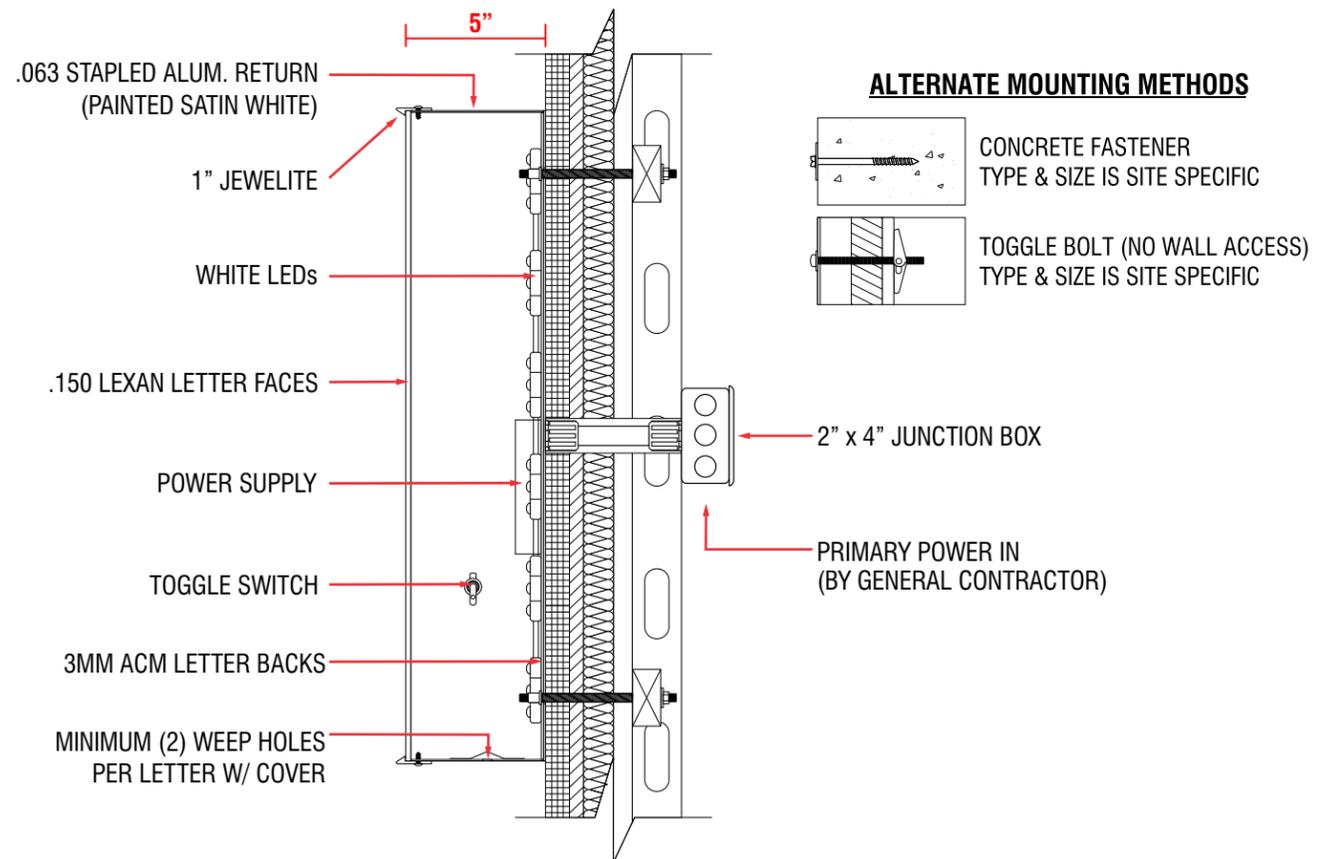
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SCALE: 1/24" = 1'

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NOT TO EXCEED 80% OF STOREFRONT WIDTH**



**INTERNALLY ILLUMINATED CHANNEL LETTERS**

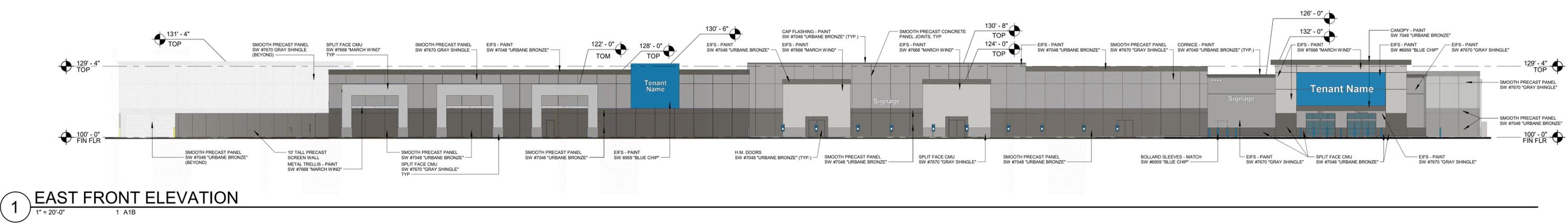
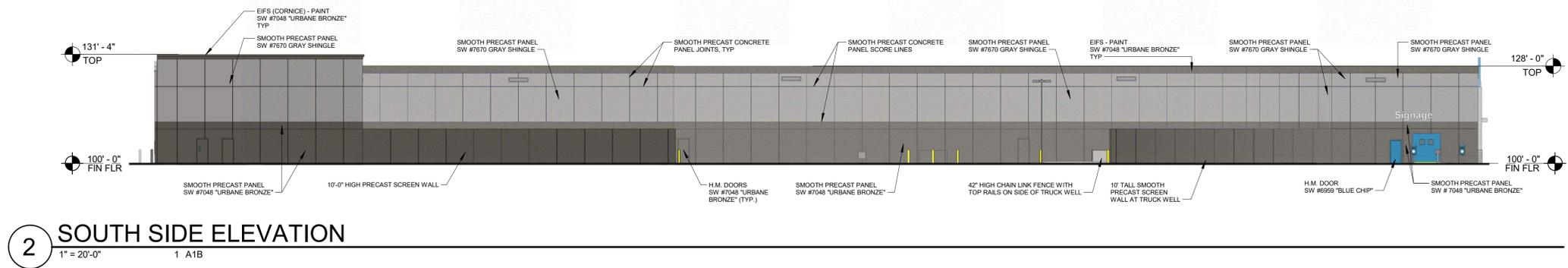
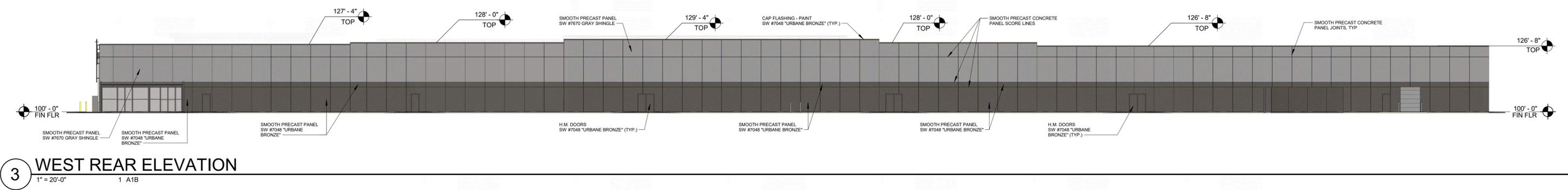
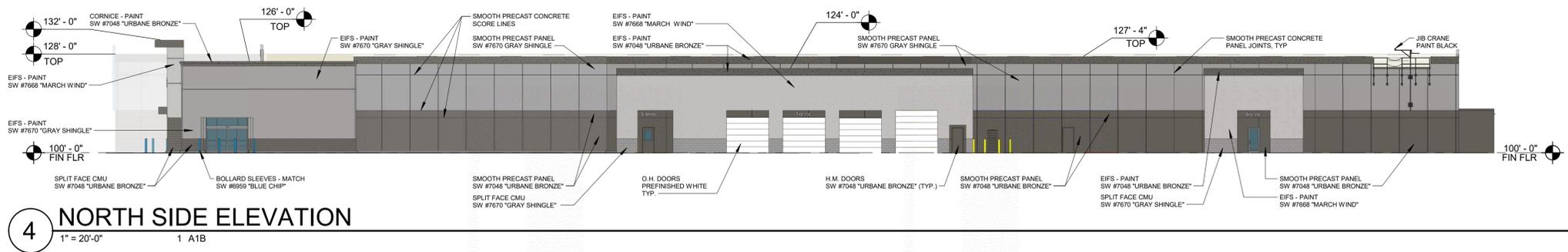
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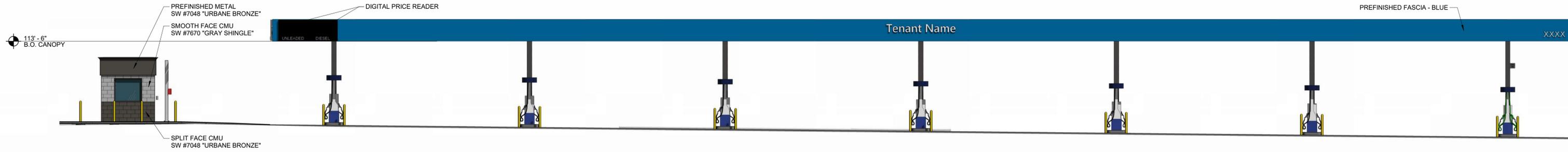


**TYPICAL CHANNEL LETTER DESIGN**

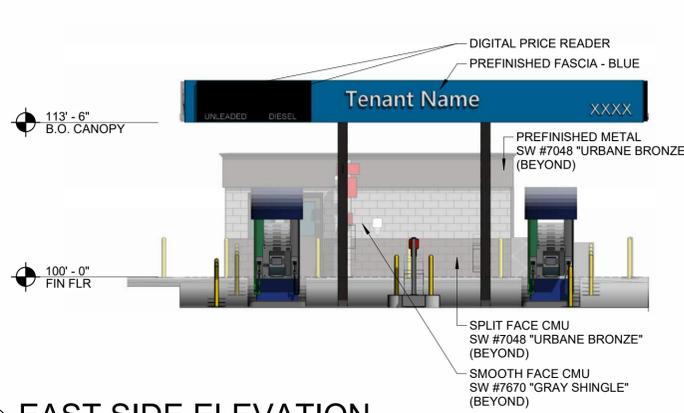
**THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.**

CLIENT:	LARS ANDERSEN	STORE NO.:		REV:	R1 01/20/20 JAS	REV:		REV:		REV:	
LOCATION:	VISALIA, CALIFORNIA	DATE:	11/12/19	REV:	R2 02/27/20 JAS	REV:		REV:		REV:	
ACCOUNT REP.:	ROSALYN HOLDERFIELD	DRAWN BY:	JAS	REV:		REV:		REV:		REV:	
DRAWING NO.:	LARS ANDERSEN-VISALIA CA-SIGN EXHIBIT	REV:		REV:		REV:		REV:		REV:	

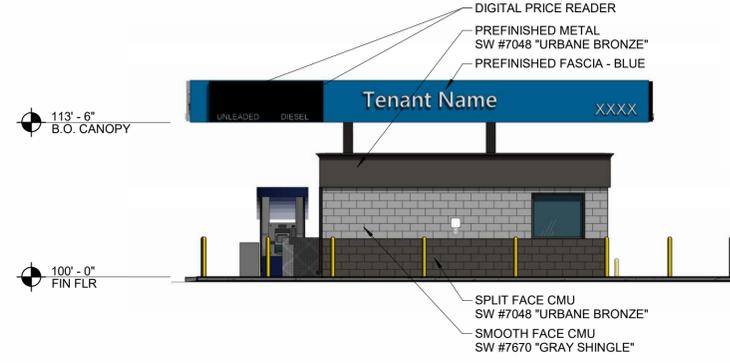




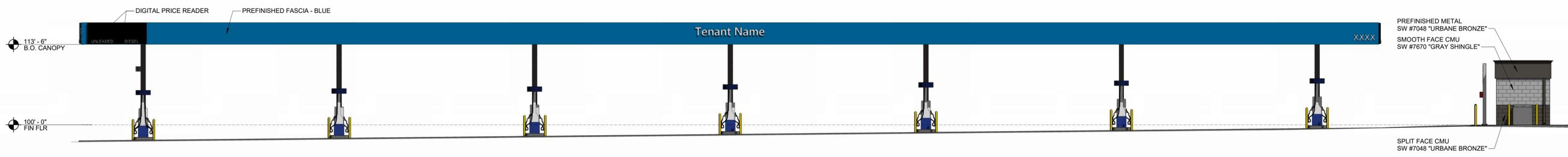
4 SOUTH REAR ELEVATION  
1/8" = 1'-0" 1 6



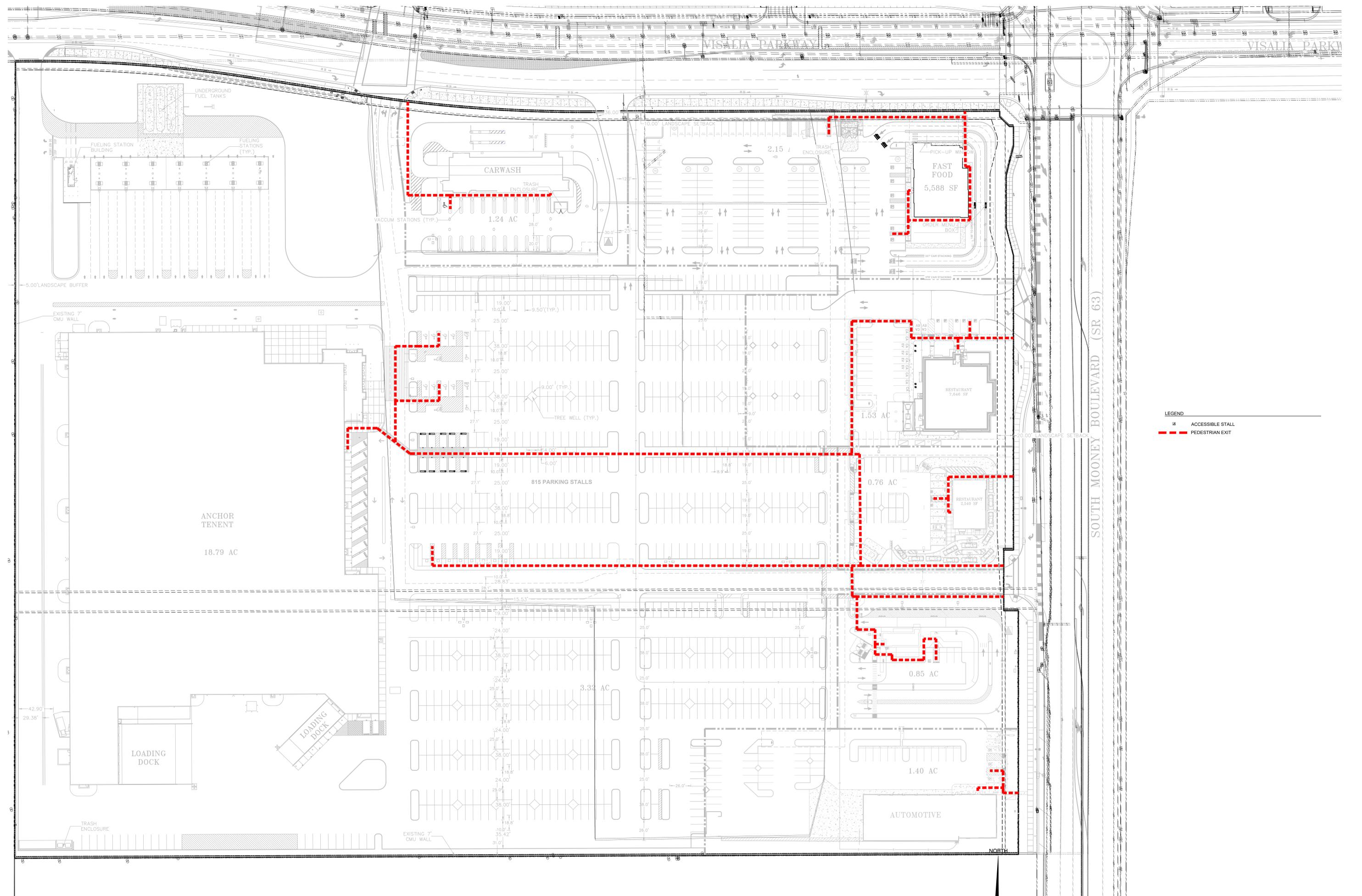
3 EAST SIDE ELEVATION  
1/8" = 1'-0" 1 6



2 WEST SIDE ELEVATION  
1/8" = 1'-0" 1 6



1 NORTH FRONT ELEVATION  
1/8" = 1'-0" 1 6



LEGEND  
 ■ ACCESSIBLE STALL  
 - - - PEDESTRIAN EXIT

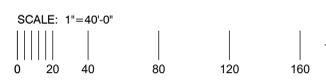
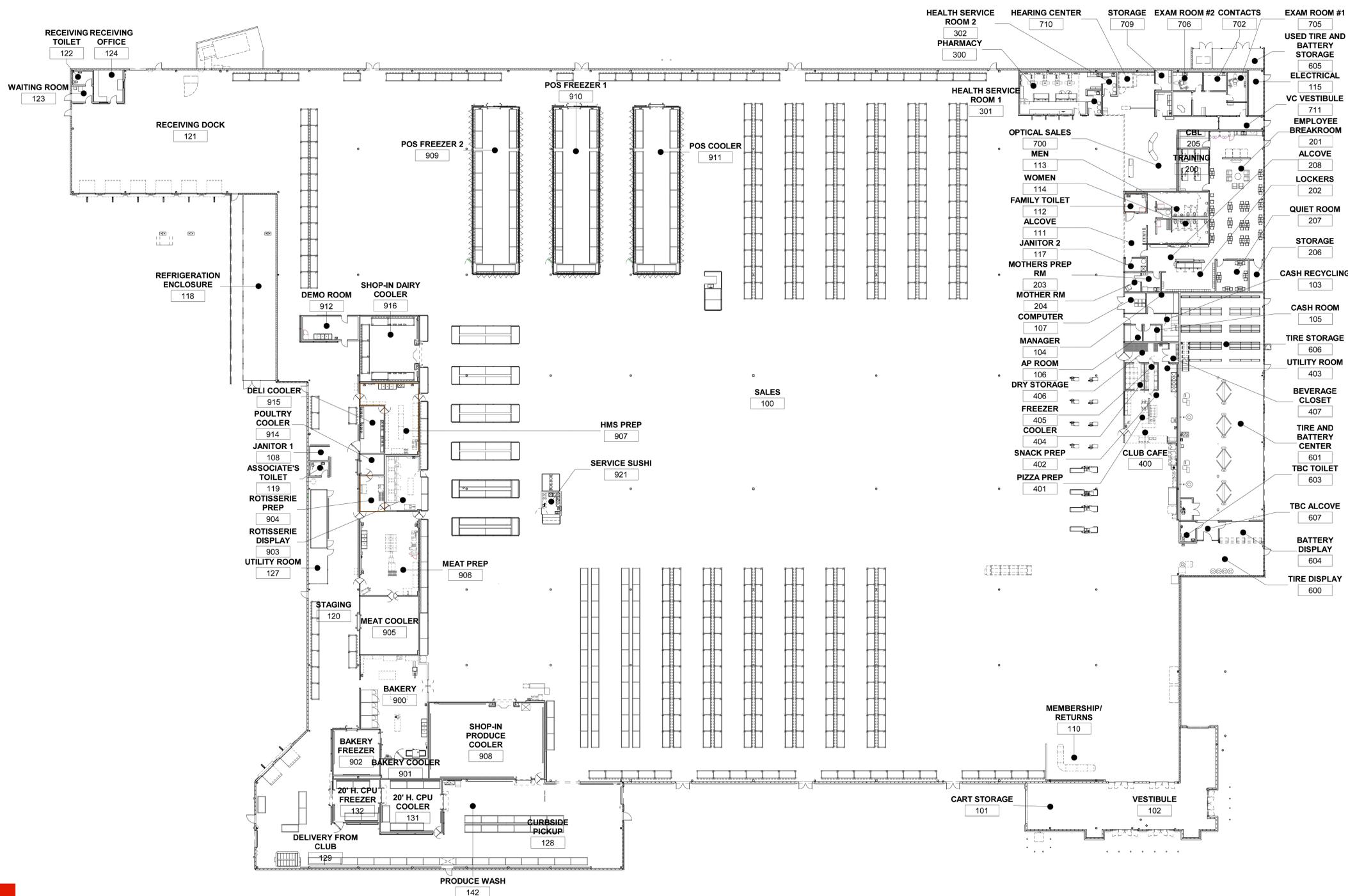


EXHIBIT I

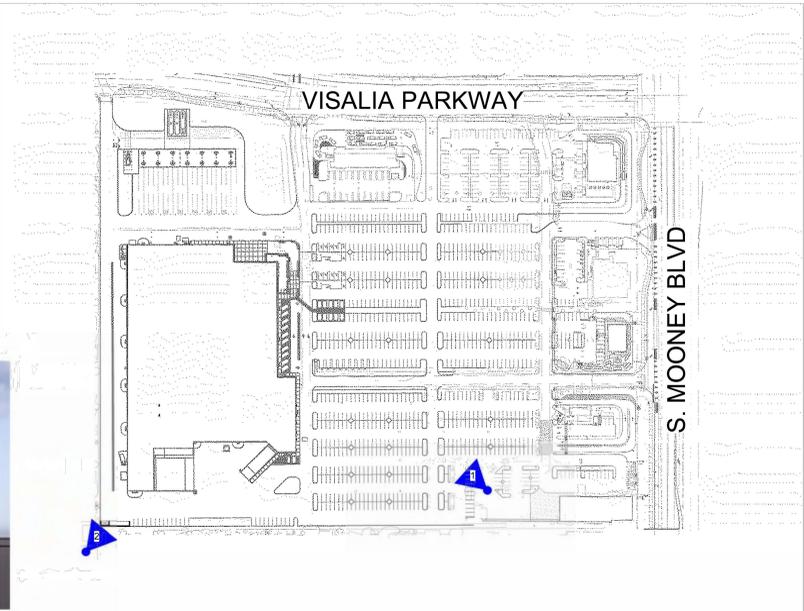




2 Southwest Sightline  
1" = 20'-0"



1 Southeast Sightline  
1" = 20'-0"



**THE OPERATIONAL STATEMENT  
FOR  
THE COMMONS AT VISALIA PARKWAY (CUP 2019-31)**

✓ **DESCRIBE, IN DETAIL, THE PROPOSED USE(S)**

- The Corner Parcel drive-through is proposed as a fast-food user with dual drive-through access. The gross floor area for this building is approximately 5,600 square feet, and a parcel size of 2.15 acres. The fast-food user operates by providing quick-service dining options through a streamlined assembly-line approach to food preparation and service.
- The Car Wash Parcel is proposed as a full-service car wash facility with drying stations. The gross floor area for this building is approximately 7,500 square feet, and a parcel size of 1.24 acres. The car wash operates by cleaning vehicles using automated or manual washing systems, ensuring thorough cleanliness and often offering additional services such as waxing or detailing.
- Anchor Tenant is being proposed as a big box retail store with a gross floor area of 172,000 square feet, and a parcel size of 18.79 acres. The site will also sell gasoline and diesel fuels, with 14 fueling stations underneath a 9,000 SF canopy and a 200 SF fueling station building. A big box retail membership club store operates by offering bulk merchandise at discounted prices to members, typically requiring annual subscriptions for access to exclusive products and services.

✓ **DESCRIBE, IN DETAIL, THE KNOWN USE(S)**

- Texas Roadhouse is now open, with a gross floor area of 7,600 square feet, and a parcel size of 1.56 acres.
- Les Schwab Tires is now open, with a gross floor area of 4,088 square feet, and a parcel size of 1.07 acres.
- Panda Express is now open, with a gross floor area of 2,600 square feet, and a parcel size of 0.76 acres.
- Dutch Brothers is now open, with a gross floor area of 960 square feet, and a parcel size of 0.85 acres.

✓ **POTENTIAL TENANTS**

- With this amendment, all available parcels have specific designated uses, therefore no future tenants are proposed at this time.

✓ **HOURS OF OPERATIONS**

- The following is a table showing the Hours of operations for the Anchor Tenant and accompanying Fuel Center.

TYPE OF OPERATION	MONDAY-FRIDAY	SATURDAY	SUNDAY
BIG BOX RETAIL	10:00 A.M – 08:00 P.M	09:00 A.M – 08:00 P.M	10:00 A.M – 06:00 P.M
EARLY SHOPPING	08:00 A.M – 10:00 A.M	08:00 A.M – 09:00 A.M	N/A
CAFE	10:00 A.M – 07:00 P.M	10:00 A.M – 07:00 P.M	10:00 A.M – 06:00 P.M
FUEL CENTER	06:00 A.M – 09:00 P.M	06:00 A.M – 09:00 P.M	09:00 A.M – 07:00 P.M

✓ **OPERATIONAL INFORMATION**

- To be determined at the time of development or future entitlement submittals.

✓ **LOADING TIMES**

- The Fuel Center receives deliveries around the clock unless restricted by the AHJ.
- The Anchor tenant receives deliveries from 07:00 A.M – 10:00 P.M, 7 days a week.

✓ **PARCEL BOUNDRY RECONFIGURATION**

- The interior parcel boundaries will be reconfigured according to lot line adjustment permit LLA24-007 and LLA24-008

✓ **ROAD IMPROVEMENT WORK**

- The road improvements to be conducted at the driveway entrance located north of the property, which is currently the most eastern. This involves demolishing the existing entrance to construct a new sidewalk and creating a new drive aisle west of the old one, necessitating the demolition of the current sidewalk to facilitate these changes

✓ **BUILDING AREA BREAK DOWN**

- The following is a Table showing the building square footages from what was originally approved with the commons at Visalia Parkway master plan and the amended master plan:

<b>ORIGINAL</b>		<b>AMMENDED</b>	
C-STORE	4,088 SF	ANCHOR	165,459 SF
MAJOR 1	56,800 SF	CAR WASH	6,215 SF
MAJOR 2	29,800 SF	FAST FOOD	5,588 SF
SHOP A	10,000 SF	RESTAURANT 1	7,646 SF
SHOP B	10,000 SF	RESTAURANT 2	2,540 SF
RESTAURANT	7,500 SF	DRIVE-THRU	950 SF
DRIVE THROU 2	3,000 SF	AUTOMOTIVE	12,000 SF
DRIVE THRU 3	5,000 SF	-	-
AUTOMOTIVE	12,000 SF	-	-
<b>TOTAL</b>	<b>138,188 SF</b>	<b>TOTAL</b>	<b>200,398 SF</b>

✓ **PARKING COUNT BREAK DOWN**

- The following is a Table showing the parking count from what was originally approved with the commons at Visalia Parkway master plan and the amended master plan.

<b>ORIGINAL</b>		<b>AMMENDED</b>	
C-STORE	30	ANCHOR	815
MAJOR 1	276	CAR WASH	20
MAJOR 2	100	FAST FOOD	137
SHOP A	63	RESTAURANT 1	90
SHOP B	70	RESTAURANT 2	29
RESTAURANT	106	DRIVE-THRU	4
DRIVE THROU 1	30	AUTOMOTIVE	46
DRIVE THRU 2	25	-	-
AUTOMOTIVE	44	-	-
<b>TOTAL</b>	<b>744</b>	<b>TOTAL</b>	<b>1,141</b>

✓ **SITE SECURITY MEASURES**

Retail Store Security Measures

- Internal Alarm systems
  - Provided throughout the building and communicates/alerts local authorities.
- Communication mechanisms with local authorities
- Fire Alarm systems
  - Part of the standard building design and approved by the local fire authority.
- CO2 alarms if applicable
- Security/Emergency training of staff
  - Staff goes through safety training upon hiring and internal teams trained for emergency situations.

Fuel Station

- Emergency Security Shut offs
- Emergency Stop Buttons, fire extinguishers, emergency telephone, and an attendant call button.
- Spill kits and spill training
  - Spill kits to clean up any gas spills at the site
  - Staff is trained on how to clean up localized spills and prevent future spills
- Communication mechanisms to the Retail store
  - Telecommunication line provided to retail store

Site/Parking lot

- Shopping cart containment system
  - Only if required by the city

Site Lighting

- Provided across the site to meet local code to properly illuminate the site and not have any “dark” spots across the site.
- The lights will follow store hours and can be adjusted to accommodate city timing requirements
- Adjusted at property lines to not have light “spillage” onto other properties.



June 28, 2024

Mr. Derek Finnegan  
Lars Andersen & Associates  
4694 W. Jacquelyn Avenue  
Fresno, CA 93722



**Subject: Traffic Memorandum for the Proposed Sam's Fuel Project in the City of Visalia**

Dear Mr. Finnegan:

Kimley-Horn and Associates, Inc. (Kimley-Horn) has been retained to prepare a traffic memorandum for the proposed Sam's Club Fuel Project located within the proposed Sam's Club at the southwest corner of W Visalia Parkway and S Mooney Boulevard in the City of Visalia. Kimley-Horn will provide an assessment of traffic generated by the proposed project and of queueing within the drive-through component.

### PROJECT DESCRIPTION

The project site is located within a shopping plaza at the southwest corner of W Visalia Parkway and S Mooney Boulevard. The shopping center includes various retail, sit-down restaurant, and fast-food restaurant land uses. The site is shown in its regional setting on **Figure 1**. The site is bounded by W Visalia Parkway to the north, retail uses to the east, and residential uses to the west and to the south. The applicant proposes to construct 28 fueling positions within the proposed Sam's Club. The proposed site plan is presented on **Figure 2**.

### PROJECT TRAFFIC

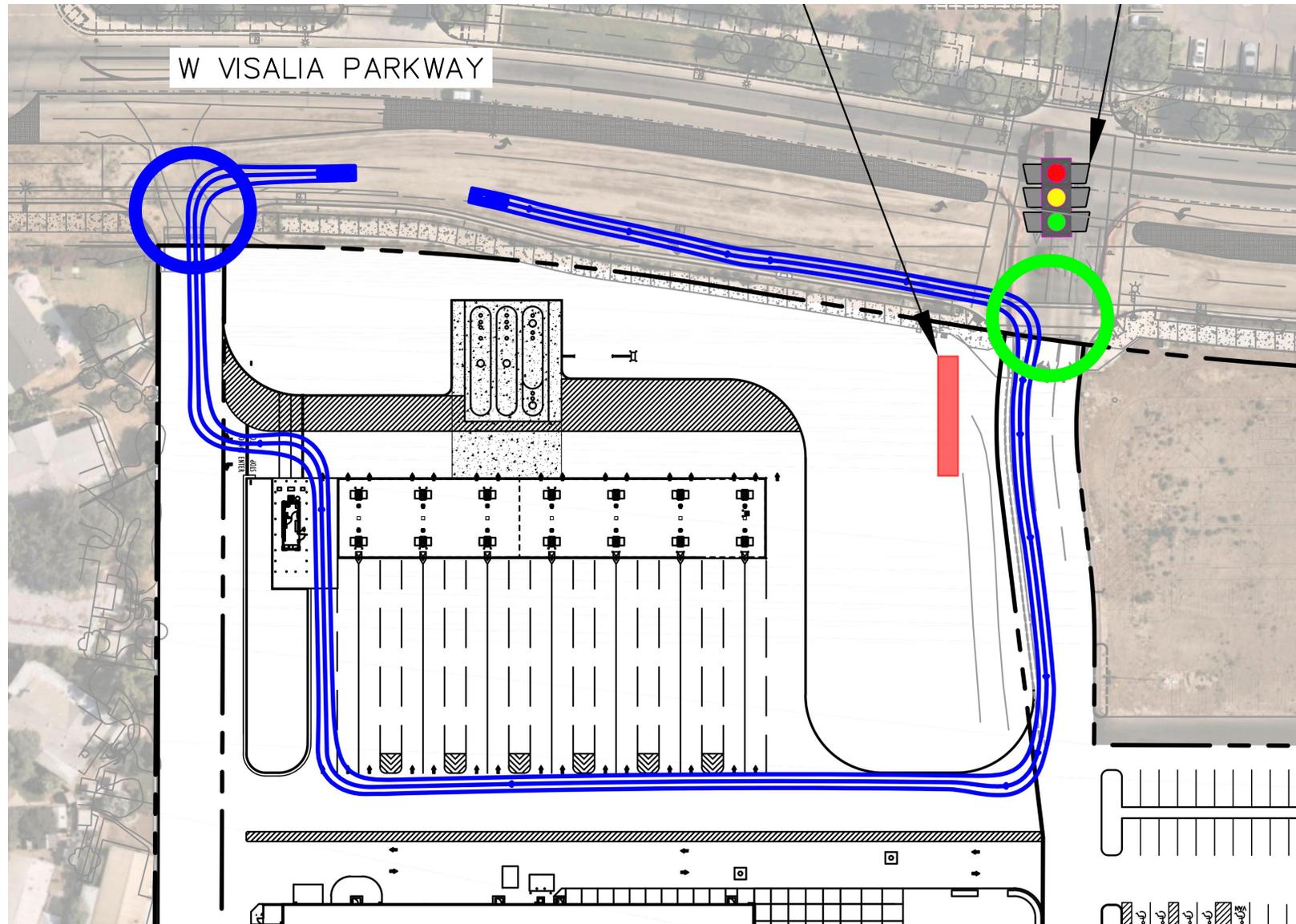
#### Trip Generation

Daily and peak hour trips were estimated for the proposed project. Trip generation estimates are based on trip generation rates established from existing transaction data at the Sam's Fuel Center in Bakersfield. Trip generation rates for a typical weekday were derived by determining the average amount of transactions per peak period on a Tuesday, Wednesday, and Thursday. The average of these daily values was then divided by the number of existing fueling positions to determine the morning and evening trip rate per fueling position. Trip generation rates for a typical Saturday were derived using the same method as mentioned previously with average amount of transactions per peak period on a Saturday to determine the morning and evening trip rate per fueling position. Daily, morning peak hour, and evening peak hour trip generation rates are summarized on **Table 1** and **Table 2** for a typical weekday and Saturday, respectively.



NOT TO SCALE

FIGURE 1  
VICINITY MAP



W VISALIA PARKWAY

NOT TO SCALE

FIGURE 2  
SITE PLAN

TABLE 1  
TRIP GENERATION DERIVATION - WEEKDAY  
SAM'S FUEL BAKERSFIELD

	Time	Tuesday	Wednesday	Thursday
AM	6	97	97	98
	7	128	124	130
	8	141	149	145
	9	142	149	151
	10	148	160	158
	Daily Peak Average (6-10 AM)	131	139	136
	Average of Daily Peak Average			135.54
AM Trip Rate				8.47
	Time	Tuesday	Wednesday	Thursday
PM	4	174	175	173
	5	176	174	175
	6	165	169	167
	7	149	149	153
	8	103	106	108
	Daily Peak Average (4-8 PM)	154	154	155
	Average of Daily Peak Average			154.39
PM Trip Rate				9.65
Daily Total		2,163	2,255	2,266
Average of Daily Total				2,228.04
Daily Rate				139.25

Notes:

Daily Peak Average - Average number of transactions in the AM or PM peak period per day

AM Trip Rate - Estimated number of morning peak trips per fueling position

PM Trip Rate - Estimated number of evening peak trips per fueling position

Daily Rate - Estimated number of daily trips per fueling position

TABLE 2  
TRIP GENERATION DERIVATION - SATURDAY  
SAM'S FUEL BAKERSFIELD

	Time	Saturday
AM	6	85
	7	127
	8	171
	9	188
	10	193
	Peak Average (6-10 AM)	153
AM Trip Rate		9.56
	Time	Saturday
PM	4	168
	5	158
	6	147
	7	122
	8	74
	Peak Average (4-8 PM)	115
PM Trip Rate		7.19
Daily Total		2,253
Daily Rate		141
<p>Notes:</p> <p>Peak Average - Average number of transactions in the AM or PM peak period</p> <p>AM Trip Rate - Estimated number of morning peak trips per fueling position</p> <p>PM Trip Rate - Estimated number of evening peak trips per fueling position</p> <p>Daily Rate - Estimated number of daily trips per fueling position</p>		

The project is estimated to generate 3,899 daily trips, 237 morning peak hour trips, and 270 evening peak hour trips on a weekday. The project is estimated to generate 3,943 daily trips, 268 morning peak hour trips, and 201 evening peak hour trips on a Saturday. Trip generation estimates for the proposed fueling positions are summarized on Table 3.

DRIVE-THROUGH ANALYSIS

A drive-through queueing analysis for the proposed fueling positions was conducted. The queueing analysis takes into consideration the potential impacts to the on-site circulation as a result of excessive queueing.

To determine the queue for the proposed project, the queueing analysis assumes that the queue at the pumps follows a multi-channel queueing model with Poisson arrival and exponential service times (M/M/C model). This allows for an average queue length to be forecasted.

The following equation was used and is applicable to calculate M/M/C queues.

*Average number of vehicles in the system (in service & in queue)*

$$Q = \frac{P_0 \rho^{N+1}}{N! N} \left[ \frac{1}{(1 - \rho/N)^2} \right]$$

Where  $P_0$  is the probability of not having a queue,  $\rho$  is the utilization factor, and  $N$  is the number of service channels.

The weekday evening peak hour trip generation for the Sam's Fuel Visalia was chosen to represent the worst-case scenario. The drive-through generates the inbound trips as shown in Table 1, presented previously. All inbound project trips are expected to utilize the drive-through.

The service rate,  $\mu$ , was calculated based on the assumption that a typical customer spends three and a half minutes at a fueling position. This fueling time can be used to calculate the service rate via the following equation.

$$w = \frac{\rho + Q}{\lambda} - \frac{1}{\mu}$$

Where  $w$  is the average waiting time in queue and being served.

The results of the analysis are summarized in Table 4. Based on these calculations, the average queue that is anticipated at the drive-through would not exceed four vehicles at a given time. This assessment takes into consideration a worst-case trip generation estimate of 10 inbound trips per pump during the evening peak hour. The proposed drive-through aisles have approximately 110 feet of stacking distance behind the vehicle at the fuel pump, as shown on Figure 3. Assuming that a stationary vehicle occupies 20-25 feet of length, there is no queue anticipated to spill out into the parking lot drive aisle during normal conditions. While there is a potential for a longer queue to be experienced on a less frequent basis, the average queue would be accommodated by the available stacking distance. There is capacity for up to five vehicles behind the vehicle being serviced.

TABLE 3 TRIP GENERATION ESTIMATES SAM'S FUEL VISALIA SUMMARY OF PROPOSED TRIPS					
			Trip Generation Rates		
			Daily	AM	PM
Weekday			139	8.47	9.65
Saturday			141	9.56	7.19
			Trip Generation Estimates		
	Quantity	Unit	Daily	AM	PM
Weekday	28	FP	3,899	237	270
Saturday	28	FP	3,943	268	201
Notes: FP = Fueling Positions					

TABLE 4 SUMMARY OF DRIVE-THROUGH ANALYSIS SINGLE FUEL PUMP DRIVE-THROUGH	
Weekday Peak Inbound Trips	10
Arrival Rate $\lambda$ (veh/hr)	20
Service Rate $\mu$ (sec/veh)	300
Average # of Vehicles in System (vehicles in queue)	3.79
Queueing Space Provided	110'
Queueing Capacity (veh)	5

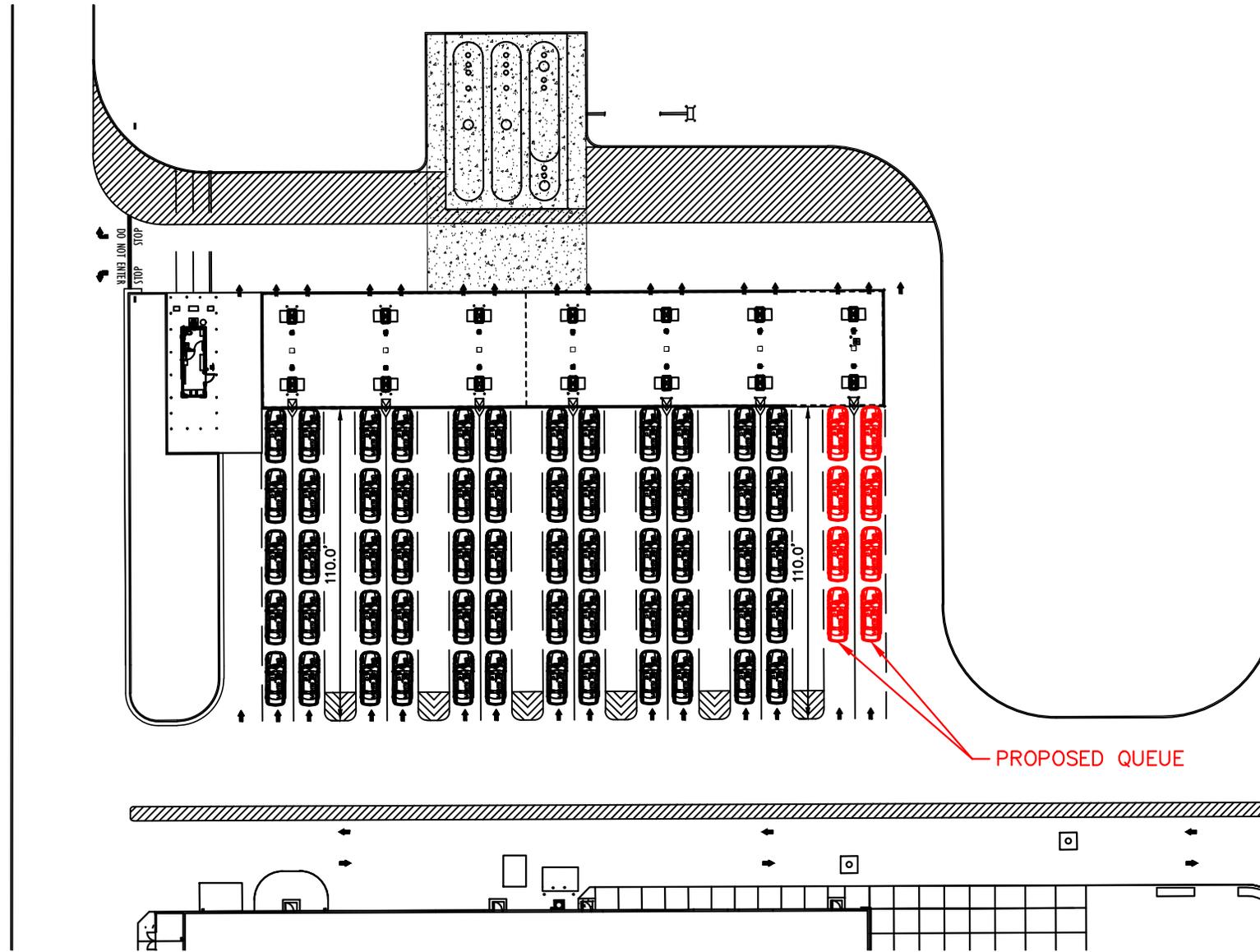


FIGURE 3  
VEHICLE STACKING DISTANCE



NOT TO SCALE

**CONCLUSIONS**

Kimley-Horn and Associates, Inc. completed the traffic analysis for the proposed Sam's Club Fuel Project located within the proposed Sam's Club Fuel Center at southwest corner of W Visalia Parkway and S Mooney Boulevard in the City of Visalia. This traffic memorandum has been prepared to summarize the analysis results. Kimley-Horn has provided an assessment of traffic generated by the proposed project and of queueing within the drive-through component.

Daily and peak hour trips were estimated for the proposed project. The project is estimated to generate 3,899 daily trips, 237 morning peak hour trips, and 270 evening peak hour trips on a weekday. The project is estimated to generate 3,943 daily trips, 268 morning peak hour trips, and 201 evening peak hour trips on a Saturday.

Furthermore, the analysis included an assessment of projected queueing lengths at the fuel pump drive-through. The results of the analysis indicate that the queueing capacity currently proposed is adequate to accommodate the average queue lengths forecasted at the fuel pump drive-through.

## Fuel Station Staffing and Line Control

If you are in a high demand/high traffic situation at the fuel pumps, the process below can assist with safety and security.

### Associate Staffing

- All associates working the area must be in company approved yellow safety vests
- Minimum 2 associates working fuel station
  - One trained and certified, working the pump area
  - One (or more, based on needs) to work the line of cars
- Welcome members and validate membership cards
- Communicate status of fuel
- Remind all members we do not accept cash for fuel
- Coordinate which pumps are open/operational and communicate to members

### Control the Flow

- Create queue line depending on the site differences
- Create one way in and one way out for ease of traffic flow
- Funnel the exit to allow 2 cars wide to exit (preventing cars from entering the exit area)
  - Use pallets or cones to create a traffic funnel
- Associates always wearing yellow vest and maintain control of line
- Ensure the Fuel Station Associate has the club-use gas card for members who have membership card issues
- If you have more than 50 cars in line, notify the MAPM. MAPM's will direct 3<sup>rd</sup> Party Security requests to the Risk Mitigation Team for additional support.

### Approved Containers

- Validate members are using approved containers only for fuel

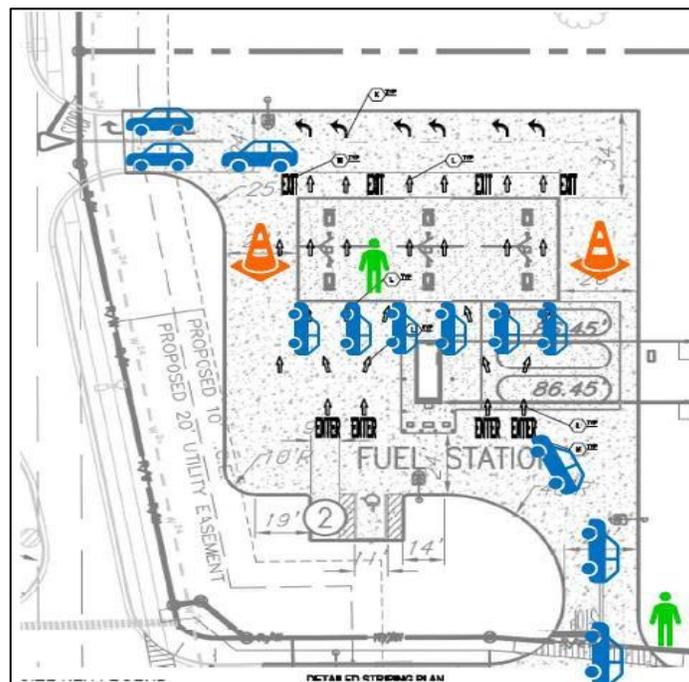
### Monitor Tank Gauge

- At 1,500 gallons, we need to start communicating to all members in line that fuel is running low.
  - You can allow approximately 20-25 additional vehicles to get fuel prior to closing (including vehicles & gas cans for generators)
- At 500 gallons, close the station and stop pumping.
- Running the tanks lower than 500 gallons brings the risk of overheating and destroying the tank motor, which would take the entire fuel station offline for several days.
- If there are safety concerns with upset members, engage 3<sup>rd</sup> Party Security personnel and/or Management immediately. If there is a life safety concern, contact 911.

### Out of Fuel

- Use pallets, cardboard bales, caution tape to block pumps
- Create a sign and post it in an area that is very visible from the road to prevent traffic from entering.

**Note:** If a driver has waited in line but is not a member, do not turn them away. Use the club use gas card to initiate the transaction for them at the pump.





Mr. Jim Shehadey  
Visalia Parkway Partners, LLC  
405 North Palm Avenue  
Fresno, California 93701

June 21, 2024

Subject: Drive-Through Queue Analysis  
Proposed Car Wash in The Commons at Visalia Parkway  
Southwest of the Intersection of Mooney Boulevard and Visalia Parkway  
Visalia, California

Dear Mr. Shehadey:

This report presents the results of limited traffic analyses for the subject project. The analysis focuses on the anticipated length of queues in the proposed car wash drive-through.

The proposed car wash building includes one wash tunnel and a total queue storage length of approximately 675 feet (storage for approximately 33 vehicles assuming an average storage length of 20 feet per vehicle). The car wash is expected to utilize an average chain speed of 150 vehicles per hour. The chain speed can be increased to 200 vehicles per hour during peak periods.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11<sup>th</sup> Edition*, were used to estimate the peak number of trips expected to be generated by the car wash. Table 1 presents the results of the trip generation calculations based on ITE Land Use 948, Automated Car Wash, using the data set with the greatest peak-hour trip generation rate per car wash tunnel.

**Table 1**  
**Project Trip Generation Calculations**

Land Use	Units	Peak Hour				
		Rate	In:Out	In	Out	Total
948	1 tunnel	77.50	50:50	39	39	78

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition*, Institute of Transportation Engineers 2021

Rates are reported in trips per car wash tunnel.

In queuing theory, an M/M/1 queue represents the queue length in a system having one server where arrivals follow a Poisson process and service times are exponentially distributed. The following formulas apply to the M/M/1 queue analyses:

$$N = \lambda^2 / (\mu(\mu - \lambda)) = I^2 / (1-I)$$

$$P(N) = (1-I)I^N$$

where:

N = the average number of vehicles in the queue

$\lambda$  = the average number of vehicle arrivals per hour

$\mu$  = the average service rate in vehicles per hour

I = traffic intensity =  $\lambda / \mu$

P = the probability of the number of vehicles in the queue being N

The trip generation analyses suggest that the Project will generate up to 39 trips per peak hour of the generator. Based on 39 vehicles per hour using the car wash with a service rate of 150 vehicles per hour, the average queue length in the drive through during the peak hour is calculated as approximately zero to one vehicle as follows:

$$N = \lambda^2 / (\mu(\mu - \lambda)) = 39^2 / (150(150-39)) = 0.1 \text{ vehicles}$$

The probability of the queue length containing a given number of vehicles is presented in Table 2.

**Table 2**  
**Probability of Queue Length During Weekend Peak Hour**

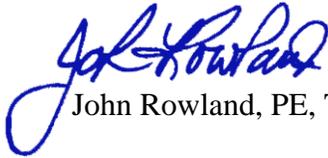
Number of Vehicles in Queue (N)	Probability of N Vehicles in Queue	Cumulative Probability
0	74.0%	74.0%
1	19.2%	93.2%
2	5.0%	98.2%
3	1.3%	99.5%
4	0.3%	99.9%
5	0.1%	100.0%

The analyses suggest that the proposed car wash storage length is adequate to accommodate the anticipated queues.

In the event that queues are observed filling the three payment lanes, it is recommended that the proposed car wash implement a traffic action plan consisting of increasing the chain speed.

Thank you for the opportunity to perform these analyses. Please feel free to contact our office if you have any questions.

**PETERS ENGINEERING GROUP**

  
John Rowland, PE, TE





PETERS ENGINEERING GROUP  
A CALIFORNIA CORPORATION

Mr. Jim Shehadey  
Visalia Parkway Partners, LLC  
405 North Palm Avenue  
Fresno, California 93701

June 21, 2024

Subject: Drive-Through Queue Analysis  
Proposed Chick-Fil-A Restaurant in The Commons at Visalia Parkway  
Southwest of the Intersection of Mooney Boulevard and Visalia Parkway  
Visalia, California

Dear Mr. Shehadey:

This report presents the results of limited traffic analyses for the subject project. The analysis focuses on the anticipated length of queues in the proposed Chick-Fil-A drive-through.

The proposed Chick-Fil-A building covers approximately 5,588 square feet and includes two drive through lanes with a combined storage length of 706 feet (storage for approximately 35 vehicles assuming an average storage length of 20 feet per vehicle). Chick-Fil-A reports that 60 percent of sales are typically in the drive through. The drive through service rate for an established Chick-Fil-A restaurant is 150 vehicles per hour.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11<sup>th</sup> Edition*, were used to estimate the peak number of trips expected to be generated by the restaurant. Table 1 presents the results of the trip generation calculations based on ITE Land Use 934, Fast-Food Restaurant with Drive-Through Window, using the data sets for peak hour of generator on both weekdays and weekends. A comparison of Saturday and Sunday data revealed that Saturday peak hour of generator governs on the weekend. As discussed previously with the City of Visalia, the City recognizes Chick-Fil-A is above average in terms of trip generation, and the rate utilized is one standard deviation above the average.

**Table 1**  
**Project Trip Generation Calculations**

Land Use	Units	Weekday P.M. Peak Hour of Generator					Saturday Peak Hour of Generator				
		Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total
934	5,588 sf	75.85	51:49	216	208	424	79.87	51:49	228	219	447

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition*, Institute of Transportation Engineers 2021  
Rates are reported in trips per 1,000 square feet of building area.

In queuing theory, an M/M/1 queue represents the queue length in a system having one server where arrivals follow a Poisson process and service times are exponentially distributed. The following formulas apply to the M/M/1 queue analyses:

$$N = \lambda^2 / (\mu(\mu - \lambda)) = I^2 / (1-I)$$

$$P(N) = (1-I)I^N$$

where:

N = the average number of vehicles in the queue

$\lambda$  = the average number of vehicle arrivals per hour

$\mu$  = the average service rate in vehicles per hour

I = traffic intensity =  $\lambda / \mu$

P = the probability of the number of vehicles in the queue being N

The trip generation analyses suggest that the Project will generate up to 228 trips per peak hour of the generator, and it is estimated that approximately 60 percent of those will use the drive through (approximately 137 drive through trips per peak hour).

Based on 137 vehicles per hour using the drive through with a service rate of 150 vehicles per hour and assuming one server, the average queue length in the drive through during the peak hour is calculated as approximately 10 vehicles as follows:

$$N = \lambda^2 / (\mu(\mu - \lambda)) = 137^2 / (150(150-137)) = 9.6 \text{ vehicles}$$

The probability of the queue length containing a given number of vehicles is presented in Table 2.

The analyses suggest that the proposed drive-through storage length is adequate to accommodate the 96<sup>th</sup>-percentile queue during the maximum peak hour of the generator, which is likely to occur on a Saturday. In other words, the probability that the queue would exceed the storage capacity at any time during the restaurant's maximum peak hour is less than four percent.

**Table 2**  
**Probability of Queue Length During Weekend Peak Hour**

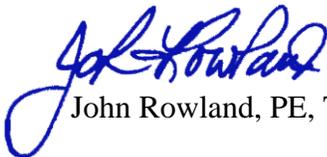
<b>Number of Vehicles in Queue (N)</b>	<b>Probability of N Vehicles in Queue</b>	<b>Cumulative Probability</b>
0	8.7%	8.7%
1	7.9%	16.6%
2	7.2%	23.8%
3	6.6%	30.4%
4	6.0%	36.4%
5	5.5%	42.0%
6	5.0%	47.0%
7	4.6%	51.6%
8	4.2%	55.8%
9	3.8%	59.6%
10	3.5%	63.1%
11	3.2%	66.3%
12	2.9%	69.2%
13	2.7%	71.9%
14	2.4%	74.3%
15	2.2%	76.6%
16	2.0%	78.6%
17	1.9%	80.4%
18	1.7%	82.1%
19	1.5%	83.7%
20	1.4%	85.1%
21	1.3%	86.4%
22	1.2%	87.6%
23	1.1%	88.6%
24	1.0%	89.6%
25	0.9%	90.5%
26	0.8%	91.4%
27	0.7%	92.1%
28	0.7%	92.8%
29	0.6%	93.4%
30	0.6%	94.0%
31	0.5%	94.5%
32	0.5%	95.0%
33	0.4%	95.4%
34	0.4%	95.8%
35	0.4%	96.2%

It is recommended that the proposed Chick-Fil-A implement a traffic action plan as described below.

1. For typical service (non-peak), guests will place their order at the menu boards, then pull forward to pay and have food delivered at the order delivery window.
2. As traffic increases, Chick-Fil-A will add two team members (employees) to take orders electronically from vehicles in the drive-through lanes in advance of the order boards. This will allow meal assembly to begin earlier in the drive-through process.
3. As traffic increases, Chick-Fil-A will add another team member to the drive-through to take payments ahead of the meal delivery window.
4. At peak service time, full deployment of upstream meal delivery in the drive-through queue will take place. This includes team members taking orders and payments ahead of the menu board location and delivery window. Meal delivery would continue to occur at the delivery window, as well additional team members delivering food upstream in the drive-through queue (prior to the delivery window) to help expedite service and throughput.
5. At any time during either typical service or peak service times, vehicles that arrive at the delivery window may be asked to pull into a parking stall if it is anticipated that the delivery would be delayed. A team member would deliver the meal to the parked vehicle.

Thank you for the opportunity to perform these analyses. Please feel free to contact our office if you have any questions.

## PETERS ENGINEERING GROUP

  
John Rowland, PE, TE



RESOLUTION NO. 2019-55

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2019-31, A REQUEST BY LARS ANDERSON & ASSOCIATES TO ESTABLISH A MASTER PLANNED COMMERCIAL DEVELOPMENT CONSISTING OF APPROXIMATELY 138,188 SQ. FT. OF COMMERCIAL USES, INCLUDING THE ESTABLISHMENT OF THREE RETAIL BUILDINGS OF VARYING SIZES (56,800 SQ. FT., 29,800 SQ. FT., AND 10,000 SQ. FT.), A 10,000 SQ. FT. CREDIT UNION BUILDING, A 4,088 SQ. FT. GAS STATION/CONVENIENCE STORE WITH A 3,060 SQ. FT. CANOPY, A 7,500 SQ. FT. SIT-DOWN RESTAURANT, TWO 3,000 SQ. FT. DRIVE-THRU RESTAURANTS, AND A 5,000 SQ. FT. AUTOMOTIVE REPAIR STORE, ON PARCELS WITH LESS THAN THE MINIMUM FIVE ACRE SITE AREA REQUIREMENT, INCLUDING A PARCEL WITH NO PUBLIC STREET FRONTAGE, AFFECTING 17.43 ACRES OF A 28.7 ACRE SITE IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF S. MOONEY BOULEVARD (STATE ROUTE 63). (APN: 126-960-001)

**WHEREAS**, Conditional Use Permit No. 2019-31, is a request by Lars Anderson & Associates to establish a master planned commercial development consisting of approximately 138,188 sq. ft. of commercial uses, including the establishment of three retail buildings of varying sizes (56,800 sq. ft., 29,800 sq. ft., and 10,000 sq. ft.), a 10,000 sq. ft. credit union building, a 4,088 sq. ft. gas station/convenience store with a 3,060 sq. ft. canopy, a 7,500 sq. ft. sit-down restaurant, two 3,000 sq. ft. drive-thru restaurants, and a 5,000 sq. ft. automotive repair store, on parcels with less than the minimum five acre site area requirement, including a parcel with no public street frontage, affecting 17.43 acres of a 28.7 acre site in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of S. Mooney Boulevard (State Route 63). (APN: 126-960-001); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 13, 2020; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38 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 which disclosed that no significant environmental impacts would result from this project with the incorporation of mitigation measures.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission finds that Mitigated Negative Declaration No. 2019-62 prepared for the proposed project was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and hereby adopts the Mitigated Negative Declaration.

**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 an Initial Study was prepared for the proposed project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-62 can 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 project be developed in substantial compliance with Site Plan Review No. 2019-055 and Site Plan Review No. 2019-158.
2. That the project will be developed in substantial compliance with the site plan in Exhibit "A" unless otherwise specified in this use permit. Any subsequent changes to the development plan layout depicted in Exhibit "A" shall be reviewed and approved by the Site Plan Review Committee and may be subject to an amendment of the Conditional Use Permit.
3. That the architectural theme in Exhibits "D" through "L" be used on all of the buildings for the project.
4. That onsite lighting for the shopping center complex and individual buildings not produce glare onto neighboring properties and operate in substantial compliance with the conceptual photometric plan identified in Exhibit "O".
5. That onsite and offsite landscaping for the shopping center complex and right-of-way areas be in substantial compliance with the landscaping plan in Exhibit "N". Landscaping and irrigation plans shall be included with or prior to first building permit.
6. That the shopping center complex and individual buildings operate as stated in the Operational Statement identified in Exhibit "P".
7. That the sign program in Exhibit "Q" be utilized for the commercial development and that the commercial center monument signs be limited to one multi-tenant monument sign on each drive aisle (four total). If Major 1 and Major 2 are reconfigured into multi-tenant commercial units, Visalia Municipal Code Section 17.48.100.B shall take precedence, limiting wall signage sizes to two sq. ft. per lineal foot of building frontage, up to a maximum of 150 sq. ft.

8. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
9. That a Shared Access and Parking Agreement be established for the entire site prior to the issuance of building permits.
10. That the order/menu boards associated with the drive-thru lanes for Shop A, Shop B, Drive-Thru 1, and Drive-Thru 2, as shown in Exhibit "A" maintain Community Noise Standards as provided in Visalia Municipal Code Chapter 8.36 (Noise Ordinance) and be screened from view of public streets as required by Visalia Municipal Code Section 17.32.162.
11. That the access drive for Outlot 1/Parcel A of Tentative Parcel Map No. 2019-13, at the northwest corner of the project site as shown in Exhibit "A", shall be blocked to thru-traffic through the installation of bollards or other such device, until such time as development occurs on Parcel A.
12. That the applicant shall provide a 65 ft. right-of-way dedication for Visalia Parkway to the City of Visalia, and a 23 ft. right-of-way dedication for Mooney Blvd., to Caltrans, for the improvement of the identified streets along the project site frontages. The dedications shall be secured through a separate instrument, and not the tentative parcel map attached to this shopping center project.
13. That the applicant shall conduct street and right-of-way improvements to Visalia Parkway and Mooney Blvd., widening the streets and intersections along the project site frontages, and along the south side of Visalia Parkway from the project site to Dans Street, as depicted in Exhibit "A", Exhibit "C", and Exhibit "N". Improvements shall include installation of park strip landscaping, curb, gutter, sidewalk, ramps, street lights, traffic signals, fire hydrants, and other improvements as required by the City of Visalia and Caltrans. All of the required right-of-way improvements shall be completed with the first phase of development, prior to the issuance of buildings permits for any of the buildings on the project site.
14. That not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more. The parking stalls along the eastern boundary of Major 1 as shown in Exhibit "A" shall be revised to reflect this requirement.
15. That Major 2 as shown on Exhibit "A" shall be relocated to meet the 15 ft. side yard requirement for buildings in the C-R (Regional Commercial) Zone adjacent to residential uses, or obtain approval of a variance to allow the proposed 10 ft. setback.
16. That the applicant shall relocate existing Southern California Edison (SCE) equipment placed on the northeast corner of the project site. Relocation shall be conducted in compliance with the requirements of SCE.

17. That a separate Conditional Use Permit shall be obtained for any conditionally-allowed uses not described in Exhibit "P" that subsequently locate on the site, including future development on Parcel A if applicable.

18. That all applicable federal, state, and city laws and codes and ordinances be met.

19. That all of the conditions and responsibilities of Conditional Use Permit No. 2019-31 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.

20. **Transportation / Traffic Condition (Supersedes Mitigation Measure 1.1 of MND No. 2019-62):** For the Visalia Parkway/Main Project Site access intersection (between Parcel B and C) a full opening with traffic signals shall be installed. The driveway to the project site shall be designed and constructed to be aligned with the future widened width of the existing driveway on the north side of Visalia Parkway, serving the Packwood Creek Shopping Center, in order to facilitate signalization. Specifically, the intersection shall be designed to accommodate lane configurations as follows:

- Eastbound: Shall meet the ultimate planned lane configuration, which is one left-turn lane, two through lanes, and one right-turn lane;
- Westbound: one left-turn lane, one through lane, and one through lane with a shared right turn lane;
- Northbound: one shared left-turn/through and one right-turn lane; and
- Southbound: one shared left-turn/through/right-turn lane (existing Packwood Creek Shopping Center driveway).

21. **Transportation / Traffic Condition (Supersedes Mitigation Measure 1.2 of MND No. 2019-62):** For the Visalia Parkway/Mooney Boulevard intersection, a median shall be installed on Visalia Parkway, west of the intersection, as indicated on the January 10, 2020 Commons at Visalia Parkway site plan. Widening of the intersection shall also be completed to accommodate lane configurations as follows:

- Eastbound: two left-turn lanes, one through lane, and one right-turn lane;
- Westbound: two left-turn lanes, one through lane, and one right-turn lane;
- Northbound: one left-turn lane, two through lanes, and one right-turn lane;
- Southbound: one left-turn lane, three through lanes, and one right-turn lane.

22. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2019-62 are hereby incorporated as conditions of this Conditional Use Permit with the exception of Transportation / Traffic Impact Mitigation Measures 1.1 and 1.2 which have been supersede by Condition No. 20 and Condition No. 21 of CUP No. 2019-31 as follows:

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<del>Transportation / Traffic Impact Mitigation Measure 1.1: For the Visalia Parkway/Main Project Site access intersection (between Parcel B and C) a full opening with traffic signals shall be installed. The driveway to the project site shall be designed and constructed to be aligned with the future widened width of the existing driveway on the north side of Visalia Parkway, serving the Packwood Creek Shopping Center, in order to facilitate signalization. Specifically, the intersection shall be designed to</del>	Project Applicant: The Commons at Visalia Parkway	Mitigation shall be enforced and improvements completed prior to issuance of a Building Permit for construction of any buildings within the project area.

<p>accommodate lane configurations as follows:</p> <ul style="list-style-type: none"> <li>• <del>Eastbound: one left turn lane, one through lane, and one right turn lane;</del></li> <li>• <del>Westbound: one left turn lane and one through lane with a shared right turn;</del></li> <li>• <del>Northbound: one shared left turn/through and one right turn lane; and</del></li> <li>• <del>Southbound: one shared left turn/through/right turn lane (existing Packwood Creek Shopping Center driveway).</del></li> </ul>		
<p><del><b>Transportation / Traffic Impact Mitigation Measure 1.2:</b></del>  <del>For the Visalia Parkway/Mooney Boulevard intersection, a median shall be installed on Visalia Parkway, west of the intersection, as indicated on the January 10, 2020 Commons at Visalia Parkway site plan. Widening of the intersection shall also be completed to accommodate lane configurations as follows:</del></p> <ul style="list-style-type: none"> <li>• <del>Eastbound: two left turn lanes, one through lane, and one right turn lane;</del></li> <li>• <del>Westbound: two left turn lanes and one through lane with a shared right turn;</del></li> <li>• <del>Northbound: one left turn lane and two through lanes with a shared right turn;</del></li> <li>• <del>Southbound: one left turn lane, three through lanes, and one right turn lane.</del></li> </ul>	<p>Project Applicant: The Commons at Visalia Parkway</p>	<p>Mitigation shall be enforced and improvements completed prior to issuance of a Building Permit for construction of any buildings within the project area.</p>
<p><b>Noise Impact Mitigation Measure 2.1:</b>  The Commons at Visalia Parkway - The construction of a solid noise barrier block wall measuring 7-feet in height to be placed along the southern and western property boundaries, adjacent to residential areas.</p> <p>CarMax - The construction of a 6-foot tall masonry wall, totaling 547 feet in length, to be placed along the southern, western, and eastern boundaries of the service center area, south of the vehicle sales area, and west of the customer parking area, as indicated on the revised January 13, 2020 CarMax site plan.</p>	<p>Project Applicant: The Commons at Visalia Parkway, CarMax as noted.</p>	<p>The sound walls shall be constructed with the development of the projects, and shall be completed by each respective applicant prior to the occupation of any buildings on each site.</p>
<p><b>Noise Impact Mitigation Measure 2.2:</b></p> <p>Future development of buildings "Major 1" and "Major 2", as shown on the January 10, 2020 Commons at Visalia Parkway site plan, shall comply with noise standards and policies listed within Visalia Municipal Code Chapter 8.36 (Noise Ordinance) and the Visalia General Plan by incorporating mitigation features as stated in Study 1, including:</p> <p><u>HVAC Equipment Operation</u></p> <ul style="list-style-type: none"> <li>• Ensuring mechanical equipment satisfies the applicable General Plan and Municipal Code noise level limits at existing residential uses and potential residential development on Parcel A;</li> <li>• Location of mechanical equipment on the rooftop of commercial buildings away from existing residences (to the extent feasible);</li> </ul>	<p>Future developers of buildings "Major 1" and "Major 2".</p>	<p>Mitigation shall be enforced and carried out prior to issuance of a Building Permit, or required entitlement if applicable, for buildings listed as "Major 1" and "Major 2" on the January 10, 2020 Commons at Visalia Parkway site plan.</p>

<ul style="list-style-type: none"> <li>• Screening of mechanical equipment behind building parapets;</li> <li>• Construction of localized noise barriers around mechanical equipment that effectively attenuate noise exposure to a state of compliance with the applicable General Plan and Municipal Code noise limits at existing residential uses.</li> </ul> <p><u>Truck Circulation/Deliveries</u></p> <ul style="list-style-type: none"> <li>• The construction of a solid noise barrier along the boundary of the project property and Parcel A.</li> <li>• The restriction of truck deliveries to daytime hours only.</li> <li>• The implementation of window construction upgrades.</li> </ul> <p>Conformance with the standards and policies within the Noise Ordinance and General Plan for development of buildings "Major 1" and "Major 2" shall be verified prior to issuance of Building Permits and shall be accompanied by physical noise measurement readings.</p>		
<p><b>Noise Impact Mitigation Measure 2.3:</b> For construction activities related to the Commons at Visalia Parkway shopping center and CarMax, compliance with the standards of Visalia Municipal Code Chapter 8.36 (Noise Ordinance) shall be required, to include the prohibition of operation of construction equipment between the weekday hours of 7:00 p.m. and 6:00 a.m., and between the weekend hours of 7:00 p.m. and 9:00 a.m., use of mufflers on equipment, use of electrically powered equipment where feasible, location of staging areas away from noise-sensitive receptors, use of speed limits on project area/site access roads during construction, and construction schedule notification to nearby residences.</p>	<p>Project Applicant: The Commons at Visalia Parkway, CarMax</p>	<p>Mitigation shall be enforced by the City of Visalia, and carried out by both project applicants during construction.</p>

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

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

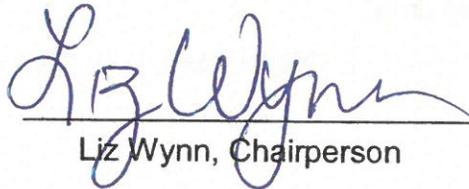
STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Paul Bernal, City Planner

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2019-55, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 13, 2020.



Paul Bernal, City Planner



Liz Wynn, Chairperson

RESOLUTION NO. 2019-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2019-13, A REQUEST BY LARS ANDERSON & ASSOCIATES, INC. TO SUBDIVIDE A 28.7 ACRE SITE INTO AN 11-LOT COMMERCIAL SUBDIVISION IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF S. MOONEY BOULEVARD (STATE ROUTE 63). (APN: 126-960-001)

**WHEREAS**, Tentative Parcel Map No. 2019-13, is a request by Lars Anderson & Associates, Inc. to subdivide a 28.7 acre site into an 11-lot commercial subdivision in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of S. Mooney Boulevard (State Route 63). (APN: 126-960-001); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 13, 2020; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the tentative parcel map in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

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

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission finds that Mitigated Negative Declaration No. 2019-62 prepared for the proposed project was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and hereby adopts the Mitigated Negative Declaration.

**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 Tentative Parcel Map No. 2019-13, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
2. That the proposed Tentative Parcel Map No. 2019-13, 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 parcel map would be compatible with adjacent land uses. The project site is bordered by existing commercial development, a senior mobile home park, and land under agricultural production.
3. That the site is physically suitable for the proposed tentative parcel map. Tentative Parcel Map No. 2019-13 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 bordered by existing commercial development, a

senior mobile home park, and land under agricultural production, and the tentative parcel map will separate commercial uses within the planned development.

4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Commercial Regional General Plan Land Use Designation. The proposed location and layout of Tentative Parcel Map No. 2019-13, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
5. That the proposed Tentative Parcel Map No. 2019-13, design of the tentative map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed parcel map. The tentative parcel map is designed to comply with the City's Engineering Improvement Standards.
6. That an Initial Study was prepared for the proposed project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-62 can 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 project be developed consistent with the comments and conditions of the Site Plan Review No. 2019-055 and Site Plan Review No. 2019-158.
2. That the tentative map be prepared in substantial compliance with Exhibit "B".
3. That a common access, maintenance, and landscaping agreement be entered into for all project parcels.
4. That Conditional Use Permit No. 2019-31 be approved, and that requirements of the use permit that relate to this map shall be fulfilled.
5. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners' are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
6. That each parcel shall have separate utilities.
7. That all applicable federal, state, and city laws and codes and ordinances be met.

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

AYES: Commissioners Taylor, Gomez, Hansen, Peariso, Wynn  
NOES:

ABSTAINED:  
ABSENT:

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

ATTEST: Paul Bernal, City Planner

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2019-42, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 13, 2020.



Paul Bernal, City Planner



Liz Wynn, Chairperson

## NOTICE OF A PROPOSED INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Project Title: Conditional Use Permit No. 2024-17

Project Description:

Conditional Use Permit No. 2024-17 is request by Derek Finnegan / Lars Anderson & Associates to amend Conditional Use Permit No. 2019-31, for the establishment of a 172,000 square foot big box retail membership club store, with a service station containing 14 fueling stations, a 9,000 square foot canopy, and 200 square foot fueling station building, and a 7,500 square foot carwash, all within the Commons at Visalia Parkway Shopping Center, located in the C-R (Regional Commercial) Zone.

The development of the project will include on and off-site improvements such as relocation of an access drive, curb/gutter/sidewalk, development of parking lots and lighting, landscaping, additions to noise restricting block walls, underground storage tanks, and installation of utilities.

Project Location: The project site is located on the southwest corner of S. Mooney Blvd. and W. Visalia Parkway (APNs: 121-620-004, 005, 006, 007, 008, 013, 014).

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

Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on September 23, 2024, at 7:00 p.m. in the City Hall Council Chambers located at 707 West Acequia Avenue, Visalia, California.

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

Reasons for Mitigated Negative Declaration: Initial Study No. 2024-26 has identified environmental impact(s) that may occur because of the project; however, with the implementation of mitigation measures identified, impact(s) will be reduced to a level that is less than significant. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA, and on the City website at [https://www.visalia.city/depts/community\\_development/planning/ceqa\\_environmental\\_review.asp](https://www.visalia.city/depts/community_development/planning/ceqa_environmental_review.asp)

Comments on this proposed Mitigated Negative Declaration will be accepted from August 22, 2024, to September 20, 2024.

Date: 8/21/2024

Signed: \_\_\_\_\_



Brandon Smith, AICP  
Environmental Coordinator

## MITIGATED NEGATIVE DECLARATION

**Project Title:** Conditional Use Permit No. 2024-17

**Project Description:** Conditional Use Permit No. 2024-17 is request by Derek Finnegan / Lars Anderson & Associates to amend Conditional Use Permit No. 2019-31, for the establishment of a 172,000 square foot big box retail membership club store, with a service station containing 14 fueling stations, a 9,000 square foot canopy, and 200 square foot fueling station building, and a 7,500 square foot carwash, all within the Commons at Visalia Parkway Shopping Center, located in the C-R (Regional Commercial) Zone.

The development of the project will include on and off-site improvements such as relocation of an access drive, curb/gutter/sidewalk, development of parking lots and lighting, landscaping, additions to noise restricting block walls, underground storage tanks, and installation of utilities.

**Project Location:** The project site is located on the southwest corner of S. Mooney Blvd. and W. Visalia Parkway (APNs: 121-620-004, 005, 006, 007, 008, 013, 014).

**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)
Mitigation Measures	(X)
Traffic Memo	(X)
Noise Study	(X)
Health Risk Assessment	(X)
Cultural Memo	(X)

**DECLARATION OF NO SIGNIFICANT EFFECT:**

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

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

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

APPROVED  
Brandon Smith, AICP  
Environmental Coordinator

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

Date Approved: August 21, 2024

Review Period: 30 days

## INITIAL STUDY

### I. GENERAL

#### **A. Project Name and Description:**

Conditional Use Permit No. 2024-17 is request by Derek Finnegan / Lars Anderson & Associates to amend Conditional Use Permit No. 2019-31, which established a master planned commercial development on 17.43 acres of a 28.7 acre site, consisting of approximately 138,188 sq. ft. of commercial uses., including the establishment of four retail buildings of varying sizes (56,800 sq. ft., 29,800 sq. ft. and two 10,000 sq. ft. buildings), a 4,088 sq. ft. gas station/convenience store with six fueling stations and a 3,060 sq. ft. canopy, a 7,500 sq. ft. sit-down restaurant, two 3,000 sq. ft. drive-thru restaurants, and a 5,000 sq. ft. automotive repair store, on parcels with less than the minimum five acre site area requirement, including a parcel with no public street frontage. This development was collectively known as the Commons at Visalia Parkway Shopping Center.

The amendment to the Conditional Use Permit proposes consolidation of the retail and office uses, removal of the convenience store, and relocation of the service station, to accommodate the ultimate establishment of a 172,000 square foot big box retail membership club store, with an expanded service station containing 14 fueling stations, a 9,000 square foot canopy, and 200 square foot fueling station building, and addition of a 7,500 square foot carwash to the commercial development. The development will be located in the C-R (Regional Commercial) Zone.

The development of the project will include on and off-site improvements such as relocation of an access drive, curb/gutter/sidewalk, development of parking lots and lighting, landscaping, additions to noise restricting block walls, underground storage tanks, and installation of utilities.

The project site is located on the southwest corner of S. Mooney Blvd. and W. Visalia Parkway (APNs: 121-620-004, 005, 006, 007, 008, 013, 014).

#### **B. Identification of the Environmental Setting:**

The project area is composed of five parcels totaling 22.2 acres located within the Commons at Visalia Parkway shopping center. The parcels are primarily vacant, with portions developed with a parking field and drive-aisles, and curb/gutter/sidewalk. The remainder of the shopping center has been developed with a sit-down restaurant, two drive-thru restaurants, and a tire shop, with accompanying parking, lighting, landscaping, and on/off-site infrastructure. The project site is directly bounded to the north by West Visalia Parkway, a four-lane minor arterial street, and by South Mooney Boulevard to the east, a six-lane highway designated as State Route 63. Development surrounding the project site consists of a shopping center to the north, a senior mobile home park to the west, a continuation of the senior mobile home park and mixed commercial uses to the south, and a second shopping center to the east, currently under development.

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

	<b>General Plan (2014 Land Use)</b>	<b>Zoning (2017)</b>	<b>Existing uses</b>
North:	Commercial Regional	C-R (Regional Commercial)	Packwood Creek Shopping Center.
South:	Commercial Regional, Residential Low Density	C-R (Regional Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)	Westlake Village senior mobile home park, mixed office and commercial buildings.
East:	Commercial Regional	C-R (Regional Commercial)	Oaks Marketplace Shopping Center, vacant commercial land.
West:	Residential Low Density	R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area)	Westlake Village senior mobile home park.

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 Commercial Regional and the Zoning Map, adopted in 2017, designates the site as C-R (Regional Commercial). The proposed development is consistent with the Land Use Element of the General Plan, and consistent with the standards for commercial zones development pursuant to the Visalia Municipal Code Title 17 (Zoning Ordinance) Chapter 17.18.

The project is proposed on the site of the Commons at Visalia Parkway Shopping Center, which was approved on April 13, 2020, via Conditional Use Permit No. 2019-31 and Tentative Parcel Map No. 2019-13. The Conditional Use Permit and Tentative Parcel Map together permitted the establishment of a master planned commercial development on a 28.7-acre parcel split into 11 lots, consisting of approximately 138,188 sq. ft. of commercial uses, including the establishment of three retail buildings of varying sizes (56,800 sq. ft., 29,800 sq. ft., and 10,000 sq. ft.), a 10,000 sq. ft. credit union building, a 4,088 sq. ft. gas station/convenience store with a 3,060 sq. ft. canopy, a 7,500 sq. ft. sit-down restaurant, two 3,000 sq. ft. drive-thru restaurants, and a 5,000 sq. ft. automotive repair store, on parcels with less than the minimum five acre site area requirement, including a parcel with no public street frontage, in the C-R (Regional Commercial) Zone. Mitigation measures related to traffic and noise were adopted with the approval of the Conditional Use Permit and Tentative Parcel Map and were implemented during development of the shopping center.

## **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 Land Use Element and Zoning Ordinance contain policies and regulations that are designed to mitigate impacts to a level of non-significance.

## **III. MITIGATION MEASURES**

The following mitigation measures, which are listed below under IV. Mitigation Monitoring Program, will reduce potential environmental impacts related to noise impacts to a less than significant level as described below:

**Noise** – An Acoustical Analysis was prepared for the proposed project [ref.: as follows: Environmental Noise & Vibration Assessment: SWC W. Visalia Parkway & S. Mooney Boulevard Development. Bollard Acoustical Consultants, Inc., July 15, 2024].

The Acoustical Analysis concluded that an exterior noise level in excess of the 65 dB DNL standard for noise-sensitive land uses, specified in the City's Noise Element, exists on the project site. To ensure that community noise standards are met for the development, the project developers have proposed an increase in height of an existing block wall located on the west side of the main project site to an overall height of eight feet, limited hours of operation to loading dock and truck delivery activities, and construction related compliance with Visalia Municipal Code Noise Ordinance measures and best practices to reduce impacts. The recommendations will allow for development of the proposal in accordance with the standards contained in the City's Noise Element and Ordinance.

Therefore, to ensure that community noise standards are met for the proposed project, the project site shall be developed in substantial compliance with the mitigation contained in pages 25, 28, 29, 43, 44, and 53 of the Acoustical Analysis. As described in the analyses, the project shall contain the following features:

- 1) All project loading dock activities shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).

- 2) The height of the existing 7-foot-tall masonry wall along the western project property boundary shall be increased to a minimum height of 8-feet. The location of the required 8-foot-tall masonry wall is illustrated in Figure 4 of the Acoustical Analysis. It should be noted that Section 17.36.050 of the Visalia Municipal Code limits the height of commercial walls to 7-feet in height when located in a rear yard, such as the existing 7-foot-tall wall adjacent to the project site. As a result, the project applicant would be required to file for an Administrative Adjustment to permit the additional 1-foot of wall height required for compliance. As an alternative, an 8-foot-tall masonry wall may be constructed adjacent to the existing 7-foot-tall wall (i.e., off the property line).
- 3) All on-site delivery truck circulation shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).
- 4) To the maximum extent practical, the following measures should be incorporated into the project construction operations:
  - All on-site noise-generating construction activities should occur pursuant to Visalia Municipal Code Section 8.36.050.
  - All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
  - All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
  - Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
  - Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive uses.
  - Project area and site access road speed limits shall be established and enforced during the construction period.
  - Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

Staff has incorporated the above recommendations as required mitigation measures. Therefore, to ensure that noise requirements are met for the proposed project, the project shall be developed and shall operate in substantial compliance with the Mitigation Measures 1.1 through 1.4. These mitigation measures are included in Section IV below as part of this Initial Study.

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

**IV. MITIGATION MONITORING PROGRAM**

<b><u>Mitigation Measure</u></b>	<b><u>Responsible Party</u></b>	<b><u>Timeline</u></b>
<b>Noise Impact Mitigation Measure 1.1:</b> All project loading dock activities shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).	Project Applicant	Mitigation shall be enforced by the City of Visalia and carried out by the project applicant during operation.

<p><b>Noise Impact Mitigation Measure 1.2:</b>                  The height of the existing 7-foot-tall masonry wall along the western project property boundary shall be increased to a minimum height of 8-feet. The location of the required 8-foot-tall masonry wall is illustrated in Figure 4. It should be noted that Section 17.36.050 of the Visalia Municipal Code limits the height of commercial walls to 7-feet-in-height when located in a rear yard, such as the existing 7-foot-tall wall adjacent to the project site. As a result, the project applicant would be required to file for an Administrative Adjustment to permit the additional 1-foot of wall required for compliance. As an alternative, an 8-foot-tall masonry wall may be constructed adjacent to the existing 7-foot-tall wall (i.e., off the property line).</p>	<p>Project Applicant</p>	<p>The sound walls shall be constructed with development of the project and shall be completed prior to the occupation of any buildings on the project site.</p>
<p><b>Noise Impact Mitigation Measure 1.3:</b>                  All on-site delivery truck circulation shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced by the City of Visalia and carried out by the project applicant during operation.</p>
<p><b>Noise Impact Mitigation Measure 1.4:</b>                  To the maximum extent practical, the following measures should be incorporated into the project construction operations:</p> <ul style="list-style-type: none"> <li>• All on-site noise-generating construction activities should occur pursuant to Visalia Municipal Code Section 8.36.050.</li> <li>• All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.</li> <li>• All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.</li> <li>• Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.</li> <li>• Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive uses.</li> <li>• Project area and site access road speed limits shall be established and enforced during the construction period.</li> <li>• Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.</li> </ul>	<p>Project Applicant</p>	<p>Mitigation shall be enforced by the City of Visalia and carried out by the project applicant during construction.</p>

#### **IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS**

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

#### **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.
- Conditional Use Permit No. 2019-31. April 13, 2020.
- Tentative Parcel Map No. 2019-13. April 13, 2020.
- Mitigated Negative Declaration No. 2019-62. April 13, 2020.
- CarMax Development: Noise Study Report, September 2019. VRPA Technologies, Inc., November 19, 2019.
- Environmental Noise & Vibration Assessment: Visalia Parkway & S. Mooney Boulevard Retail Development. Bollard Acoustical Consultants, Inc., January 15, 2020.
- Traffic Impact Analysis: Proposed Commons at Visalia Parkway Shopping Center. Peters Engineering Group, January 10, 2020.
- Environmental Noise & Vibration Assessment: SWC W. Visalia Parkway & S. Mooney Boulevard Development. Bollard Acoustical Consultants, Inc., July 15, 2024.
- Sam's Club Gas Station Health Risk Assessment / City of Visalia. JK Consulting Group, LLC, March 14, 2024.
- Archaeological Letter Report In Consideration of the SWC Visalia Parkway and Mooney Blvd. Development Project. Culturescape, August 2024.
- Technical Memorandum: Trip Generation Comparison, Visalia Commons Shopping Center, Visalia California. Peters Engineering Group, August 19, 2024.

#### **VI. NAME OF PERSON WHO PREPARED INITIAL STUDY**



Cristobal Carrillo  
Associate Planner



Brandon Smith, AICP  
Environmental Coordinator



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

#### V. CULTURAL RESOURCES

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Disturb any human remains, including those interred outside of formal cemeteries?

#### VI. ENERGY

Would the project:

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

#### VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
  - 1 ii) Strong seismic ground shaking?
  - 1 iii) Seismic-related ground failure, including liquefaction?
  - 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

#### VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- 2 b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

#### IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

#### X. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - 2 i) result in substantial erosion or siltation on- or off-site;
  - 2 ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
  - 2 iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- 2 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 2 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

#### XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?

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

**XII. MINERAL RESOURCES**

Would the project:

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

**XIII. NOISE**

Would the project result in:

- 3 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 1 b) Generation of excessive groundborne vibration or groundborne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**XIV. POPULATION AND HOUSING**

Would the project:

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

**XV. PUBLIC SERVICES**

Would the project:

- 1 a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
  - 1 i) Fire protection?
  - 1 ii) Police protection?
  - 1 iii) Schools?
  - 1 iv) Parks?
  - 1 v) Other public facilities?

**XVI. RECREATION**

Would the project:

- 1 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**XVII. TRANSPORTATION / TRAFFIC**

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 2 b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 1 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

**XVIII. TRIBAL CULTURAL RESOURCES**

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

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

**XIX. UTILITIES AND SERVICE SYSTEMS**

Would the project:

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

**XX. WILDFIRE**

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

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 1 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

Would the project:

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

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

Revised 2019

Authority: Public Resources Code sections 21083 and 21083.09

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

## DISCUSSION OF ENVIRONMENTAL EVALUATION

### I. AESTHETICS

- a. The proposed project is new commercial construction which will meet City standards for setbacks, landscaping and height restrictions. This project will not adversely affect the view of any scenic vistas. The Sierra Nevada mountain range may be considered a scenic vista, but views of the range will not be adversely impacted or significantly altered by the project.

Retail uses that include gas stations and carwash uses are considered compatible in commercial areas where potential impacts can be addressed through the Conditional Use Permit process. The project site is located along Mooney Boulevard and Visalia Parkway, which are designated arterial roadways. The City's General Plan Land Use Map designates the site as Commercial Regional. Staff believes that the proposed use is consistent in nature and character with existing and future uses surrounding the project site, subject to the inclusion of mitigation measures and the conditions of project approval for this project.

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

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

Conceptual photometric plans and lighting specs for the use have been prepared and provided by the project proponent, demonstrating the lighting fixtures installed throughout and directed toward the interior of the site. The on-site lighting for the use is directed and focused to avoid direct illumination spilling beyond the site boundaries into the adjacent residential uses, as required under Section 17.30.015.H of the Zoning Ordinance. Compliance with the City's Zoning Ordinance standards will be verified upon installation and prior to operation of the use. Therefore, impacts to lighting will be less than significant.

### II. AGRICULTURAL RESOURCES

- a. The project is not located on property that is identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

- b. The project is not located on property that is party to a Williamson Act contract. Existing City zoning for the area is C-R (Regional Commercial). As such zoning for agricultural use 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 project will not involve any changes that would promote or result in the conversion of farmland to non-agriculture use. The subject property is currently designated for an urban rather than agricultural land use. Properties that are vacant may develop in a way that is consistent with their zoning and land use designated at any time. The adopted Visalia General Plan's implementation of a three-tier growth boundary system further assists in protecting open space around the City fringe to ensure that premature conversion of farmland to non-agricultural uses does not occur.

### III. AIR QUALITY

- a. The project site is located in an area that is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan and will therefore be a less than significant impact.
- b. Development under the Visalia General Plan will result in emissions that will exceed thresholds established by the SJVAPCD for PM10 and PM2.5. The project will contribute to a net increase of criteria pollutants and will therefore contribute to exceeding the thresholds. Also, the project could result in short-term air quality impacts related to dust generation and exhaust due to construction and grading activities. 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 and 3.3-2 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.

- 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.

Residences located to the west and south of the proposed project are considered sensitive receptors susceptible to air quality impacts from the proposed use. As a result, a Health Risk Assessment (HRA) was submitted. Specifically, the HRA analyzed potential impacts from carcinogenic, chronic, and acute toxic air contaminants (TAC) produced by the proposed 'Gasoline Dispensing Facility' on nearby sensitive receptors. The HRA identifies residences located within 92 feet of the underground gasoline storage tanks as the nearest sensitive receptors. The HRA notes that a 50-foot separation is recommended for typical gas dispensing facilities and that siting 'new' sensitive land uses within 300 feet of a large gas station (facility with a throughput of 3.6 million gallons per year or greater) should be avoided. The HRA notes that while the Project is anticipated to sell 7.5 million gallons of gasoline and 1.2 million gallons of diesel fuel annually, the recommendation related to 300 feet is related to siting new sensitive receptors adjacent to existing gasoline dispensing facilities. The fuel dispensing area is located approximately 200 feet from the nearest sensitive receptor (residence).

The HRA analyzed VOC emissions, diesel emissions from truck traffic and idling, and emission rates provided in the California Air Resources Board and California Air Pollution Control Officers Association's Gasoline Service Station Industrywide Risk Assessment Technical Guide (February 18, 2022), to estimate Project emissions associated with the operation of the gasoline service station.

Lastly, the HRA employed the SJVAPCD Prioritization Calculator to determine the "Total Max Score" of Project specific toxic emissions as discussed above. Projects with a Prioritization score of 10 or higher require a Health Risk Assessment with dispersion modeling. Toxic emissions associated with the Project were used as inputs to the

Prioritization Calculator which generated the prioritization score for the Project. Results indicate that toxic emissions associated with the Project will generate a max score of 8.62 for sensitive receptors within 328 feet of the Project. Project emissions associated with the Project will not trigger dispersion modeling since the Total Max Score is less than 10. As a result, dispersion modeling was not required for the Project considering the SJVAPCD's methodology/threshold. TAC emissions generated during Project operations would not expose sensitive receptors to substantial pollutant concentrations. Therefore, mitigation is not warranted since there is a less than significant impact from Project operational emissions.

- 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 site is part of the Commons at Visalia Parkway Shopping Center and has been largely developed with urban uses. The project would therefore not have a substantial adverse effect on a sensitive, candidate, or special species.

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

- b. The project is not located within an identified sensitive riparian habitat or other natural community. Packwood Creek is located approximately 1,300 feet west of the project site and will not be affected by the proposed development.

City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain sensitive natural communities may be directly or indirectly affected by future development within the General Plan Planning Area, particularly valley oak woodlands and valley oak riparian woodlands. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-2 of the EIR, that together work to reduce the potential for impacts on woodlands located within in the Planning Area. With implementation of these policies and being that the project is not located within or adjacent to an identified sensitive riparian habitat or other natural community, including woodlands, 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.

City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain protected wetlands and other waters may be directly or indirectly affected by future development within the General Plan Planning Area. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-3 of the EIR, that together work to reduce the potential for impacts on wetlands and other waters located within in the Planning Area. With implementation of these policies, impacts on wetlands will be less than significant.

- d. Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that the movement of wildlife species may be directly or indirectly affected by future development within the General Plan Planning Area. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-4 of the EIR, that together work to reduce the potential for impacts on wildlife movement corridors located within in the Planning Area. With implementation of these policies, impacts on wildlife movement corridors will be less than significant.
- e. The project will not conflict with any local policies or ordinances protecting biological resources. The City of Visalia has a municipal ordinance in place to protect valley oak trees; however, no oak trees exist on the site.
- f. There are no local or regional habitat conservation plans for the area.

## **V. CULTURAL RESOURCES**

- a. Per the "Archaeological Letter Report In Consideration of the SWC Visalia Parkway and Mooney Blvd. Development Project" submitted by Culturescape in August 2024, 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 will cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- c. There are no known human remains buried in the project vicinity. If human remains are unearthed during development all work should cease until the proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

## **VI. ENERGY**

- a. Development of the site will require the use of energy supply and infrastructure. However, the use of energy will

be typical of that associated with commercial development associated with the underlying zoning. Furthermore, the use is not considered the type of use or intensity that would result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. The project will be required to comply with California Building Code Title 24 standards for energy efficiency.

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

- b. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, based on the discussion in section VI.a 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 available for connection 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 project, and long-term as a result of day-to-day operation of the development.

The City has prepared and adopted a Climate Action Plan (CAP) which includes a baseline GHG emissions inventories, reduction measures, and reduction targets consistent with local and State goals. The CAP was

prepared concurrently with the proposed General Plan and its impacts are also evaluated in the Visalia General Plan Update EIR.

The Visalia General Plan and the CAP both include policies that aim to reduce the level of GHG emissions emitted in association with buildout conditions under the General Plan. Although emissions will be generated as a result of the projects, 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 and SB 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. There are no schools located within one-quarter mile from the project. There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites within one-quarter mile of school sites.
- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- e. The City's adopted Airport Master Plan shows the project area is located outside of all Airport Zones. There are no restrictions for the proposed project related to Airport Zone requirements.

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

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

#### **X. HYDROLOGY AND WATER QUALITY**

- a. Development projects associated with buildout under the Visalia General Plan are subject to regulations that serve to ensure that such projects do not violate water quality standards of waste discharge requirements. These

regulations include the Federal Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program. State regulations include the State Water Resources Control Board (SWRCB) and more specifically the Central Valley Regional Water Quality Control Board (RWQCB), of which the project site area falls within the jurisdiction of.

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

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

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

- b. The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer. The project will result in an increase of impervious surfaces on the project site, which might affect the amount of precipitation that is recharged to the aquifer. However, as the City of Visalia is already largely developed and covered by impervious surfaces, the increase of impervious surfaces through this project will be small by comparison. The project therefore might affect the amount of precipitation that is recharged to the aquifer. The City of Visalia's water conservation measures and explorations for surface water use over groundwater extraction will assist in offsetting the loss in groundwater recharge.

- c.
  - i. The development of this site will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.

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

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

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

Policies identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the

existing City standards, impacts to groundwater supplies will be less than significant.

Existing storm water mains are on site and the applicant will be connecting to service. Furthermore, the project will be required to meet the City's improvement standards for directing storm water runoff to the City's storm water drainage system consistent with the City's adopted City Storm Drain Master Plan. These improvements will not cause significant environmental impacts.

- 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 site is partially developed with a commercial shopping center and would not result in development that would split existing urban areas. The General Plan Land Use Diagram designates the project area as Regional Commercial. The Zoning Map designates the site as C-R (Regional Commercial), which is consistent with the General Plan Land Use Designation of Regional Commercial as identified in Table 9-1 "Consistency Between the Plan and Zoning" of the General Plan. Commercial centers that include retail shops, gas stations and carwashes are considered compatible uses in commercial areas where potential impacts can be addressed through the conditional use permit process. The site is located along Mooney Boulevard and Visalia Parkway, both designated arterial roadways.

The Visalia General Plan contains multiple policies, identified under Impact 3.1-2 of the EIR, that together work to reduce the potential for impacts to the development of land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

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

concentric fashion by implementing the General Plan's phased growth strategy."

The project as a whole does not conflict with any land use plan, policy or regulation of the City of Visalia. The site's General Plan Land Use Designation of Regional Commercial and the Zoning Designation of C-R (Regional Commercial) are consistent with each other based on the underlying allowed land uses and density ranges as identified in Table 9-1 "Consistency between the Plan and Zoning" of the General Plan. The City of Visalia's Zoning Ordinance allows for commercial development as a permitted use, though the service station and carwash identified in the commercial development require a Conditional Use Permit.

Lastly, the proposed project will be consistent with the Land Use Element of the General Plan, including Policies LU-P-62, LU-P-65, and LU-P-69 for Regional Commercial Development, and consistent with the standards for commercial development pursuant to the Visalia Municipal Code Title 17 (Zoning Ordinance) Chapters 17.18 and 17.30.

#### **XII. MINERAL RESOURCES**

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

#### **XIII. NOISE**

- a. The project will result in noise generation typical of urban development. The Visalia Noise Element and City Ordinance contain criterion for acceptable noise levels inside and outside residential living spaces. This standard is 65 dB DNL for outdoor activity areas associated with residences and 45 dB DNL for indoor areas.

An acoustical analysis was prepared for the proposed project, addressing the proposed commercial, automated car wash use [Environmental Noise & Vibration Assessment: SWC W. Visalia Parkway & S. Mooney Boulevard Development. Bollard Acoustical Consultants, Inc., July 15, 2024]. The purpose of the study is to determine if noise levels associated with the project will comply with the City's applicable noise level standards, particularly upon the existing single-family residential mobile home park uses to the west and south. The acoustical analysis is intended to determine project-related noise levels for all aspects of the proposed project.

The Acoustical Analysis concluded that an exterior noise level in excess of the 65 dB DNL standard for noise-sensitive land uses, specified in the City's Noise Element, exists on the project site. To ensure that community noise standards are met for the development, the project developers have proposed an increase in height of an existing block wall located on the west side of the main project site to an overall height of eight feet, limited hours of operation to loading dock and truck delivery activities, and construction related compliance with Visalia Municipal Code Noise Ordinance measures and best practices to reduce impacts. The recommendations will allow for development of the proposal in accordance with the standards contained in the City's Noise Element and Ordinance.

Therefore, to ensure that community noise standards are met for the proposed project, the project site shall be developed in substantial compliance with the mitigation contained in pages 25, 28, 29, 43, 44, and 53 of the Acoustical Analysis. As described in the analyses, the project shall contain the following features:

- 1) All project loading dock activities shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).
- 2) The height of the existing 7-foot-tall masonry wall along the western project property boundary shall be increased to a minimum height of 8-feet. The location of the required 8-foot-tall masonry wall is illustrated in Figure 4 of the Acoustical Analysis. It should be noted that Section 17.36.050 of the Visalia Municipal Code limits the height of commercial walls to 7-feet-in-height when located in a rear yard, such as the existing 7-foot-tall wall adjacent to the project site. As a result, the project applicant would be required to file for an Administrative Adjustment to permit the additional 1-foot of wall height required for compliance. As an alternative, an 8-foot-tall masonry wall may be constructed adjacent to the existing 7-foot-tall wall (i.e., off the property line).
- 3) All on-site delivery truck circulation shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).
- 4) To the maximum extent practical, the following measures should be incorporated into the project construction operations:
  - All on-site noise-generating construction activities should occur pursuant to Visalia Municipal Code Section 8.36.050.
  - All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
  - All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
  - Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
  - Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive uses.
  - Project area and site access road speed limits shall be established and enforced during the construction period.
  - Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

Staff has incorporated the above recommendations as required mitigation measures. Therefore, to ensure that noise requirements are met for the proposed project, the project shall be developed and shall operate in substantial compliance with the Mitigation Measures 1.1 through 1.4. These mitigation measures are included as part of this Initial Study.

Noise levels will increase temporarily during the construction of the project but shall remain within the limits defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is 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 area is not within two miles of a public airport, and there is no private airstrip near the project area. The project will not expose people residing or working in the project area to excessive noise levels 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. Development of the site will not displace any housing or people on the site. The area being developed is currently vacant land within a developed commercial shopping center.

#### **XV. PUBLIC SERVICES**

- a.
  - i. Current fire protection facilities are located at the Visalia Station 52, located approximately one mile north of the property, and can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
  - ii. Current police protection facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
  - iii. The project will not generate new students for which existing schools in the area may accommodate.
  - iv. Current park facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
  - v. Other public facilities can adequately serve the site without a need for alteration.

#### **XVI. RECREATION**

- a. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment. Nor will the project increase the use of existing neighborhood and regional

parks as no residential uses are proposed.

- b. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

#### **XVII. TRANSPORTATION AND TRAFFIC**

- a. Development and operation of the project is not anticipated to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness of the City's circulation system. The project will result in an increase in traffic levels on arterial and collector roadways, although the City of Visalia's Circulation Element has been prepared to address this increase in traffic.
- b. Development of the site will result in increased traffic in the immediate area; but will not cause a substantial increase in traffic Citywide. This site was evaluated in the Visalia General Plan Update Environmental Impact Report (EIR) for Regional Commercial urban use.

A Traffic Memo [Technical Memorandum: Trip Generation Comparison, Visalia Commons Shopping Center, Visalia California. Peters Engineering Group, August 19, 2024] has been provided by the applicant, comparing potential trip generation from the project to that which was originally identified in the Traffic Impact Analysis Report (TIA) conducted for the overall shopping center development in which the project will be located (ref.: Traffic Impact Analysis: Proposed Commons at Visalia Parkway Shopping Center. Peters Engineering Group, January 10, 2020). Based on the analysis provided in the Traffic Memo, trips generated by the project will be less than identified in the original TIA. Improvements identified in the original TIA have been largely implemented, to including widening of W. Visalia Parkway and S. Mooney Boulevard to their ultimate widths, and improvement of the Visalia Parkway/Mooney Boulevard intersection. As such an update to the TIA is not required nor new mitigation measures recommended. The original traffic study performed remains applicable and covers the projected trip projection for the new project. Furthermore, since the project will operate in conformance with the original TIA, and being that the original project and its respective environmental document and supporting TIA were approved on April 13, 2020, being prior to July 1, 2020 when the current provisions of CEQA Guidelines Section 15064.3 became effective, no supplemental or subsequent VMT analysis is required, as the criteria for utilizing VMT as a basis for analyzing transportation impacts were not applicable at the time of original discretionary approval.

- 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.

Existing sanitary sewer and storm water mains are on site and the applicant will be connecting to services. Usage of these lines is consistent with the City Sewer System Master Plan and Storm Water Master Plan. These improvements will not cause significant environmental impacts.

- b. The project will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The 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 extending from adjacent off-site locations to the project site; however the infrastructure would be typical

of commercial development and would be developed to the standards of the underlying responsible agencies.

- d. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that would expose persons or structures to significant risks of flooding or landslides.

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

- a. The project will not affect the habitat of a fish or wildlife species or a plant or animal community. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia's General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still

determined to be significant a statement of overriding considerations was made.

- b. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for the area's conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- c. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

## DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37 adopted on October 14, 2014. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**



Brandon Smith, AICP  
Environmental Coordinator

August 21, 2024

Date



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TECHNICAL MEMORANDUM

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**To:** Mr. Jim Shehadey  
Visalia Parkway Partners, LLC

**From:** John Rowland, PE, TE

**Subject:** Trip Generation Comparison  
Visalia Commons Shopping Center  
Visalia, California

**Date:** August 19, 2024



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This purpose of this memorandum is to summarize trip generation calculations that were prepared to compare the number of trips expected to be generated by the current version of the Visalia Commons Shopping Center project to the number of trips analyzed in the traffic impact analysis report for the shopping center dated January 10, 2020 (hereinafter referred to as the TIA). The trip generation comparisons were submitted to City of Visalia staff for review and comment. The data provided herein are the final calculations that were agreed to by City staff.

The current site plan includes the following uses:

- 171,161-square-foot discount club
- 5,588-square-foot Chick-fil-A
- Automated car wash with one wash tunnel
- 2,450-square-foot Panda Express
- 7,646-square-foot Texas Roadhouse
- 810-square-foot Dutch Bros.
- 12,000-square-foot Les Schwab

The trip generation calculations for the current site plan were performed utilizing the Institute of Transportation Engineers *Trip Generation Manual, 11<sup>th</sup> Edition*, with the exception that trip generation data developed specifically for Dutch Bros. were utilized for the proposed coffee shop. The Dutch Bros. trip generation data are presented in a report by KD Anderson & Associates dated August 31, 2021 and is attached.

City of Visalia staff requested that a comparison of weekend trip generation values be provided. Weekends were not studied in the TIA; therefore, new weekend trip generation estimates were prepared for both the site plan studied in the TIA and the current site plan.

In general, the trip generation estimates are based on average rates. However, to account for the possibility that the discount club and Chick-fil-A may generate more trips than an average facility, an additional set of trip generation estimates was prepared considering a rate one standard deviation above the average for these two uses.

Internal capture was maintained at no more than five percent for the entire project.

The trip generation estimates and internal capture calculations are attached for both the current site plan and the original site plan studied in the TIA. Following the calculations, tables presenting the comparisons are attached.

The trip generation comparisons suggest that the proposed site plan will generate fewer trips than the site plan analyzed in the TIA. The new site plan potentially generates more trips during the Saturday peak hour; however, using the increased rates (average plus one standard deviation) the difference amounts to less than one external vehicle trip per minute (entering and exiting combined). This difference is considered to be well within the tolerances anticipated in the trip generation data. Therefore, it is our conclusion that the TIA remains applicable and covers the trips expected to be generated by the current site plan. As such, no additional mitigation measures would be triggered. In addition, the values in Tables 1C through 4C (attached) indicate that the daily external traffic volumes are expected to be fewer than originally estimated. Therefore, no analysis of vehicle miles traveled (VMT) is expected to be triggered.

If you have any questions, please contact me at (559) 299-1544, Extension 112, or by email at [jrowland@peters-engineering.com](mailto:jrowland@peters-engineering.com).

Attachments: KD Anderson & Associates report dated August 31, 2021  
Trip Generation Calculations - Current Site Plan  
Internal Capture Calculations - Current Site Plan  
Trip Generation Calculations - Original Site Plan  
Internal Capture Calculations - Original Site Plan  
Trip Generation Comparisons

# KD Anderson Report

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August 31, 2021

Mr. Paul Deppe, Partner  
**Armet Davis Newlove & Associates**  
1330 Olympic Blvd  
Santa Monica, CA 90404

**RE: CEQA VMT IMPACT AND TRAFFIC OPERATIONAL ASSESSMENT FOR MULTI-TENANTS BUILDING WITH END CAP DRIVE-THRU, KERMAN, CALIFORNIA.**

Dear Mr. Deppe:

Thank you for contacting our firm regarding the *Multi Tenants Building with End Cap Drive-thru* in Kerman, California. As we are aware the project is a 6,640 sf retail building within a center being built on the south side of West Whitesbridge Road (SR 180), as shown in Figure 1. While the tenants in the project are somewhat speculative, a 1,000 sf coffee restaurant with drive-thru is planned as an end cap. This report identifies the project's Trip Generation and discusses its CEQA VMT impacts. The report also assesses the Drive-Thru Queuing characteristics of the coffee restaurant in order to confirm that the project will not affect local circulation and that further analysis is not needed.

### **Project Trip Generation**

**Institute of Transportation Engineers Rates.** The amount of vehicular traffic associated with the project has been estimated on a peak hour basis from two perspectives. First, trip generation rates for coffee related uses that are presented in the Institute of Transportation Engineers (ITE) publication, *Trip Generation Manual, 10<sup>th</sup> Edition* were identified and reviewed to determine whether this data is applicable to the proposed. As indicated in Table 2 rates available for the general retail space and for the fast casual restaurant space.

ITE rates are not generally available for the coffee use as indicated in an assessment we have made previously for Dutch Brothers Coffee. As indicated in Table A which is attached, ITE rates are available for two coffee related uses with drive-thru lanes. Code 938 is *Coffee / Donut Shop with Drive-Thru and No Indoor Seating*. While that description does match the proposed coffee use, all the data provided by ITE was collected at very small kiosks (100 sf) that generated 10 to 60 peak hour trips. Because these kiosks were so small their "per ksf" trip generation rates would greatly exaggerate a forecast for the larger proposed building. Alternatively, Code 937 is a *Coffee / Donut Shop with Drive-Thru* at sites where indoor seating is available. In this case the ITE data was collected at sites that ranged from 500 to 5,500 sf, and as the proposed use does not offer indoor seating forecasts these "per ksf" trip rates may not be helpful in understanding the trip generation characteristic of the proposed project.

**Dutch Brothers Data.** As an alternative method, we have assembled available trip generation information specific to the current prototype Dutch Brothers operation (i.e., 900 sf with dual drive-thru aisles) and determined a.m. and p.m. peak hour trip generation forecasts from that perspective. As noted in attached Table A, a 2019 report prepared by another firm included a survey of a large Dutch Brothers kiosk in Stockton, California, and our firm surveyed three Dutch Brothers sites in Northern California in 2020 - 2021. Average "per ksf" a.m. and p.m. peak hour trip generation rates were created from that data, and

these results generally fall between the rates identified by Code 938 and 937 in the morning peak hour but are higher than either rate in the evening peak hour.

It is our opinion that the trip generation associated with the proposed coffee use would be similar to that observed at Dutch Brothers standard kiosks. The effect of providing an outdoor patio is already included in the rates as that is a common feature of Dutch Brothers kiosks.

ITE Code	Description	Quantity	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
820	General Retail	1 ksf	37.75	62%	38%	0.94	48%	52%	3.81
	Project	4.34	164	3	1	4	8	8	16
	Pass-by	34%	<56>	-	-	-	<3>	<3>	<6>
	Primary trips		108	3	1	4	5	5	10
930	Fast Casual Restaurant	1 ksf	315.17	67%	33%	2.07	55%	45%	14.13
	Project	1.10	847	1	1	2	9	7	16
	Pass-by	43%	<364>	-	-	-	<3>	<3>	<6>
	Primary			1	1	2	6	4	10
	Coffee without indoor seating	1 ksf	1,685.13			148.07			121.55
	Project	1.01	1,705	76	73	149	59	64	123
	Pass-by	75%	<1,279>	<56>	<56>	<112>	<46>	<46>	<92>
	Primary Trips		426	20	17	37	13	18	31
	<b>Total Gross Trips</b>		<b>2,716</b>	<b>80</b>	<b>75</b>	<b>155</b>	<b>76</b>	<b>79</b>	<b>155</b>
	<b>Total Pass-by</b>		<b>&lt;1,699&gt;</b>	<b>&lt;56&gt;</b>	<b>&lt;56&gt;</b>	<b>&lt;112&gt;</b>	<b>&lt;52&gt;</b>	<b>&lt;52&gt;</b>	<b>&lt;104&gt;</b>
	<b>Total Primary</b>		<b>1,017</b>	<b>24</b>	<b>19</b>	<b>43</b>	<b>24</b>	<b>27</b>	<b>51</b>

**Peak Hour Trip Generation Forecasts.** As indicated in Table 1, we have assembled trip generation estimates for the three components of the project. As shown, the project could generate 155 trips in the a.m. peak hour and evening peak hour.

**Daily Trip Generation.** Data specific to the Dutch Brothers restaurant is not available on a daily basis, and we have typically estimated the business's daily trip generation based on the characteristics of other coffee related uses. The sum of a.m. and p.m. peak hour trip generation rates has been compared to the available daily trip generation rates to suggest a factor that can be applied to the available Dutch Brothers peak hour data. For Code 938 (small kiosks) the sum of peak hour rates represents 21.3% of the daily rate. For Code 937 (Coffee Shop with seating), the sum equals 16.2% of the daily traffic, while for **Code 934 (Fast-Food with Drive-Thru)**, the sum is equal to 15.5 % of the daily trip generation. Based on these relationships we expect that the sum of Dutch Brothers a.m. and p.m. peak hour trip generation forecasts would be 16% of its daily traffic. We estimate that coffee use in the project could generate 1,705 daily trips (i.e., ½ inbound and ½ outbound) (i.e., 145+123) / 0.16 = 1,705). Combined with the other uses the total project could generate 2,716 daily trips.

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**Pass-by Trips.** A share of the trips generated by retail and service-related uses is often drawn from the stream of traffic already passing the business. These “pass-by” trips would be made by customers who simply turn into and out of the site as a part of another trip. The ITE Trip Generation Handbook, 3<sup>rd</sup> Edition presents pass-by trip rates based on interviews with patrons at various businesses, and this data was reviewed. In this case pass-by rates for three land use categories may be applicable. Pass-by rates are presented for Code 938, and pass-by trips comprised 89% of the p.m. peak hour trips made at the small coffee kiosks included in that study. Similarly, pass-by trip rates for Code 934 *Fast-Food Restaurant with Drive-Thru* are 49% of the a.m. and 50% of the p.m. trips for that use. While no rates are available for Fast Casual Restaurants, ITE data is available for High Turnover Sit Down restaurants ( i.e., 43%), and this rate was assumed.

Recognizing that the pass-by trip characteristics of a coffee use such as Dutch Brothers likely fall somewhere between these two published rates, we anticipate that 75% of the trips generated by the coffee use will be pass-by trips drawn from the 15,300 AADT reported by Caltrans in 2019 on SR 180 east of SR 145, as well as persons already visiting the neighboring Walmart. Thus, 112 a.m. peak hour and 104 p.m. peak hour trips would be pass-by. The remaining 43 a.m. and 51 p.m. peak hour trips would be made by customers for the primary purpose of visiting the project.

#### **CEQA / Vehicle Miles Traveled (VMT)**

Starting in July 2020 SB 743 required agencies to move from a Level of Service based impact analysis under CEQA to analysis based on regional Vehicle Miles Traveled (VMT). Current direction regarding methods to identify VMT and comply with state requirements is provided by the California Governor’s Office of Planning and Research (OPR) December 2018 publication, *Technical Advisory on Evaluating Transportation Impacts in CEQA* and the *Del Norte Region SB 743 Implementation Plan (2020)*.

OPR provides this direction for retail projects:

***Retail Projects.** Generally, lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.*

However, OPR also identifies Screening thresholds for various types of development projects:

*Many agencies use “screening thresholds” to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study. (See e.g., CEQA Guidelines, §§ 15063(c)(3)(C), 15128, and Appendix G.) As explained below, this technical advisory suggests that lead agencies may screen out VMT impacts using project size, maps, transit availability, and provision of affordable housing.*

**Local-Serving Retail Uses.** Local-serving retail developments would reduce trip lengths (and therefore VMT) by offering additional retail choices allowing customers to make shorter trips than they would make to more distant retail developments. This would apply to retail developments intended to serve customers in the immediate area.

Evidence – The OPR Technical Advisory provides that “because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e., the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts.” Local serving retail generally shortens trips as longer trips from regional

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retail are redistributed to new local retail. OPR Guidance suggests that retail uses of 50,000 sf or less can typically be considered locally serving.

The project provides retail and food services along SR 180 within the Kerman area, which in addition to motorists already on SR 180 is expected to provide a majority of its customer base. Based on the location of competing business, the most likely effect on regional travel associated with the development of the project is to offer another option for trips made by residents shopping along the SR 180 corridor. As the proposed project is relatively close to other restaurants and retail centers, the regional effect on VMT is likely to be small, but VMT generally will be reduced by offering a closer option for some traffic.

**Site Plan Review**

**Layout.** The project is part of a larger commercial center being constructed west of Kerman Plaza (Walmart). Access to the overall center has been constructed on SR 180 under an encroachment permit from Caltrans District 6. A north-south aisle extends south for about 240 feet to an east west aisle that will provide direct access to the project. Those access points are about 35 feet and 200 feet from the SR 180 connection, respectively.

**Drive-thru Queuing Statistics.** To assess the coffee use’s drive-thru aisle we have assembled available information regarding the queuing characteristics of Dutch Brothers restaurants in order to confirm the adequacy of the proposed site plan. As shown in the attached site plan, the drive-thru is entered at a location adjoining the western site access. From that point the lane proceeds counterclockwise around the building. The lane has roughly 350 feet of queuing area from the pick-up window around the site to the entrance. At 20 feet per vehicle the plan accommodates 18 vehicles that can be stored inside the designated queuing area. The lanes last 70 feet includes an exit pass-thru lane that allows customers who have been serviced while in line the opportunity to proceed around a time-consuming-order at the pick-up window.

As indicated in Table 2, peak drive-thru queues were measured at four Dutch Brothers kiosk restaurants. Each is equipped with dual entry aisles, provides peak period in-line service to reduce headways and includes an exit pass-thru lane that allows customers who have been serviced in line to proceed. During peak period Dutch Brothers regularly positions staff with ordering tablets in line to expedite service, and this activity was observed.

Table 2 identifies the maximum queue observed behind the ordering board in each lane and the maximum number of vehicles queuing at one time. As shown, the largest number of concurrent vehicles was in a range of 13 to 15 vehicles, and the 18 vehicles accommodated in Multi-Tenants Building with end cap drive-thru has the capacity for those totals.

TABLE 2 DUTCH BROTHERS DRIVE-THRU QUEUE REPORTS WITH DUAL DRIVE-THRU					
Location	Peak Hour Time Period	Pick Up Window	Entry Aisle		Total Vehicles
			#1	#2	
Sacramento, CA	AM	3	5	5	13
	PM	3	7	5	15
Roseville, CA	AM	2	6	5	13
	PM	2	3	2	7
Stockton, CA	AM	-	6	9	15
	PM	-	7	6	13
Turlock, CA	AM	7	3	2	12
	PM	7	4	5	16

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**Drive Thru Assessment.** While the project layout does not match the Dutch Brothers standalone prototype, the drive-thru layout will be adequate assuming that operational strategies typically used by Dutch Brothers are incorporated into the plan. As noted earlier, in line service is likely to be needed during peak periods, and the site plan should be designed to provide a safe area for service employees to walk around the queue of waiting cars.

Dutch Brothers typically monitors the effects of peak period queuing near its drive thru entrances, and if excessive queues occur temporary traffic controls are implemented to direct incoming customers to alternative routes that stretch out the queue at an acceptable location. Temporary controls are preferable to permanent changes that limit access to all businesses at other times. The site layout can facilitate a temporary control plan by limiting access at the eastern access and directing arriving traffic to the west access about 200 feet away. From that point traffic to the drive-thru would turn into the southern aisle and any extra queue can be accommodated in this area (10 more cars). The area around the drive-thru entrance could be marked "KEEP CLEAR" to inform customers of the need to avoid queuing and to set the stage for the time periods when temporary control goes into effect. Because peak coffee sales typically occur in the morning when most retail businesses and casual dining restaurants are not open, a temporary control plan can be implemented without appreciably affecting the coffee business's neighbors. However, traffic that was destined for other businesses can still access storefront parking via the northern aisle.

### **Overall Conclusions**

The project's impacts under CEQA based on VMT are not significant. The site plan will function acceptably with implementation of temporary peak period traffic control measures at the drive-thru entrance when needed.

Thank you for contacting our firm. Please feel free to contact me if you have any questions.

Sincerely,

**KD Anderson & Associates, Inc.**



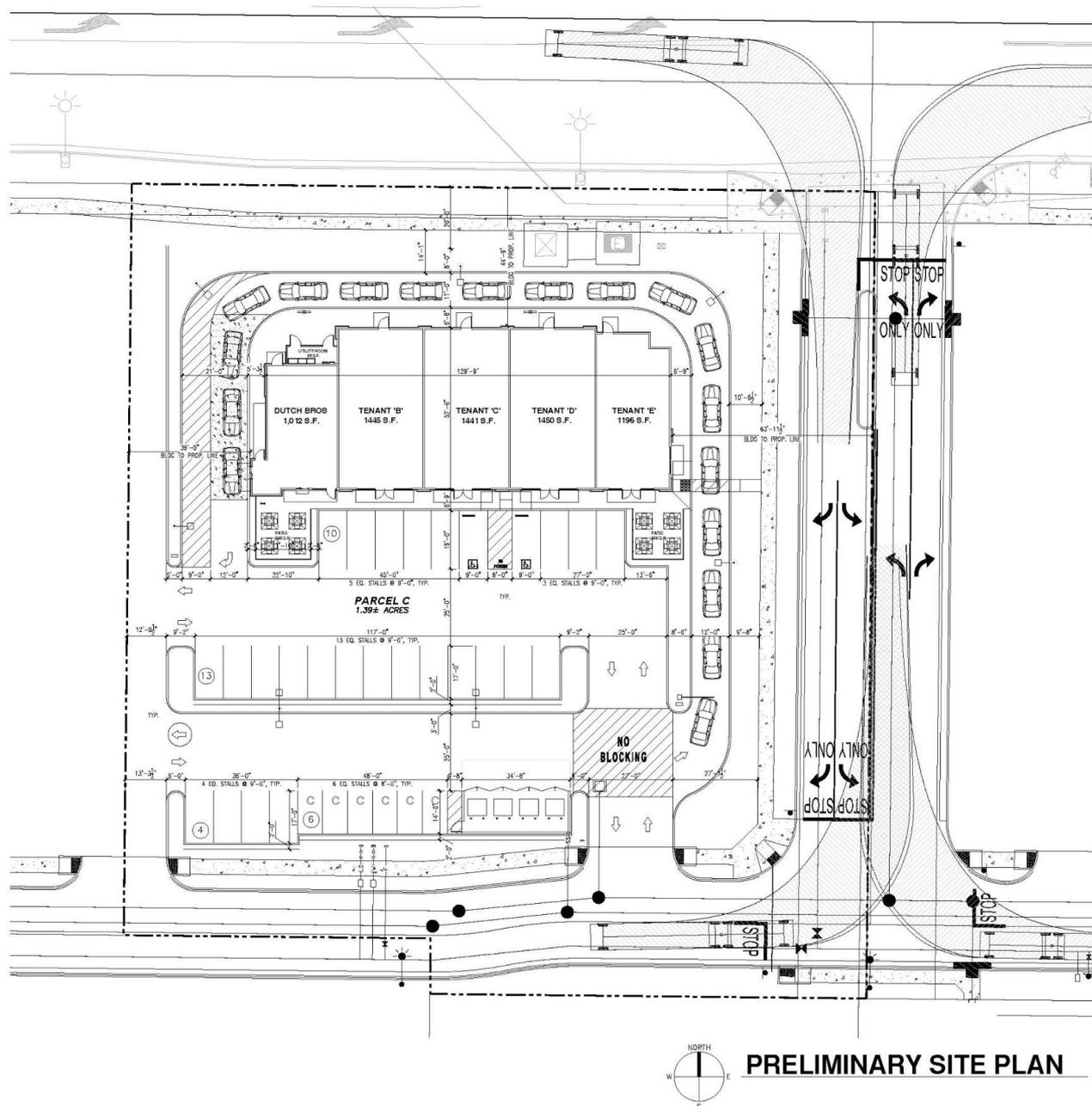
Kenneth D. Anderson, P.E.  
President

Attachments: Tables A, Site Plan

**TABLE A  
DUTCH BROTHERS TRIP GENERATION RATES**

Location	Size (sf)	Daily	AM Peak Hour					PM Peak Hour				
			Inbound	Outbound	Trips	Rate per ksf	Pass-by Rate	Inbound	Outbound	Trips	Rate per ksf	Pass-by Rate
<i>Dutch Brothers Data Specific to 800+ sf model with dual drive thru</i>												
Stockton, CA <sup>1</sup>	810		53%	47%	120	148.10		44%	56%	70	86.42	
Sacramento, CA <sup>2</sup>	865		48%	52%	120	138.72		47%	53%	112	129.48	
Roseville, CA <sup>3</sup>	865		52%	48%	114	131.79		50%	50%	66	76.30	
Turlock, CA <sup>4</sup>	835		52%	48%	145	173.65		50%	50%	162	194.01	
Average		1682.13	51%	49%	125	148.07		48%	52%	103	121.55	
<i>Kerman Site based on other ITE rates</i>												
ITE 937	1.01	828	46	44	90	88.90		22	22	44	43.48	
ITE 938	1.01	2,020	170	170	340	337.04		42	42	84	83.33	
<i>ITE Data</i>												
ITE Code 938 <sup>5</sup>		2,000.00	50%	50%	10 to 60	337.04			50%	50%	83.33	89%
ITE Code 937 <sup>6</sup>		820.38	51%	49%		88.90			50%	50%	43.48	
ITE Code 934 <sup>7</sup>		470.95				40.19	49%				32.67	50%
<sup>1</sup> Crane Transportation Group, survey of Stockton CA site 10/3/2019 <sup>2</sup> 4250 El Camino Avenue, Sacramento, CA 11/3/2020 <sup>3</sup> 2348 Sunrise Blvd, Roseville, CA 11/3/2020 <sup>4</sup> 1201 W. Monte Vista Ave, Turlock, CA <sup>5</sup> Coffee / Donut Shop with Drive-Thru and No Indoor Dining. All samples are Kiosks of 100 sf <sup>6</sup> Coffee / Donut Shop with Drive-Thru. Samples ranged from 500 to 5,500 sf <sup>7</sup> Fast-Food Restaurant with Drive-Thru <sup>8</sup> assumed average of rates for Code 938 and Code 934 values												

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# Trip Generation Calculations

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CURRENT SITE PLAN

**Table 1A**  
**New Project Trip Generation (Average Rates)**

ITE Land Use	Units	A.M. Peak Hour Traffic Volumes			Midday Peak Hour Traffic Volumes			P.M. Peak Hour Traffic Volumes			Weekday Traffic Volume	
		Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate	Total
Discount Club (857)	171,161 sq. ft.	0.80 61/39	84	54	4.62 50/50	396	396	4.19 50/50	359	359	42.46	7,268
Fast Food Restaurant with Drive Through (934) (NEC of site)	5,588 sq. ft.	44.61 51/49	128	122	50.94 51/49	145	140	33.03 52/48	96	89	467.48	2,612
Automated Car Wash (948) (Shops B)	1 lane	77.50+ 50/50	39	39	77.50+ 50/50	39	39	77.50 50/50	39	39	776++	776
Fast Food Restaurant with Drive Through (934) (Panda)	2,540 sq. ft.	44.61 51/49	0**	0**	50.94 51/49	66	64	33.03 52/48	44	40	467.48	1,188
High-Turnover Sit-Down Restaurant (932) (Texas Roadhouse)	7,646 sq. ft.	9.57 55/45	0***	0***	17.41 52/48	0***	0***	9.05 61/39	26	17	107.20	820
Coffee Shop without indoor seating (Dutch Bros.)	810 sq. ft.	148.07 51/49	61	59	148.07 51/49	61	59	121.55 48/52	48	51	1,685.13	1,366
Automobile Parts and Service Center (943) (Les Schwab)	12,000 sq. ft.	1.91 72/28	17	6	2.76 54/46	18	15	2.06 39/61	10	15	16.60	200
Subtotals:	-	-	329	280	-	725	713	-	622	610	-	14,230
Internal Capture:	-	-	-15	-15	-	-36	-36	-	-31	-31	-	-718
<b>TOTAL EXTERNAL:</b>	-	-	<b>314</b>	<b>265</b>	-	<b>689</b>	<b>677</b>	-	<b>591</b>	<b>579</b>	-	<b>13,512</b>

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, September 2021*. Rates are reported in trips per 1,000 square feet of building area and trips per lane, as applicable. Splits are reported as Entering/Exiting as a percentage of the total.

+ ITE does not provide data for the A.M. peak hour and midday peak hour, so P.M. peak hour data were applied.

++ ITE does not provide data for the daily volumes, so it was assumed that 10 percent of the daily volume occurs during the P.M. peak hour and the daily rate was estimated by multiplying the P.M. peak hour rate by 10.

\* ITE indicates that. "Some sites may include on-site fueling pumps." \*\* Panda Express opens at 10:00 a.m. \*\*\* Texas Roadhouse opens at 3:00 p.m.

**Table 2A**  
**Alternate New Project Trip Generation (Using Increased Rates)**

ITE Land Use	Units	A.M. Peak Hour Traffic Volumes			Midday Peak Hour Traffic Volumes			P.M. Peak Hour Traffic Volumes			Weekday Traffic Volume	
		Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate	Total
Discount Club (857)	171,161 sq. ft.	1.53 61/39	160	102	6.38 50/50	546	546	5.89 50/50	504	504	55.50	9,500
Fast Food Restaurant with Drive Through (934) (NEC of site)	5,588 sq. ft.	71.75 51/49	204	197	75.85 51/49	216	208	50.62 52/48	147	136	706.10	3,946
Automated Car Wash (948) (Shops B)	1 lane	77.50+ 50/50	39	39	77.50+ 50/50	39	39	77.50 50/50	39	39	776++	776
Fast Food Restaurant with Drive Through (934) (Panda)	2,540 sq. ft.	44.61 51/49	0**	0**	50.94 51/49	66	64	33.03 52/48	44	40	467.48	1,188
High-Turnover Sit-Down Restaurant (932) (Texas Roadhouse)	7,646 sq. ft.	9.57 55/45	0***	0***	17.41 52/48	0***	0***	9.05 61/39	26	17	107.20	820
Coffee Shop without indoor seating (Dutch Bros.)	810 sq. ft.	148.07 51/49	61	59	148.07 51/49	61	59	121.55 48/52	48	51	1,685.13	1,366
Automobile Parts and Service Center (943) (Les Schwab)	12,000 sq. ft.	1.91 72/28	17	6	2.76 54/46	18	15	2.06 39/61	10	15	16.60	200
Subtotals:	-	-	481	403	-	946	931	-	818	802	-	17,796
Internal Capture:	-	-	-22	-22	-	-47	-47	-	-41	-41	-	-888
<b>TOTAL EXTERNAL:</b>	-	-	<b>459</b>	<b>381</b>	-	<b>899</b>	<b>884</b>	-	<b>777</b>	<b>761</b>	-	<b>16,908</b>

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, September 2021*. Rates are reported in trips per 1,000 square feet of building area and trips per lane, as applicable. Splits are reported as Entering/Exiting as a percentage of the total.

+ ITE does not provide data for the A.M. peak hour and midday peak hour, so P.M. peak hour data were applied.

++ ITE does not provide data for the daily volumes, so it was assumed that 10 percent of the daily volume occurs during the P.M. peak hour and the daily rate was estimated by multiplying the P.M. peak hour rate by 10.

\* ITE indicates that. "Some sites may include on-site fueling pumps." \*\* Panda Express opens at 10:00 a.m. \*\*\* Texas Roadhouse opens at 3:00 p.m.

Note: Rates for Discount Club and Fast-Food at NEC are average rate plus one standard deviation. Rates for Dutch Bros. are taken from KD Anderson report dated 8-31-21.

**Table 3A**  
**New Project Trip Generation (Average Rates – Saturday)**

ITE Land Use	Units	Saturday Peak Hour Traffic Volumes			Saturday Traffic Volume	
		Rate Split	Enter	Exit	Rate	Total
Discount Club (857)	171,161 sq. ft.	6.37 49/51	534	556	53.75	9,200
Fast Food Restaurant with Drive Through (934) (NEC of site)	5,588 sq. ft.	55.25 51/49	158	151	616.12	3,444
Automated Car Wash (948) (Shops B)	1 lane	41.00 46/54	19	22	410++	410
Fast Food Restaurant with Drive Through (934) (Panda)	2,540 sq. ft.	55.25 51/49	72	69	616.12	1,566
High-Turnover Sit-Down Restaurant (932) (Texas Roadhouse)	7,646 sq. ft.	11.19 51/49	44	42	122.40	936
Coffee Shop without indoor seating (Dutch Bros.)	810 sq. ft.	148.07 51/49	61	59	1,685.13	1,366
Automobile Parts and Service Center (943) (Les Schwab)	12,000 sq. ft.	2.76 54/46	18	15	16.60	200
Subtotals:	-	-	906	914	-	17,122
Internal Capture:	-	-	-45	-45	-	-858
<b>TOTAL EXTERNAL:</b>	-	-	<b>861</b>	<b>869</b>	-	<b>16,264</b>

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, September 2021*. Rates are reported in trips per 1,000 square feet of building area and trips per lane, as applicable. Splits are reported as Entering/Exiting as a percentage of the total.

++ ITE does not provide data for the daily volumes, so it was assumed that 10 percent of the daily volume occurs during the peak hour and the daily rate was estimated by multiplying the peak hour rate by 10.

Rates for Dutch Bros. are taken from KD Anderson report dated 8-31-21. Saturday values were not available.

**Table 4A**  
**New Project Trip Generation (Increased Rates – Saturday)**

ITE Land Use	Units	Saturday Peak Hour Traffic Volumes			Saturday Traffic Volume	
		Rate Split	Enter	Exit	Rate	Total
Discount Club (857)	171,161 sq. ft.	8.80 49/51	738	769	69.00	11,810
Fast Food Restaurant with Drive Through (934) (NEC of site)	5,588 sq. ft.	79.87 51/49	228	219	937.02	5,236
Automated Car Wash (948) (Shops B)	1 lane	41.00 46/54	19	22	410++	410
Fast Food Restaurant with Drive Through (934) (Panda)	2,540 sq. ft.	55.25 51/49	72	69	616.12	1,566
High-Turnover Sit-Down Restaurant (932) (Texas Roadhouse)	7,646 sq. ft.	11.19 51/49	44	42	122.40	936
Coffee Shop without indoor seating (Dutch Bros.)	810 sq. ft.	148.07 51/49	61	59	1,685.13	1,366
Automobile Parts and Service Center (943) (Les Schwab)	12,000 sq. ft.	2.76 54/46	18	15	16.60	200
Subtotals:	-	-	1,180	1,198	-	21,524
Internal Capture:	-	-	-59	-59	-	-1,070
<b>TOTAL EXTERNAL:</b>	-	-	<b>1,121</b>	<b>1,139</b>	-	<b>20,455</b>

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, September 2021*. Rates are reported in trips per 1,000 square feet of building area and trips per lane, as applicable. Splits are reported as Entering/Exiting as a percentage of the total.

++ ITE does not provide data for the daily volumes, so it was assumed that 10 percent of the daily volume occurs during the peak hour and the daily rate was estimated by multiplying the peak hour rate by 10.

Rates for Dutch Bros. taken from KD Anderson, 8-31-21. Saturday values were not available.

Note: Rates for Discount Club and Fast-Food at NEC are average rate plus one standard deviation. Rates for Dutch Bros. are taken from KD Anderson report dated 8-31-21.

# Internal Capture Calculations

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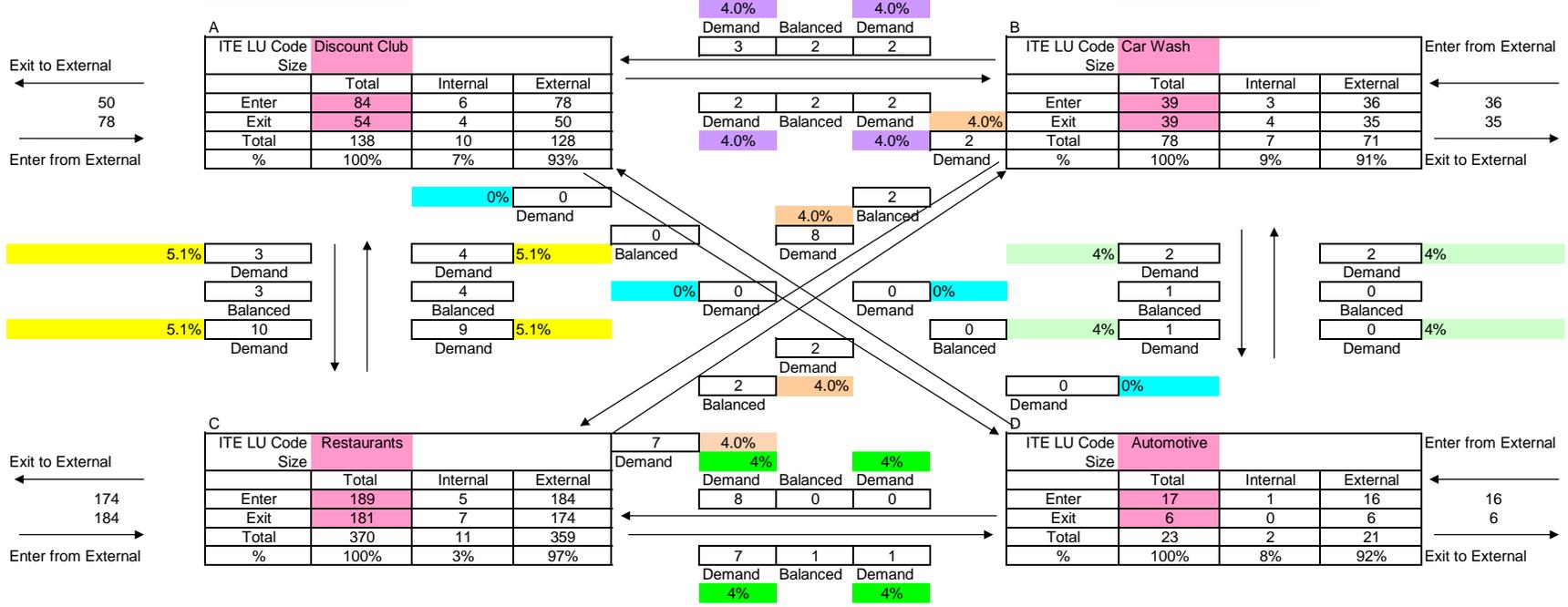
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CURRENT SITE PLAN

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/9/2024

Name of Development Visalia Parkway Site Plan A  
Time Period AM Peak



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	INTERNAL CAPTURE
Enter	78	36	184	16	314	
Exit	50	35	174	6	265	
Total	128	71	359	21	579	
Single-Use Trip Gen. Est.	138	78	370	23	609	5.0%

ITE Totals	Captured
329	15
280	15

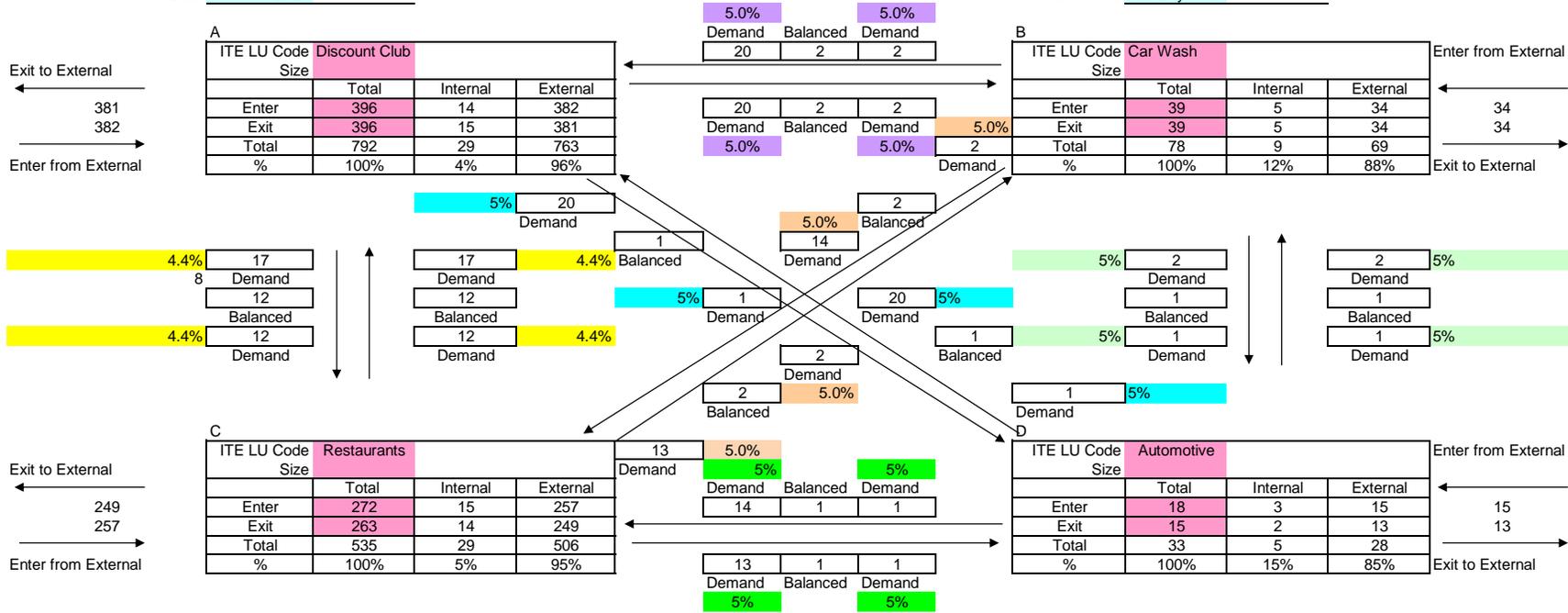
**Pass-By Trips**

Land Use A	Land Use B	Land Use C	Total
11	8	73	92
7	8	69	84

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/9/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Mid-Day Peak



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	ITE Totals	Captured
Enter	382	34	257	15	689	725	36
Exit	381	34	249	13	677	713	36
Total	763	69	506	28	1365		
Single-Use Trip Gen. Est.	792	78	535	33	1438		

INTERNAL CAPTURE 5.0%

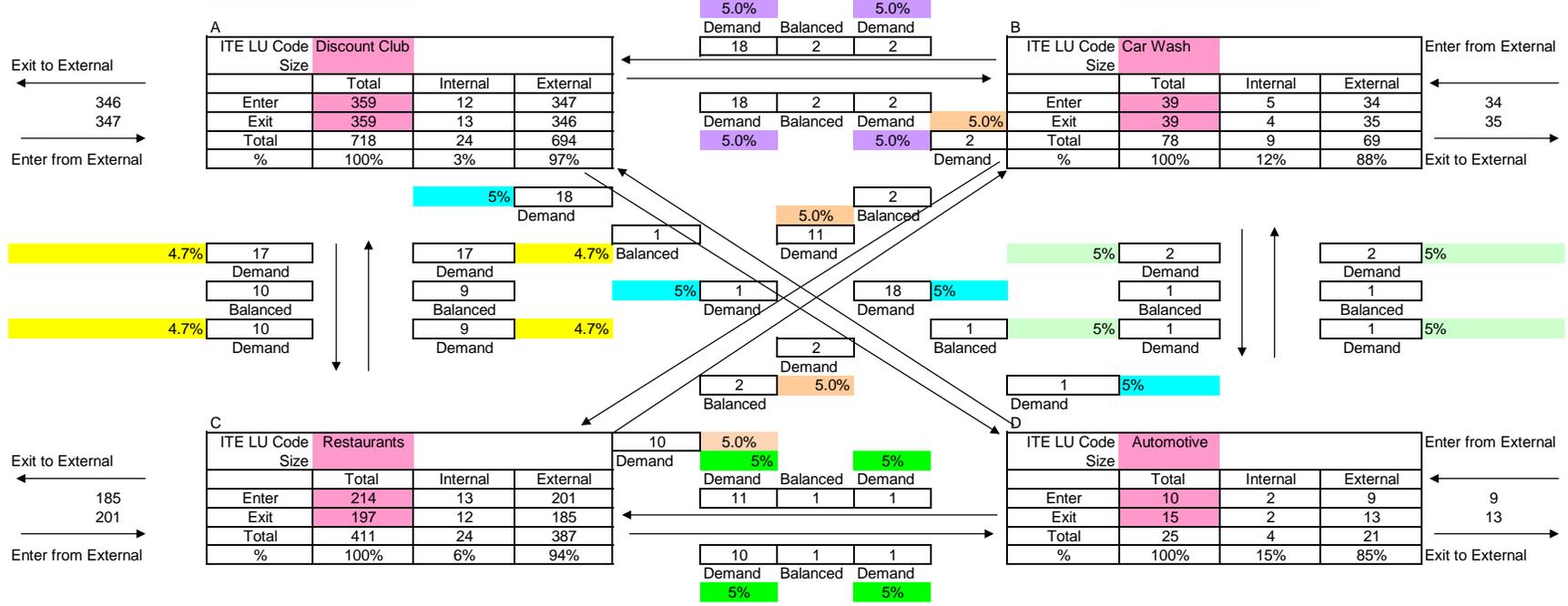
**Pass-By Trips**

Land Use A	Land Use B	Land Use C	Total
95	17	102	214
95	17	99	211

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/9/2024

Name of Development Visalia Parkway Site Plan A  
Time Period PM Peak



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	INTERNAL CAPTURE
Enter	347	34	201	9	591	
Exit	346	35	185	13	579	
Total	694	69	387	21	1170	
Single-Use Trip Gen. Est.	718	78	411	25	1232	5.0%

ITE Totals Captured  
622 31  
610 31

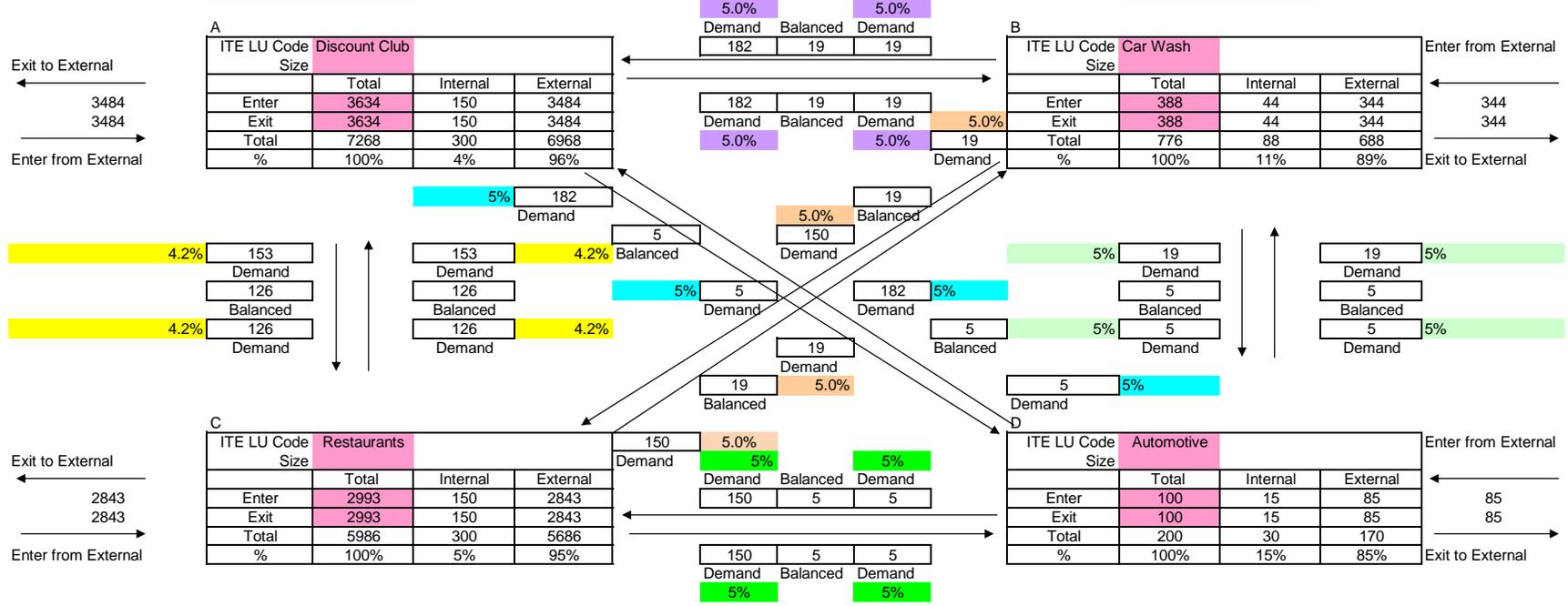
**Pass-By Trips**

Land Use A	Land Use B	Land Use C	Total
86	17	80	183
86	17	74	177

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/9/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Daily



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total
Enter	3484	344	2843	85	6756
Exit	3484	344	2843	85	6756
Total	6968	688	5686	170	13512
Single-Use Trip Gen. Est.	7268	776	5986	200	14230

	ITE Totals	Captured	INTERNAL CAPTURE
	7115	359	14230
	7115	359	5.0%
			718.024
			13511.976

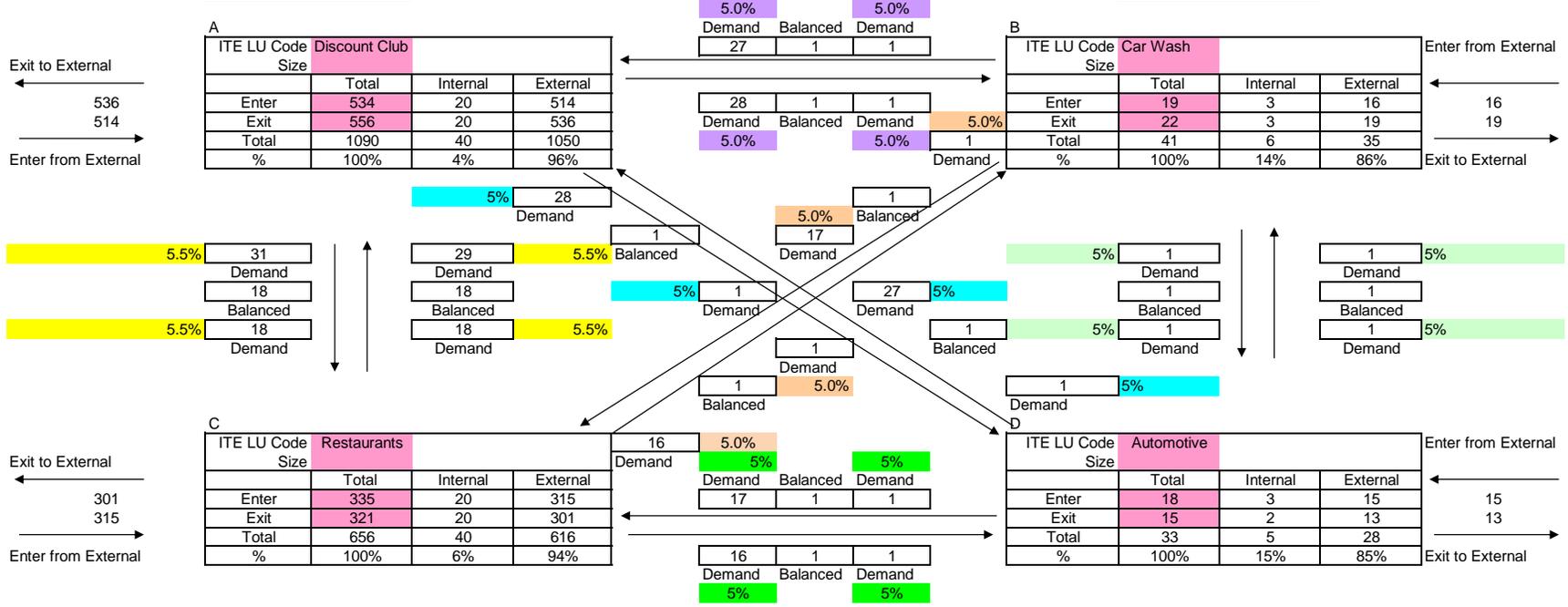
**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
	870	172	1137	2179
	870	172	1137	2179

## MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/9/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Saturday Peak



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	INTERNAL CAPTURE
Enter	514	16	315	15	861	
Exit	536	19	301	13	869	
Total	1050	35	616	28	1730	
Single-Use Trip Gen. Est.	1090	41	656	33	1820	5.0%

ITE Totals Captured  
906 45  
914 45

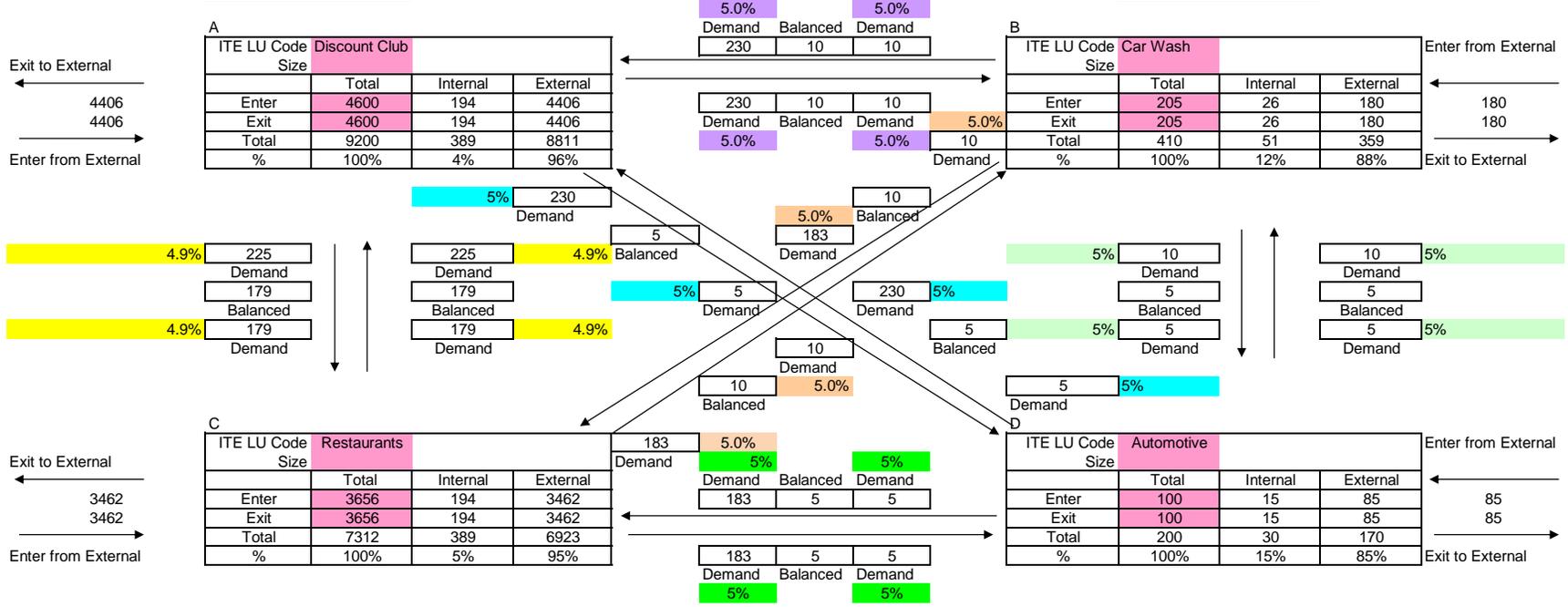
**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
Enter	128	8	125	261
Exit	133	9	120	262

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/9/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Saturday Daily



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total
Enter	4406	180	3462	85	8132
Exit	4406	180	3462	85	8132
Total	8811	359	6923	170	16263
Single-Use Trip Gen. Est.	9200	410	7312	200	17122

INTERNAL CAPTURE  
5.0%

ITE Totals Captured  
8561 429  
8561 429  
17122 858.576

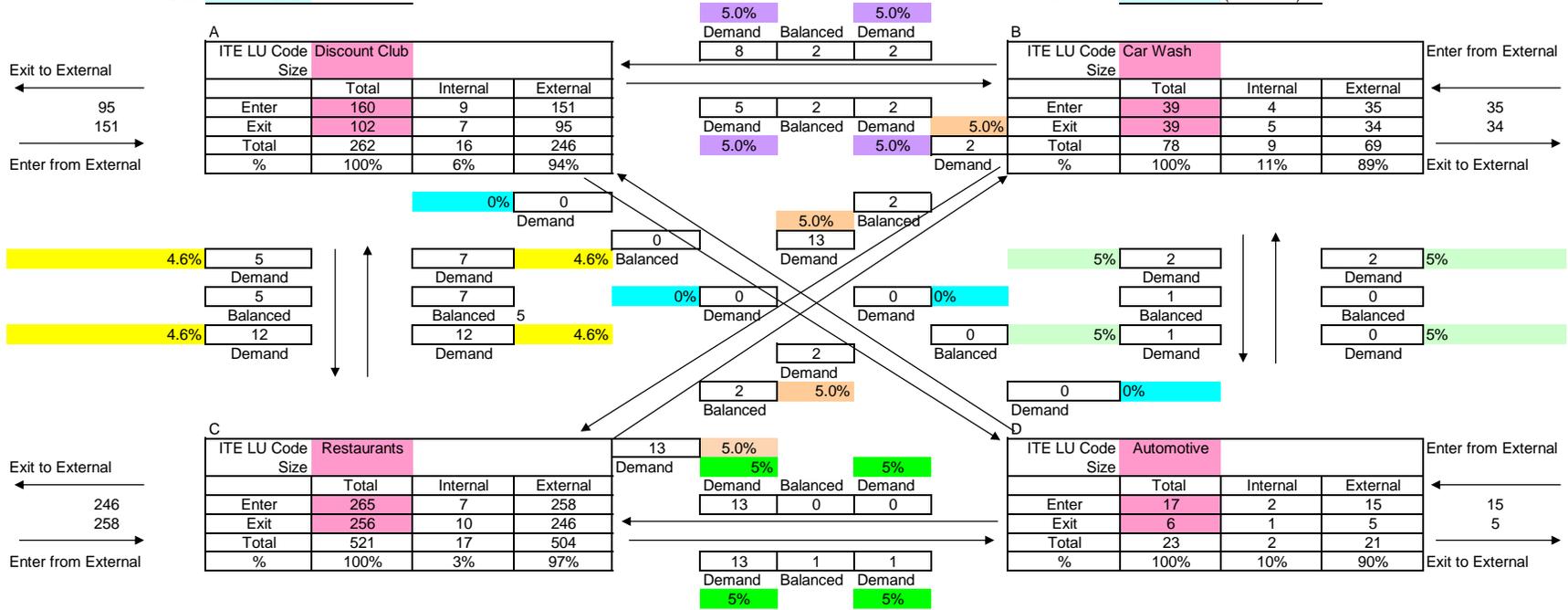
**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
Enter	1101	89	1384	2574
Exit	1101	89	1384	2574

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Visalia Parkway Site Plan A  
Time Period AM Peak (Increased)



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	INTERNAL CAPTURE
Enter	151	35	258	15	459	
Exit	95	34	246	5	381	
Total	246	69	504	21	840	
Single-Use Trip Gen. Est.	262	78	521	23	884	5.0%

ITE Totals	Captured
481	22
403	22

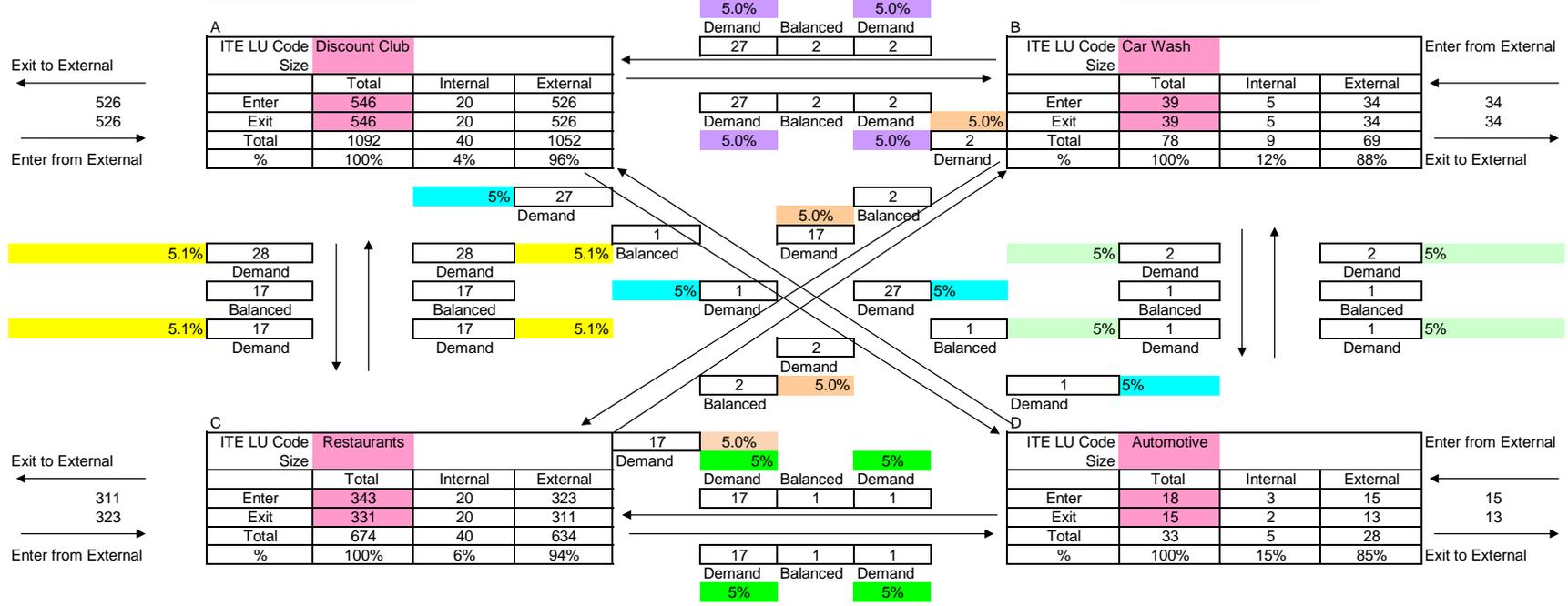
**Pass-By Trips**

Land Use A	Land Use B	Land Use C	Total
22	8	103	133
14	8	98	120

## MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Mid-Day Peak (Increased)



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	ITE Totals	Captured
Enter	526	34	323	15	899	946	47
Exit	526	34	311	13	884	931	47
Total	1052	69	634	28	1783		
Single-Use Trip Gen. Est.	1092	78	674	33	1877	INTERNAL CAPTURE	5.0%

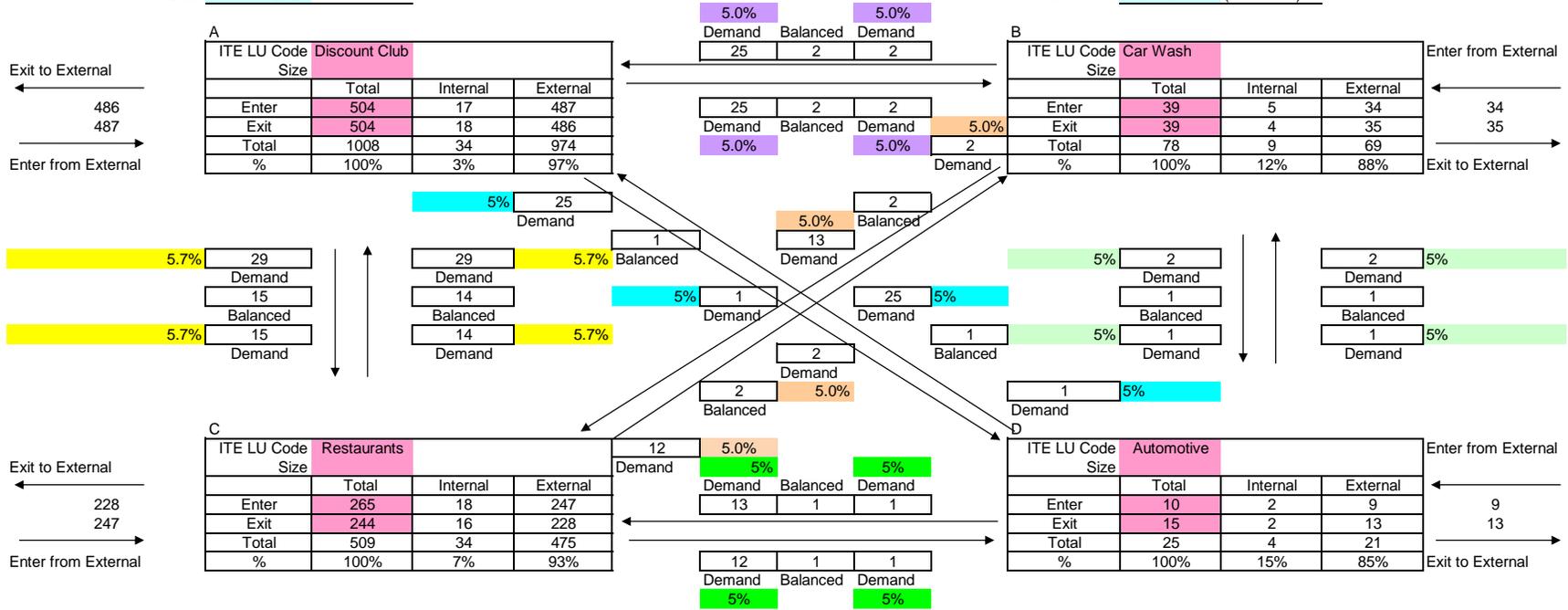
**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
Enter from External	131	17	129	277
Exit to External	131	17	124	272

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Visalia Parkway Site Plan A  
Time Period PM Peak (Increased)



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	INTERNAL CAPTURE
Enter	487	34	247	9	777	
Exit	486	35	228	13	761	
Total	974	69	475	21	1539	
Single-Use Trip Gen. Est.	1008	78	509	25	1620	5.0%

ITE Totals Captured  
818 41  
802 41

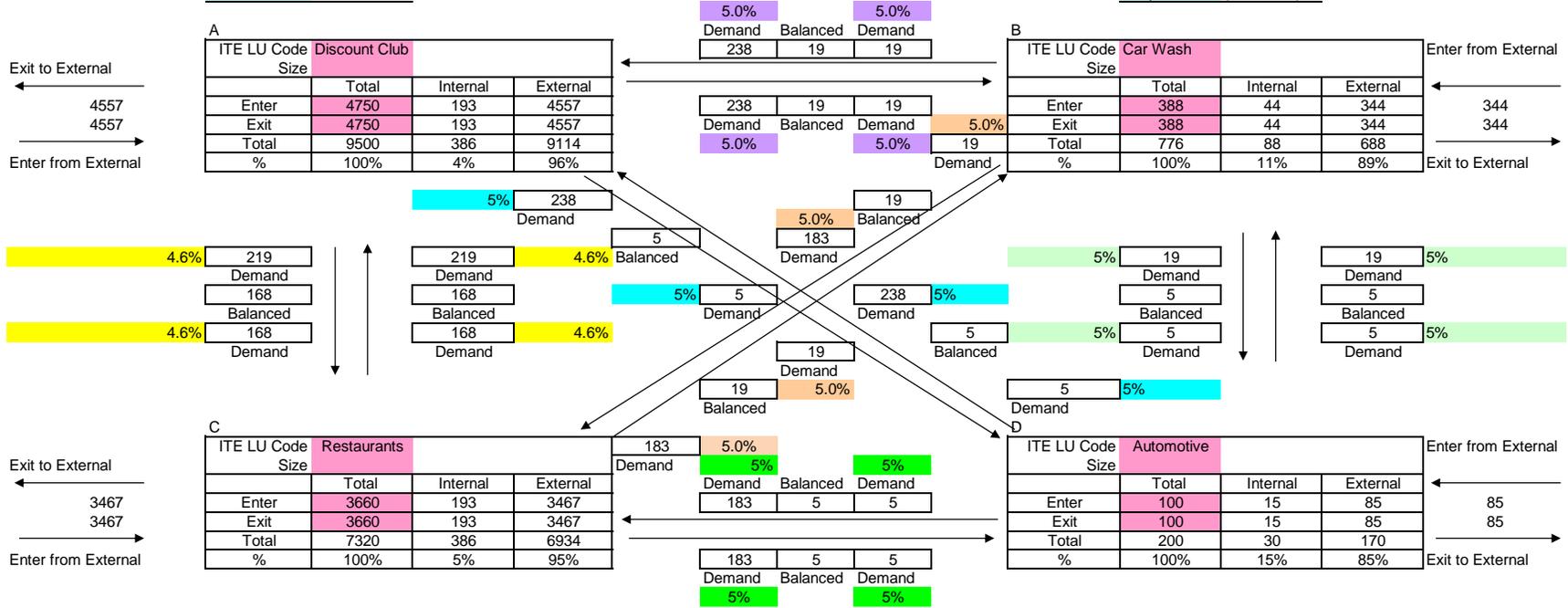
**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
	121	17	98	236
	121	17	91	229

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Daily (Increased)



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total
Enter	4557	344	3467	85	8454
Exit	4557	344	3467	85	8454
Total	9114	688	6934	170	16907
Single-Use Trip Gen. Est.	9500	776	7320	200	17796

	ITE Totals	Captured
	8898	444
	8898	444
INTERNAL CAPTURE	17796	888.64

**Pass-By Trips**

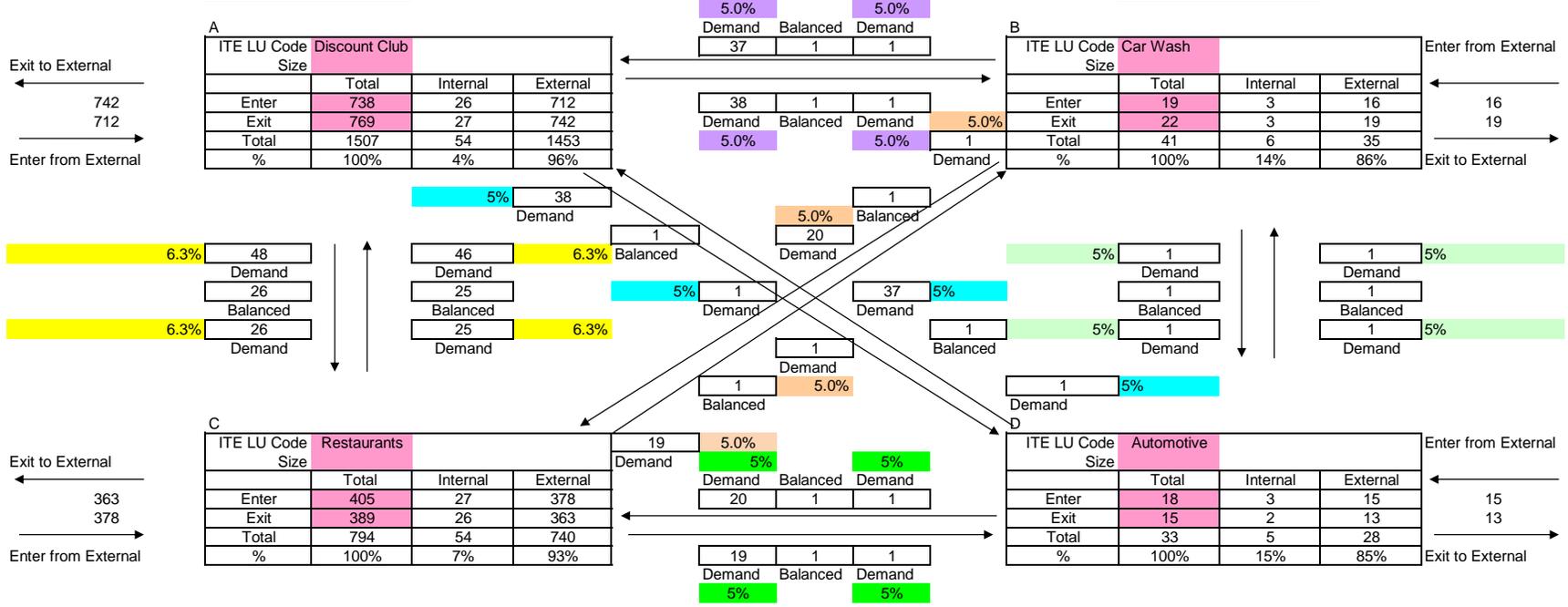
	Land Use A	Land Use B	Land Use C	Total
	1139	172	1386	2697
	1139	172	1386	2697

16907.36

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Saturday Peak (Increased)



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total
Enter	712	16	378	15	1121
Exit	742	19	363	13	1136
Total	1453	35	740	28	2257
Single-Use Trip Gen. Est.	1507	41	794	33	2375

	ITE Totals	Captured
	1180	59
	1195	59

INTERNAL CAPTURE  
5.0%

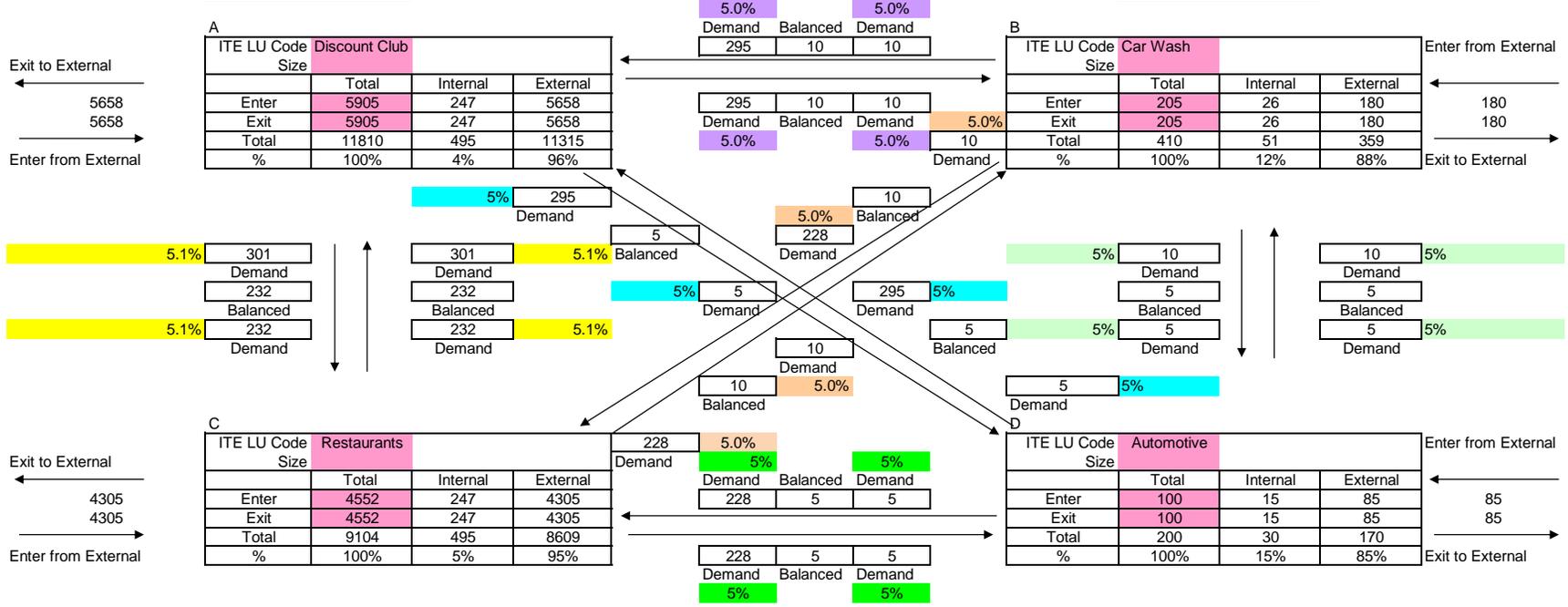
**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
	177	8	151	336
	185	9	145	339

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Visalia Parkway Site Plan A  
Time Period Saturday (Increased)



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total
Enter	5658	180	4305	85	10227
Exit	5658	180	4305	85	10227
Total	11315	359	8609	170	20453
Single-Use Trip Gen. Est.	11810	410	9104	200	21524

	ITE Totals	Captured
	10762	535
	10762	535
<b>INTERNAL CAPTURE</b>	<b>21524</b>	<b>1070.608</b>

**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
	1414	89	1721	3224
	1414	89	1721	3224

20453.392

# Trip Generation Calculations

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ORIGINAL SITE PLAN

**Table A.2**  
**Phases 1 and 2 Project Trip Generation**

ITE Land Use	Building Area	A.M. Peak Hour Traffic Volumes			Midday Peak Hour Traffic Volumes			P.M. Peak Hour Traffic Volumes			Weekday Traffic Volume	
		Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate	Total
Shopping Center (820)	166,600 sq. ft.	FC1 62/38	146	90	FC2 50/50	408	408	FC3 48/52	381	413	FC4	8,508
Fast Food Restaurant with Drive Through (934)	18,000 sq. ft.	40.19 51/49	369	355	51.36 51/49	472	453	32.67 52/48	306	283	470.95	8,478
High-Turnover Sit-Down Restaurant (932)	7,200 sq. ft.	9.94 55/45	40	32	17.41 52/48	66	60	9.77 62/38	44	27	112.18	808
Super Convenience Market/Gas Station (960)	3,100 sq. ft.	FC5 50/50	81	81	FC6 50/50	90	90	69.28 50/50	108	108	837.58	2,598
Automobile Parts and Service Center (943)	12,000 sq. ft.	1.96 73/27	17	7	2.75 54/46	18	15	2.26 40/60	11	17	16.28	196
Subtotals:	-	-	653	565	-	1,054	1,026	-	850	848	-	20,588
Internal Capture	-	-	-30	-30	-	-52	-52	-	-42	-42	-	-1,024
<b>TOTALS:</b>	<b>-</b>	<b>-</b>	<b>623</b>	<b>535</b>	<b>-</b>	<b>1,002</b>	<b>974</b>	<b>-</b>	<b>808</b>	<b>806</b>	<b>-</b>	<b>19,564</b>

Reference: *Trip Generation Manual, 10<sup>th</sup> Edition, Institute of Transportation Engineers, September 2017*

Rates are reported in trips per 1,000 square feet of building area

Splits are reported as Entering/Exiting as a percentage of the total.

FC1: Fitted curve:  $T = 0.50(X) + 151.78$

FC2: Fitted curve:  $\ln(T) = 0.72\ln(X) + 3.02$

FC3: Fitted curve:  $\ln(T) = 0.74\ln(X) + 2.89$

FC4: Fitted curve:  $\ln(T) = 0.68\ln(X) + 5.57$

FC5: Fitted curve:  $T = 137.38(X) - 264.53$

FC6: Fitted curve:  $T = 99.90(X) - 130.36$

**Table A.4**  
**Outlot 2 Trip Generation**

ITE Land Use	Units	A.M. Peak Hour Traffic Volumes			Midday Peak Hour Traffic Volumes			P.M. Peak Hour Traffic Volumes			Weekday Traffic Volume	
		Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate	Total
Senior Housing - Attached (252)	100	0.20 35/65	7	13	0.33 47/53	16	17	0.26 55/45	14	12	3.70	370

Reference: *Trip Generation Manual, 10<sup>th</sup> Edition, Institute of Transportation Engineers, September 2017*

Rates are reported in trips per unit

Splits are reported as Entering/Exiting as a percentage of the total.

**Table 4.4**  
**Pass-By Trips and Primary Project Trips (Phases 1 and 2)**

Time Period	Trips Entering Site	Trips Exiting Site	Total Trips
A.M. Peak Hour Pass-By Trips	229	206	435
A.M. Peak Hour Primary Trips	394	329	723
Midday Peak Hour Pass-By Trips	344	334	678
Midday Peak Hour Primary Trips	658	640	1,298
P.M. Peak Hour Pass-By Trips	272	266	538
P.M. Peak Hour Primary Trips	536	540	1,076

**Table 4.4 Plus Table A.4**  
**Pass-By Trips and Primary Project Trips (Phases 1 and 2 and Outlot 2)**

Time Period	Trips Entering Site	Trips Exiting Site	Total Trips
A.M. Peak Hour Pass-By Trips	229	206	435
A.M. Peak Hour Primary Trips	401	342	743
Midday Peak Hour Pass-By Trips	344	334	678
Midday Peak Hour Primary Trips	674	657	1,331
P.M. Peak Hour Pass-By Trips	272	266	538
P.M. Peak Hour Primary Trips	550	552	1,102

**Table X.2 (Not Previously Presented)**  
**Original Site Plan Phases 1 and 2 Saturday Project Trip Generation**

ITE Land Use	Building Area	Saturday Peak Hour Traffic Volumes			Saturday Traffic Volume	
		Rate Split	Enter	Exit	Rate	Total
Shopping Center (>150k) (820)	166,600 sq. ft.	FC1 52/48	510	471	FC2	12,844
Fast Food Restaurant with Drive Through (934)	18,000 sq. ft.	55.25 51/49	507	488	616.12	11,090
High-Turnover Sit-Down Restaurant (932)	7,200 sq. ft.	11.19 51/49	41	40	122.40	882
Convenience Store/Gas Station – VFP (9-15) (945)	3,100 sq. ft.	64.13 50/50	100	100	700.00	2,170
Automobile Parts and Service Center (943)	12,000 sq. ft.	2.76* 54/46	18	16	16.60*	200
Subtotals:	-	-	1,176	1,115	-	27,186
Internal Capture	-	-	-57	-57	-	-1,024
<b>TOTALS:</b>	-	-	<b>1,119</b>	<b>1,058</b>	-	<b>26,162</b>

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, September 2021*

Rates are reported in trips per 1,000 square feet of building area

Splits are reported as Entering/Exiting as a percentage of the total.

\* Weekend data not available. Used weekday data.

FC1: Fitted curve:  $\ln(T) = 0.76\ln(X) + 3.00$

FC2: Fitted curve:  $T = 36.03(X) + 6840.22$

**Table X.4 (Not Previously Presented)**  
**Original Site Plan Outlot 2 Saturday Trip Generation**

ITE Land Use	Units	Saturday Peak Hour Traffic Volumes			Saturday Traffic Volume	
		Rate Split	Enter	Exit	Rate	Total
Senior Adult Housing - Multifamily (252)	100	0.32 54/46	17	15	2.74	274

Reference: *Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, September 2021*

Rates are reported in trips per unit

Splits are reported as Entering/Exiting as a percentage of the total.

**Table Y.4 (Not Previously Presented)**  
**Pass-By Trips and Primary Project Trips (Phases 1 and 2 and Outlot 2)**  
**Original Site Plan Saturday Project Trip Generation**

Time Period	Trips Entering Site	Trips Exiting Site	Total Trips
Midday Peak Hour Pass-By Trips	375	358	733
Midday Peak Hour Primary Trips	761	715	1,476

# Internal Capture Calculations

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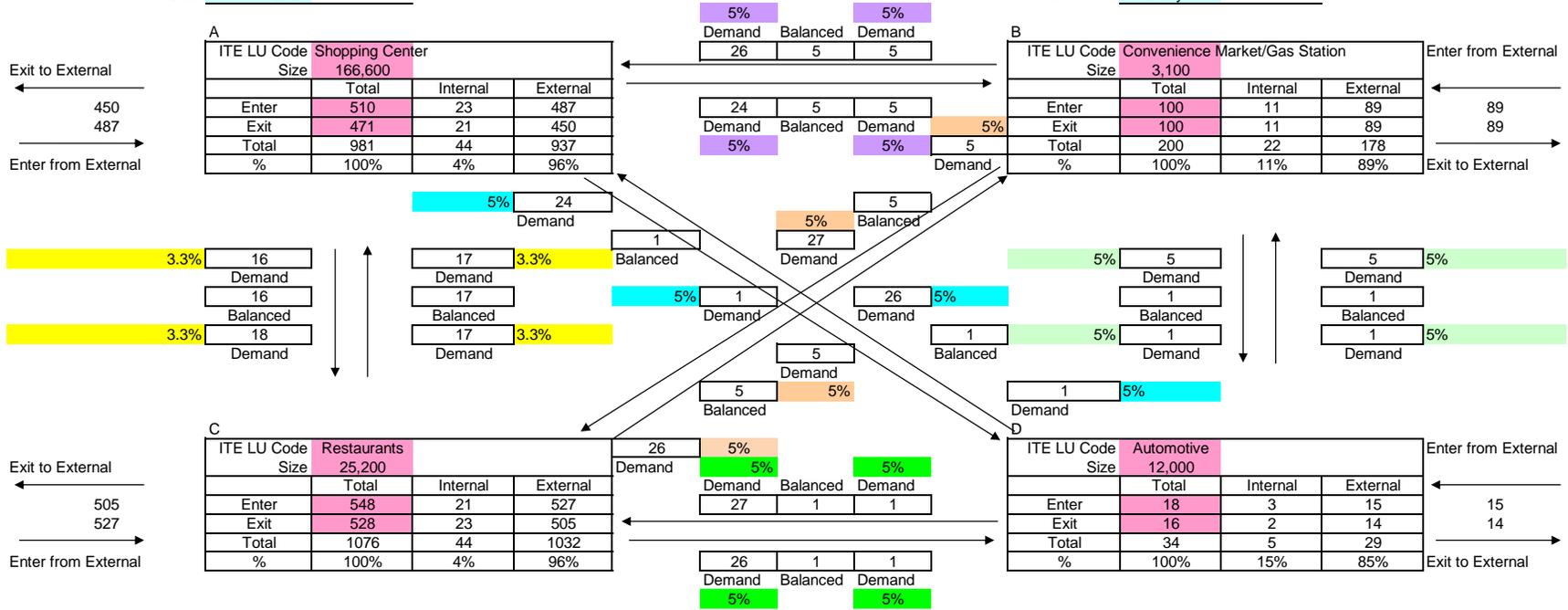
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ORIGINAL SITE PLAN

# MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Commons at Visalia Parkway Phases 1 and 2  
Time Period Saturday Peak



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	INTERNAL CAPTURE
Enter	487	89	527	15	1119	
Exit	450	89	505	14	1058	
Total	937	178	1032	29	2176	
Single-Use Trip Gen. Est.	981	200	1076	34	2291	5.0%

ITE Totals  
1176  
1115

Captured  
57  
57

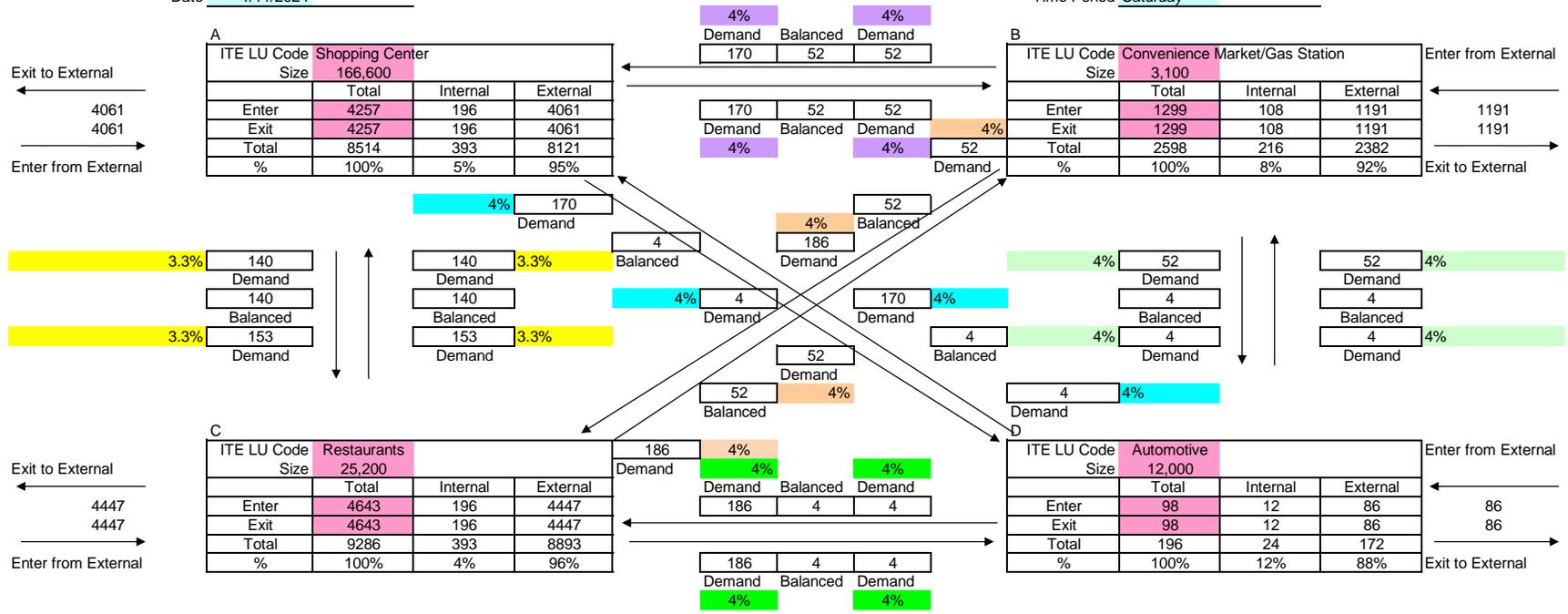
**Pass-By Trips**

	Land Use A	Land Use B	Land Use C	Total
Enter	121	44	210	375
Exit	112	44	202	358

## MULTI-USE TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Analyst JR  
Date 1/11/2024

Name of Development Commons at Visalia Parkway Phases 1 and 2  
Time Period Saturday



**Net External Trips for Multi-Use Development**

	Land Use A	Land Use B	Land Use C	Land Use D	Total	ITE Totals	Captured
Enter	4061	1191	4447	86	9785	10297	512
Exit	4061	1191	4447	86	9785	10297	512
Total	8121	2382	8893	172	19569		
Single-Use Trip Gen. Est.	8514	2598	9286	196	20594		

INTERNAL CAPTURE 5.0%

**Pass-By Trips**

Land Use A	Land Use B	Land Use C	Total
1015	595	1778	3388
1015	595	1778	3388

# Trip Generation Comparisons

**Table 1B**  
**New Project Trip Generation (Average Rates)**  
**Pass-By Trips and Primary Project Trips**

<b>Time Period</b>	<b>Trips Entering Site</b>	<b>Trips Exiting Site</b>	<b>Total Trips</b>
A.M. Peak Hour Pass-By Trips	92	84	176
A.M. Peak Hour Primary Trips	222	181	403
Midday Peak Hour Pass-By Trips	214	211	425
Midday Peak Hour Primary Trips	475	466	941
P.M. Peak Hour Pass-By Trips	183	177	360
P.M. Peak Hour Primary Trips	408	402	810

**Table 2B**  
**Alternate New Project Trip Generation (Using Increased Rates)**  
**Pass-By Trips and Primary Project Trips**

<b>Time Period</b>	<b>Trips Entering Site</b>	<b>Trips Exiting Site</b>	<b>Total Trips</b>
A.M. Peak Hour Pass-By Trips	133	120	253
A.M. Peak Hour Primary Trips	326	261	587
Midday Peak Hour Pass-By Trips	277	222	499
Midday Peak Hour Primary Trips	622	662	1,284
P.M. Peak Hour Pass-By Trips	236	229	465
P.M. Peak Hour Primary Trips	541	532	1,073

**Table 3B**  
**New Project Trip Generation (Average Rates – Saturday)**  
**Pass-By Trips and Primary Project Trips**

<b>Time Period</b>	<b>Trips Entering Site</b>	<b>Trips Exiting Site</b>	<b>Total Trips</b>
Midday Peak Hour Pass-By Trips	261	262	523
Midday Peak Hour Primary Trips	600	607	1,207

**Table 4B**  
**New Project Trip Generation (Increased Rates – Saturday)**  
**Pass-By Trips and Primary Project Trips**

<b>Time Period</b>	<b>Trips Entering Site</b>	<b>Trips Exiting Site</b>	<b>Total Trips</b>
Midday Peak Hour Pass-By Trips	336	339	675
Midday Peak Hour Primary Trips	785	800	1,585

**Table 1C**  
**External Trip Generation Comparison 1 (Average Values)**

Scenario	A.M. Peak Hour Traffic Volumes		Midday Peak Hour Traffic Volumes		P.M. Peak Hour Traffic Volumes		Weekday Traffic Volume
	Enter	Exit	Enter	Exit	Enter	Exit	
New Site Plan	314	265	689	677	591	579	13,512
Original Study	630	548	1,018	991	872	855	19,934
<b>Difference:</b>	<b>-316</b>	<b>-283</b>	<b>-329</b>	<b>-314</b>	<b>-281</b>	<b>-276</b>	<b>-6,422</b>

**Table 2C**  
**External Trip Generation Comparison 2 (Increased Rates)**

Scenario	A.M. Peak Hour Traffic Volumes		Midday Peak Hour Traffic Volumes		P.M. Peak Hour Traffic Volumes		Weekday Traffic Volume
	Enter	Exit	Enter	Exit	Enter	Exit	
New Site Plan Increased Rates	459	381	899	884	777	761	16,908
Original Study	630	548	1,018	991	872	855	19,934
<b>Difference:</b>	<b>-171</b>	<b>-167</b>	<b>-119</b>	<b>-107</b>	<b>-95</b>	<b>-94</b>	<b>-3,026</b>

**Table 3C**  
**External Trip Generation Comparison 3 (Average Saturday)**

Scenario	Peak Hour Traffic Volumes		24-Hour Traffic Volume
	Enter	Exit	
New Site Plan Saturday	861	869	16,264
Original Site Plan (Saturday)	1,136	1,076	26,436
<b>Difference:</b>	<b>-275</b>	<b>-207</b>	<b>-10,172</b>

Note: Original traffic study did not include weekend analyses.

**Table 4C**  
**External Trip Generation Comparison 4 (Increased Saturday)**

Scenario	Peak Hour Traffic Volumes		24-Hour Traffic Volume
	Enter	Exit	
New Site Plan Saturday Increased Rates	1,121	1,139	20,455
Original Site Plan (Saturday)	1,136	1,076	26,436
<b>Difference:</b>	<b>-15</b>	<b>63</b>	<b>-5,981</b>

Note: Original traffic study did not include weekend analyses.

**Table 1D**  
**Primary Trip Generation Comparison 1 (Average Values)**

Scenario	A.M. Peak Hour Traffic Volumes		Midday Peak Hour Traffic Volumes		P.M. Peak Hour Traffic Volumes	
	Enter	Exit	Enter	Exit	Enter	Exit
New Site Plan	222	181	475	466	408	402
Original Study	401	342	674	657	550	552
<b>Difference:</b>	<b>-179</b>	<b>-161</b>	<b>-199</b>	<b>-191</b>	<b>-142</b>	<b>-150</b>

**Table 2D**  
**Primary Trip Generation Comparison 2 (Increased Rates)**

Scenario	A.M. Peak Hour Traffic Volumes		Midday Peak Hour Traffic Volumes		P.M. Peak Hour Traffic Volumes	
	Enter	Exit	Enter	Exit	Enter	Exit
New Site Plan Increased Rates	326	261	622	662	541	532
Original Study	401	342	674	657	550	552
<b>Difference:</b>	<b>-75</b>	<b>-81</b>	<b>-52</b>	<b>-5</b>	<b>-9</b>	<b>-20</b>

**Table 3D**  
**Primary Trip Generation Comparison 3 (Average Saturday)**

Scenario	Peak Hour Traffic Volumes	
	Enter	Exit
New Site Plan Saturday	600	607
Original Site Plan (Saturday)	761	715
<b>Difference:</b>	<b>-161</b>	<b>-108</b>

Note: Original traffic study did not include weekend analyses.

**Table 4D**  
**Primary Trip Generation Comparison 4 (Increased Saturday)**

Scenario	Peak Hour Traffic Volumes	
	Enter	Exit
New Site Plan Saturday Increased Rates	814	834
Original Site Plan (Saturday)	785	800
<b>Difference:</b>	<b>29</b>	<b>34</b>

Note: Original traffic study did not include weekend analyses.

# Environmental Noise & Vibration Assessment

## SWC W. Visalia Parkway & S. Mooney Boulevard Development

Visalia, California

BAC Job # 2023-170

Prepared For:

Lars Anderson & Associates, Inc.

Attn: Ashley Nulick  
4694 W Jacquelyn Avenue  
Fresno, CA 93722

Prepared By:

**Bollard Acoustical Consultants, Inc.**



Dario Gotchet, Principal Consultant

July 15, 2024



## CEQA Checklist

<b>NOISE AND VIBRATION – Would the Project Result in:</b>	<b>NA – Not Applicable</b>	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generation of 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?			<b>X</b>		
b) Generation of excessive groundborne vibration or groundborne noise levels?				<b>X</b>	
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?					<b>X</b>

## Introduction

The SWC W. Visalia Parkway & S. Mooney Boulevard Development is located south of W. Visalia Parkway and west of S. Mooney Boulevard in Visalia, California. The components of the development included in this assessment are the proposed anchor tenant with fueling station and car wash land uses (project). Existing land uses in the immediate project vicinity consist of single-family residential to the south and west, commercial to the north and east. The project area and surrounding land uses are shown in Figure 1. The project preliminary site plan is presented in Figure 2.

The purposes of this assessment are to quantify the existing noise and vibration environments, identify potential noise and vibration impacts resulting from the project, identify appropriate mitigation measures, and provide a quantitative and qualitative analysis of impacts associated with the project. Specifically, impacts are identified if project-related activities would cause a substantial increase in ambient noise levels at existing sensitive land uses in the project vicinity (residential), generate excessive vibration levels at the nearby sensitive uses, or result in noise levels that would exceed applicable federal, state, or local standards at nearby sensitive uses.

## Noise and Vibration Fundamentals

### Noise

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are designated as sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or Hertz (Hz). Definitions of acoustical terminology are provided in Appendix A.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals of pressure) as a point of reference, defined as 0 dB. Other sound pressures are then compared to the reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in decibel levels correspond closely to human perception of relative loudness. Noise levels associated with common noise sources are provided in Figure 3.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by filtering the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level ( $L_{eq}$ ). The  $L_{eq}$  is the foundation of the day-night average noise descriptor, DNL (or  $L_{dn}$ ), and shows very good correlation with community response to noise. DNL is based on the average noise level over a 24-hour day, with a +10-decibel weighting applied to noise occurring during nighttime hours (10:00 p.m. to 7:00 a.m.). The nighttime penalty is based on the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because DNL represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

## **Vibration**

Vibration is like noise in that it involves a source, a transmission path, and a receiver. While vibration is related to noise, it differs in that noise is generally considered to be pressure waves transmitted through air, while vibration is usually associated with transmission through the ground or structures. As with noise, vibration consists of amplitude and frequency. A person's response to vibration will depend on their individual sensitivity as well as the amplitude and frequency of the source.

Vibration can be described in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of velocity in inches per second peak particle velocity (IPS, PPV) or root-mean-square (VdB, RMS). Standards pertaining to perception as well as damage to structures have been developed for vibration in terms of peak particle velocity as well as RMS velocities.

As vibrations travel outward from the source, they excite the particles of rock and soil through which they pass and cause them to oscillate. Differences in subsurface geologic conditions and distance from the source of vibration will result in different vibration levels characterized by different frequencies and intensities. In all cases, vibration amplitudes will decrease with increasing distance.

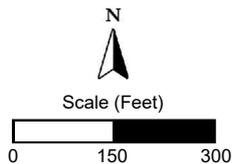
Human response to vibration is difficult to quantify. Vibration can be felt or heard well below the levels that produce any damage to structures. The duration of the event has an effect on human response, as does frequency. Generally, as the duration and vibration frequency increase, the potential for adverse human response increases.

According to the Transportation and Construction-Induced Vibration Guidance Manual (Caltrans, June 2004), operation of construction equipment and construction techniques generate ground vibration. Traffic traveling on roadways can also be a source of such vibration. At high enough amplitudes, ground vibration has the potential to damage structures and/or cause cosmetic damage. Ground vibration can also be a source of annoyance to individuals who live or work close to vibration-generating activities. However, traffic rarely generates vibration amplitudes high enough to cause structural or cosmetic damage.



**Legend**

- - - Project Boundary (Approximate)
- Ambient Noise & Vibration Survey Sites

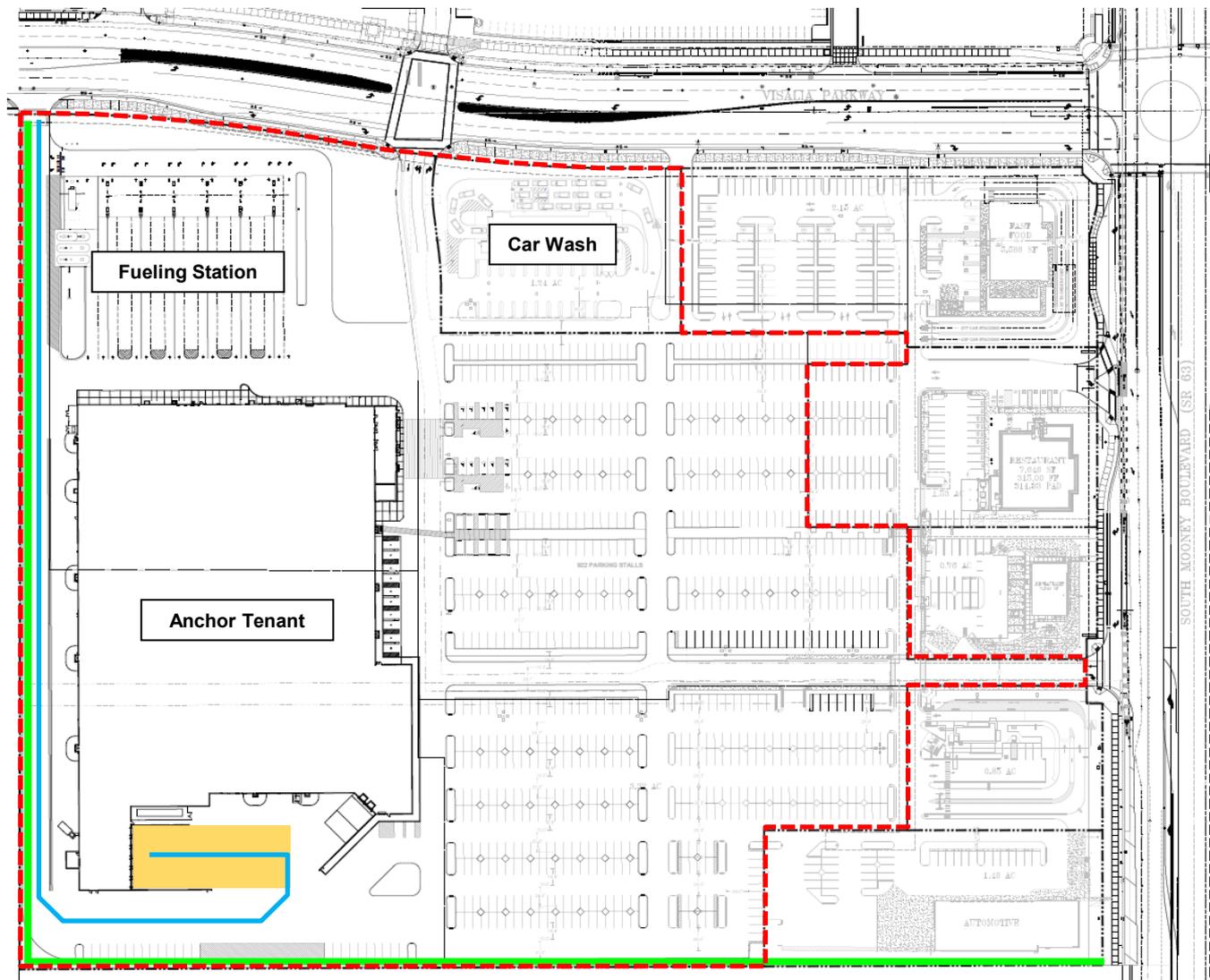


SWC W. Visalia Pkwy & S. Mooney Blvd  
Visalia, California

Project Area

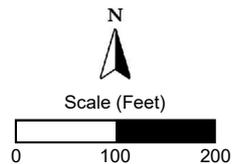
Figure 1





**Legend**

- - - Project Boundary
- Existing 7' Solid Wall (Noise Barrier)
- On-Site Delivery Truck Circulation Route (Assumed)
- Loading Dock Area



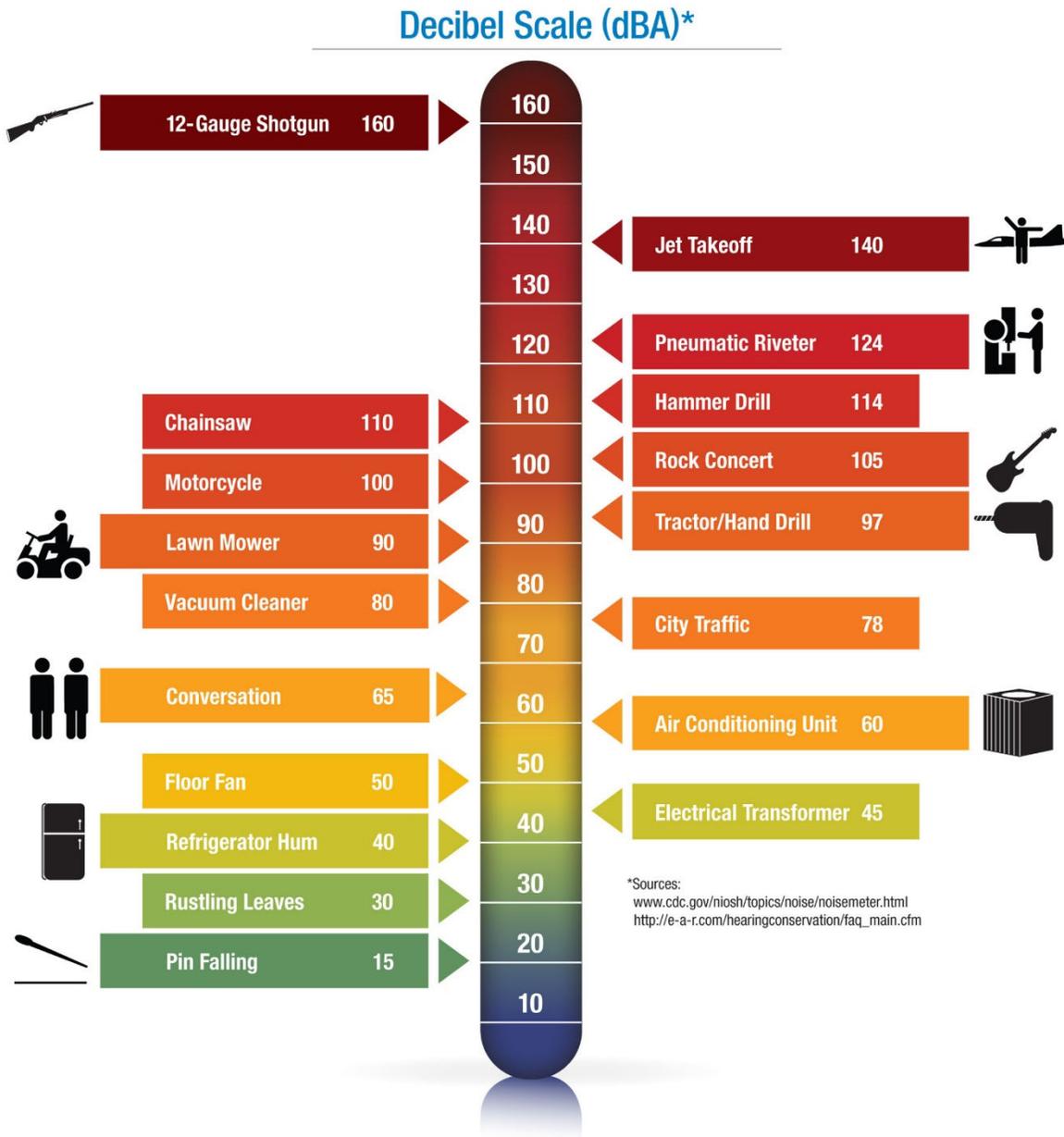
SWC W. Visalia Pkwy & S. Mooney Blvd  
 Visalia, California

Project Preliminary Site Plan

Figure 2



**Figure 3  
Noise Levels Associated with Common Noise Sources**



## **Environmental Setting – Existing Ambient Noise and Vibration Environment**

### **Noise-Sensitive Land Uses in the Project Vicinity**

Noise-sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the primary intended use of the land. Places where people live, sleep, recreate, worship, and study are generally considered to be sensitive to noise because intrusive noise can be disruptive to these activities.

The existing noise-sensitive land uses which would potentially be affected by the project consist of residential uses. Specifically, single-family residential land uses are located to the south and west of the project. Commercial uses are located to the north and east of the project property; however, such uses aren't typically considered to be noise-sensitive. The project area and surrounding land uses are shown in Figure 1.

### **Existing Overall Ambient Noise Environment within the Project Vicinity**

The existing ambient noise environment within the immediate project vicinity is defined primarily by traffic on W. Visalia Parkway and S. Mooney Boulevard, and by existing nearby commercial operations. To quantify the existing ambient noise environment within the immediate project vicinity, BAC conducted long-term (72-hour) ambient noise level surveys at three (3) locations February 14-16, 2024. The ambient noise survey locations are identified as sites 1-3 in Figure 1. Photographs of the noise survey sites are provided in Appendix B.

Larson Davis Laboratories (LDL) Model 831 and LxT precision integrating sound level meters were used to complete the long-term noise level survey. The meters were calibrated immediately before use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all specifications of the American National Standards Institute requirements for Type 1 sound level meters (ANSI S1.4). The results of the long-term ambient noise surveys are shown numerically and graphically in Appendices C and D (respectively) and are summarized in Table 1.

**Table 1**  
**Summary of Long-Term Ambient Noise Survey Results – February 14-16, 2024**

Site Description <sup>1</sup>	Date	DNL (dB)	Average Measured Hourly Noise Levels (dB) <sup>2</sup>					
			Daytime <sup>3</sup>			Nighttime <sup>3</sup>		
			L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Site 1: Northwest project area in backyard of W. Lake Dr residence	2/14/24	55	53	67	50	48	61	45
	2/15/24	55	52	66	48	47	60	45
	2/16/24	55	53	69	50	47	60	43
Site 2: Western project area in backyard of Quince Ct residence	2/14/24	58	53	68	49	51	65	48
	2/15/24	57	52	72	47	51	63	48
	2/16/24	57	52	67	48	50	63	47
Site 3: Southeast project area in backyard of Ash Ct residence	2/14/24	56	52	68	49	49	65	46
	2/15/24	57	51	69	48	50	62	47
	2/16/24	55	51	69	48	49	63	44

<sup>1</sup> Noise monitoring locations are identified in Figure 1. Survey photos are presented in Appendix B.  
<sup>2</sup> Detailed summaries of the noise monitoring results are provided in Appendices C and D.  
<sup>3</sup> Daytime: 7:00 AM to 10:00 PM | Nighttime: 10:00 PM to 7:00 AM

Source: BAC 2024

BAC ambient noise survey site 1, located along the northwest portion of the project property boundary, was selected to be representative of the ambient noise level environment at the closest residences to the northwest of the project. Noise level measurements obtained at site 2, located along the west/southwest project property boundary, are believed to be generally representative of the ambient noise level environments at the closest residences to the west/southwest of the project. Finally, noise level measurements obtained at site 3, located near the southeast project property line, are believed to be representative of the existing ambient noise level environments at the nearest residences to the south/southeast of the project.

As shown in Table 1, measured day-night average noise levels (DNL) and average measured hourly noise levels (L<sub>eq</sub>, L<sub>50</sub>, L<sub>max</sub>) were generally consistent at each survey site during the 72-hour monitoring period (i.e., relatively small range of measured values).

### Existing Ambient Vibration Environment within the Project Vicinity

During site visits on February 13<sup>th</sup> and 17<sup>th</sup>, 2024, vibration levels were below the threshold of perception within the project vicinity. Nonetheless, to quantify existing vibration levels within the project vicinity, BAC conducted three (3) short-term (15-minute) vibration measurement surveys on February 17<sup>th</sup>, 2024 at the locations shown in Figure 1.

A Larson-Davis Laboratories Model LxT precision integrating sound level meter equipped with a vibration transducer was used to complete the measurements. The results are summarized in Table 2.

**Table 2  
Summary of Short-Term Ambient Vibration Survey Results – February 17<sup>th</sup>, 2024**

Site Description <sup>1</sup>	Time	Average Measured Vibration Level, PPV (in/sec) <sup>1</sup>
Site 1: Northwest project area in backyard of W. Lake Dr residence	5:46 p.m.	<0.001
Site 2: Western project area in backyard of Quince Ct residence	5:16 p.m.	<0.001
Site 3: Southeast project area in backyard of Ash Ct residence	4:55 p.m.	<0.001
<sup>1</sup> PPV = Peak Particle Velocity (inches/second)		

Source: BAC 2024

The Table 2 data indicate that measured average vibration levels within the project vicinity were less than 0.001 in/sec PPV (i.e., below the threshold of human perception).

## Regulatory Setting: Criteria for Acceptable Noise and Vibration Exposure

### Federal

There are no federal noise or vibration criteria which would be directly applicable to this project. However, the City of Visalia does not currently have a policy for assessing noise impacts associated with increases in ambient noise levels from project-generated noise sources. As a result, the following federal noise criteria was applied to the project.

#### Federal Interagency Commission on Noise (FICON)

The Federal Interagency Commission on Noise (FICON) has developed a graduated scale for use in the assessment of project-related noise level increases. The criteria shown in Table 3 was developed by FICON as a means of developing thresholds for impact identification for project-related noise level increases. The FICON standards have been used extensively in recent years in the preparation of the noise sections of Environmental Impact Reports that have been certified in many California cities and counties.

The use of the FICON standards is considered conservative relative to thresholds used by other agencies in the State of California. For example, the California Department of Transportation (Caltrans) requires a project-related traffic noise level increase of 12 dB for a finding of significance, and the California Energy Commission (CEC) considers project-related noise level increases between 5 to 10 dB significant, depending on local factors. Therefore, the use of the FICON standards, which set the threshold for finding of significant noise impacts as low as 1.5 dB, provides a very conservative approach to impact assessment for this project.

**Table 3  
Significance of Changes in Cumulative Noise Exposure**

Ambient Noise Level Without Project (DNL)	Change in Ambient Noise Level Due to Project
<60 dB	+5.0 dB or more
60 to 65 dB	+3.0 dB or more
>65 dB	+1.5 dB or more

Source: Federal Interagency Committee on Noise (FICON)

Based on the FICON research, as shown in Table 3, a 5 dB increase in noise levels due to a project is required for a finding of significant noise impact where ambient noise levels without the project are less than 60 dB DNL. Where pre-project ambient conditions are between 60 and 65 dB DNL, a 3 dB increase is applied as the standard of significance. Finally, in areas already exposed to higher noise levels, specifically pre-project noise levels in excess of 65 dB DNL, a 1.5 dB increase is considered by FICON as the threshold of significance.

### State of California

#### California Environmental Quality Act (CEQA)

Appendix G of the CEQA Guidelines asks whether the project would result in any of the following to determine whether a significant noise or vibration impact would occur:

- 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 other applicable standards of other agencies; or
- B. Generation of excessive groundborne vibration or groundborne noise levels; or
- 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, the project expose people residing or working in the project area to excessive noise levels.

It should be noted that audibility is not a test of significance according to CEQA. If this were the case, any project which added any audible amount of noise to the environment would be considered significant according to CEQA. Because every physical process creates noise, the use of audibility alone as significance criteria would be unworkable. CEQA requires a substantial increase in noise levels before noise impacts are identified, not simply an audible change.

#### California Department of Transportation (Caltrans)

The City of Visalia does not currently have adopted standards for groundborne vibration that would be applicable to this specific project. As a result, the vibration impact criteria developed by the California Department of Transportation (Caltrans) was applied to the project. The Caltrans

guidance criteria for building structures and vibration annoyance are presented in Tables 4 and 5, respectively.

**Table 4  
Caltrans Guidance for Building Structure Vibration Criteria**

Structure and Condition	Limiting PPV (in/sec)
Historic and some old buildings	0.5
Residential structures	0.5
New residential structures	1.0
Industrial buildings	2.0
Bridges	2.0
PPV = Peak Particle Velocity	

Source: 2020 Caltrans Transportation and Construction Vibration Guidance Manual, Table 14

**Table 5  
Caltrans Guidance for Vibration Annoyance Potential Criteria**

Human Response	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Severe/very disturbing	2.0	0.4 to 3.6
Strongly perceptible	0.9	0.1
Distinctly perceptible	0.24	0.035
Barely/slightly perceptible	0.035	0.012
Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent sources include pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers and vibratory compaction equipment.		
PPV = Peak Particle Velocity		

Source: 2020 Caltrans Transportation and Construction Vibration Guidance Manual, Tables 4 & 6

## Local

### Visalia General Plan

The Safety and Noise Element of the Visalia General Plan (Chapter 8) contains objectives and policies to ensure that city residents are not subjected to noise beyond acceptable levels. The General Plan objectives and policies which would be most applicable to this project are reproduced below.

### Objectives

- N-O-1 Strive to achieve an acceptable noise environment for present and future residents of Visalia.
- N-O-2 Protect the City’s economic base by preventing the encroachment of incompatible land uses near known noise producing industries, railroads, airports and other sources.

N-O-3 Protect noise-sensitive land uses such as schools, hospitals, and senior care facilities from encroachment of and exposure to excessive levels of noise.

**Policies**

N-P-1 Update the City's Noise Ordinance as needed to be in conformance with the General Plan.

N-P-2 Promote the use of noise attenuation measures to improve the acoustic environment inside residences where existing single-family residential development is located in a noise-impacted environment such as along an arterial street or adjacent to a noise-producing use.

N-P-4 Where new development of industrial, commercial or other noise-generating land uses (including roadways, railroads, and airports) may result in noise levels that exceed the noise level exposure criteria established by Tables 8-3 and 8-4 (Tables 6 and 7 of this report), require a noise study to determine impacts, and require developers to mitigate these impacts in conformance with Tables 8-3 and 8-4 (Tables 6 and 7 of this report) as a condition of permit approval through appropriate means.

Noise mitigation measures may include but are not limited to:

- Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment;
- Increase setbacks for noise sources from adjacent dwellings;
- Retain fences, walls, and landscaping that serve as noise buffers;
- Use soundproofing materials and double-glazed windows;
- Use open space, building orientation and design, landscaping and running water to mask sounds; and
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.

Alternative acoustical designs that achieve the prescribed noise level reduction may be approved, provided a qualified acoustical consultant submits information demonstrating that the alternative designs will achieve and maintain the specific targets for outdoor activity areas and interior spaces. As a last resort, developers may propose to construct noise walls along state highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility, with no City funding.

N-P-5 Continue to enforce applicable State Noise Insulation Standards (California Administrative Code, Title 24) and Uniform Building Code (UBC) noise requirements.

**Table 6  
Transportation Noise Sources**

Noise-Sensitive Land Use	Outdoor Activity Areas, dBA	Interior Spaces, dBA	
	DNL/CNEL <sup>2</sup>	DNL/CNEL <sup>2</sup>	Leq <sup>3</sup>
Residential	65	45	--
Transient Lodging	65	45	--
Hospitals, Nursing Homes	65	45	--
Theatres, Auditoriums, Music Halls	--	--	35
Churches, Meeting Halls	65	--	45
Office Buildings	--	--	45
Schools, Libraries, Museums	--	--	45

<sup>1</sup> Outdoor activity areas generally include backyards of single-family residences and outdoor patios, decks or common recreation areas for multi-family developments.  
<sup>2</sup> The CNEL is used for quantification of aircraft noise exposure as required by CAC Title 21.  
<sup>3</sup> As determined for a typical worst-case hour during periods of use.

Source: Visalia General Plan, Safety and Noise Element, Table 8-3

**Table 7  
Stationary Noise Sources<sup>1</sup>**

Noise Level Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Hourly Equivalent Sound Level, Leq (dBA)	50	45
Maximum Sound Level, Lmax (dBA)	70	65

<sup>1</sup> As determined as the property line of the receiving noise-sensitive use.

Source: Visalia General Plan, Safety and Noise Element, Table 8-4

Visalia Municipal Code

The provisions of the Visalia Municipal Code which would be most applicable to this project are reproduced below.

**Chapter 8.36 Noise**

8.36.040 Exterior noise standards – fixed noise sources.

- A. It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level, when measured at the property line of any affected noise-sensitive land use, to exceed any of the categorical noise level standards as set forth in the following table:

**Exterior Noise Level Standards, dBA**

Category	Cumulative Number of Minutes in Any 1-Hour Time Period	Evening and Daytime (6:00 a.m. to 7:00 p.m.)	Nighttime (7:00 p.m. to 6:00 a.m.)
1	30 (L <sub>50</sub> )	50	45
2	15 (L <sub>25</sub> )	55	50
3	5 (L <sub>8</sub> )	60	55
4	1 (L <sub>2</sub> )	65	60
5	0 (L <sub>max</sub> )	70	65

Source: Visalia Municipal Code, Section 8.36.040(A)

- B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the ambient noise level.
- C. Each of the noise level standards specified above shall be reduced by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

8.36.050 Exterior noise standards – mobile noise sources prohibition against use.

It is unlawful to operate any of the below-listed devices, appliances, equipment or vehicles on public or private property abutting noise-sensitive land uses between the weekday hours of 7:00 p.m. and 6:00 a.m., and between the weekend hours of 7:00 p.m. and 9:00 a.m.

- C. Construction equipment including jackhammers, portable generators, pneumatic equipment, trenchers, or other such equipment, except for emergency repair purposes as provided in Section 8.36.070.

8.36.060 Residential interior noise standards.

- A. It is unlawful for any person, at any location within the city, to operate or cause to be operated, any source of sound or to allow the creation of any noise which causes the noise level when measured inside a dwelling unit to exceed any of the categorized noise level standards as set forth in the following table:

**Interior Noise Level Standards, dBA**

Category	Cumulative Number of Minutes in Any 1-Hour Time Period	Evening and Daytime (6:00 a.m. to 7:00 p.m.)	Nighttime (7:00 p.m. to 6:00 a.m.)
1	5 (L <sub>8</sub> )	45	35
2	1 (L <sub>2</sub> )	50	40
3	0 (L <sub>max</sub> )	55	45

Source: Visalia Municipal Code, Section 8.36.040(A)

- B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the ambient noise level.
- C. Each of the noise level standards specified above shall be reduced by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

8.36.070 Noise source exemptions.

The following activities shall be exempted from the provisions of this chapter:

- A. Noise sources associated with the collection of waste or garbage from commercially zoned or industrially zoned property by the city or its authorized franchisee.

17.36.50 Commercial and mixed-use zones.

The following standards shall apply to sites within a C-N, C-R, C-S, C-MU or D-MU zone:

- A. Where a site in the C-N, C-R, C-S, C-MU, or D-MU zone adjoins an R-1 or R-M zone, either a concrete block masonry wall not less than seven (7) feet in height shall be located on the property line except in a required front yard and suitably maintained or a landscaped buffer be provided as approved by the planning commission.
- B. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from an R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than six (6) feet in height, if the city planning commission finds said use to be unsightly. A landscaped buffer can be approved by the planning commission in place of a required wall as an exception.
- C. Open storage of materials and equipment, except commercial vehicles and used car sales lots, shall be permitted only within an area surrounded and screened by a concrete block or masonry wall not less than six (6) feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.
- D. No fence or wall shall exceed seven (7) feet in height if located in a required side or rear yard or three (3) feet in height if located in a required front yard. A fence or wall may be allowed in a required front yard to a height of four (4) feet provided that the additional one-foot height is not of a solid material, upon approval of the city planner.

**Adjustments to Municipal Code Noise Standards Based on Ambient Conditions**

Section 8.36.040 of the Visalia Municipal Code states that if measured ambient noise levels exceed the established noise level limits, the applicable standard shall be adjusted so as to equal the measured ambient noise level.

Table 1 of this report contains the results from the BAC long-term ambient noise survey at sites 1-3, which are believed to be representative of the existing ambient noise environments at nearby

existing residential uses adjacent to the project. Based on the results from the BAC long-term noise level surveys, the Municipal Code noise level limits applicable to the project are summarized in Table 8.

**Table 8  
Adjusted Municipal Code Noise Level Standards Applied to the Project**

Nearest Residences <sup>1</sup>	Average Measured Noise Levels <sup>1</sup>				Unadjusted Standards				Adjustment for Measured Ambient?				Applied Standards <sup>2</sup>			
	Daytime		Nighttime		Day/Eve		Nighttime		Day/Eve		Nighttime		Day/Eve		Nighttime	
	L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>
Northwest	48	66	43	60	50	70	45	65	N	N	N	N	50	70	45	65
West	47	67	47	63	50	70	45	65	N	N	Y	N	50	70	47	65
Southwest	47	67	47	63	50	70	45	65	N	N	Y	N	50	70	47	65
Southeast	48	68	44	62	50	70	45	65	N	N	N	N	50	70	45	65

<sup>1</sup> Lowest average measured hourly noise levels from Table 1.  
<sup>2</sup> Applied standards based on results from BAC ambient noise level surveys and pursuant to Section 8.36.040.

## Impacts and Mitigation Measures

### Thresholds of Significance

For the purposes of this assessment, noise or vibration impacts are considered significant if the project would result in:

- 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 other applicable standards of other agencies; or
- Generation of excessive groundborne vibration or groundborne noise levels; or
- 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, the project expose people residing or working in the project area to excessive noise levels.

The project site is not within the vicinity of a private airstrip, an airport land use plan, or within two miles of a public airport. Therefore, the last threshold listed above is not discussed further.

The following criteria based on standards established by the Federal Interagency Commission on Noise (FICON), California Department of Transportation (Caltrans), Visalia General Plan, and Visalia Municipal Code were used to evaluate the significance of environmental noise and vibration resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the Visalia General Plan or Visalia Municipal Code.
- A significant impact would be identified if project-generated off-site traffic were to substantially increase noise levels at existing sensitive receptors in the vicinity. A substantial increase in off-site traffic noise levels would be identified relative to the FICON noise level increase significance criteria presented in Table 3.

In terms of determining the temporary noise increase due to project on-site operations at existing sensitive receptors in the vicinity, an impact would occur if those activities were to noticeably increase ambient noise levels above background levels at those locations. The threshold of perception of the human ear is approximately 3 to 5 dB – a 5 dB change is considered to be clearly noticeable. For the analysis of increases in ambient noise levels associated with project on-site operations, a noticeable increase in ambient noise levels is assumed to occur where those activities would result in an increase by 5 dB or more over existing ambient noise levels at existing residences.

- A significant impact would be identified if project construction activities or proposed on-site operations were to expose existing sensitive receptors to excessive groundborne vibration levels. Specifically, an impact would be identified if groundborne vibration levels due to these sources would exceed the Caltrans vibration impact criteria presented in this report.

## **Noise Impacts Associated with Project-Generated Increases in Off-Site Traffic**

### **Impact 1: Increases in Existing Off-Site Traffic Noise Levels due to the Project**

Construction of this project would result in increased traffic on the local roadway network. BAC utilized the FHWA Model (FHWA-RD-77-108) with provided project traffic data to determine whether traffic noise impacts (relative to the FICON increase significance criteria provided in Table 3) would occur as a result of this project.

The FHWA Traffic Noise Model (FHWA-RD-77-108) was used to quantify increases in existing traffic noise levels at the existing sensitive land uses nearest to the project area roadway network. The FHWA Model predicts hourly  $L_{eq}$  values for free-flowing traffic conditions. Estimates of the hourly distribution of traffic for a typical 24-hour period were used to develop DNL values from  $L_{eq}$  values.

According to the provided site plan, the project site will be accessed from S. Mooney Boulevard and W. Visalia Parkway. As a result, the greatest impact from project-generated off-site traffic will be along these roadways. The nearest existing noise sensitive use along S. Mooney Boulevard has been identified as a single-family residence located ¼ mile south of the project site (27274 S. Mooney Boulevard), which outdoor activity area (i.e., backyard) maintains a separation of approximately 150 feet from the roadway centerline. The closest existing noise-sensitive use along W. Visalia Parkway has been identified as a single-family residence located just west of the

project area (on W. Lake Drive), which outdoor activity area (i.e., backyard) maintains a separation of approximately 100 feet from the roadway centerline.

Existing traffic data in the form of peak hour intersection turning movements were obtained from the Proposed Commons at W. Visalia Parkway Shopping Center Traffic Impact Analysis prepared by Peters Engineering Group. Those data were converted to Average Daily Traffic (ADT) segment volumes by applying a factor of 5 to the sum of AM and PM peak hour conditions. Other inputs were obtained from BAC observations and noise measurement data. Based on the results from the analysis, the segment of S. Mooney Boulevard adjacent to the closest existing residential use is calculated to have an existing ADT volume of approximately 17,000. The results further indicate that the segment of W. Visalia Parkway adjacent to the closest existing residential use is calculated to have an existing ADT volume of approximately 6,500.

Assuming vehicle speeds of 55 MPH, medium- and heavy-truck mix of 4%/2% (derived from Caltrans data), and an existing ADT of 17,000, the FHWA Model predicts S. Mooney Boulevard traffic noise levels of 66 dB DNL at distance of 150 feet from the centerline of the roadway (i.e., location of 27274 S. Mooney Boulevard residence backyard). Assuming vehicle speeds of 45 MPH, medium- and heavy-truck mix of 2%/2% (derived from BAC file data for similar roadways), and an existing ADT of 6,500, the FHWA Model predicts W. Visalia Parkway traffic noise levels of 62 dB DNL at distance of 100 feet from the centerline of the roadway (i.e., location of W. Lake Drive residence backyard).

According to the provided project trip generation data, the proposed anchor tenant with fueling station land use (discount club – ITE code 857) is estimated to generate a weekday traffic volume of 9,500, and a Saturday traffic volume of 11,810. The project trip generation also indicate that the proposed car wash land use (automated car wash – ITE code 934) is calculated to generate a weekday traffic volume of 776, and a Saturday traffic volume of 410. Given a combined ADT of 12,220 (11,810+410), project-generated traffic noise level exposure is predicted to be 60 dB DNL at the outdoor activity area (backyard) of the residence located at 27274 S. Mooney Boulevard. Given the combined ADT of 12,220, project-generated traffic noise level exposure is also predicted to be 60 dB DNL at the outdoor activity area of the nearest existing residence located along W. Visalia Parkway (W. Lake Drive).

According to FICON criteria (presented in Table 3), where pre-project ambient conditions are between 60 and 65 dB DNL, a 3 dB increase is applied as the standard of significance. The FICON increase significance criterion of 3 dB would be applicable at the residence located along W. Visalia Parkway (W. Lake Drive), at which an existing W. Visalia Parkway traffic noise level environment 62 dB DNL was calculated. FICON criteria also indicate that in areas already exposed to higher noise levels, specifically pre-project noise levels in excess of 65 dB DNL, a 1.5 dB increase is considered by FICON as the threshold of significance. The FICON increase significance criterion of 1.5 dB would be applicable at the residence located at 27274 S. Mooney Boulevard, at which an existing traffic noise level environment of 66 dB DNL was calculated.

Based a predicted existing S. Mooney Boulevard traffic noise level environment of 66 dB DNL, and given a predicted project-generated traffic noise level of 60 dB DNL, the combined traffic noise level exposure is calculated to be 67 dB DNL, which would result in a 1 dB increase at the closest existing residential use along the roadway. The calculated project-generated increase of

1 dB along S. Mooney Boulevard would be below the applied FICON increase significance criterion of 1.5 dB. Given a predicted existing W. Visalia Parkway traffic noise level environment of 62 dB DNL, and a predicted project-generated traffic noise level of 60 dB DNL, the combined traffic noise level exposure is calculated to be 64 dB DNL, which would result in a 2 dB increase at the closest existing residential use along the roadway. The calculated project-generated increase of 2 dB along W. Visalia Parkway would be below the applied FICON increase significance criterion of 3 dB.

Because project-related traffic is not predicted to result in increases in ambient noise levels that would exceed the applicable FICON increase significance criteria at existing sensitive uses within the project vicinity, this impact is identified as being ***less than significant***.

### **Noise Impacts Associated with Project On-Site Operations**

The project proposes the development of anchor tenant with fueling station and car wash land uses. The primary on-site operations noise sources associated with the anchor tenant / fueling station component of the project have been identified as on-site truck circulation (i.e., medium and heavy truck passbys), truck delivery activities (i.e., loading dock operations), parking lot activities, and rooftop mechanical equipment (HVAC). The primary on-site operations noise sources associated with the car wash component of the project have been identified as car wash tunnel operations and vacuum system equipment. Noise generated by operations of these land uses were quantified through a combination of reference noise level data and application of accepted noise modeling techniques.

The following section includes impact discussions for each of the above-identified on-site project noise sources at nearby residential uses. The locations of the nearby residential uses are shown in Figure 1. The Visalia General Plan exterior noise level standards provided in Table 7 of this report were applied to project on-site operations noise sources. Additionally, the applied Visalia Municipal Code exterior noise level limits presented in Table 8 of this report were also used in the assessment of on-site operations noise compliance. Finally, the residential interior noise level criteria established in Section 8.36.060 of the Visalia Municipal Code were also applied to project on-site operations noise generation.

In terms of determining the ambient noise increases due to project on-site operations, an impact would occur if those activities were to noticeably increase ambient noise levels above background levels at existing sensitive receptors. For the analysis of increases in ambient noise levels associated with project on-site operations, a noticeable increase is assumed to occur where those activities would result in an increase by 5 dB or more over ambient noise levels at existing nearby residences.

#### **Impact 2: Parking Operations Noise Generation – Anchor Tenant Component**

As a means of determining potential noise exposure due to anchor tenant / fueling station parking lot activities, Bollard Acoustical Consultants, Inc. (BAC) utilized specific parking lot noise level measurements conducted by BAC. Specifically, a series of individual noise measurements were conducted of multiple vehicle types arriving and departing a parking area, including engines starting and stopping, car doors opening and closing, and persons conversing as they entered

and exited the vehicles. The results of those measurements revealed that individual parking lot movements generated mean noise levels of approximately 70 dB SEL at a reference distance of 50 feet. The maximum noise level associated with parking lot activity typically did not exceed 65 dB  $L_{max}$  at the same reference distance.

To compute hourly average ( $L_{eq}$ ) noise levels generated by parking activities, the approximate number of hourly operations in any given area and distance to the effective noise center of those activities is required. According to the provided site plan, the fueling station component of the project proposes 12 drive lanes for 12 fueling islands (total of 24 fuel dispensers). Further, it is estimated that a maximum of 8 vehicles could be in each drive lane at maximum capacity (total of 96 drive lane queue positions). Assuming each vehicle spends 5 minutes at either a fuel dispenser or queue position, a total of approximately 1,440 vehicle trips could occur on-site per hour at maximum capacity (considered to be worst-case). For the purpose of this analysis, it was conservatively assumed that 1,440 vehicle trips could occur at the fueling component of the project site during a worst-case busy daytime hour. It was further assumed that the nearest 350 stalls of the anchor tenant parking area could either empty or fill during a worst-case busy daytime hour nearest to a residential use. Finally, because parking area activity would be significantly reduced during nighttime hours, it was reasonably assumed that 50% of the above-identified daytime peak hour trips could occur during a nighttime peak hour. Parking lot noise exposure was determined using the following equation:

$$Peak\ Hour\ L_{eq} = 70 + 10 \cdot \log(N) - 35.6$$

Where 70 is the SEL for a single automobile parking operation, N is the number of parking lot operations in a peak hour, and 35.6 is 10 times the logarithm of the number of seconds in an hour. Using the information provided above, and assuming standard spherical spreading loss (-6 dB per doubling of distance).

The Visalia General Plan noise standards are provided in terms of both hourly average ( $L_{eq}$ ) and individual maximum ( $L_{max}$ ) noise levels. Because parking activities would occur throughout the course of an hour (i.e., in excess of 30 minutes), the Visalia Municipal Code median ( $L_{50}$ ) noise level descriptor would be applicable. Based on the BAC file data, project trip generation estimates, and operations assumptions above, and assuming standard spherical spreading loss (-6 dB per doubling of distance), project parking area noise exposure at the property lines of existing nearby residential uses was calculated and the results of those calculations are presented in Tables 9 and 10.

**Table 9  
Predicted Parking Area Noise Levels at Nearby Residential Uses – Daytime Hours**

Receiver <sup>1</sup>	Offsets (dB) <sup>2</sup>	Predicted Combined Parking Noise Level (dB) <sup>3,4</sup>		
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – Northwest	-8	46	53	41
Residential – West	-8	36	45	31
Residential – Southwest	-8	34	49	29
Residential – Southeast	-8	40	57	35

<sup>1</sup> Receiver locations shown in Figure 1.  
<sup>2</sup> An offset of -8 dB was applied to account for shielding that would be provided by an existing 7' solid wall (noise barrier) constructed along the perimeter of the project property boundary. Existing 7' wall illustrated in Figure 2. Offset based on the result from a source specific barrier evaluation.  
<sup>3</sup> Predicted combined noise levels from anchor tenant parking area and fueling station stalls/lanes.  
<sup>4</sup> Predicted combined noise level also include screening from proposed intervening buildings where applicable.

Source: BAC 2024

**Table 10  
Predicted Parking Area Noise Levels at Nearby Residential Uses – Nighttime Hours**

Receiver <sup>1</sup>	Offsets (dB) <sup>2</sup>	Predicted Combined Parking Noise Level (dB) <sup>3,4,5</sup>		
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – Northwest	-8	43	53	38
Residential – West	-8	33	45	28
Residential – Southwest	-8	31	49	26
Residential – Southeast	-8	37	57	32

<sup>1</sup> Receiver locations shown in Figure 1.  
<sup>2</sup> An offset of -8 dB was applied to account for shielding that would be provided by an existing 7' solid wall (noise barrier) constructed along the perimeter of the project property boundary. Existing 7' wall illustrated in Figure 2. Offset based on the results from a source specific barrier evaluation.  
<sup>3</sup> Predicted combined noise levels also include screening from proposed intervening buildings where applicable.  
<sup>4</sup> Predicted nighttime parking activity reasonably assumes 50% of daytime activity.

Source: BAC 2024

As indicated in Tables 9 and 10, project parking activity noise levels are predicted to satisfy the Visalia General Plan hourly average (L<sub>eq</sub>) and maximum (L<sub>max</sub>) daytime and nighttime noise level standards at the nearest existing residential uses. Tables 9 and 10 data also indicate that project parking activity noise levels are predicted to satisfy the applied Visalia Municipal Code daytime/evening and nighttime median (L<sub>50</sub>) exterior noise level limits at those nearest existing residential uses.

Standard residential construction (e.g., stucco siding, STC-27 windows, door weather-stripping, exterior wall insulation, composition plywood roof) typically results in an exterior to interior noise reduction of at least 20 to 25 dB with windows closed and approximately 15 dB with windows open (including manufactured homes). Based on this information, and after consideration of the predicted exterior property line noise levels presented in Tables 9 and 10, project parking area

noise levels are expected to satisfy the strictest Visalia Municipal Code interior noise level criteria within the nearest existing residences.

Table 1 of this report contains a summary of the results from the BAC long-term ambient noise survey at sites 1-3, which are believed to be representative of the existing ambient noise environments at nearby existing residential receivers adjacent to the project. Using the average measured hourly daytime and nighttime noise levels at each monitoring location during the BAC ambient noise survey shown in Table 1, and the predicted noise levels presented in Tables 9 and 10, ambient plus project parking area noise level increases were calculated at the nearby residential uses. The results of those calculations are provided in Tables 11 and 12 below. As indicated in Tables 11 and 12, the calculated increases in ambient noise levels at the nearby residential uses would be well below the applied increase significance criterion of 5 dB.

**Table 11  
Calculated Project Parking Increases in Ambient Noise Levels – Daytime Hours**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>			Predicted Combined Parking Noise Level <sup>2</sup>			Ambient Plus Project Noise Level <sup>3</sup>			Associated Noise Level Increase (dB) <sup>4</sup>		
	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – NW	53	67	49	46	53	41	53.6	67.5	50.0	0.9	0.2	0.6
Residential – W	52	69	48	36	45	31	52.4	69.0	48.1	0.1	<0.1	0.1
Residential – SW	52	69	48	34	49	29	52.4	69.0	48.1	0.1	<0.1	0.1
Residential – SE	51	69	48	40	57	35	51.7	69.0	48.5	0.3	0.3	0.2

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted combined parking noise levels during daytime hours presented in Table 9 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus project-generated daytime noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

**Table 12  
Calculated Project Parking Increases in Ambient Noise Levels – Nighttime Hours**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>			Predicted Combined Parking Noise Level <sup>2</sup>			Ambient Plus Project Noise Level <sup>3</sup>			Associated Noise Level Increase (dB) <sup>4</sup>		
	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – NW	47	60	44	43	53	38	48.8	61.1	45.3	1.4	0.7	1.0
Residential – W	51	64	48	33	45	28	50.7	63.7	47.7	0.1	0.1	0.1
Residential – SW	51	64	48	31	49	26	50.7	63.8	47.7	<0.1	0.1	<0.1
Residential – SE	49	63	46	37	57	32	49.6	64.2	45.9	0.3	0.9	0.2

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted combined parking noise levels during nighttime hours presented in Table 10 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus project-generated nighttime noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

Because noise exposure from project parking area movements is predicted to satisfy applicable Visalia General Plan and Visalia Municipal Code noise level criteria at the nearest existing residential uses, and because noise exposure from those activities is not calculated to significantly increase ambient noise levels at those uses, this impact is identified as being **less than significant**.

**Impact 3: Loading Dock Activity Noise Generation – Anchor Tenant Component**

Based on a review of the provided site plan, the anchor tenant use will receive truck deliveries of product at a loading dock area located on the south end of the building. The location of the anchor tenant building loading dock area is shown in Figure 2. The nearest existing residential use maintains a separation of approximately 135 feet from the anchor tenant loading dock area.

The primary noise sources associated with loading dock activities are trucks stopping (air brakes), trucks backing into position (back-up alarms), and pulling away from the dock area (revving engines). Once docked, it is expected that activities associated with unloading of the product would occur within the building. To quantify the noise generated by loading dock activities, BAC utilized noise level data obtained from BAC field measurements of a commercial warehouse facility. According to BAC measurement data, truck loading dock average and maximum noise levels are approximately 63 dB  $L_{eq}$  and 75 dB  $L_{max}$  at a reference distance of 50 feet (including back-up beepers). Median ( $L_{50}$ ) on-site truck delivery activity noise levels would be approximately 5 dB less than hourly average noise levels ( $L_{eq}$ ).

The Visalia General Plan noise standards are provided in terms of both hourly average ( $L_{eq}$ ) and individual maximum ( $L_{max}$ ) noise levels. Because loading dock activities could occur throughout the course of an hour (i.e., in excess of 30 minutes), the Visalia Municipal Code median ( $L_{50}$ ) noise level descriptor would be applicable. Based on the reference noise level data and operations assumptions cited above, and assuming standard sound wave spreading loss (-6 dB per doubling of distance), project loading dock noise level exposure at the property lines of existing nearby residential uses was calculated and the results of those calculations are presented in Table 13.

**Table 13  
Predicted Loading Dock Noise Levels at Nearby Residential Uses**

Receiver <sup>1</sup>	Offsets (dB) <sup>2</sup>	Predicted Loading Dock Noise Level (dB) <sup>3</sup>		
		$L_{eq}$	$L_{max}$	$L_{50}$
Residential – Northwest	-8	23	35	18
Residential – West	-8	30	42	25
Residential – Southwest	-8	46	58	41
Residential – Southeast	-8	38	50	33

<sup>1</sup> Receiver locations shown in Figure 1.  
<sup>2</sup> An offset of -8 dB was applied to account for shielding that would be provided by an existing 7' solid wall (noise barrier) constructed along the perimeter of the project property boundary. Existing 7' wall illustrated in Figure 2. Offset based on the results of a source specific barrier evaluation.  
<sup>3</sup> Predicted noise level also include screening from proposed intervening buildings where applicable.

Source: BAC 2024

Table 13 data indicate that project loading dock activity noise levels are predicted to satisfy the Visalia General Plan hourly average ( $L_{eq}$ ) and maximum ( $L_{max}$ ) daytime noise level standards at the nearest existing residential uses, but would exceed the nighttime hourly average noise level limit of 45 dB  $L_{eq}$  at the closest residential use to the southwest. Table 13 data also indicate that project loading dock activity noise levels are predicted to satisfy the applied Visalia Municipal Code daytime/evening and nighttime median ( $L_{50}$ ) exterior noise level limits at the nearest existing residential uses.

Based on the noise level reduction achieved with standard residential construction (minimum of 20 to 25 dB with windows closed, approximately 15 dB with windows open), and after consideration of the predicted exterior property line noise levels presented in Table 13, project loading dock noise levels are expected to satisfy the strictest Visalia Municipal Code interior noise level criteria within the nearest existing residences.

Using the average measured hourly daytime and nighttime noise levels at each monitoring location during the BAC ambient noise survey shown in Table 1, and the predicted noise levels presented in Table 13, ambient plus project loading dock noise level increases were calculated at the nearby residential uses. The results of those calculations are provided in Tables 14 and 15 below.

**Table 14**  
**Calculated Project Loading Dock Increases in Ambient Daytime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>			Predicted Loading Dock Noise Level <sup>2</sup>			Ambient Plus Project Noise Level <sup>3</sup>			Associated Noise Level Increase (dB) <sup>4</sup>		
	$L_{eq}$	$L_{max}$	$L_{50}$	$L_{eq}$	$L_{max}$	$L_{50}$	$L_{eq}$	$L_{max}$	$L_{50}$	$L_{eq}$	$L_{max}$	$L_{50}$
Residential – NW	53	67	49	23	35	18	52.7	67.3	49.3	<0.1	<0.1	<0.1
Residential – W	52	69	48	30	42	25	52.4	69.0	48.0	<0.1	<0.1	<0.1
Residential – SW	52	69	48	46	58	41	53.3	69.4	48.9	1.0	0.4	0.9
Residential – SE	51	69	48	38	50	33	51.5	68.7	48.5	0.2	0.1	0.1

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project loading dock noise levels presented in Table 13 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

**Table 15**  
**Calculated Project Loading Dock Increases in Ambient Nighttime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>			Predicted Loading Dock Noise Level <sup>2</sup>			Ambient Plus Project Noise Level <sup>3</sup>			Associated Noise Level Increase (dB) <sup>4</sup>		
	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – NW	47	60	44	23	35	18	47.4	60.3	44.3	<0.1	<0.1	<0.1
Residential – W	51	64	48	30	42	25	50.7	63.7	47.7	<0.1	<0.1	<0.1
Residential – SW	51	64	48	46	58	41	52.0	64.8	48.6	1.4	1.1	0.9
Residential – SE	49	63	46	38	50	33	49.6	63.5	45.9	0.3	0.2	0.2

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project loading dock noise levels presented in Table 13 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

As shown in Tables 14 and 15, the calculated increases in ambient noise levels at the nearby residential uses would be well below the applied increase significance criterion of 5 dB. However, because project loading dock activity noise exposure is predicted to exceed the Visalia General Plan nighttime hourly average (L<sub>eq</sub>) noise level standard at the nearby existing residential use to the southwest (Table 13), this impact is identified as **potentially significant**.

**Mitigation Measure 1:**

To ensure for satisfaction of the Visalia General Plan nighttime hourly average (L<sub>eq</sub>) noise level standard at nearby existing residential uses, the following specific noise mitigation measure would be required of the project:

- MM 1:** All project loading dock activities shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).

**Significance of Impact with MM 1: *Less than Significant with Mitigation Measures***

**Impact 4: On-Site Delivery Truck Circulation Noise – Anchor Tenant Component**

Based on review of the provided site plan, it is assumed that delivery trucks will utilize an access road located off W. Visalia Parkway at the northwest end of the project property. Once on-site, it is further assumed that trucks will travel along the west/southwest project property line behind the anchor tenant building to the loading dock area on the south side of the building. The assumed on-site truck circulation route is shown in Figure 2. The nearest existing residential uses maintain a separation of approximately 25 feet from the assumed anchor tenant on-site truck circulation route.

It is the experience of BAC that deliveries of product to the anchor tenant type uses occur primarily by heavy trucks. However, the fueling station will also receive deliveries from heavy fueling trucks

for the purpose of refilling the underground storage tanks. According to the project applicant, the project is expected to receive a total of 20 heavy truck deliveries per day (15 – anchor tenant; 5 – fueling station). Based on a review of the site design (loading dock area), and for the purpose of this analysis, it is expected that no more than 3 heavy trucks could deliver products to the anchor tenant building during the same worst-case hour of deliveries. It is reasonably assumed that the fueling station would only have 1 heavy fueling truck delivery during a given worst-case hour of deliveries.

Heavy truck arrivals and departures, and on-site circulation will occur at low speeds. To predict noise levels generated by those activities, BAC utilized file data obtained from measurements conducted by BAC of heavy truck passbys. According to BAC file data, single-event heavy truck passby noise levels are approximately 74 dB  $L_{max}$  and 83 dB SEL at a reference distance of 50 feet. Because the Visalia General Plan noise standards are provided in terms of both individual maximum noise levels and hourly average noise levels, it is necessary to identify the number of truck movements occurring during a typical busy hour of operations to assess compliance with the  $L_{eq}$ -based standards. In addition, because on-site truck circulation could occur throughout the course of an hour (i.e., in excess of 30 minutes), the applicable Visalia Municipal Code noise level descriptor for on-site truck circulation would be the median noise level metric ( $L_{50}$ ).

Based on a 3 heavy truck trips per hour, and an SEL of 83 dB SEL per passby, the average hourly noise level generated by anchor tenant delivery truck circulation computes to 50 dB  $L_{eq}$  at a reference distance of 52 feet from the passby route (maximum noise level of 74 dB  $L_{max}$ ). Given 1 heavy truck trip per hour, and an SEL of 83 dB SEL per passby, the average hourly noise level generated by fueling station delivery truck circulation computes to 48 dB  $L_{eq}$  at a reference distance of 50 feet from the passby route (maximum noise level of 74 dB  $L_{max}$ ). Median ( $L_{50}$ ) on-site truck circulation noise levels would be approximately 5 dB less than calculated hourly average noise levels ( $L_{eq}$ ).

Based on the reference noise level data and operations assumptions above, project on-site truck circulation noise exposure at the property lines of existing nearby residential uses was calculated and the results of those calculations are presented in Table 16.

**Table 16**  
**Predicted On-Site Delivery Truck Circulation Noise Levels at Nearby Residential Uses**

Receiver <sup>1</sup>	Offsets (dB) <sup>2</sup>	Predicted Truck Circulation Noise Level (dB) <sup>3</sup>		
		$L_{eq}$	$L_{max}$	$L_{50}$
Residential – Northwest	-7	52	73	47
Residential – West	-7	51	73	46
Residential – Southwest	-7	43	64	38
Residential – Southeast	-7	37	58	32

<sup>1</sup> Receiver locations shown in Figure 1.  
<sup>2</sup> An offset of -7 dB was applied to account for shielding that would be provided by an existing 7' solid wall (noise barrier) constructed along the perimeter of the project property boundary. Existing 7' wall illustrated in Figure 2. Offset based on the results of a source specific barrier evaluation.  
<sup>3</sup> Predicted noise level also include screening from proposed intervening buildings where applicable.

Source: BAC 2024

As indicated in Table 16, project on-site truck circulation noise levels are predicted to exceed the Visalia General Plan daytime and nighttime hourly average ( $L_{eq}$ ) and maximum ( $L_{max}$ ) noise level standards at a portion of the nearest residential uses. The Table 16 data also indicates that project on-site truck circulation noise levels are predicted to exceed the applied Visalia Municipal Code daytime/evening and nighttime median ( $L_{50}$ ) exterior noise level limits at a portion of those nearest residential uses.

Based on the noise level reduction achieved with standard residential construction (minimum of 20 to 25 dB with windows closed, approximately 15 dB with windows open), and after consideration of the predicted exterior property line noise levels presented in Table 16, project on-site truck circulation noise levels are expected to satisfy the strictest Visalia Municipal Code interior noise level criteria within the nearest existing residences.

Using the average measured hourly daytime and nighttime noise levels at each monitoring location during the BAC ambient noise survey shown in Table 1, and the predicted noise levels presented in Table 16, ambient plus project on-site truck circulation noise level increases were calculated at the nearby residential uses. The results of those calculations are provided in Tables 17 and 18. As shown in Tables 17 and 18, the calculated increases in ambient noise levels would exceed the applied increase significance criterion of 5 dB at a portion of the closest residential uses.

**Table 17**  
**Calculated Project On-Site Truck Circulation Increases in Ambient Daytime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>			Predicted Truck Noise Level <sup>2</sup>			Ambient Plus Project Noise Level <sup>3</sup>			Associated Noise Level Increase (dB) <sup>4</sup>		
	$L_{eq}$	$L_{max}$	$L_{50}$	$L_{eq}$	$L_{max}$	$L_{50}$	$L_{eq}$	$L_{max}$	$L_{50}$	$L_{eq}$	$L_{max}$	$L_{50}$
Residential – NW	53	67	49	52	73	47	55.6	74.1	51.5	2.9	6.7	2.2
Residential – W	52	69	48	51	73	46	54.8	74.1	50.2	2.5	5.1	2.2
Residential – SW	52	69	48	43	64	38	52.8	70.2	48.4	0.5	1.2	0.4
Residential – SE	51	69	48	37	58	32	51.5	69.0	48.4	0.2	0.4	0.1

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project on-site truck circulation noise levels presented in Table 16 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

**Table 18**  
**Calculated Project On-Site Truck Circulation Increases in Ambient Nighttime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>			Predicted Truck Noise Level <sup>2</sup>			Ambient Plus Project Noise Level <sup>3</sup>			Associated Noise Level Increase (dB) <sup>4</sup>		
	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – NW	47	60	44	52	73	47	53.7	73.2	49.2	6.3	12.9	4.9
Residential – W	51	64	48	51	73	46	54.0	73.1	50.0	3.3	9.4	2.4
Residential – SW	51	64	48	43	64	38	51.3	67.0	48.1	0.7	3.3	0.4
Residential – SE	49	63	46	37	58	32	49.6	64.5	45.8	0.2	1.2	0.2

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project on-site truck circulation noise levels presented in Table 16 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

Because project on-site truck circulation noise exposure is predicted to exceed Visalia General Plan and applied Visalia Municipal Code daytime and nighttime noise level criteria at nearby existing residential uses (Table 16), and because daytime and nighttime increases in ambient noise levels associated with those operations are also calculated to exceed the applied increase significance criterion (Tables 17 and 18), this impact is identified as **potentially significant**.

**Mitigation Measure 2:**

To comply with Visalia General Plan and applied Visalia Municipal Code daytime noise level criteria, reduce increases in ambient daytime and nighttime noise levels to below the applied increase significance criterion, and to avoid the potential for exceedances of Visalia General Plan and Municipal Code nighttime noise level criteria at nearby existing residential uses, the following two (2) specific noise mitigation measures would be required of the project:

**MM 2A:** A portion of the existing 7-foot-tall masonry wall along the project property line shall be increased to 8-feet in height. The location of the required 8-foot-tall wall portion is illustrated in Figure 4.

It should be noted that Section 17.36.050 of the Visalia Municipal Code limits the height of commercial walls to 7-feet-in-height when located in a rear yard, such as the existing 7-foot-tall wall adjacent to the project site. As a result, the project applicant would be required to file for an Administrative Adjustment to permit the additional 1-foot of wall required for compliance. As an alternative, an 8-foot-tall masonry wall may be constructed adjacent to the existing 7-foot-tall wall (i.e., off the property line).

**MM 2B:** All project on-site delivery truck circulation shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).

Table 19 below shows predicted on-site truck circulation noise levels after implementation of Mitigation Measure 2A as outlined above. Table 19 data shows compliance with Visalia General

Plan and applied Visalia Municipal Code daytime noise level criteria at nearby residential uses. In addition, Table 20 data shows calculated increases in ambient noise levels at the nearby residential uses after implementation of Mitigation Measure 2A. As shown in Table 20, the calculated mitigated increases in ambient noise levels at the nearby residential uses would satisfy the applied increase significance criterion of 5 dB.

**Table 19**  
**Mitigated Predicted On-Site Truck Circulation Noise Levels – Daytime Hours**

Receiver	Unmitigated Noise Levels (dB)			Mitigated Noise Levels (dB) <sup>1</sup>		
	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – Northwest	52	73	47	49	70	44
Residential – West	51	73	46	48	70	43
Residential – Southwest	43	64	38	43	64	38
Residential – Southeast	37	58	32	37	58	32

<sup>1</sup> Predicted noise levels with implementation of Mitigation Measure 2A.

Source: BAC 2024

**Table 20**  
**Mitigated On-Site Truck Circulation Increases in Ambient Daytime Noise Levels**

Receiver	Unmitigated Increases (dB)			Mitigated Increases (dB) <sup>1</sup>		
	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>
Residential – Northwest	2.9	6.7	2.2	1.7	4.6	1.2
Residential – West	2.5	5.1	2.2	1.4	3.3	1.3
Residential – Southwest	0.5	1.2	0.4	0.5	1.2	0.4
Residential – Southeast	0.2	0.4	0.1	0.2	0.4	0.1

<sup>1</sup> Calculated increases in daytime ambient noise levels with implementation of Mitigation Measure 2A.

Source: BAC 2024

**Significance of Impact with MM 2A & 2B: *Less than Significant with Mitigation Measures***

**Impact 5: Rooftop Mechanical Equipment (HVAC) Noise – Anchor Tenant Component**

The provided rooftop mechanical plans for the proposed anchor tenant building indicate that a combination of rooftop units (RTUs), air-handling units (AHUs), exhaust fans (EFs), and exhaust fan handlers (EFHs) will be located on the building rooftop. This rooftop-mounted mechanical equipment would be shielded from view at ground level locations of adjacent residential land uses by the building envelope and/or rooftop parapets. The location of the anchor tenant building is shown in Figure 2. Brief descriptions of the proposed rooftop mechanical equipment are provided below.

Rooftop Units (RTUs)

The project proposes the installation of 25 rooftop units consisting of four (4) models manufactured by Enlight Lennox (Models LHT036H4, LHT060H4, LHT122H4E and

LHT240H4M). According to equipment manufacturer specification documentation, provided in Appendix E of this report, the reference sound power levels for the proposed rooftop unit models range from 75 dB to 94 dB.

#### Air-Handling Units (AHUs)

The project proposes the installation of four (4) air-handling units on the building rooftop. The specific model proposed by the project is the HCUC8040AAD manufactured by Munters. According to equipment manufacturer specification documentation, provided in Appendix E of this report, the reference sound pressure level for the proposed air-handling unit model is 73 dB at distance of 15 feet.

#### Exhaust Fans (EFs)

The project proposes the installation of three (3) exhaust fan handling units consisting of potentially four (4) models manufactured by Carnes, Acme, Pennbarry and Greenheck (Models VUDK12P2, PDU135RGG4, FX16R and CUE-101-A). According to equipment manufacturer specification documentation, provided in Appendix E of this report, the reference sound power levels for the exhaust fan models range from 13 sones to 20 sones.

#### Exhaust Fan Handlers (EFHs)

Based on the provided project mechanical equipment schedule, rooftop mechanical plan, and information obtained from the project applicant, the project proposes the installation of 11 exhaust fans consisting of two (2) models manufactured by CaptiveAire (Models DU50HFA and DU180HFA). According to equipment manufacturer specification documentation, provided in Appendix E of this report, the reference sound power levels for the DU50HFA and DU180HFA exhaust fan handler models are 18 sones and 30 sones, respectively.

For the purpose of this analysis, it was conservatively assumed that all identified rooftop-mounted mechanical equipment would be in operation concurrently (believed to be worst-case noise exposure). Based on this operations assumption, the provided rooftop mechanical plans and rooftop mechanical plan schedule, and using the cited equipment manufacturer reference sound level data above with accepted sound propagation (-6 dB per doubling of distance), combined project rooftop-mounted mechanical equipment noise exposure at the property lines of existing nearby residential uses was calculated and the results of those calculations are presented in Table 21. Because operation of the rooftop mechanical equipment is typically a steady state noise source, the equipment was assessed relative to the General Plan hourly average ( $L_{eq}$ ) and Municipal Code median ( $L_{50}$ ) noise level standard descriptors.

**Table 21  
Predicted Combined Rooftop Mechanical Equipment Noise Levels at Nearby Residential Uses**

<b>Receiver<sup>1</sup></b>	<b>Offsets (dB)<sup>2</sup></b>	<b>Predicted Combined Rooftop Mechanical Equipment Noise Level, <math>L_{eq}/L_{50}</math> (dB)<sup>3,4</sup></b>
Residential – Northwest	-7	40
Residential – West	-7	42
Residential – Southwest	-7	40
Residential – Southeast	-7	41

<sup>1</sup> Receiver locations shown in Figure 1.  
<sup>2</sup> An offset of -7 dB was applied to account for shielding that would be provided by an existing 7' solid wall (noise barrier) constructed along the perimeter of the project property boundary. Existing 7' wall illustrated in Figure 2. Offset based on the results of a source specific barrier evaluation.  
<sup>3</sup> Predicted noise levels include a conservative offset of -10 dB to account for shielding that provided by building envelope and/or rooftop parapets that would break line of sight of equipment at adjacent ground level locations.  
<sup>4</sup> Predicted combined noise level exposure at each receiver conservatively assumes all of the identified rooftop mechanical equipment in operation concurrently (25-RTUs; 4-AHUs; 3-EFs; 2-EFHs).

Source: BAC 2024

Table 21 data indicate that worst-case project rooftop mechanical equipment noise levels are predicted to satisfy the Visalia General Plan daytime and nighttime hourly average ( $L_{eq}$ ) noise level standards at the nearest existing residential uses. Table 21 data also indicate that project rooftop mechanical equipment noise level exposure is predicted to satisfy the applied Visalia Municipal Code daytime/evening and nighttime median ( $L_{50}$ ) exterior noise level limits at the nearest existing residential uses.

Based on the noise level reduction achieved with standard residential construction (minimum of 20 to 25 dB with windows closed, approximately 15 dB with windows open), and after consideration of the predicted exterior property line noise levels presented in Table 21, project rooftop mechanical equipment noise levels are expected to satisfy the strictest Visalia Municipal Code interior noise level criteria within the nearest existing residences.

Using the average measured hourly daytime and nighttime noise levels at each monitoring location during the BAC ambient noise survey shown in Table 1, and the predicted noise levels presented in Table 21, ambient plus project rooftop mechanical equipment noise level increases were calculated at the nearby residential uses. The results of those calculations are provided in Tables 22 and 23. As indicated in Tables 22 and 23, the calculated mitigated increases in ambient noise levels at the nearby residential uses would satisfy the applied increase significance criterion of 5 dB.

**Table 22**  
**Calculated Project Rooftop Equipment Increases in Ambient Daytime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>		Predicted Equipment Noise Level <sup>2</sup>	Ambient Plus Project Noise Level <sup>3</sup>		Associated Noise Level Increase (dB) <sup>4</sup>	
	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub> /L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>
Residential – NW	53	49	40	52.9	49.8	0.2	0.5
Residential – W	52	48	42	52.8	49.1	0.4	1.1
Residential – SW	52	48	40	52.6	48.7	0.3	0.7
Residential – SE	51	48	41	51.8	49.1	0.4	0.8

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project rooftop mechanical equipment noise levels presented in Table 21 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

**Table 23**  
**Calculated Project Rooftop Equipment Increases in Ambient Nighttime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>		Predicted Equipment Noise Level <sup>2</sup>	Ambient Plus Project Noise Level <sup>3</sup>		Associated Noise Level Increase (dB) <sup>4</sup>	
	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub> /L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>
Residential – NW	47	44	40	48.1	45.7	0.7	1.4
Residential – W	51	48	42	51.3	48.8	0.6	1.1
Residential – SW	51	48	40	51.1	48.4	0.4	0.7
Residential – SE	49	46	41	50.0	47.0	0.6	1.4

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project rooftop mechanical equipment noise levels presented in Table 21 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

Because noise exposure from project rooftop mechanical equipment is predicted to satisfy applicable Visalia General Plan and Visalia Municipal Code noise level criteria at the nearest existing residential uses, and because noise exposure from those operations is not calculated to significantly increase ambient noise levels at those uses, this impact is identified as being **less than significant**.

**Impact 6: Car Wash Drying Assembly Noise Generation – Car Wash Component**

It is the experience of BAC in the preparation of numerous car wash noise studies in recent years that noise levels generated by car washes are primarily due to the drying portion of the operation. Based on information obtained from the project applicant, the car wash component of the project proposes the installation of a Sonny’s Enterprises 3-blower arch assembly (45 HP), Part # BL1-45HP-1. According to equipment manufacturer noise specifications, provided as Appendix F of

this report, the blower assembly generates a maximum noise level of 75 dB  $L_{max}$  at a distance of 100 feet.

Based on BAC’s experience with noise level data collection at various existing car washes, the noise level generation of car wash drying assemblies vary depending on the orientation of the measurement position relative to the tunnel opening. Worst-case drying assembly noise levels occur at a position directly facing the car wash exit, considered to be 0 degrees off-axis. At off-axis positions, the building facade provides varying degrees of noise level reduction. At positions 45 degrees off-axis relative to the facade of the car wash exit and entrance, drying assembly noise levels are approximately 5 dB lower. At 90 degrees off-axis, drying assembly noise levels are approximately 10 dB lower.

Because project car wash operations could potentially be occurring off and on for the duration of an hour or more, car wash drying assembly noise level exposure was assessed relative to the General Plan hourly average ( $L_{eq}$ ) and Municipal Code ( $L_{50}$ ) noise level standard descriptors. According to BAC conversations with Sonny’s representatives in recent years, the car wash cycle is approximately 1.5 minutes in duration, with the drying assembly in operation during the last 30 seconds (0.5 minutes) of the cycle. Based on this information, the car wash is calculated to go through 40 full cycles (60 minutes ÷ 1.5 minutes per cycle) and the dryer would operate for approximately 20 minutes (40 car wash cycles x 0.5 minutes of drying) during a busy hour of operations. Based on 20 minutes of dryer operations per hour, the resulting hourly average ( $L_{eq}$ ) or median ( $L_{50}$ ) drying assembly noise level is calculated to be approximately 5 dB lower<sup>3</sup> than the equipment’s reference maximum ( $L_{max}$ ) noise level presented above.

Car wash drying assembly noise level exposure was calculated based on the orientation to tunnel entrance/exit, as discussed above. Noise attenuation due to distance was calculated based on standard spherical spreading loss from a point source (-6 dB per doubling of distance). Based on the operations assumptions above, car wash drying assembly noise exposure was calculated at the property lines of existing nearby residential uses was calculated and the results of those calculations are presented in Table 24.

**Table 24**  
**Predicted Car Wash Drying Assembly Noise Levels at Nearby Residential Uses**

Receiver <sup>1</sup>	Offsets (dB) <sup>2</sup>	Predicted Car Wash Drying Assembly Noise Level, $L_{eq}/L_{50}$ (dB) <sup>3</sup>
Residential – Northwest	-8	39
Residential – West	-8	22
Residential – Southwest	-8	26
Residential – Southeast	-8	27

<sup>1</sup> Receiver locations shown in Figure 1.  
<sup>2</sup> An offset of -8 dB was applied to account for shielding that would be provided by an existing 7’ solid wall (noise barrier) constructed along the perimeter of the project property boundary. Existing 7’ wall illustrated in Figure 2. Offset based on the results of a source specific barrier evaluation.  
<sup>3</sup> Predicted noise levels include an additional offset of -10 dB to where the anchor tenant building would completely screen view of the car wash.

Source: BAC 2024

As indicated in Table 24, project car wash drying assembly noise levels are predicted to satisfy the Visalia General Plan daytime and nighttime hourly average ( $L_{eq}$ ) noise level standards at the nearest existing residential uses. Table 24 data also show that project car wash drying assembly noise level exposure is predicted to satisfy the applied Visalia Municipal Code daytime/evening and nighttime median ( $L_{50}$ ) exterior noise level limits at the nearest existing residential uses.

Based on the noise level reduction achieved with standard residential construction (minimum of 20 to 25 dB with windows closed, approximately 15 dB with windows open), and after consideration of the predicted exterior property line noise levels presented in Table 24, project car wash drying assembly noise levels are expected to satisfy the strictest Visalia Municipal Code interior noise level criteria within the nearest existing residences.

Using the average measured hourly daytime and nighttime noise levels at each monitoring location during the BAC ambient noise survey shown in Table 1, and the predicted noise levels presented in Table 24, ambient plus project car wash drying assembly noise level increases were calculated at the nearby residential uses. The results of those calculations are provided in Tables 25 and 26.

**Table 25**  
**Calculated Project Car Wash Drying Assembly Increases in Ambient Daytime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>		Predicted Equipment Noise Level <sup>2</sup>	Ambient Plus Project Noise Level <sup>3</sup>		Daytime Noise Level Increase (dB) <sup>4</sup>	
	$L_{eq}$	$L_{50}$	$L_{eq}/L_{50}$	$L_{eq}$	$L_{50}$	$L_{eq}$	$L_{50}$
Residential – NW	53	49	39	52.9	49.8	0.2	0.4
Residential – W	52	48	22	52.3	48.0	<0.1	<0.1
Residential – SW	52	48	26	52.3	48.0	<0.1	<0.1
Residential – SE	51	48	27	51.4	48.4	<0.1	<0.1

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project car wash drying assembly noise levels presented in Table 24 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

**Table 26**  
**Calculated Project Car Wash Drying Assembly Increases in Ambient Nighttime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>		Predicted Equipment Noise Level <sup>2</sup>	Ambient Plus Project Noise Level <sup>3</sup>		Daytime Noise Level Increase (dB) <sup>4</sup>	
	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub> /L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>
Residential – NW	47	44	39	48.0	45.6	0.7	1.2
Residential – W	51	48	22	50.7	47.7	<0.1	<0.1
Residential – SW	51	48	26	50.7	47.7	<0.1	<0.1
Residential – SE	49	46	27	49.4	45.7	<0.1	0.1

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project car wash drying assembly noise levels presented in Table 24 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

Because noise exposure from project car wash drying assembly operations is predicted to satisfy applicable Visalia General Plan and Visalia Municipal Code noise level criteria at the nearest existing residential uses, and because noise exposure from those operations is not calculated to significantly increase ambient noise levels at those uses, this impact is identified as being **less than significant**.

**Impact 7: Vacuum System Noise Generation – Car Wash Component**

The car wash component of the project would also include the installation and operation of a central vacuum piping system offered by Vacutech (powered by turbine producers). According to the provided site plan, there will be a total of 20 vacuum bays.

After a review of the provided site plans, it appears as though the noise-generating vacuum turbine producers will be contained within either a fully-enclosed equipment room attached to the car wash tunnel or an outdoor CMU enclosure. Based on BAC’s experience and field observations with similarly configured car washes, noise impacts due to the operation of the vacuum turbine producers are not expected due to the transmission loss that would be provided either by the completely enclosed equipment room or the CMU enclosure. As a result, no further analysis would be warranted for the vacuum system turbine producers.

Based on noise level measurements conducted by BAC staff at recently completed car wash project sites, the primary noise-generating aspects of central vacuum piping systems are use of the suction nozzles located at each of the stalls – specifically, noise associated with active suction nozzles hanging off nozzle hangers. Reference sound level data obtained from the proposed vacuum system manufacturer (Vacutech) is provided as Appendix G. The sound level data provided in Appendix C show measured and projected sound levels from 19 vacuum hoses off their respective nozzle hangers at distances ranging from 45 to 85 feet.

For the purposes of this analysis, it was conservatively assumed that all proposed vacuum suction nozzles would be in concurrent operation (believed to be worst-case noise exposure). Based on

the manufacturer sound level data in Appendix G and operations assumptions above, and assuming standard spherical spreading loss (-6 dB per doubling of distance from a stationary source), worst-case project vacuum equipment noise exposure at the property lines of existing nearby residential uses was calculated and the results of those calculations are presented in Table 27. Because the project vacuum system could potentially be in operation continuously for the duration of an hour during a busy hour of operations, vacuum equipment noise level exposure was assessed relative to the General Plan hourly average ( $L_{eq}$ ) and Municipal Code ( $L_{50}$ ) noise level standard descriptors.

**Table 27  
Predicted Vacuum Nozzle Noise Levels at Nearby Residential Uses**

Receiver <sup>1</sup>	Offsets (dB) <sup>2</sup>	Predicted Vacuum Nozzle Noise Level, $L_{eq}/L_{50}$ (dB) <sup>3</sup>
Residential – Northwest	-8	24
Residential – West	-8	<20
Residential – Southwest	-8	<20
Residential – Southeast	-8	<20

<sup>1</sup> Receiver locations shown in Figure 1.  
<sup>2</sup> An offset of -8 dB was applied to account for shielding that would be provided by an existing 7' solid wall (noise barrier) constructed along the perimeter of the project property boundary. Existing 7' wall illustrated in Figure 2. Offset based on the results of a source specific barrier evaluation.  
<sup>3</sup> Predicted noise levels include an additional offset of -10 dB to where the anchor tenant building would completely screen view of the vacuum area.

Source: BAC 2024

Table 27 data indicate that project vacuum system operation noise levels are predicted to satisfy the Visalia General Plan daytime and nighttime hourly average ( $L_{eq}$ ) noise level standards at the nearest existing residential uses. Table 27 data also indicate that project vacuum equipment noise level exposure is predicted to satisfy the applied Visalia Municipal Code daytime/evening and nighttime median ( $L_{50}$ ) exterior noise level limits at the nearest existing residential uses.

Based on the noise level reduction achieved with standard residential construction (minimum of 20 to 25 dB with windows closed, approximately 15 dB with windows open), and after consideration of the predicted exterior property line noise levels presented in Table 27, project vacuum system noise levels are expected to satisfy the strictest Visalia Municipal Code interior noise level criteria within the nearest existing residences.

Using the average measured hourly daytime and nighttime noise levels at each monitoring location during the BAC ambient noise survey shown in Table 1, and the predicted noise levels presented in Table 27, ambient plus project vacuum equipment noise level increases were calculated at the nearby residential uses. The results of those calculations are provided in Tables 28 and 29. As indicated in Tables 28 and 29, the calculated mitigated increases in ambient noise levels at the nearby residential uses would satisfy the applied increase significance criterion of 5 dB.

**Table 28**  
**Calculated Project Vacuum Equipment Increases in Ambient Daytime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>		Predicted Equipment Noise Level <sup>2</sup>	Ambient Plus Project Noise Level <sup>3</sup>		Daytime Noise Level Increase (dB) <sup>4</sup>	
	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub> /L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>
Residential – NW	53	49	24	52.7	49.3	<0.1	<0.1
Residential – W	52	48	<20	52.3	48.0	<0.1	<0.1
Residential – SW	52	48	<20	52.3	48.0	<0.1	<0.1
Residential – SE	51	48	<20	51.3	48.3	<0.1	<0.1

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project vacuum nozzle noise levels presented in Table 27 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

**Table 29**  
**Calculated Project Vacuum Equipment Increases in Ambient Nighttime Noise Levels**

Receiver <sup>1</sup>	Measured Ambient Noise Level <sup>1</sup>		Predicted Equipment Noise Level <sup>2</sup>	Ambient Plus Project Noise Level <sup>3</sup>		Daytime Noise Level Increase (dB) <sup>4</sup>	
	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub> /L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>eq</sub>	L <sub>50</sub>
Residential – NW	47	44	24	47.4	44.4	<0.1	<0.1
Residential – W	51	48	<20	50.7	47.7	<0.1	<0.1
Residential – SW	51	48	<20	50.7	47.7	<0.1	<0.1
Residential – SE	49	46	<20	49.3	45.7	<0.1	<0.1

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Predicted project vacuum nozzle noise levels presented in Table 27 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and project-generated noise level.

Source: BAC 2024

Because noise exposure from project vacuum equipment is predicted to satisfy applicable Visalia General Plan and Visalia Municipal Code noise level criteria at the nearest existing residential uses, and because noise exposure from those operations is not calculated to significantly increase ambient noise levels at those uses, this impact is identified as being **less than significant**.

**Impact 8: Cumulative Project On-Site Operations Noise Generation**

The calculated cumulative (combined hourly average L<sub>eq</sub> and median L<sub>50</sub>) and highest predicted maximum (L<sub>max</sub>) noise levels from analyzed project operations at nearby residential uses are presented in Tables 30-35.

**Table 30**  
**Calculated Cumulative On-Site Operations Noise Levels – Daytime Hourly Average (L<sub>eq</sub>)**

Receiver	Predicted Noise Levels, L <sub>eq</sub> (dB)						Calculated Cumulative, L <sub>eq</sub> (dB) <sup>1</sup>	GP Daytime Standard, L <sub>eq</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	46	23	52	40	39	24	54	<b>50</b>
Residential – W	36	30	51	42	22	13	52	<b>50</b>
Residential – SW	34	46	43	40	26	11	49	<b>50</b>
Residential – SE	40	38	37	41	27	22	45	<b>50</b>

<sup>1</sup> Calculated cumulative noise levels from Impacts 2-7.

Source: BAC 2024

**Table 31**  
**Highest Predicted On-Site Operations Noise Levels – Daytime Maximum (L<sub>max</sub>)**

Receiver	Predicted Noise Levels, L <sub>max</sub> (dB)						Highest Predicted, L <sub>max</sub> (dB) <sup>1</sup>	GP Daytime Standard, L <sub>max</sub>	Applied MC Daytime Standard, L <sub>max</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums			
Residential – NW	51	35	73	--	--	--	73	<b>70</b>	<b>70</b>
Residential – W	43	42	73	--	--	--	73	<b>70</b>	<b>70</b>
Residential – SW	47	58	64	--	--	--	64	<b>70</b>	<b>70</b>
Residential – SE	55	50	58	--	--	--	58	<b>70</b>	<b>70</b>

<sup>1</sup> Highest predicted noise levels presented in Impacts 2-7.

Source: BAC 2024

**Table 32**  
**Calculated Cumulative On-Site Operations Noise Levels – Daytime Median (L<sub>50</sub>)**

Receiver	Predicted Noise Levels, L <sub>50</sub> (dB)						Calculated Cumulative, L <sub>50</sub> (dB) <sup>1</sup>	Applied MC Daytime Standard, L <sub>50</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	41	18	47	40	39	24	49	50
Residential – W	31	25	46	42	22	13	48	50
Residential – SW	29	41	38	40	26	11	45	50
Residential – SE	35	33	32	41	27	22	43	50

<sup>1</sup> Calculated cumulative noise levels using predicted noise levels from Impacts 2-7.

Source: BAC 2024

**Table 33**  
**Calculated Cumulative On-Site Operations Noise Levels – Nighttime Hourly Average (L<sub>eq</sub>)**

Receiver	Predicted Noise Levels, L <sub>eq</sub> (dB)						Calculated Cumulative, L <sub>eq</sub> (dB) <sup>1</sup>	GP Nighttime Standard, L <sub>eq</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	43	23	52	40	39	24	53	45
Residential – W	33	30	51	42	22	13	52	45
Residential – SW	31	46	43	40	26	11	49	45
Residential – SE	37	38	37	41	27	22	45	45

<sup>1</sup> Calculated cumulative noise levels from Impacts 2-7.

Source: BAC 2024

**Table 34**  
**Highest Predicted On-Site Operations Noise Levels – Nighttime Maximum (L<sub>max</sub>)**

Receiver	Predicted Noise Levels, L <sub>max</sub> (dB)						Highest Predicted, L <sub>max</sub> (dB) <sup>1</sup>	GP Nighttime Standard, L <sub>max</sub>	Applied MC Nighttime Standard, L <sub>max</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums			
Residential – NW	51	35	73	--	--	--	73	<b>65</b>	<b>65</b>
Residential – W	43	42	73	--	--	--	73	<b>65</b>	<b>65</b>
Residential – SW	47	58	64	--	--	--	64	<b>65</b>	<b>65</b>
Residential – SE	55	50	58	--	--	--	58	<b>65</b>	<b>65</b>

<sup>1</sup> Highest predicted noise levels presented in Impacts 2-7.

Source: BAC 2024

**Table 35**  
**Calculated Cumulative On-Site Operations Noise Levels – Nighttime Median (L<sub>50</sub>)**

Receiver	Predicted Noise Levels, L <sub>50</sub> (dB)						Calculated Cumulative, L <sub>50</sub> (dB) <sup>1</sup>	Applied MC Nighttime Standard, L <sub>50</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	38	18	47	40	39	24	49	<b>45</b>
Residential – W	28	25	46	42	22	13	48	<b>47</b>
Residential – SW	26	41	38	40	26	11	45	<b>47</b>
Residential – SE	32	33	32	41	27	22	43	<b>45</b>

<sup>1</sup> Calculated cumulative noise levels using predicted noise levels from Impacts 2-7.

Source: BAC 2024

As indicated in Tables 30-35, cumulative and highest predicted noise levels from on-site operations are calculated to exceed the Visalia General Plan daytime and nighttime hourly average ( $L_{eq}$ ) and maximum ( $L_{max}$ ) noise level standards at a portion of the nearest residential uses. Further, cumulative and highest predicted noise levels from on-site operations are also calculated to exceed a portion of the applied Visalia Municipal Code daytime/evening and nighttime median ( $L_{50}$ ) and maximum ( $L_{max}$ ) exterior noise level limits at the nearest residential uses.

Based on the noise level reduction achieved with standard residential construction (minimum of 20 to 25 dB with windows closed, approximately 15 dB with windows open), and after consideration of the predicted exterior property line noise levels presented in Tables 30-35, cumulative and highest predicted project on-site operations noise levels are expected to satisfy the strictest Visalia Municipal Code interior noise level criteria within the nearest existing residences.

Using the average measured hourly daytime and nighttime noise levels at each monitoring location during the BAC ambient noise survey (Table 1), and the calculated cumulative/highest predicted noise levels presented in Tables 30-35, ambient plus combined project on-site operations noise level increases were calculated at the nearby residential uses. The results of those calculations are provided in Tables 36-41.

**Table 36**  
**Calculated Cumulative On-Site Operations Ambient Increases – Daytime Hourly Average ( $L_{eq}$ )**

Receiver <sup>1</sup>	Measured Ambient Noise Level, $L_{eq}$ <sup>1</sup>	Calculated Cumulative Noise Level, $L_{eq}$ <sup>2</sup>	Ambient Plus Project Noise Level, $L_{eq}$ <sup>3</sup>	Daytime Noise Level Increase, $L_{eq}$ (dB) <sup>4</sup>
Residential – NW	53	54	56.3	3.6
Residential – W	52	52	55.1	2.8
Residential – SW	52	49	53.9	1.6
Residential – SE	51	45	52.3	1.0

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative on-site operations noise levels presented in Table 30 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus cumulative project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative project-generated noise level.

Source: BAC 2024

**Table 37**  
**Highest Predicted On-Site Operations Ambient Increases – Daytime Maximum (L<sub>max</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>max</sub> <sup>1</sup>	Highest Predicted Noise Level, L <sub>max</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>max</sub> <sup>3</sup>	Daytime Noise Level Increase, L <sub>max</sub> (dB) <sup>4</sup>
Residential – NW	67	73	74.1	6.7
Residential – W	69	73	74.1	5.1
Residential – SW	69	64	70.2	1.2
Residential – SE	69	58	69.0	0.4

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Highest predicted on-site operations noise levels presented in Table 31 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus highest predicted project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and highest project-generated noise level.

Source: BAC 2024

**Table 38**  
**Calculated Cumulative On-Site Operations Ambient Increases – Daytime Median (L<sub>50</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>50</sub> <sup>1</sup>	Calculated Cumulative Noise Level, L <sub>50</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>50</sub> <sup>3</sup>	Daytime Noise Level Increase, L <sub>50</sub> (dB) <sup>4</sup>
Residential – NW	49	49	52.4	3.1
Residential – W	48	48	50.9	2.9
Residential – SW	48	45	49.7	1.7
Residential – SE	48	43	49.5	1.1

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative on-site operations noise levels presented in Table 32 of this report.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus cumulative project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative project-generated noise level.

Source: BAC 2024

**Table 39**  
**Calculated Cumulative On-Site Operations Ambient Increases – Nighttime Hourly Average (L<sub>eq</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>eq</sub> <sup>1</sup>	Calculated Cumulative Noise Level, L <sub>eq</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>eq</sub> <sup>3</sup>	Nighttime Noise Level Increase, L <sub>eq</sub> (dB) <sup>4</sup>
Residential – NW	47	53	54.4	7.0
Residential – W	51	52	54.3	3.6
Residential – SW	51	49	52.8	2.2
Residential – SE	49	45	50.6	1.3

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative on-site operations noise levels presented in Table 33 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus cumulative project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative project-generated noise level.

Source: BAC 2024

**Table 40**  
**Highest Predicted On-Site Operations Ambient Increases – Nighttime Maximum (L<sub>max</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>max</sub> <sup>1</sup>	Highest Predicted Noise Level, L <sub>max</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>max</sub> <sup>3</sup>	Nighttime Noise Level Increase, L <sub>max</sub> (dB) <sup>4</sup>
Residential – NW	60	73	73.2	12.9
Residential – W	64	73	73.1	9.4
Residential – SW	64	64	67.0	3.3
Residential – SE	63	58	64.5	1.2

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Highest predicted on-site operations noise levels presented in Table 34 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus highest predicted project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and highest project-generated noise level.

Source: BAC 2024

**Table 41**  
**Calculated Cumulative On-Site Operations Ambient Increases – Nighttime Median (L<sub>50</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>50</sub> <sup>1</sup>	Calculated Cumulative Noise Level, L <sub>50</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>50</sub> <sup>3</sup>	Daytime Noise Level Increase, L <sub>50</sub> (dB) <sup>4</sup>
Residential – NW	44	49	50.4	6.0
Residential – W	48	48	50.7	3.0
Residential – SW	48	45	49.5	1.8
Residential – SE	46	43	47.4	1.8

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative on-site operations noise levels presented in Table 35 of this report.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus cumulative project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative project-generated noise level.

Source: BAC 2024

As shown in Tables 36-41, calculated increases in ambient noise levels would exceed the applied increase significance criterion of 5 dB at a portion of the closest residential uses.

Because cumulative/highest predicted project on-site operations noise exposure is predicted to exceed Visalia General Plan and applied Visalia Municipal Code daytime and nighttime noise level criteria at a portion of the nearby existing residential uses, and because daytime and nighttime increases in ambient noise levels associated with those operations are also calculated to exceed the applied increase significance criterion at a portion of those uses, this impact is identified as **potentially significant**.

**Mitigation Measure 3:**

To comply with Visalia General Plan and applied Visalia Municipal Code daytime and nighttime noise level criteria at nearby residential uses, and reduce project-generated increases in ambient daytime and nighttime noise levels to below the applied increase significance criterion at those uses, the following three (3) specific noise mitigation measures would be required of the project:

- MM 3A:** Implementation of **Mitigation Measure 1 (MM 1)**, as outlined in this report. Specifically, all project loading dock activities shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).
- MM 3B:** Implementation of **Mitigation Measure 2A (MM 2A)**, as outlined in this report. Specifically, the height of the existing 7-foot-tall masonry wall along the western project property boundary shall be increased to a minimum height of 8-feet. The location of the required 8-foot-tall masonry wall is illustrated in Figure 4. It should be noted that Section 17.36.050 of the Visalia Municipal Code limits the height of commercial walls to 7-feet-in-height when located in a rear yard, such as the existing 7-foot-tall wall adjacent to the project site. As a result, the project applicant would be required to file for an Administrative Adjustment to permit the additional 1-foot of wall required for compliance. As an alternative, an 8-foot-tall masonry wall may be constructed adjacent to the existing 7-foot-tall wall (i.e., off the property line).
- MM 3C:** Implementation of **Mitigation Measure 2B (MM 2B)**, as outlined in this report. Specifically, all on-site delivery truck circulation shall be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).

Tables 42-47 below shows calculated cumulative on-site operations noise levels after implementation of Mitigation Measures 3A, 3B and 3C, as outlined above. Tables 48-53 data show the calculated cumulative/highest predicted on-site operations increases in ambient noise levels at the nearby residential uses after implementation of Mitigation Measures 3A, 3B and 3C.

**Table 42**  
**Calculated Cumulative On-Site Operations Noise Levels – Daytime Hourly Average (L<sub>eq</sub>) – Mitigated**

Receiver	Predicted Noise Levels, L <sub>eq</sub> (dB)						Calculated Cumulative, L <sub>eq</sub> (dB) <sup>1</sup>	GP Daytime Standard, L <sub>eq</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	44	22	49	38	38	23	50	<b>50</b>
Residential – W	34	29	48	40	21	12	49	<b>50</b>
Residential – SW	34	46	43	40	26	11	49	<b>50</b>
Residential – SE	40	38	37	41	27	22	45	<b>50</b>

<sup>1</sup> Calculated cumulative noise levels with implementation of Mitigation Measure 3B.

Source: BAC 2024

**Table 43**  
**Highest Predicted On-Site Operations Noise Levels – Daytime Maximum (L<sub>max</sub>) – Mitigated**

Receiver	Predicted Noise Levels, L <sub>max</sub> (dB)						Highest Predicted, L <sub>max</sub> (dB) <sup>1</sup>	GP Daytime Standard, L <sub>max</sub>	Applied MC Daytime Standard, L <sub>max</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums			
Residential – NW	49	34	70	--	--	--	70	<b>70</b>	<b>70</b>
Residential – W	41	41	70	--	--	--	70	<b>70</b>	<b>70</b>
Residential – SW	47	58	64	--	--	--	64	<b>70</b>	<b>70</b>
Residential – SE	55	50	58	--	--	--	58	<b>70</b>	<b>70</b>

<sup>1</sup> Highest predicted noise levels with implementation of Mitigation Measure 3B.

Source: BAC 2024

**Table 44**  
**Calculated Cumulative On-Site Operations Noise Levels – Daytime Median (L<sub>50</sub>) – Mitigated**

Receiver	Predicted Noise Levels, L <sub>50</sub> (dB)						Calculated Cumulative, L <sub>50</sub> (dB) <sup>1</sup>	Applied MC Daytime Standard, L <sub>50</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	39	17	44	38	38	23	47	50
Residential – W	29	24	43	40	21	12	45	50
Residential – SW	29	41	38	40	26	11	45	50
Residential – SE	35	33	32	41	27	22	43	50

<sup>1</sup> Calculated cumulative noise levels with implementation of Mitigation Measure 3B.

Source: BAC 2024

**Table 45**  
**Calculated Cumulative On-Site Operations Noise Levels – Nighttime Hourly Average (L<sub>eq</sub>) – Mitigated**

Receiver	Predicted Noise Levels, L <sub>eq</sub> (dB)						Calculated Cumulative, L <sub>eq</sub> (dB) <sup>1</sup>	GP Nighttime Standard, L <sub>eq</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	41	--	--	38	38	23	44	45
Residential – W	31	--	--	40	21	12	41	45
Residential – SW	31	--	--	40	26	11	41	45
Residential – SE	37	--	--	41	27	22	43	45

<sup>1</sup> Calculated cumulative noise levels with implementation of Mitigation Measures 3A, 3B and 3C.

Source: BAC 2024

**Table 46**  
**Highest Predicted On-Site Operations Noise Levels – Nighttime Maximum (L<sub>max</sub>) – Mitigated**

Receiver	Predicted Noise Levels, L <sub>max</sub> (dB)						Highest Predicted, L <sub>max</sub> (dB) <sup>1</sup>	GP Nighttime Standard, L <sub>max</sub>	Applied MC Nighttime Standard, L <sub>max</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums			
Residential – NW	49	--	--	--	--	--	49	65	65
Residential – W	41	--	--	--	--	--	41	65	65
Residential – SW	47	--	--	--	--	--	47	65	65
Residential – SE	55	--	--	--	--	--	55	65	65

<sup>1</sup> Highest predicted noise levels with implementation of Mitigation Measures 3A, 3B and 3C.

Source: BAC 2024

**Table 47**  
**Calculated Cumulative On-Site Operations Noise Levels – Nighttime Median (L<sub>50</sub>) – Mitigated**

Receiver	Predicted Noise Levels, L <sub>50</sub> (dB)						Calculated Cumulative, L <sub>50</sub> (dB) <sup>1</sup>	Applied MC Nighttime Standard, L <sub>50</sub>
	Parking	Loading Dock	Truck Circulation	Rooftop Equipment	Car Wash Dryers	Vacuums		
Residential – NW	36	--	--	38	38	23	42	45
Residential – W	26	--	--	40	21	12	40	47
Residential – SW	26	--	--	40	26	11	40	47
Residential – SE	32	--	--	41	27	22	42	45

<sup>1</sup> Calculated cumulative noise levels with implementation of Mitigation Measures 3A, 3B and 3C.

Source: BAC 2024

**Table 48**  
**Mitigated Cumulative On-Site Operations Ambient Increases – Daytime Hourly Average (L<sub>eq</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>eq</sub> <sup>1</sup>	Calculated Cumulative Noise Level, L <sub>eq</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>eq</sub> <sup>3</sup>	Daytime Noise Level Increase, L <sub>eq</sub> (dB) <sup>4</sup>
Residential – NW	53	50	54.7	2.0
Residential – W	52	49	54.0	1.7
Residential – SW	52	49	53.9	1.6
Residential – SE	51	45	52.3	1.0

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative noise levels with implementation of Mitigation Measure 3B.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus cumulative mitigated project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative mitigated project-generated noise level.

Source: BAC 2024

**Table 49**  
**Mitigated Highest Predicted On-Site Operations Ambient Increases – Daytime Maximum (L<sub>max</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>max</sub> <sup>1</sup>	Highest Predicted Noise Level, L <sub>max</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>max</sub> <sup>3</sup>	Daytime Noise Level Increase, L <sub>max</sub> (dB) <sup>4</sup>
Residential – NW	67	70	71.9	4.6
Residential – W	69	70	72.3	3.3
Residential – SW	69	64	70.2	1.2
Residential – SE	69	58	69.0	0.4

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Highest predicted on-site operations with implementation of Mitigation Measure 3B.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus highest predicted mitigated project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and highest predicted mitigated project-generated noise level.

Source: BAC 2024

**Table 50**  
**Mitigated Cumulative On-Site Operations Ambient Increases – Daytime Median (L<sub>50</sub>)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, L <sub>50</sub> <sup>1</sup>	Calculated Cumulative Noise Level, L <sub>50</sub> <sup>2</sup>	Ambient Plus Project Noise Level, L <sub>50</sub> <sup>3</sup>	Daytime Noise Level Increase, L <sub>50</sub> (dB) <sup>4</sup>
Residential – NW	49	47	51.3	2.0
Residential – W	48	45	49.8	1.8
Residential – SW	48	45	49.7	1.7
Residential – SE	48	43	49.5	1.1

<sup>1</sup> Average measured daytime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative on-site operations noise levels with implementation of Mitigation Measure 3B.  
<sup>3</sup> Calculated logarithmic sum of daytime ambient noise level plus cumulative mitigated project-generated noise level.  
<sup>4</sup> Calculated increase in ambient daytime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative mitigated project-generated noise level.

Source: BAC 2024

**Table 51**  
**Mitigated Cumulative On-Site Operations Ambient Increases – Nighttime Hourly Average (Leq)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, Leq <sup>1</sup>	Calculated Cumulative Noise Level, Leq <sup>2</sup>	Ambient Plus Project Noise Level, Leq <sup>3</sup>	Nighttime Noise Level Increase, Leq (dB) <sup>4</sup>
Residential – NW	47	44	49.1	1.7
Residential – W	51	41	51.1	0.4
Residential – SW	51	41	51.1	0.4
Residential – SE	49	43	50.2	0.9

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative on-site operations with implementation of Mitigation Measures 3A, 3B and 3C.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus cumulative mitigated project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative mitigated project-generated noise level.

Source: BAC 2024

**Table 52**  
**Mitigated Predicted On-Site Operations Ambient Increases – Nighttime Maximum (Lmax)**

Receiver <sup>1</sup>	Measured Ambient Noise Level, Lmax <sup>1</sup>	Highest Predicted Noise Level, Lmax <sup>2</sup>	Ambient Plus Project Noise Level, Lmax <sup>3</sup>	Nighttime Noise Level Increase, Lmax (dB) <sup>4</sup>
Residential – NW	60	49	60.6	0.3
Residential – W	64	41	63.7	<0.1
Residential – SW	64	47	63.8	0.1
Residential – SE	63	55	63.9	0.6

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Highest predicted on-site operations noise levels with implementation of Mitigation Measures 3A, 3B and 3C.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus highest predicted mitigated project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and highest predicted mitigated project-generated noise level.

Source: BAC 2024

**Table 53**  
**Mitigated Cumulative On-Site Operations Ambient Increases – Nighttime Median (L50)**

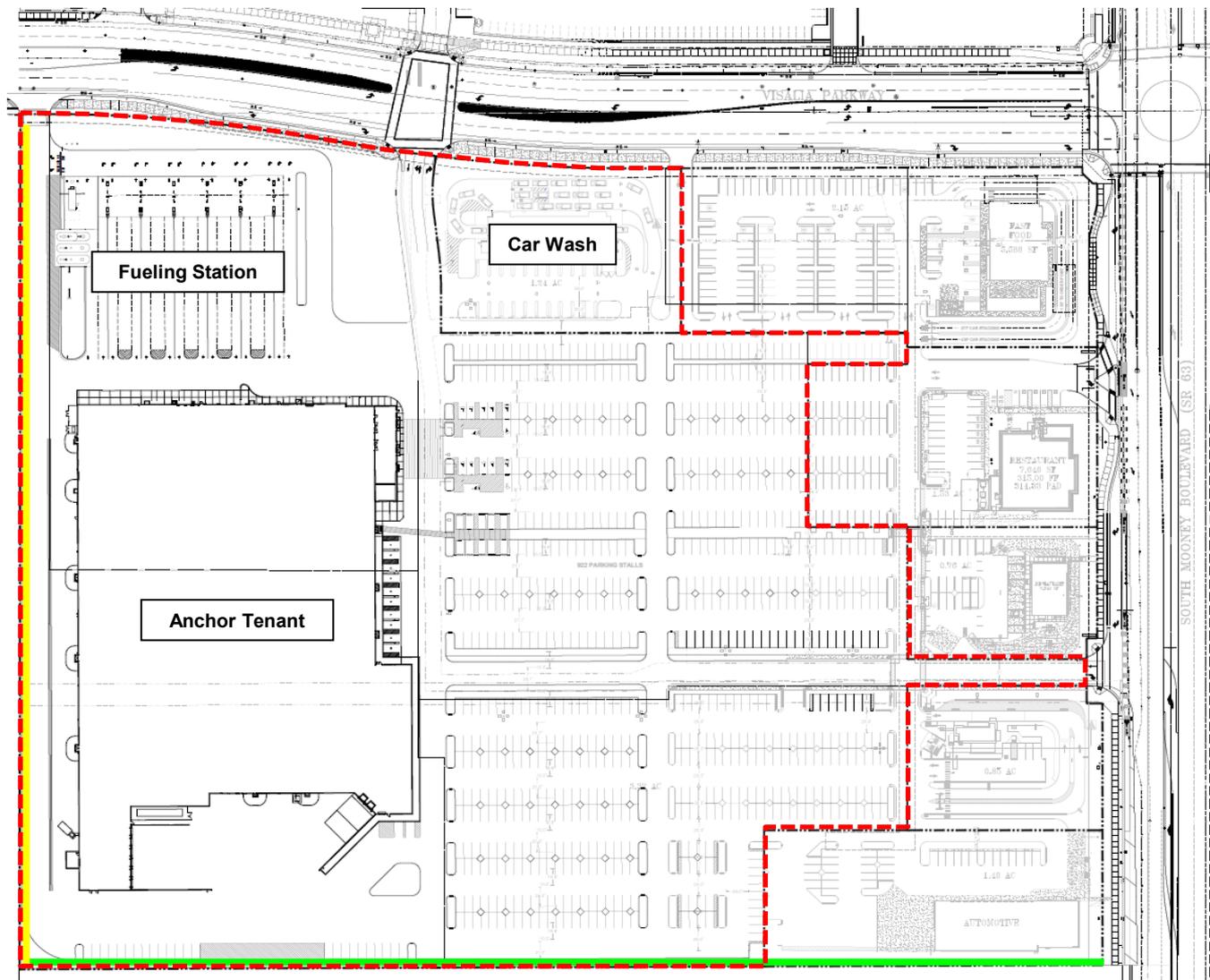
Receiver <sup>1</sup>	Measured Ambient Noise Level, L50 <sup>1</sup>	Calculated Cumulative Noise Level, L50 <sup>2</sup>	Ambient Plus Project Noise Level, L50 <sup>3</sup>	Daytime Noise Level Increase, L50 (dB) <sup>4</sup>
Residential – NW	44	42	46.5	2.2
Residential – W	48	40	48.4	0.7
Residential – SW	48	40	48.4	0.7
Residential – SE	46	42	47.1	1.5

<sup>1</sup> Average measured nighttime ambient noise levels assigned to receiver presented in Table 1 of this report.  
<sup>2</sup> Calculated cumulative on-site operations noise levels with implementation of Mitigation Measures 3A, 3B and 3C.  
<sup>3</sup> Calculated logarithmic sum of nighttime ambient noise level plus cumulative mitigated project-generated noise level.  
<sup>4</sup> Calculated increase in ambient nighttime noise level at each receiver location. Calculated increase is the result of the logarithmic addition of measured ambient noise level and cumulative mitigated project-generated noise level.

Source: BAC 2024

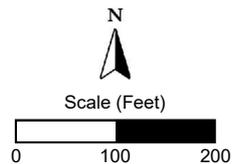
Tables 42-47 data shows compliance with Visalia General Plan and applied Visalia Municipal Code daytime and nighttime noise level criteria at nearby residential uses. As shown in Tables 48-53, the calculated mitigated increases in ambient noise levels at the nearby residential uses would satisfy the applied increase significance criterion of 5 dB.

**Significance of Impact with MM 3A-3C: *Less than Significant with Mitigation Measures***



**Legend**

- - - Project Boundary
- Existing 7' Solid Wall (Noise Barrier)
- Required 8' Solid Wall (Noise Barrier)



SWC W. Visalia Pkwy & S. Mooney Blvd  
Visalia, California

Mitigation Measure 2A – 8' Solid Wall

Figure 4

## Noise Impacts Associated with Project On-Site Construction Activities

### Impact 9: Project On-Site Construction Noise Generation

During project construction, heavy equipment would be used for grading excavation, paving, and building construction, which would increase ambient noise levels when in use. Noise levels would vary depending on the type of equipment used, how it is operated, and how well it is maintained. Noise exposure at any single point outside the project work area would also vary depending upon the proximity of equipment activities to that point.

Table 54 includes the range of maximum noise levels for equipment commonly used in general construction projects at full-power operation at a distance of 50 feet. The outdoor activity areas (i.e., backyards) of the residences located nearest to the project area maintain a separation of approximately 50 feet from where most construction activities could occur potentially within the project area.

**Table 54**  
**Typical Construction Equipment Noise**

Equipment Description	Maximum Noise Level at 50 Feet (dB)
Air Compressor	80
Backhoe	80
Ballast Equalizer	82
Ballast Tamper	83
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Mobile	83
Dozer	85
Generator	82
Grader	85
Impact Wrench	85
Loader	80
Paver	85
Pneumatic Tool	85
Pump	77
Saw	76
Scarifier	83
Scraper	85
Shovel	82
Spike Driver	77
Tie Cutter	84
Tie Handler	80
Tie Inserter	85
Truck	84

Source: FTA Transit Noise and Vibration Impact Assessment Manual, Table 7-1

Visalia Municipal Code Section 8.36.050 states that the operation of construction equipment including jackhammers, portable generators, pneumatic equipment, trenchers, or other such equipment shall not be operated on the project site between the weekday hours of 7:00 p.m. and 6:00 a.m., and between the weekend hours of 7:00 p.m. and 9:00 a.m. It is reasonably assumed for the purpose of this analysis that all on-site project construction equipment and activities would occur pursuant to Visalia Municipal Code Section 8.36.050.

Based on the equipment reference noise levels in Table 54, worst-case on-site project construction equipment maximum noise levels at the outdoor activity areas of the nearest residential uses located 50 feet away are expected to range from approximately 76 to 85 dB (calculated average of 82 dB). Thus, it is possible that a portion of the project construction equipment could potentially result in substantial short-term increases over ambient daytime maximum noise levels measured at BAC sites 1-3 (data contained in Appendices C & D). However, it should be noted that the reference construction noise levels at 50 feet shown in Table 54 are generally within the range of measured maximum noise levels at BAC sites 1-3. Nonetheless, noise impacts associated with construction activities are identified as being **potentially significant**. As a result, the following specific noise mitigation measures should be incorporated into project on-site construction operations:

Mitigation Measure 4:

**MM 4:** To the maximum extent practical, the following measures should be incorporated into the project construction operations:

- All on-site noise-generating construction activities should occur pursuant to Visalia Municipal Code Section 8.36.050.
- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
- All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
- Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive uses.
- Project area and site access road speed limits shall be established and enforced during the construction period.
- Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

**Significance of Impact with MM 4: *Less than Significant with Mitigation Measures***

## Vibration Impacts Associated with the Project

### Impact 10: Vibration Generated by Project Construction and On-Site Operations

During project construction, heavy equipment would be used for grading, excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of those activities. The nearest existing structures to the project area have been identified as residential buildings (i.e., not highly susceptible to damage by vibration) located to the south and west.

Table 55 includes the range of vibration levels for equipment commonly used in general construction projects at a distance of 25 feet. Table 55 also includes projected equipment vibration levels at the nearest off-site existing structures located approximately 30 feet away.

**Table 55**  
**Reference and Projected Vibration Source Amplitudes for Construction Equipment**

Equipment	Reference PPV at 25 ft (in/sec) <sup>1</sup>	Projected PPV at Nearest Receptor (in/sec) <sup>1</sup>
		Residence – 30 ft
Hoe ram	0.089	0.068
Large bulldozer	0.089	0.068
Caisson drilling	0.089	0.068
Loaded trucks	0.076	0.058
Jackhammer	0.035	0.027
Small bulldozer	0.003	0.002

<sup>1</sup> PPV = Peak Particle Velocity

Source: 2018 FTA Transit Noise and Vibration Impact Assessment Manual and BAC calculations

As indicated in Table 55, vibration levels generated from on-site construction activities at the nearest existing residences are projected to be well below the strictest Caltrans thresholds for damage to residential structures of 0.5 in/sec PPV shown in Table 4 of this report. Further, the projected vibration levels in Table 55 would range from imperceptible to just above slightly perceptible at the closest residential buildings located 30 feet away. Based on the analysis above, on-site construction within the project area is not expected to result in excessive groundborne vibration levels at nearby existing sensitive receptors.

Based on the results from the BAC ambient vibration survey (Table 2), measured vibration levels within the project vicinity were below the threshold of perception (less than 0.001 in/sec PPV). Therefore, it is believed that persons within the project area (or proposed uses of the development) would not be exposed to excessive groundborne vibration levels. Finally, the project proposes the development of commercial uses. It is the experience of BAC that commercial uses do not typically have equipment that generates appreciable vibration.

Because vibration levels due to and upon the project are expected to be satisfactory relative to the applicable Caltrans vibration impact criteria for damage to structures and annoyance, this impact is considered to be **less than significant**.

## Conclusion

This concludes BAC's noise and vibration assessment for the SWC W. Visalia Parkway & S. Mooney Boulevard Development in Visalia, California. Please contact BAC at (530) 537-2328 or [darioq@bacnoise.com](mailto:darioq@bacnoise.com) if you have any comments or questions regarding this report.

## Appendix A Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound. A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>IIC</b>	Impact Insulation Class (IIC): A single-number representation of a floor/ceiling partition's impact generated noise insulation performance. The field-measured version of this number is the FIIC.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>STC</b>	Sound Transmission Class (STC): A single-number representation of a partition's noise insulation performance. This number is based on laboratory-measured, 16-band (1/3-octave) transmission loss (TL) data of the subject partition. The field-measured version of this number is the FSTC.





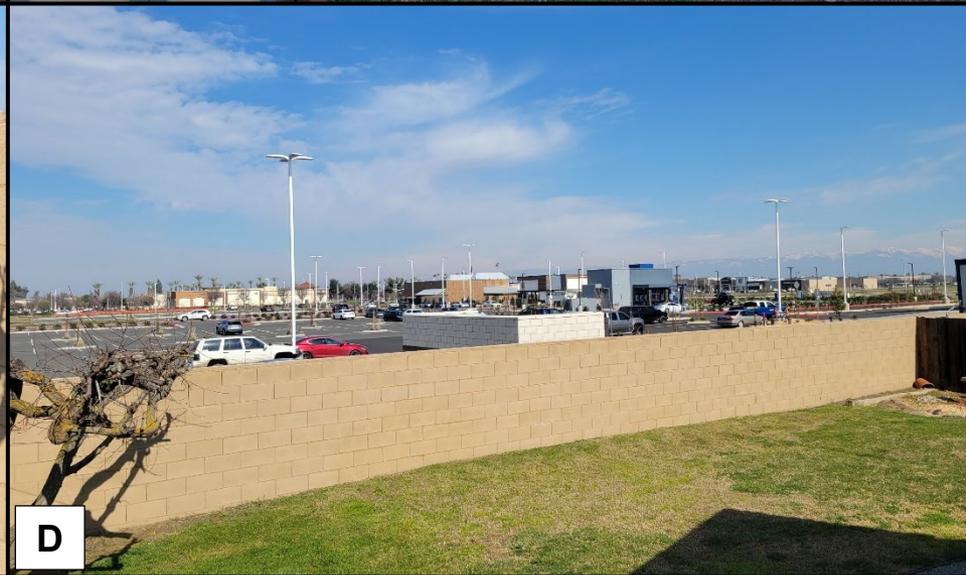
A



B



C



D

**Legend**

- A: Site 1: Northwest project area, in backyard of W. Lake Dr residence
- B: Site 2: Western project area, in backyard of Quince Ct residence
- C: Site 3: Southeast project area, in backyard of Ash Ct residence
- D: Site 3: Southeast project area, in backyard of Ash Ct residence

SWC W. Visalia Pkwy & S. Mooney Blvd  
Visalia, California

BAC Field Survey Photographs

Appendix B



**Appendix C-1**  
**Long-Term Ambient Noise Monitoring Results - Site 1**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Wednesday, February 14, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	44	67	39	35
1:00 AM	42	59	40	36
2:00 AM	45	60	43	39
3:00 AM	47	60	46	41
4:00 AM	47	60	45	42
5:00 AM	49	59	47	44
6:00 AM	52	62	51	47
7:00 AM	57	66	55	52
8:00 AM	57	74	54	50
9:00 AM	54	71	49	46
10:00 AM	51	68	49	45
11:00 AM	50	64	48	45
12:00 PM	51	65	50	47
1:00 PM	51	71	49	46
2:00 PM	48	63	47	45
3:00 PM	49	69	48	45
4:00 PM	50	61	49	47
5:00 PM	51	65	51	48
6:00 PM	55	78	52	49
7:00 PM	51	63	51	49
8:00 PM	52	63	51	48
9:00 PM	52	67	50	46
10:00 PM	47	61	46	42
11:00 PM	47	61	46	40

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	57	48	53	52	42	48
Lmax (Maximum)	78	61	67	67	59	61
L50 (Median)	55	47	50	51	39	45
L90 (Background)	52	45	47	47	35	41

Computed DNL (dB)	55
% Daytime Energy	84%
% Nighttime Energy	16%

GPS Coordinates	36°17'26.78"N
	119°19'05.10"W

**Appendix C-2**  
**Long-Term Ambient Noise Monitoring Results - Site 1**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Thursday, February 15, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	48	63	46	41
1:00 AM	44	54	42	37
2:00 AM	48	54	48	41
3:00 AM	40	57	39	36
4:00 AM	44	53	42	38
5:00 AM	48	57	48	46
6:00 AM	51	71	50	46
7:00 AM	50	57	50	47
8:00 AM	52	68	49	46
9:00 AM	50	70	47	44
10:00 AM	55	72	49	45
11:00 AM	59	80	50	45
12:00 PM	50	65	48	45
1:00 PM	51	65	50	45
2:00 PM	51	60	50	47
3:00 PM	51	64	48	44
4:00 PM	48	66	46	43
5:00 PM	48	68	47	44
6:00 PM	50	70	49	46
7:00 PM	50	69	48	46
8:00 PM	48	60	47	45
9:00 PM	47	62	46	43
10:00 PM	46	64	45	42
11:00 PM	47	63	45	42

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	59	47	52	51	40	47
Lmax (Maximum)	80	57	66	71	53	60
L50 (Median)	50	46	48	50	39	45
L90 (Background)	47	43	45	46	36	41

Computed DNL (dB)	55
% Daytime Energy	83%
% Nighttime Energy	17%

GPS Coordinates	36°17'26.78"N
	119°19'05.10"W

**Appendix C-3**  
**Long-Term Ambient Noise Monitoring Results - Site 1**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Friday, February 16, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	43	64	40	36
1:00 AM	41	62	38	34
2:00 AM	40	54	38	31
3:00 AM	43	55	40	34
4:00 AM	46	55	45	40
5:00 AM	48	57	46	42
6:00 AM	52	70	49	45
7:00 AM	56	77	54	51
8:00 AM	54	65	52	48
9:00 AM	58	71	53	48
10:00 AM	55	76	53	49
11:00 AM	55	66	53	49
12:00 PM	53	68	51	48
1:00 PM	50	63	49	46
2:00 PM	51	70	48	45
3:00 PM	51	71	48	45
4:00 PM	53	70	48	44
5:00 PM	50	67	49	45
6:00 PM	50	71	49	46
7:00 PM	49	69	48	46
8:00 PM	49	62	49	46
9:00 PM	49	64	48	45
10:00 PM	49	67	47	43
11:00 PM	46	61	45	41

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	58	49	53	52	40	47
Lmax (Maximum)	77	62	69	70	54	60
L50 (Median)	54	48	50	49	38	43
L90 (Background)	51	44	47	45	31	38

Computed DNL (dB)	55
% Daytime Energy	88%
% Nighttime Energy	12%

GPS Coordinates	36°17'26.78"N
	119°19'05.10"W

**Appendix C-4**  
**Long-Term Ambient Noise Monitoring Results - Site 2**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Wednesday, February 14, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	48	70	42	36
1:00 AM	45	65	42	37
2:00 AM	50	63	46	39
3:00 AM	52	59	51	46
4:00 AM	51	65	49	45
5:00 AM	52	61	51	47
6:00 AM	55	70	54	50
7:00 AM	57	71	56	53
8:00 AM	54	77	51	46
9:00 AM	49	63	46	43
10:00 AM	49	71	45	41
11:00 AM	50	69	45	43
12:00 PM	49	66	47	44
1:00 PM	48	66	46	42
2:00 PM	48	65	45	42
3:00 PM	47	63	45	43
4:00 PM	50	61	49	45
5:00 PM	59	83	52	48
6:00 PM	56	72	53	50
7:00 PM	53	64	52	49
8:00 PM	54	64	53	50
9:00 PM	54	71	52	48
10:00 PM	50	65	48	44
11:00 PM	50	67	48	43

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	59	47	53	55	45	51
Lmax (Maximum)	83	61	68	70	59	65
L50 (Median)	56	45	49	54	42	48
L90 (Background)	53	41	46	50	36	43

Computed DNL (dB)	58
% Daytime Energy	74%
% Nighttime Energy	26%

GPS Coordinates	36°17'22.04"N
	119°19'05.07"W

**Appendix C-5**  
**Long-Term Ambient Noise Monitoring Results - Site 2**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Thursday, February 15, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	48	66	46	41
1:00 AM	46	57	44	39
2:00 AM	48	61	47	42
3:00 AM	42	53	40	36
4:00 AM	50	59	47	42
5:00 AM	54	60	54	52
6:00 AM	54	70	53	49
7:00 AM	54	64	54	52
8:00 AM	53	71	51	47
9:00 AM	48	71	45	43
10:00 AM	54	85	46	43
11:00 AM	57	88	47	43
12:00 PM	50	74	45	42
1:00 PM	51	77	44	41
2:00 PM	49	64	44	41
3:00 PM	46	65	43	41
4:00 PM	50	69	44	41
5:00 PM	50	70	46	44
6:00 PM	52	69	51	49
7:00 PM	54	76	51	49
8:00 PM	52	70	50	47
9:00 PM	51	66	49	47
10:00 PM	51	67	49	46
11:00 PM	53	70	51	46

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	57	46	52	54	42	51
Lmax (Maximum)	88	64	72	70	53	63
L50 (Median)	54	43	47	54	40	48
L90 (Background)	52	41	45	52	36	44

Computed DNL (dB)	57
% Daytime Energy	69%
% Nighttime Energy	31%

GPS Coordinates	36°17'22.04"N
	119°19'05.07"W

**Appendix C-6**  
**Long-Term Ambient Noise Monitoring Results - Site 2**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Friday, February 16, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	47	63	44	39
1:00 AM	45	64	41	35
2:00 AM	43	54	40	34
3:00 AM	47	59	45	38
4:00 AM	49	59	48	44
5:00 AM	51	60	50	45
6:00 AM	55	74	53	48
7:00 AM	59	76	58	55
8:00 AM	54	63	51	47
9:00 AM	50	73	45	42
10:00 AM	48	66	46	42
11:00 AM	47	63	45	42
12:00 PM	45	58	43	41
1:00 PM	46	66	43	41
2:00 PM	47	67	45	42
3:00 PM	50	66	46	43
4:00 PM	47	61	46	43
5:00 PM	51	67	49	46
6:00 PM	52	71	48	46
7:00 PM	50	71	49	47
8:00 PM	53	65	52	49
9:00 PM	53	69	52	49
10:00 PM	53	72	51	47
11:00 PM	50	66	49	46

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	59	45	52	55	43	50
Lmax (Maximum)	76	58	67	74	54	63
L50 (Median)	58	43	48	53	40	47
L90 (Background)	55	41	45	48	34	42

Computed DNL (dB)	57
% Daytime Energy	69%
% Nighttime Energy	31%

GPS Coordinates	36°17'22.04"N
	119°19'05.07"W

**Appendix C-7**  
**Long-Term Ambient Noise Monitoring Results - Site 3**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Wednesday, February 14, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	46	66	41	36
1:00 AM	44	62	40	37
2:00 AM	50	64	46	38
3:00 AM	50	64	48	43
4:00 AM	50	72	45	42
5:00 AM	51	61	50	46
6:00 AM	53	70	52	49
7:00 AM	55	80	53	50
8:00 AM	51	68	50	46
9:00 AM	48	65	46	43
10:00 AM	52	70	47	43
11:00 AM	55	68	48	43
12:00 PM	55	70	48	43
1:00 PM	52	67	48	43
2:00 PM	54	70	48	44
3:00 PM	48	62	47	44
4:00 PM	50	63	48	44
5:00 PM	50	66	49	45
6:00 PM	54	72	50	47
7:00 PM	51	67	50	47
8:00 PM	52	64	50	47
9:00 PM	51	69	49	45
10:00 PM	47	61	45	41
11:00 PM	48	64	45	39

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	55	48	52	53	44	49
Lmax (Maximum)	80	62	68	72	61	65
L50 (Median)	53	46	49	52	40	46
L90 (Background)	50	43	45	49	36	41

Computed DNL (dB)	56
% Daytime Energy	77%
% Nighttime Energy	23%

GPS Coordinates	36°17'18.47"N
	119°18'54.99"W

**Appendix C-8**  
**Long-Term Ambient Noise Monitoring Results - Site 3**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Thursday, February 15, 2024**

Hour	Leq	Lmax	L50	L90
12:00 AM	49	70	46	40
1:00 AM	46	57	42	39
2:00 AM	51	58	49	39
3:00 AM	43	56	40	36
4:00 AM	48	61	47	41
5:00 AM	52	60	51	49
6:00 AM	51	64	50	46
7:00 AM	54	80	52	49
8:00 AM	52	68	50	45
9:00 AM	51	73	46	42
10:00 AM	51	69	48	43
11:00 AM	50	65	48	44
12:00 PM	49	67	46	43
1:00 PM	49	64	46	44
2:00 PM	49	72	46	43
3:00 PM	47	62	46	43
4:00 PM	49	66	46	43
5:00 PM	49	65	48	45
6:00 PM	52	69	51	48
7:00 PM	55	79	52	50
8:00 PM	54	71	52	49
9:00 PM	51	64	50	47
10:00 PM	51	63	49	45
11:00 PM	53	66	50	46

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	55	47	51	53	43	50
Lmax (Maximum)	80	62	69	70	56	62
L50 (Median)	52	46	48	51	40	47
L90 (Background)	50	42	45	49	36	42

Computed DNL (dB)	57
% Daytime Energy	69%
% Nighttime Energy	31%

GPS Coordinates	36°17'18.47"N
	119°18'54.99"W

**Appendix C-9**  
**Long-Term Ambient Noise Monitoring Results - Site 3**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Friday, February 16, 2024**

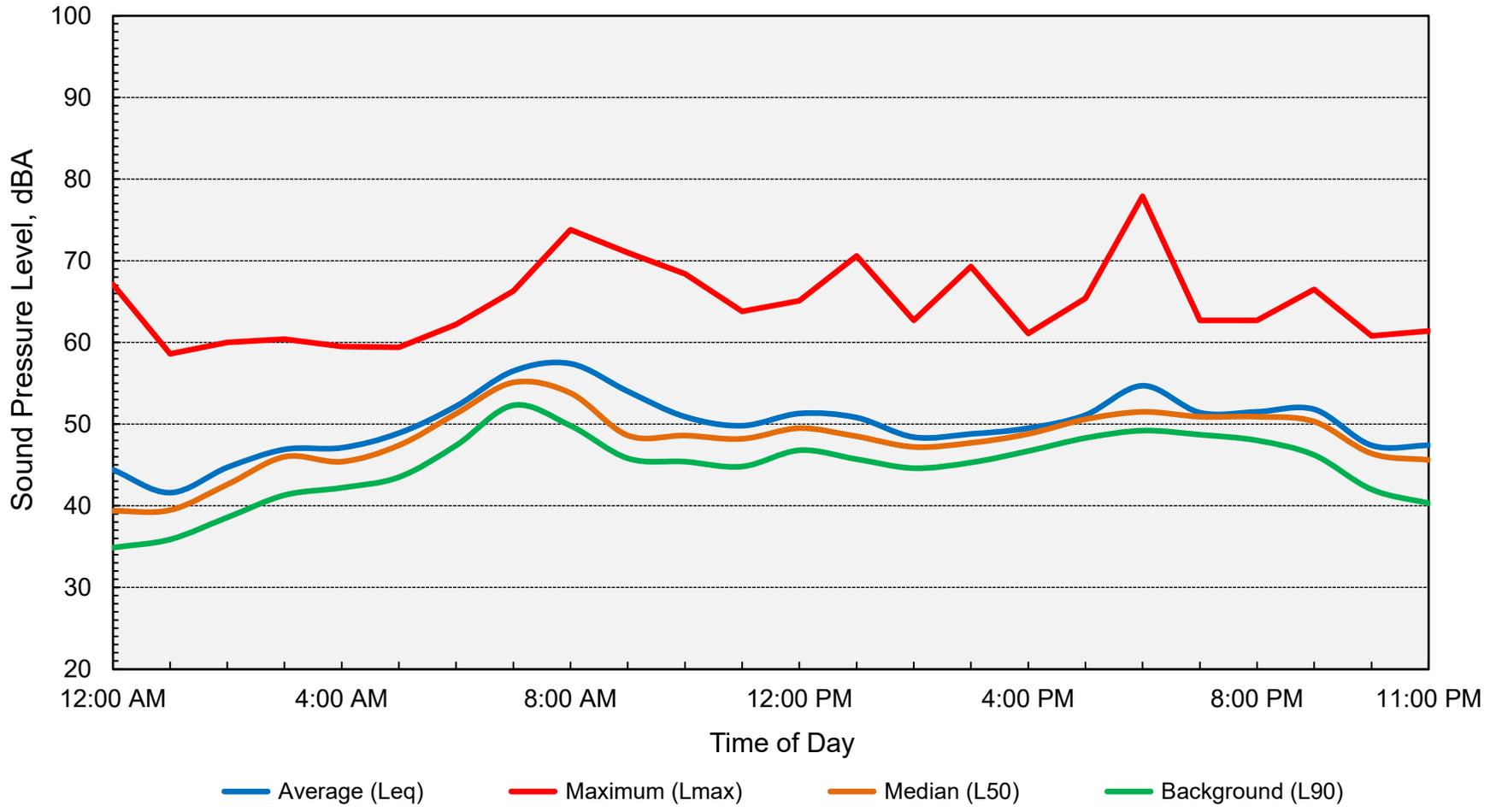
Hour	Leq	Lmax	L50	L90
12:00 AM	44	56	42	38
1:00 AM	42	60	38	35
2:00 AM	41	64	38	33
3:00 AM	43	60	41	37
4:00 AM	46	57	44	40
5:00 AM	48	59	47	42
6:00 AM	52	71	50	46
7:00 AM	55	76	53	51
8:00 AM	50	66	49	45
9:00 AM	47	66	46	43
10:00 AM	48	64	46	42
11:00 AM	48	68	46	42
12:00 PM	47	64	46	43
1:00 PM	48	69	46	43
2:00 PM	53	83	47	44
3:00 PM	49	59	48	45
4:00 PM	49	60	48	45
5:00 PM	51	64	50	46
6:00 PM	52	71	50	48
7:00 PM	52	74	50	47
8:00 PM	53	73	52	48
9:00 PM	53	70	52	47
10:00 PM	54	77	50	46
11:00 PM	49	62	47	43

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	55	47	51	54	41	49
Lmax (Maximum)	83	59	69	77	56	63
L50 (Median)	53	46	48	50	38	44
L90 (Background)	51	42	45	46	33	40

Computed DNL (dB)	55
% Daytime Energy	75%
% Nighttime Energy	25%

GPS Coordinates	36°17'18.47"N
	119°18'54.99"W

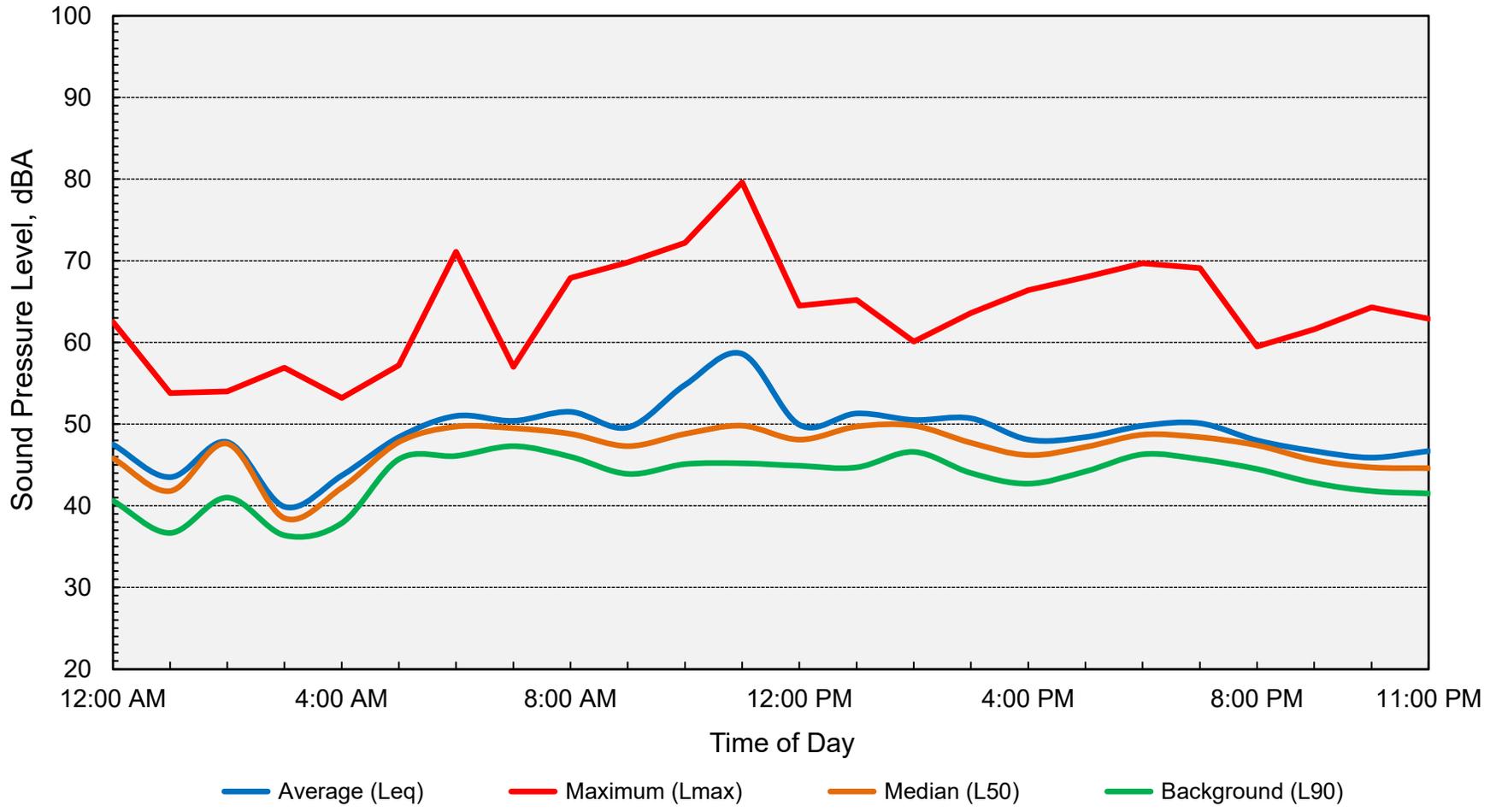
**Appendix D-1**  
**Long-Term Ambient Noise Monitoring Results - Site 1**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Wednesday, February 14, 2024**



**Computed DNL = 55 dB**



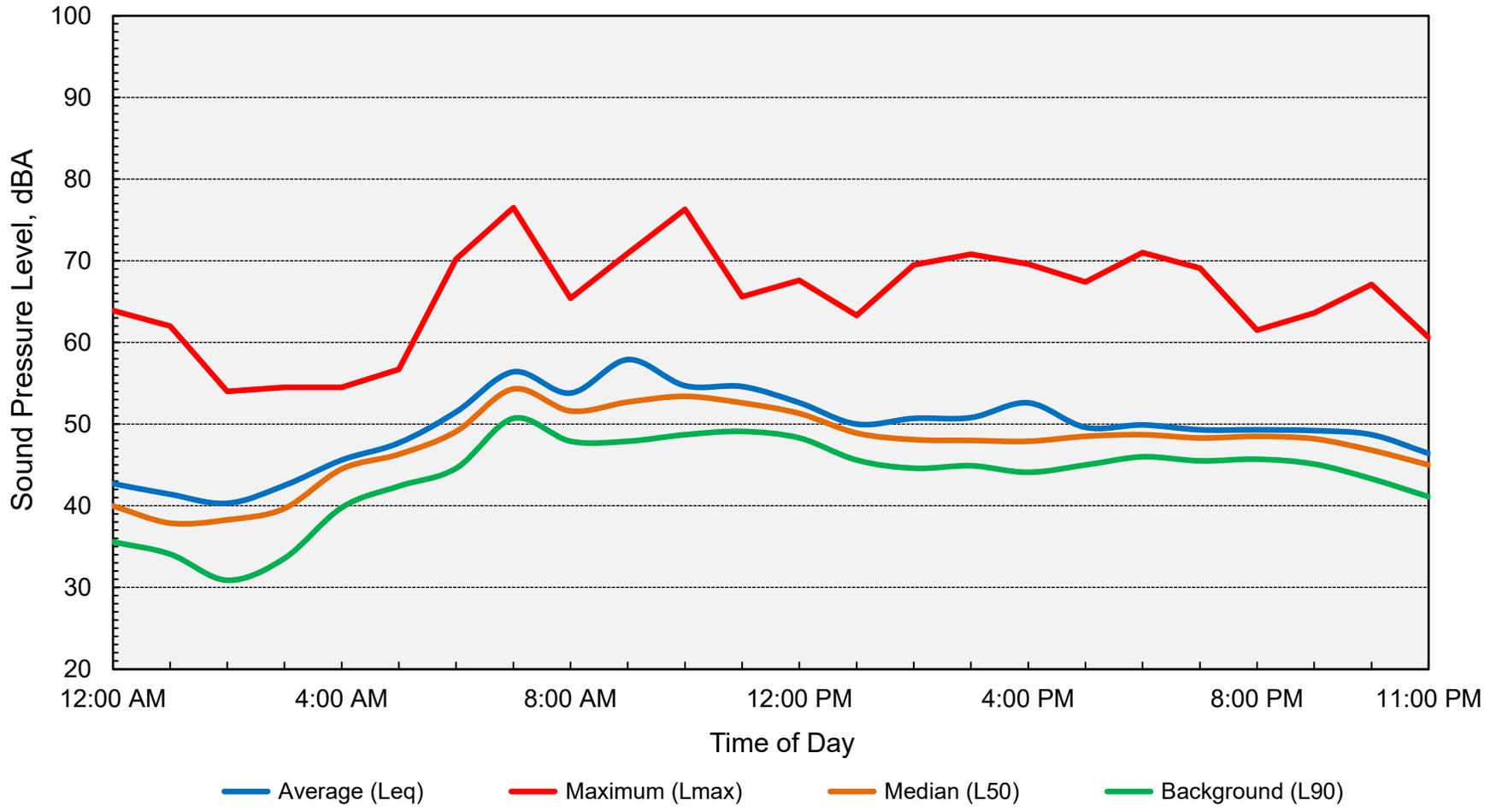
**Appendix D-2**  
**Long-Term Ambient Noise Monitoring Results - Site 1**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Thursday, February 15, 2024**



**Computed DNL = 55 dB**



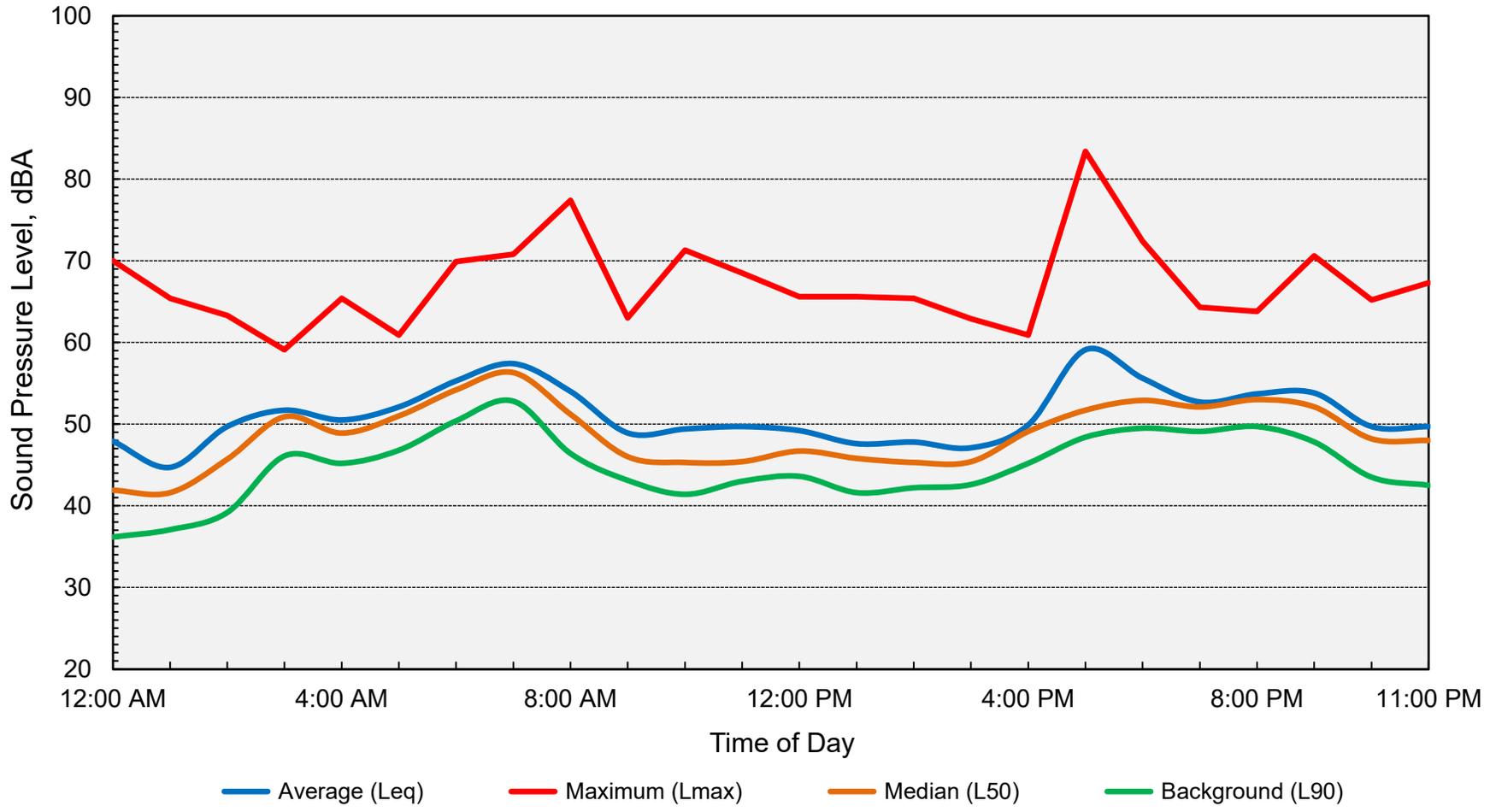
**Appendix D-3**  
**Long-Term Ambient Noise Monitoring Results - Site 1**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Friday, February 16, 2024**



**Computed DNL = 55 dB**



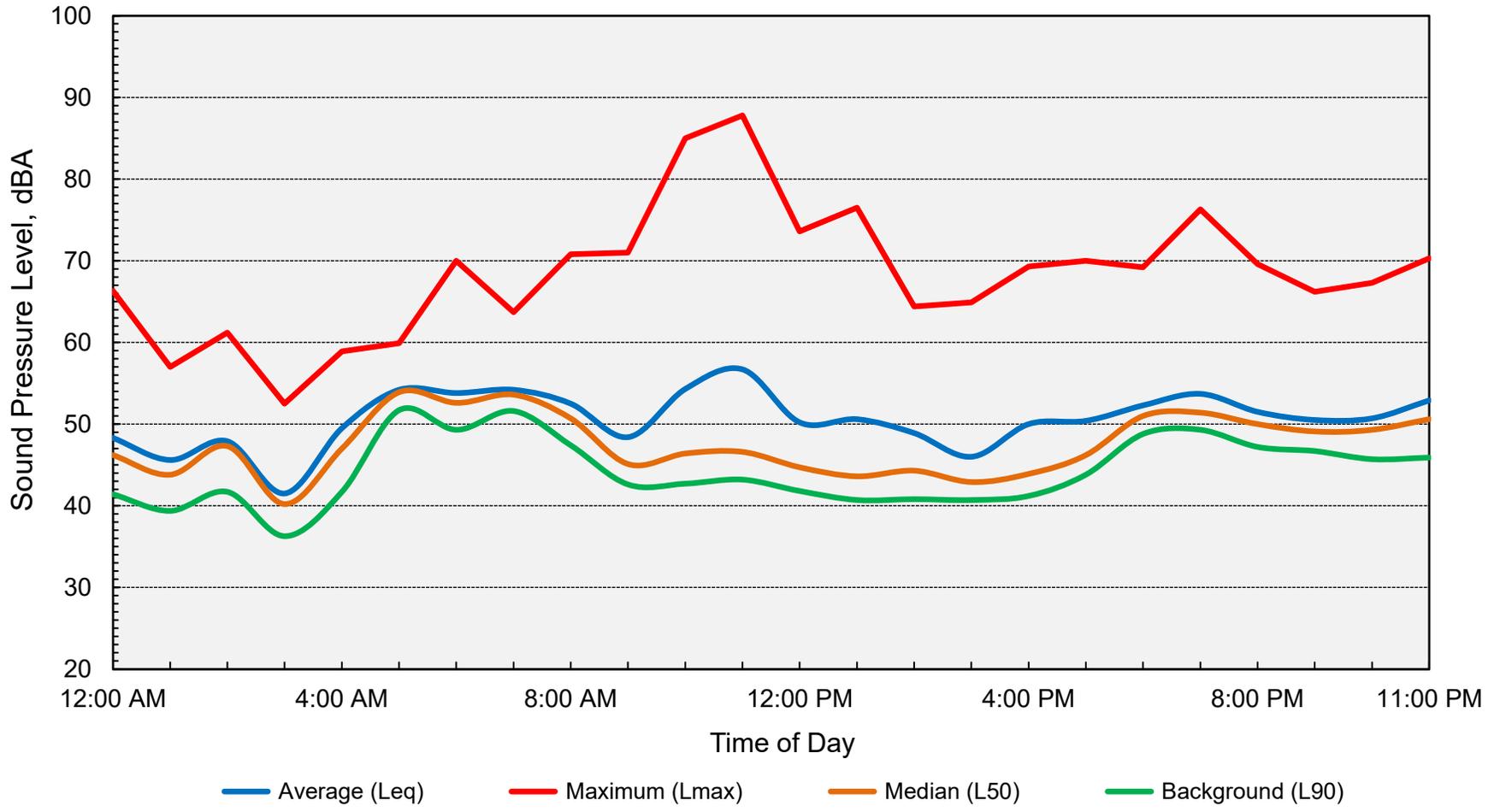
**Appendix D-4**  
**Long-Term Ambient Noise Monitoring Results - Site 2**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Wednesday, February 14, 2024**



**Computed DNL = 58 dB**



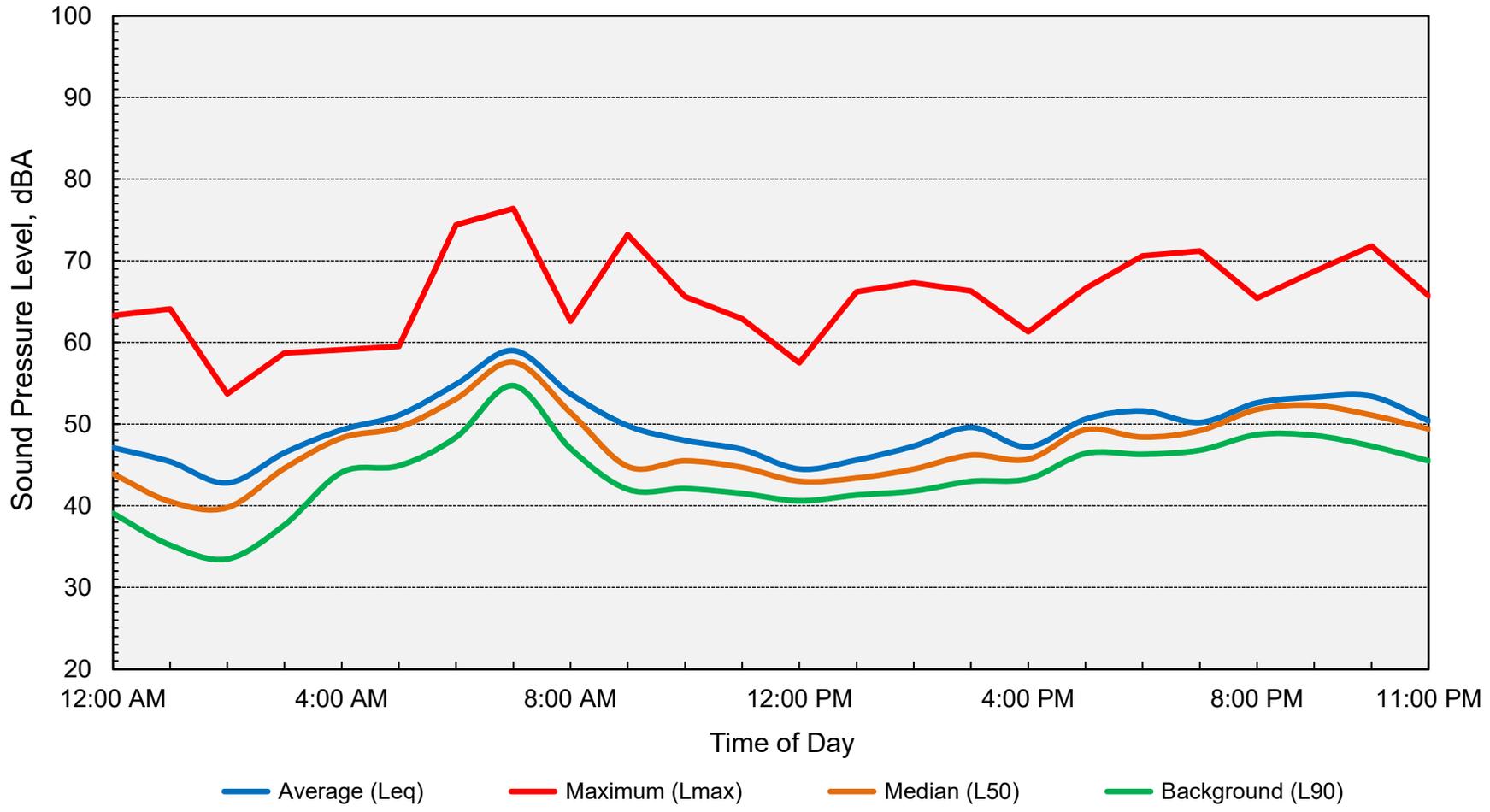
**Appendix D-5**  
**Long-Term Ambient Noise Monitoring Results - Site 2**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Thursday, February 15, 2024**



**Computed DNL = 57 dB**



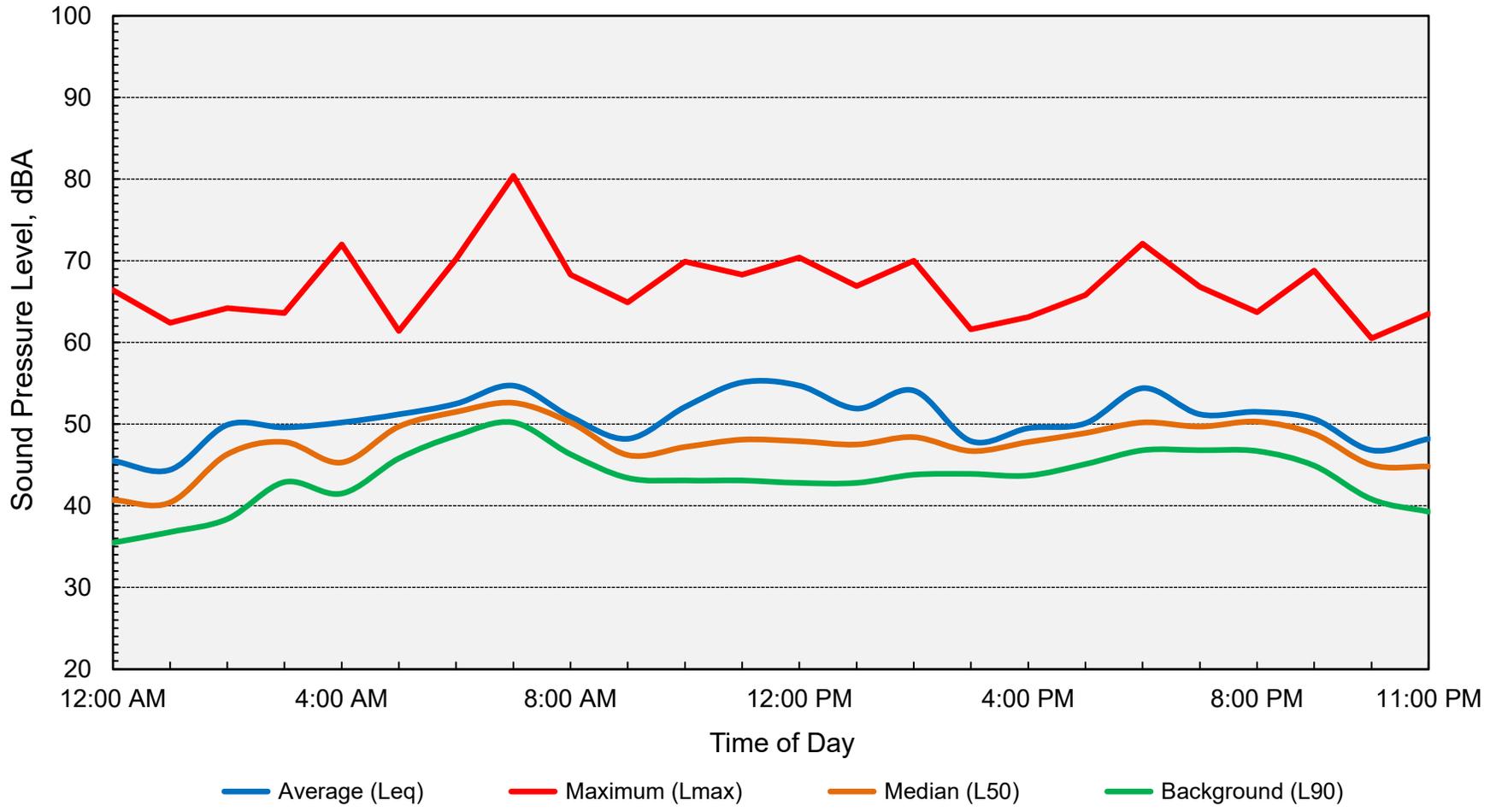
**Appendix D-6**  
**Long-Term Ambient Noise Monitoring Results - Site 2**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Friday, February 16, 2024**



**Computed DNL = 57 dB**

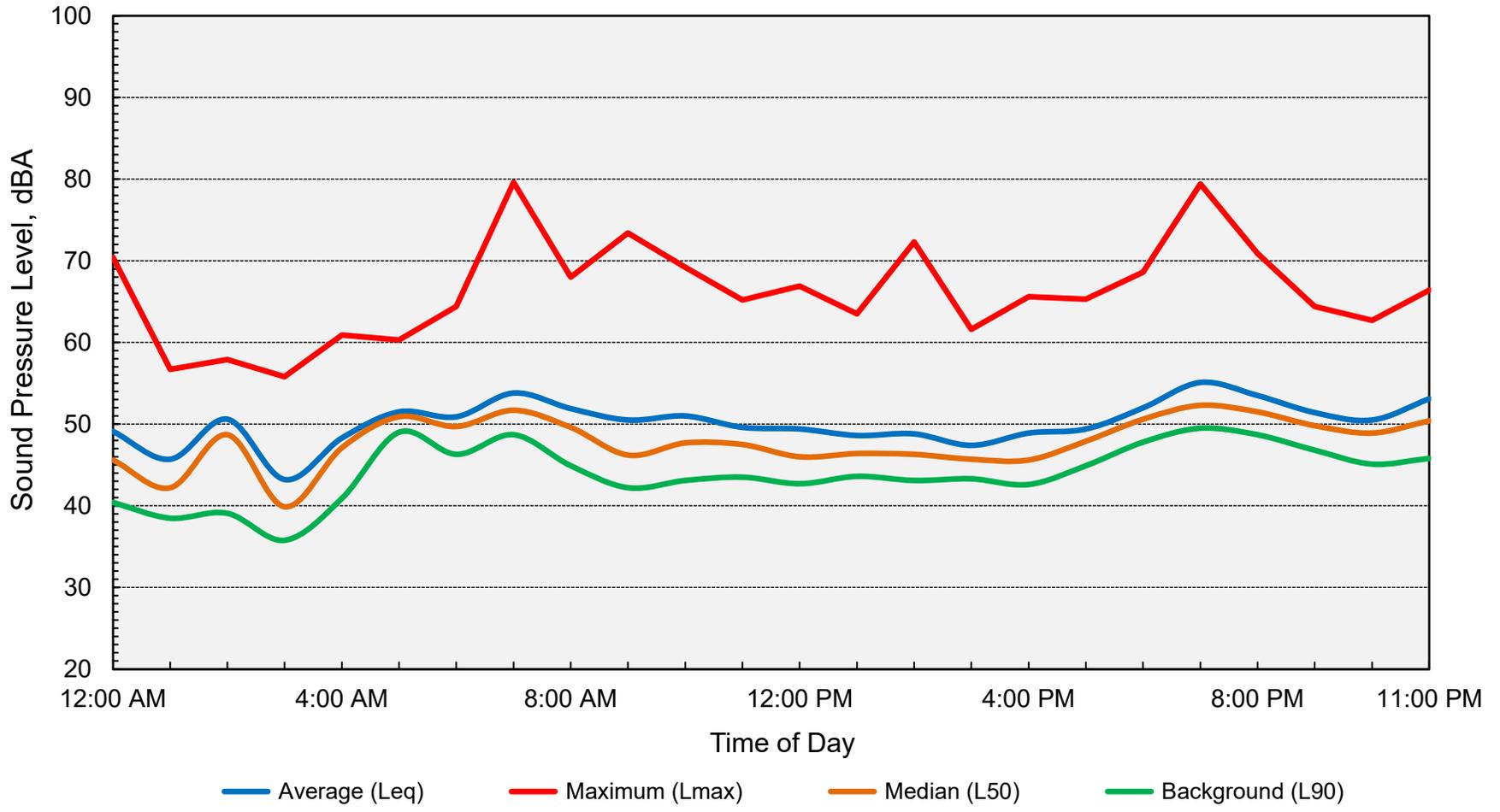


**Appendix D-7**  
**Long-Term Ambient Noise Monitoring Results - Site 3**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Wednesday, February 14, 2024**



**Computed DNL = 56 dB**

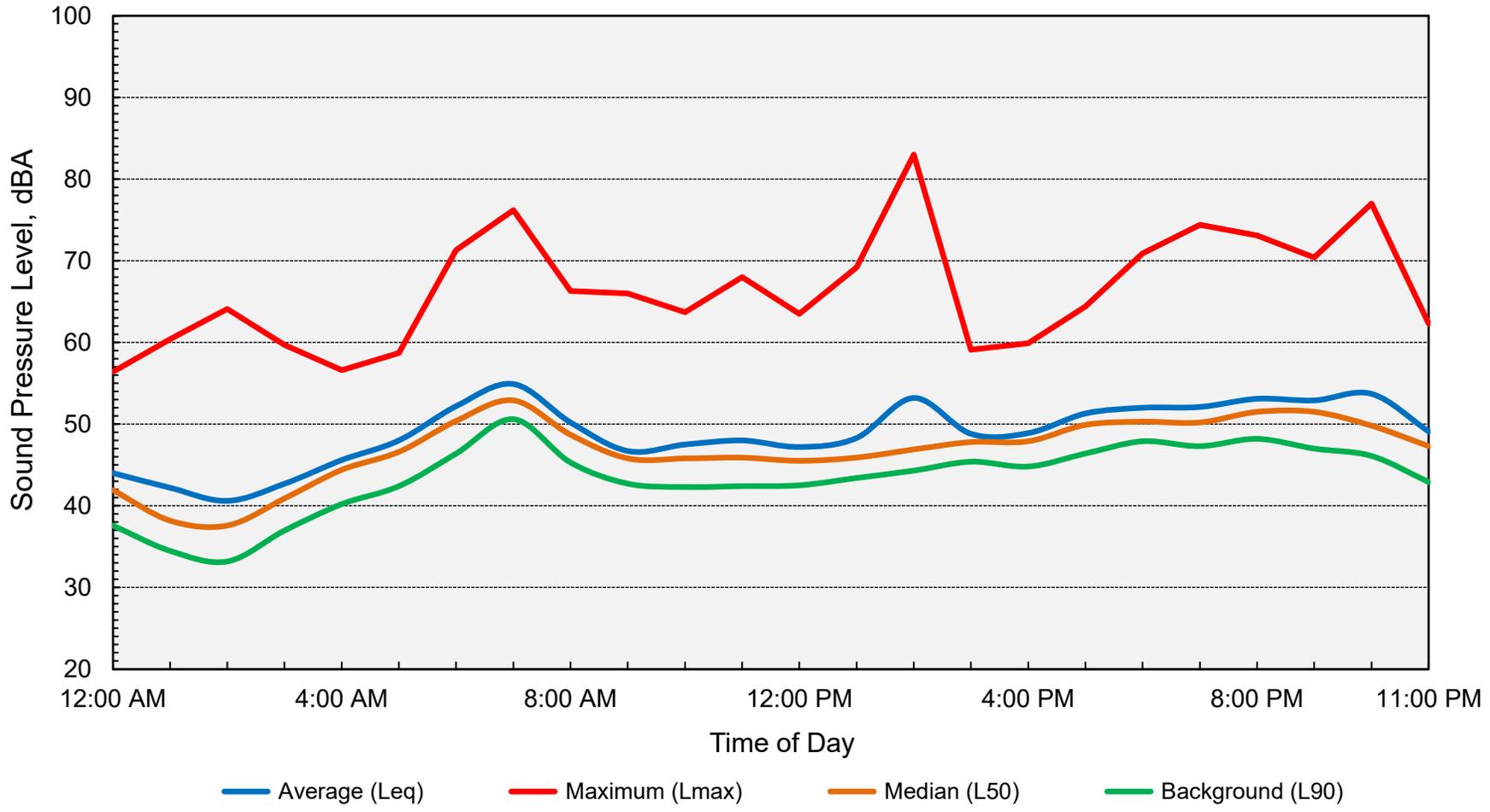
**Appendix D-8**  
**Long-Term Ambient Noise Monitoring Results - Site 3**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Thursday, February 15, 2024**



**Computed DNL = 57 dB**



**Appendix D-9**  
**Long-Term Ambient Noise Monitoring Results - Site 3**  
**SWC W. Visalia Parkway & S. Mooney Blvd Development - Visalia, California**  
**Friday, February 16, 2024**



**Computed DNL = 55 dB**



**Appendix E-1**  
**Rooftop Unit Manufacturer Documentation**  
**Enlight Lennox: Model LHT036H4, LHT060H4**

**OUTDOOR SOUND DATA**

¹ Unit Model No.	Octave Band Sound Power Levels dBA, re 10 <sup>-12</sup> Watts Center Frequency - Hz							¹ Sound Rating Number dBA
	125	250	500	1000	2000	4000	8000	
024, 036, 048	63	66	70	71	68	62	53	75
060	67	72	77	76	73	68	61	82

NOTE - The octave sound power data does not include tonal corrections.

¹ Sound Rating Number according to AHRI Standard 270-95 (Includes pure tone penalty). Sound Rating Number is the overall A-Weighted Sound Power Level, (Lwa), dBA (100 Hz to 10,000 Hz).

**WEIGHT DATA**

**UNIT**

Model Number	Net		Shipping	
	lbs.	kg	lbs.	kg
024 Base Unit	646	293	686	311
024 Max. Unit	765	347	805	365
036 Base Unit	645	293	685	311
036 Max. Unit	764	347	804	365
048 Base Unit	641	291	681	309
048 Max. Unit	760	345	800	363
060 Base Unit	686	311	727	330
060 Max. Unit	792	359	833	378

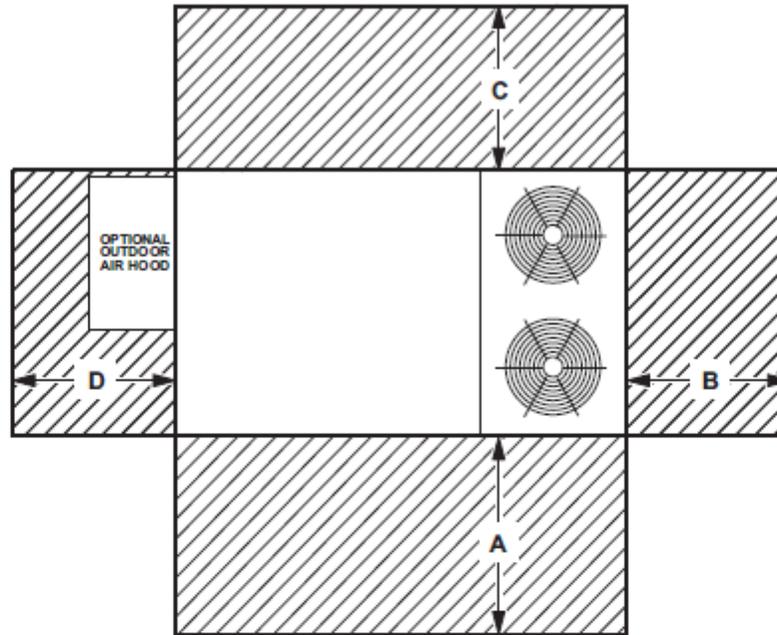
**WEIGHT DATA**

**OPTIONS / ACCESSORIES**

	Shipping Weight		
	lbs.	kg	
<b>ECONOMIZER / OUTDOOR AIR / EXHAUST</b>			
<b>Economizer</b>			
Economizer, Includes Combination Outdoor Air Hood and Barometric Relief Dampers	131	59	
<b>Outdoor Air Dampers</b>			
Motorized	40	18	
Manual	30	14	
Power Exhaust	35	17	
<b>ELECTRIC HEAT</b>			
5 kW	31	14	
7.5 kW	31	14	
15 kW	31	14	
22.5 kW	35	16	
30 kW	35	16	
<b>HAIL GUARDS</b>			
All models	31	14	
<b>ROOF CURBS</b>			
<b>Hybrid Roof Curbs, Downflow</b>			
8 in. height	50	23	
14 in. height	70	32	
18 in. height	80	36	
24 in. height	100	45	
<b>Adjustable Pitch Curb, Downflow</b>			
14 in. height	113	51	
<b>CEILING DIFFUSERS</b>			
Step-Down	RTD11-95S	118	54
Flush	FD11-95S	118	54
Transitions	T1TRAN20N-1	21	10

**Appendix E-2**  
**Rooftop Unit Manufacturer Documentation**  
**Enlight Lennox: Model LHT122H4E**

**UNIT CLEARANCES**



¹ Unit Clearance	A		B		C		D		Top Clearance
	in.	mm	in.	mm	in.	mm	in.	mm	
<b>Service Clearance</b>	60	1524	36	914	36	914	60	1524	Unobstructed
<b>Minimum Operation Clearance</b>	36	914	36	914	36	914	36	914	

NOTE - Entire perimeter of unit base requires support when elevated above the mounting surface.

¹ **Service Clearance** - Required for removal of serviceable parts.

**Minimum Operation Clearance** - Required clearance for proper unit operation.

**OUTDOOR SOUND DATA**

Unit Model Number	Octave Band Sound Power Levels dBA, re 10 <sup>-12</sup> Watts Center Frequency - Hz							¹ Sound Rating Number (dBA)
	125	250	500	1000	2000	4000	8000	
078, 092, 102	70	79	84	83	77	72	66	88
122, 150	73	74	75	72	66	60	50	85

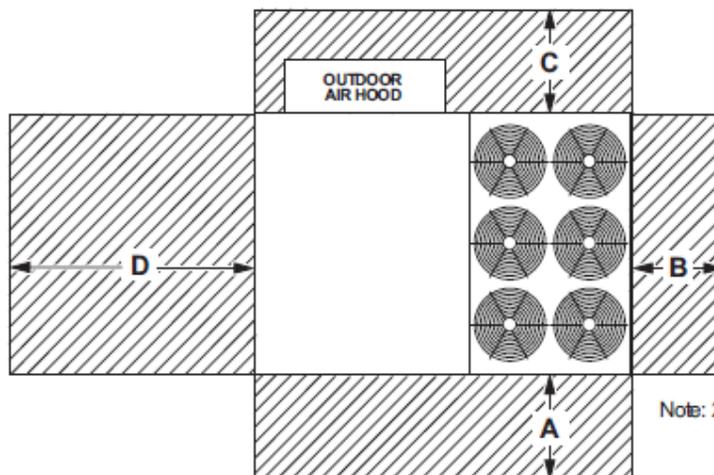
Note - The octave sound power data does not include tonal corrections.

¹ Sound Rating Number according to AHRI Standard 270-95 or AHRI Standard 370-2001 (includes pure tone penalty). Sound Rating Number is the overall A-Weighted Sound Power Level, (L<sub>wa</sub>), dB (100 Hz to 10,000 Hz).

**Appendix E-3**  
**Rooftop Unit Manufacturer Documentation**  
**Enlight Lennox: Model LHT240H4M**

**UNIT CLEARANCES**

**Unit With Economizer**



Note: 210-240-300 sizes shown

1 Unit Clearance	A		B		C		D		Top Clearance
	in.	mm	in.	mm	in.	mm	in.	mm	
Service Clearance	60	1524	36	914	36	934	66	1676	Unobstructed
Minimum Operation Clearance	45	1143	36	914	36	914	41	1041	

NOTE - Entire perimeter of unit base requires support when elevated above the mounting surface.

<sup>1</sup> Service Clearance - Required for removal of serviceable parts.

Minimum Operation Clearance - Required clearance for proper unit operation.

**OUTDOOR SOUND DATA**

Unit Model Number	Octave Band Sound Power Levels dBA, re 10 <sup>-12</sup> Watts - Center Frequency - Hz							1 Sound Rating Number (dBA)
	125	250	500	1000	2000	4000	8000	
156, 180, 240	79	84	88	89	85	82	73	94

Note - The octave sound power data does not include tonal corrections.

<sup>1</sup> Sound Rating Number according to AHRI Standard 370-2001 (includes pure tone penalty).

Sound Rating Number is the overall A-Weighted Sound Power Level (L<sub>WA</sub>), dBA (100 Hz to 10,000 Hz).

**Appendix E-4**  
**Air Handling Unit Manufacturer Documentation**  
**Munters: Model HCUC8040AAD**



Test Report: MLR 06.008C

Date: 8/2/2010

**Purpose:**

To document the sound emitted from the unit at 15'.

**Item Under Test:**

HCUc8040 Air-Cooled

**Equipment:**

1 Larson Davis, LxT, Sound Meter

**Test Setup:**

- 1 The unit is sitting outside on stands, 16" off the ground.
- 2 Reading were taken 4' from the ground and 15' from the unit.

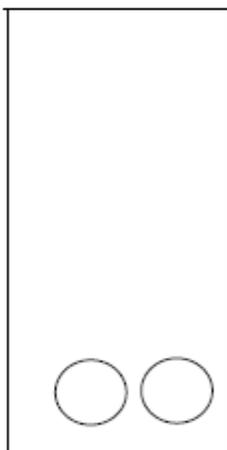
**Data:**

Date/Time: 8/2/10 @ 8:00 am, Ambient: 84°F, 53% RH,

- 1 Unit with 1 of the condensor fans running (dBA & octave band level)
- 2 Unit with both of the condensor fans running (dBA & octave band level)
- 3 Unit with both of the condenser fans off (dBA & octave band level)

dBA	68	71	63
hz	1Fan	2Fan	Off
63	77	77	68
125	71	77	64
250	68	72	61
500	67	70	59
1k	65	67	62
2k	60	63	57
4k	59	60	57
8k	56	56	56

○



○

dBA	69	71	60
hz	1Fan	2Fan	Off
63	71	73	67
125	72	79	61
250	70	73	61
500	68	69	58
1k	61	64	57
2k	59	62	57
4k	57	58	57
8k	56	56	56

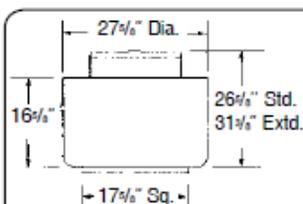
dBA 75 78 64

hz	1Fan	2Fan	Off
63	75	80	66
125	73	78	62
250	76	78	63
500	70	72	62
1k	67	69	57
2k	63	64	57
4k	59	59	57
8k	58	59	56

# VUDK 12

## DIRECT DRIVE

### PERFORMANCE DATA



#### DESIGN DATA

Tip Speed = 3.27 x RPM  
 Unit Weight (less Motor) = 45 Lbs.  
 Roof Opening = 13" Sq.  
 Curb O. D. = 16" Sq.  
 Damper Size = 12" Sq.

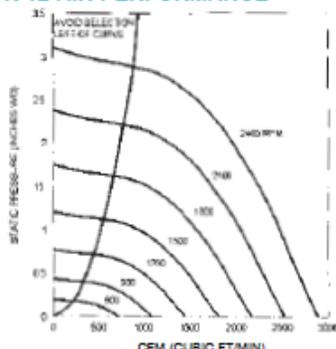
RPM Range - Motor HP	RPM	STATIC PRESSURE, INCHES W.G.																	
		.000		.125		.250		.375		.500		.625		.750		1.000		1.250	
		CFM	BHP	CFM	BHP	CFM	BHP	CFM	BHP	CFM	BHP	CFM	BHP	CFM	BHP	CFM	BHP	CFM	BHP
SPEED CONTROLLABLE MOTORS**	550	661	.01	386	.02														
	700	841	.03	657	.03	186	.02												
	800	961	.04	804	.05	593	.05												
	825 *	991	.05	839	.05	642	.05												
	900	1081	.06	941	.06	782	.07	513	.06										
	975	1171	.08	1042	.08	906	.09	716	.09										
	1050	1261	.09	1141	.10	1023	.11	862	.11	631	.10								
	1075 *	1291	.10	1173	.11	1059	.11	910	.12	702	.11								
	1175	1411	.13	1303	.14	1198	.15	1078	.15	924	.15	708	.15						
	1275	1532	.17	1431	.18	1334	.18	1238	.19	1110	.19	957	.20	734	.18				
	1375	1652	.21	1559	.22	1468	.23	1379	.24	1275	.24	1150	.24	1005	.24				
	1500	1800	.27	1716	.28	1633	.29	1551	.30	1469	.31	1364	.31	1248	.32	935	.31		
1575	1892	.32	1810	.33	1731	.34	1652	.35	1574	.36	1486	.36	1382	.37	1135	.37	525	.28	
1625 *	1952	.35	1873	.36	1795	.37	1719	.38	1644	.39	1565	.40	1465	.40	1235	.40	863	.37	
ALL OTHER MOTORS	1140 *	1389	.12	1258	.13	1150	.13	1021	.14	855	.14	573	.12						
	1725 *	2072	.42	1897	.43	1824	.44	1852	.45	1781	.46	1710	.47	1627	.48	1428	.48	1180	.48

Performance certified is for installation type A - free inlet, free outlet.  
 Speed (RPM) is nominal. Performance is based on actual speed of test.  
 \*\* To be Speed Controllable, motor must have 115/1 ODP. Other voltages and enclosures are non-speed controllable.  
 \* Base Unit - As run motor speeds.  
 + RPM range capable with solid state speed control.  
 Performance ratings do not include the effects of accessories.

The sound power level ratings shown are in decibels, referred to 10<sup>-12</sup> watts calculated per AMCA Standard 301. Values shown are for inlet L<sub>WA</sub> sound power levels for installation Type A free inlet, free outlet. Ratings do not include the effects of duct end correction.

The sound ratings shown are loudness values in fan sones at 5 feet (1.5m) in a hemispherical free field calculated per AMCA Standard 301. Values shown are for installation Type A, free inlet hemispherical sone levels.

#### VUDK 12 AIR PERFORMANCE



#### VUDK 12 SOUND PERFORMANCE

RPM	SP	SOUND POWER RE 10 <sup>-12</sup> WATTS								LWA
		OCTAVE BANDS								
		1	2	3	4	5	6	7	8	
825	.000	65	64	60	54	59	55	45	35	62
	.125	65	63	59	53	57	51	45	38	60
	.375	67	61	59	51	52	51	46	42	58
1075	.000	68	72	69	63	63	62	55	45	69
	.250	68	72	68	62	60	59	53	47	67
	.500	63	71	68	61	58	57	54	48	66
1625	.000	72	85	82	77	70	74	69	60	80
	.500	71	85	81	76	68	72	66	60	79
	1.000	73	86	81	76	67	68	66	60	78

**Appendix E-6**  
**Exhaust Fan Manufacturer Documentation**  
**Acme: Model PDU135RGG4**

PERFORMANCE DATA																						
Fan Model	Motor		CFM and Sones vs. Static Pressure																		Max. BHP	
	HP	RPM	.000"		.125"		.250"		.375"		.500"		.625"		.750"		1.000"		1.250"			
			CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone		CFM
PDU080	1/10	1600	385	9.7	368	9.5	350	9.2	323	8.8	253	8.5									.040	
		1300	313	7.4	292	7.7	261	11.0														.020
PDU100	1/10	1630	850	12.0	788	11.8	735	11.3	681	10.6	625	9.6	573	8.9								.085
		1300	678	8.3	604	7.8	537	7.5	468	6.9												.042
PDU110	1/10	1550	1017	10.1	951	10.2	885	10.6	816	9.6	731	9.5	617	9.5	506	9.5						.098
		1300	853	8.1	774	8.3	693	7.6	588	7.5	454	7.5	270	7.5								.057
		1050	689	6.0	591	6.2	468	5.5	292	5.5												.030
		860	564	4.5	441	4.2	243	4.2														
PDU120E4	1/4	1680	1753	13.8	1689	13.7	1611	13.6	1522	13.6	1433	13.5	1295	13.2	1155	13.1						.250
		1550	1617	13.5	1548	13.5	1457	13.1	1361	12.7	1233	12.4	1082	12.0								.200
		1300	1356	10.8	1269	9.9	1154	9.5	1001	9.6												.110
		1160	1210	9.0	1106	8.8	972	8.7	770	8.2												.080
		860	897	5.3	742	5.3																
PDU135F6	1/3	1160	1840	11.9	1718	11.6	1597	11.1	1470	11.0	1311	10.6										.164
		1050	1665	10.5	1531	10.0	1397	9.7	1242	9.4												.122
		860	1364	8.5	1201	8.1	1020	7.6														.067
PDU135G4	1/2	1725	2736	20	2654	19.2	2572	19.2	2491	19.0	2410	18.5	2328	18.4	2243	18.3	2052	18.1	1782	17.5		.540
		1550	2458	17.6	2367	17.1	2276	16.9	2186	16.5	2095	16.2	2000	16.1	1897	16.0	1614	15.0				.392
		1300	2062	14.0	1953	13.6	1845	13.1	1737	12.9	1619	12.7	1473	12.0								.231
		1050	1665	10.5	1531	10.0	1397	9.7	1242	9.4												.122
		860	1364	8.5	1201	8.1	1020	7.6														.067
PDU150F6	1/3	1160	2230	11.6	2073	10.9	1911	9.9	1748	10.0	1583	9.5	1353	8.9								.220
		860	1652	8.0	1439	8.4	1218	8.5	909	7.9												.090
PDU165G6	1/2	1160	3242	18.2	3087	18.5	2934	18.1	2781	17.0	2621	16.2	2439	16.1	2194	15.2	1692	15.9				.500
		1050	2935	15.9	2764	16.3	2595	16.0	2421	14.9	2227	13.7	1962	13.4	1680	13.8						.373
		860	2404	11.9	2196	12.4	1986	10.7	1725	10.6	1385	10.2										.205
PDU185G6	1/2	1160	4340	15.0	4193	15.0	4047	14.5	3900	14.0	3751	13.3	3602	12.6	3426	12.7						.600
PDU200J6	1	1160	5317	19.5	5155	18.2	4994	17.8	4830	17.8	4657	17.0	4483	17.0	4305	16.8	3898	16.1	3415	15.4		1.215

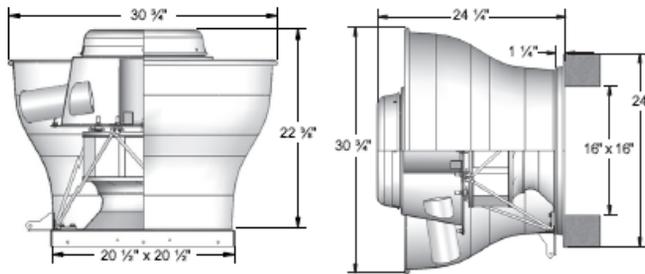
**Appendix E-7**  
**Exhaust Fan Manufacturer Documentation**  
**Pennbarry: Model FX16R**

**PENNBARRY™**

**Fumex | FX**

**FX16 - FX18 | DIRECT DRIVE**

**FX16**



(FX Units Only) Galv. Steel Base = 16 Gage
Aluminum Base = 0.064
Discharge Apron = 0.064
FX16Q Estimated Ship Weight = 71 lbs.

Model	Nominal			Tip Speed FPM	0.000" SP		0.125" SP		0.250" SP		0.375" SP		0.500" SP		0.625" SP		0.750" SP		1.000" SP		1.250" SP		1.500" SP	
	HP	Max Watts	RPM		CFM	Sones																		
FX16V	1/6	485	1050	3788	1604	7.9	1358	6.5	1128	5.5	951	5.8	801	6.3	705	6.9	644	7.7	522	9.2	384	9.3	230	9.7
FX16S	1/3	527	1300	4690	1874	10.7	1693	9.5	1514	8.6	1326	8.0	1158	7.6	1023	7.7	913	8.2	735	9.6	572	9.7	379	9.9
FX16R	1/3 <sup>(1)</sup>	590	1550	5592	2140	12.8	1994	11.9	1849	11.0	1709	10.2	1561	9.9	1410	9.6	1269	9.4	1033	9.7	812	11.1	583	10.8
FX16Q1	1/2	715	1650	5953	2531	15.2	2432	14.7	2332	14.2	2232	13.7	2114	13.1	1992	12.5	1868	11.9	1582	11.0	1320	11.5	1001	12.1
FX16Q2	3/4	890	1725	6223	2822	17.1	2753	16.8	2684	16.5	2594	16.1	2501	15.7	2418	15.4	2331	15.1	2119	14.2	1872	14.1	1566	14.2

(1) TE motor is 1/2 Hp. See additional notes at bottom of page.



**Appendix E-9**  
**Exhaust Fan Handler Manufacturer Documentation**  
**CaptiveAire: Model DU50HFA**

**DU50HFA Performance Table**

**DU50HFA**

CFM	Static Pressure in Inches W.G.						
	0.000	0.250	0.500	0.750	1.000	1.250	1.500
	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP
600	459 1.2 / 0.01	774 4.6 / 0.05	993 7.3 / 0.11	1172 10.0 / 0.18	1322 12.5 / 0.26	1456 15.0 / 0.35	1575 17.4 / 0.44
900	687 3.5 / 0.04	933 6.5 / 0.09	1118 9.1 / 0.16	1278 11.8 / 0.24	1422 14.4 / 0.33	1554 17.0 / 0.43	
1200	915 6.3 / 0.09	1117 9.1 / 0.16	1277 11.7 / 0.24	1418 14.3 / 0.32	1548 16.8 / 0.42		
1500	1143 9.5 / 0.17	1315 12.4 / 0.26	1455 15.0 / 0.35	1582 17.5 / 0.45			
1800	1372 13.4 / 0.29	1519 16.3 / 0.40	1645 18.9 / 0.50				
2100	1601 17.9 / 0.46						

**Max Sizeable RPM = 2000 RPM. Table shown extended beyond this point for reference only.**

Motor BMN48-37511-ES-M52-CA-50-115 has an rpm range of 300 to 1800.

Motor BMN48-37511-ES-M52-CA-60-115 has an rpm range of 300 to 1800.

Motor BMN48-37512-ES-M52-CA-50-230/277 has an rpm range of 300 to 1800.

Motor BMN48-37512-ES-M52-CA-60-230/277 has an rpm range of 300 to 1800.

Motor CK48BS20HF01-60 has an rpm range of 431 to 1725.

Motor CK48HF21HF01-50-115 has an rpm range of 1100 to 1425.

Motor CK48HF21HF01-50-230 has an rpm range of 1100 to 1425.

Motor CK48HF21HF01-60-115 has an rpm range of 1100 to 1670.

Motor CK48HF21HF01-60-230 has an rpm range of 1100 to 1670.

Motor CK48HF21HF02-50-115 has an rpm range of 1440 to 1625.

Motor CK48HF21HF02-50-230 has an rpm range of 1440 to 1625.

Motor CK48HF21HF02-60-115 has an rpm range of 1440 to 1625.

Motor CK48HF21HF02-60-230 has an rpm range of 1440 to 1625.

Performance shown is certified for Installation Type A: Free inlet, Free outlet. Performance ratings do not include the effects of appurtenances in the airstream. The sound ratings shown are loudness values in fan sones at 5 ft (1.5m) in a hemispherical free field calculated per AMCA Standard 301. Values shown are for Installation Type A: Free inlet hemispherical sone levels.

Catalog #110C

April 2022

**Appendix E-10**  
**Exhaust Fan Handler Manufacturer Documentation**  
**CaptiveAire: Model DU180HFA**

**DU180HFA Performance Table**

**DU180HFA**

CFM	Static Pressure in Inches W.G.													
	0.000	0.250	0.500	0.750	1.000	1.250	1.500	1.750	2.000	2.250	2.500	2.750	3.000	3.250
	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP	RPM Sone/BHP
1000			639 5.2 / 0.18	774 8.2 / 0.30	893 10.2 / 0.42	998 11.6 / 0.56	1094 13.0 / 0.71	1181 14.9 / 0.85	1263 16.4 / 1.01	1337 17.8 / 1.17	1408 19.2 / 1.34	1477 21 / 1.52	1541 22 / 1.70	1600 23 / 1.88
1500			694 6.5 / 0.26	806 8.7 / 0.39	909 10.5 / 0.54	1006 11.7 / 0.70	1096 13.0 / 0.87	1182 14.9 / 1.05	1263 16.4 / 1.24	1339 17.9 / 1.43	1411 19.3 / 1.63	1481 21 / 1.84	1546 22 / 2.05	1609 23 / 2.27
2000		683 7.3 / 0.25	784 9.2 / 0.38	876 10.2 / 0.53	964 11.4 / 0.69	1047 12.1 / 0.87	1127 13.8 / 1.06	1203 15.3 / 1.26	1278 16.7 / 1.47	1349 18.0 / 1.68	1417 19.4 / 1.91	1484 21 / 2.14	1548 22 / 2.38	1610 23 / 2.63
2500	700 8.7 / 0.25	803 10.7 / 0.40	891 11.7 / 0.55	970 12.7 / 0.72	1046 12.1 / 0.90	1118 13.6 / 1.09	1188 15.0 / 1.30	1255 16.3 / 1.51	1321 17.5 / 1.74	1385 18.7 / 1.97	1448 20 / 2.22	1509 21 / 2.47	1567 22 / 2.73	1625 23 / 2.99
3000	839 12.3 / 0.43	928 13.6 / 0.61	1006 13.9 / 0.79	1077 14.2 / 0.98	1144 15.8 / 1.18	1208 17.2 / 1.39	1270 17.8 / 1.61	1330 18.6 / 1.84	1388 19.4 / 2.08	1446 20 / 2.33	1502 21 / 2.59	1557 22 / 2.86		
3500	979 14.8 / 0.68	1057 15.8 / 0.89	1127 16.6 / 1.10	1191 18.4 / 1.31	1252 19.3 / 1.54	1309 20 / 1.77	1366 21 / 2.01	1420 21 / 2.26	1472 22 / 2.51	1524 23 / 2.78				
4000	1119 17.4 / 1.02	1188 19.3 / 1.25	1251 21 / 1.49	1310 22 / 1.73	1366 22 / 1.98	1419 23 / 2.24	1470 24 / 2.50	1520 24 / 2.77						
4500	1259 22 / 1.45	1321 23 / 1.71	1379 24 / 1.98	1433 25 / 2.25	1484 26 / 2.52	1533 26 / 2.80								
5000	1399 26 / 1.99	1455 27 / 2.28	1508 27 / 2.58	1558 28 / 2.88										
5500	1539 30 / 2.64	1590 30 / 2.97			1539 27 / 2.64									

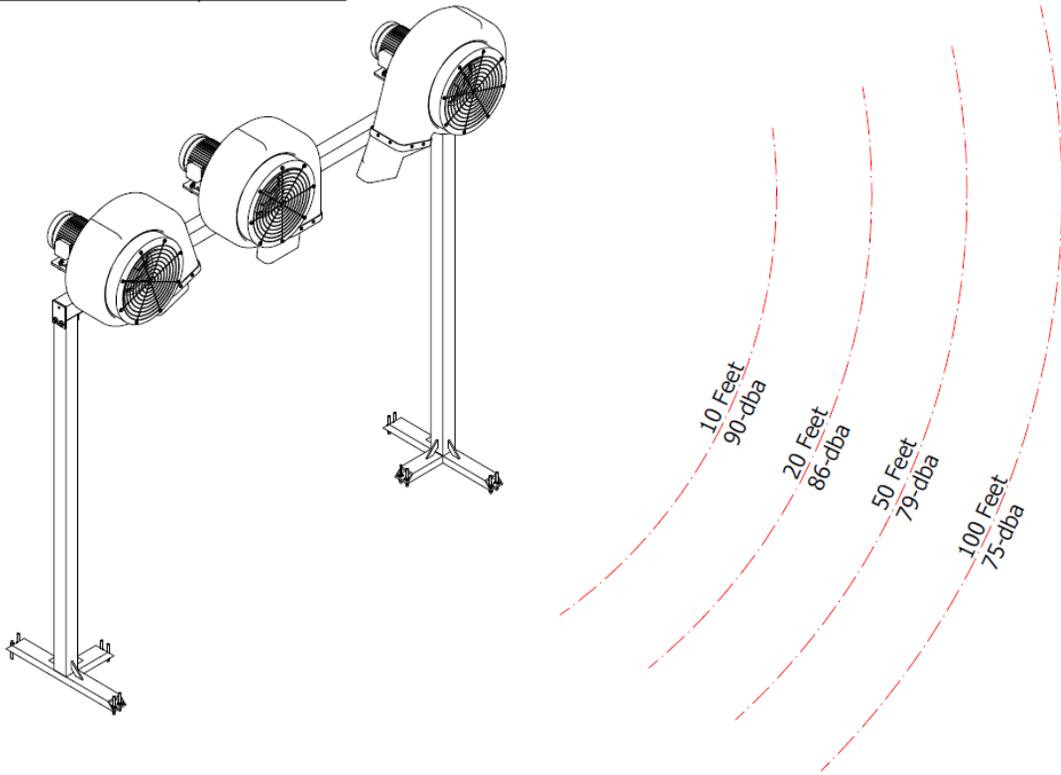
**Max Sizeable RPM = 1800 RPM. Table shown extended beyond this point for reference only.**

- Motor 00112ET3H145T-W22 has an rpm range of 600 to 1150.
- Motor 00112OT3H145T-S has an rpm range of 600 to 1150.
- Motor 00152ET3E182T-W22 has an rpm range of 600 to 1150.
- Motor 00152ET3H182T-W22 has an rpm range of 600 to 1150.
- Motor 00152OT3E182T-S has an rpm range of 600 to 1150.
- Motor 00158ET3H145T-W22 has an rpm range of 600 to 1750.
- Motor 00158XT3E145T has an rpm range of 600 to 1760.
- Motor 00212ET3E184T-W22 has an rpm range of 600 to 1150.
- Motor 00212ET3H184T-W22 has an rpm range of 600 to 1150.
- Motor 00218ET3H145T-W22 has an rpm range of 600 to 1750.
- Motor 00218OT3E56Z-S48PP has an rpm range of 600 to 1700.
- Motor 00318ET3H182T-W22 has an rpm range of 600 to 1750.
- Motor BMN145-2.0I2-CS-UB1-50 (1200RPM) has an rpm range of 600 to 1250.
- Motor BMN145-2.0I2-CS-UB1-60 (1200RPM) has an rpm range of 600 to 1250.
- Motor BMN145-2.0I2-ES-UB1-50 (1800RPM) has an rpm range of 600 to 1800.
- Motor BMN145-2.0I2-ES-UB1-60 (1800RPM) has an rpm range of 600 to 1800.
- Motor BMN145-2.0I3-CS-UB1-50 (1200RPM) has an rpm range of 600 to 1250.
- Motor BMN145-2.0I3-CS-UB1-60 (1200RPM) has an rpm range of 600 to 1250.
- Motor BMN145-2.0I3-ES-UB1-50 (1800RPM) has an rpm range of 600 to 1800.
- Motor BMN145-2.0I3-ES-UB1-60 (1800RPM) has an rpm range of 600 to 1800.
- Motor DHP0034 has an rpm range of 600 to 1750.
- Motor DTP0014 has an rpm range of 600 to 1750.
- Motor DTP0016 has an rpm range of 600 to 1150.
- Motor DTP0024 has an rpm range of 600 to 1740.
- Motor DTP0024-50HZ has an rpm range of 600 to 1415.
- Motor DTP0026 has an rpm range of 600 to 1150.
- Motor DTP0034 has an rpm range of 600 to 1755.
- Motor DTP0034-50HZ has an rpm range of 600 to 1438.
- Motor DTP1/54 has an rpm range of 600 to 1750.
- Motor DTP1/56 has an rpm range of 600 to 1150.
- Motor EP0026 has an rpm range of 600 to 1150.
- Motor GP0014 has an rpm range of 600 to 1800.
- Motor GP0016 has an rpm range of 600 to 1150.
- Motor GP0024 has an rpm range of 600 to 1740.
- Motor GP0024-50 has an rpm range of 600 to 1440.
- Motor GP0026 has an rpm range of 600 to 1150.
- Motor GP0034 has an rpm range of 600 to 1800.
- Motor GP0034-50 has an rpm range of 600 to 1440.
- Motor GP1/54 has an rpm range of 600 to 1800.
- Motor GP1/56 has an rpm range of 600 to 1150.

Performance shown is certified for Installation Type A: Free inlet, Free outlet. Performance ratings do not include the effects of appurtenances in the airstream. The sound ratings show loudness values in fan sones at 5 ft (1.5m) in a hemispherical free field calculated per AMCA Standard 301. Values shown are for Installation Type A: Free inlet hemispherical sone lev

**Appendix F**  
**Car Wash Drying Assembly Manufacturer Documentation**  
**Sonny's Enterprises: 45 HP Blower Assembly**

Environmental Noise with Dryer OFF: 70 dba



 THIRD ANGLE PROJECTION BREAK ALL SHARP CORNERS PART TO BE FREE OF BURRS UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS ARE IN INCHES	<b>MACHINING TOLERANCES</b> FRACTION: 1/16" XX DECIMAL = 0.030 XXX DECIMAL = 0.005 ANGULARITY = 2" FINISH 125	<b>DRAWN</b> LVerdecia <b>APPROVED</b> 8/1/2012	<b>8/26/2011</b> <b>8/1/2012</b>	<b>SONNY'S ENTERPRISES</b> THE CARWASH FACTORY	
	CATEGORY <b>BLOWER</b>	DESCRIPTION BLOWER ASSEMBLY, ONE ARCH 45HP	PART NUMBER <b>BL1-45HP-1</b>	SHEET <b>2 OF 2</b>	SIZE <b>A</b>

MATERIAL

**Appendix G**  
**Vacuum System Manufacturer Documentation**  
**Vacutech: Manufacturer Noise Level Measurements**



**February 10<sup>th</sup>, 2016**

**Re: Vacutech Sound Study Projections for Bella Terra Car Wash in Huntington Beach, CA**

**To: Chase Russell – Owner of Bella Terra Car Wash 16061 Beach Blvd. Huntington Beach, CA**

The chart below shows a cumulative average of that data taken from express car washes of this type and size. It is presented in an incremental form based on the worst case scenario of the vacuum hoses being off the hook, so to speak. Based on the collective average of the 45' reading to the 85' reading and is presented in the chart below:

<b>Vacutech Noise Study Projections</b>	
Average of all 19 hoses off and in use	
Average @ 45'	52.3 db
Average @ 55'	54.6 db
Average @ 65'	52.1 db
Average @ 75'	49.2 db
Average @ 85'	49.0 db

**SOUND LEVEL METER USED: SIMPSON MODEL #40003 – MSHA APPROVED. MEETS OSHA AND WALSH-HEALY REQUIREMENTS FOR NOISE CONTROL. CONFORMS TO ANSI S1.4 1983, IEC 651 SPECS FOR METER TYPE.**

**NOTE: Typical outside vacuum system with 1.5" x 15' vacuum nozzles (4" wide by 3/4" opening) in use with customer vacuuming.**

May 14, 2024

Mr. Jim Shehadey  
Visalia Parkway Partners, LLC  
405 N Palm Avenue  
Fresno, CA 93701

**RE: Health Risk Assessment / City of Visalia**

Dear Mr. Jim Shehadey:

JK Consulting Group prepared the following Health Risk Assessment for the proposed Sam's Club Gas Station (Project) in the City of Visalia. The Project includes the development of a gas station with approximately twelve (12) multi-pump dispensers/fuel canopy along with a kiosk and underground storage tanks. The Project site is located at the southwest corner of Visalia Parkway and Mooney Boulevard (State Route 63). The Project location and site plan are depicted in Figures 1, 2, and 3. Approximately 7.5 million gallons of gasoline and 1.2 million gallons of diesel fuel will be sold annually.

## **AIR QUALITY**

Air quality in a region is determined by the region's topography, meteorology, and existing air pollutant sources. These factors are discussed below, along with the current regulatory structure that applies to the San Joaquin Valley Air Basin (SJVAB), which encompasses the Project site, pursuant to the regulatory authority of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

### **Climate and Meteorology**

Air quality is affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric conditions, such as wind speed, wind direction and air temperature gradients, along with local and regional topography, mediate the relationship between air pollutant emissions and air quality. As noted above, the Project is located within the SJVAB, which includes Fresno, Kern (western portion), Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare counties.

The SJVAB is approximately 250 miles long and 35 miles in width and is bordered by the Coast Range Mountains on the west, the Sierra Nevada mountains on the east, and the Tehachapi Mountains to the south. Marine air, which often enters the Basin from the San Joaquin River Delta, causes the wind patterns found inside the SJVAB. The Tehachapi Mountains block airflow in from the south, the Coastal Range blocks wind entry into the Valley from the west, and the tall Sierra Nevada Mountain Range acts as a formidable barrier to the east. Weak airflow caused by these topographical factors is vertically constrained by high atmospheric pressure above the Valley. The SJVAB is hence extremely vulnerable to pollutant buildup over time. The majority of the mountains in the area are higher than summer inversion layers.

The SJVAB has a Mediterranean climate, which is characterized by infrequent rainfall and hot, dry summers. The SJVAB offers ideal ozone generation conditions given an average of 260 sunny days per year. Precipitation and fog in the Winter create optimal circumstances for particulate matter generation, even though they shield sunlight and reduce ozone levels.

### **Sources of Air Pollution**

Air pollutant emissions in the SJVAB are generally caused by man-made sources, which encompass stationary and mobile sources. Stationary sources include point sources which are generally identified by an exhaust vent or stack (i.e., boilers). Area sources, such as residential and commercial water heaters, lawn mowers, and agricultural fields, are also categorized as stationary sources. Emissions from motor vehicles are characterized as mobile sources and include on-road (i.e., automobiles, trucks) and off-road (i.e., aircrafts, ships, trains) sources. Air pollutants can also be generated by natural means, such as the suspending of fine dust particles via high winds.

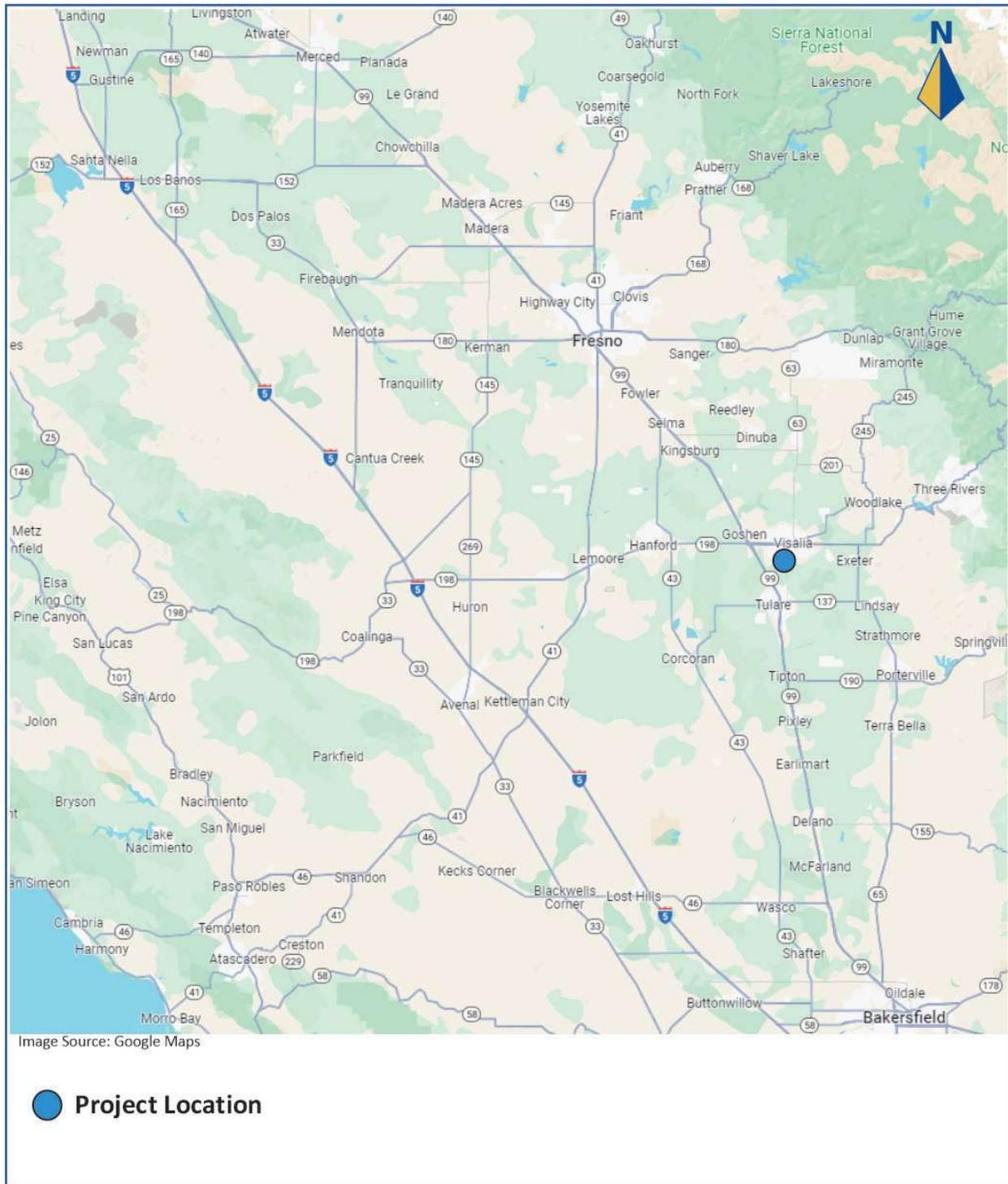
### **Toxic Air Contaminants**

Toxic Air Contaminants (TACs) refer to a broad category of air pollutants that could result in an increase in fatalities or serious illnesses, potential risk to human health, or any combination of these. TACs are both organic and inorganic chemical substances that can be released from a range of everyday sources, such as gasoline stations, automobiles, dry cleaners, industrial operations, painting operations, and research and educational facilities. TACs are considered either carcinogenic or noncarcinogenic based on the nature of the health effects associated with exposure to the pollutant. For regulatory purposes, carcinogenic TACs are assumed to have no safe threshold below which health impacts would not occur, and cancer risk is expressed as excess cancer cases per one million exposed individuals. Non-carcinogenic TACs differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur.

Most of the estimated health risk from TACs, according to the California Air Resources Board's (CARB) *California Almanac of Emissions and Air Quality* (2005), can be attributable to a small number of compounds. The most significant of which is PM from diesel-fueled engines, which is known as diesel particulate matter (DPM). Diesel exhaust has hundreds of different gaseous and particulate components, many of which are harmful, and has been classified as a human carcinogen. Diesel particles are so small that they penetrate deep into the lungs. According to studies, diesel PM concentrations are significantly greater near busy intersections and roads. The CARB's *Air Quality and Land Use Handbook* (2005) provides recommendations for siting new sensitive land uses within proximity to facilities known to generate TACs, as depicted in Table 1.

Acute diesel exhaust exposure may irritate the eyes, nose, throat, and lungs, as well as certain neurological consequences like lightheadedness. A cough or nausea may also be brought on by acute exposure, which can potentially make asthma worse. Experimental animal inhalation studies with chronic exposure have revealed a variety of dose-dependent lung cellular alterations, lung inflammation, and immunological consequences from diesel exhaust. There is substantial data, based on both human and laboratory studies, showing diesel exhaust is almost certainly carcinogenic. Studies on human epidemiology show a link between occupational exposure to diesel exhaust and a higher incidence of lung cancer.

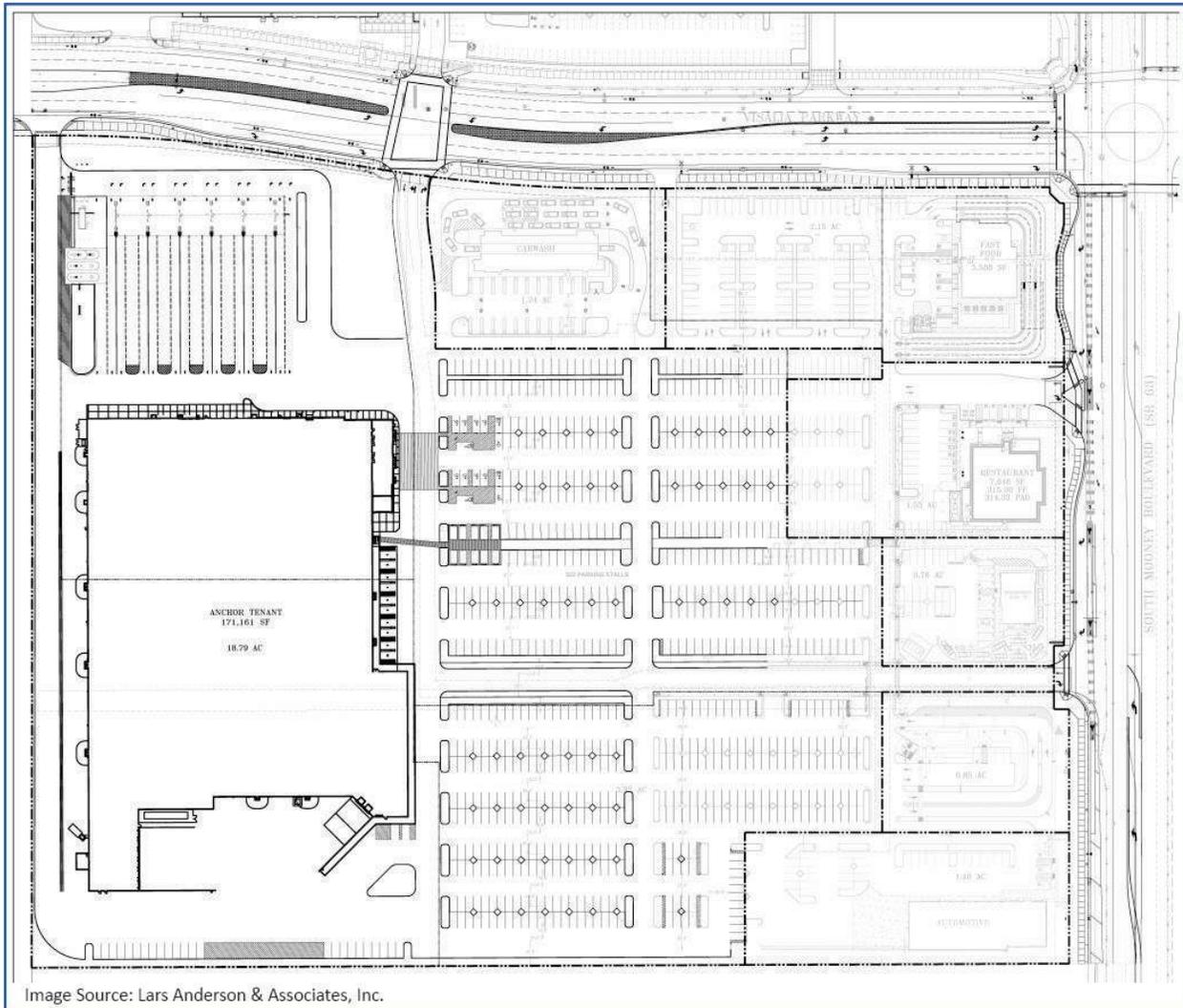




**FIGURE 1**  
**Regional Location**



**FIGURE 2**  
**Project Location**



**FIGURE 3**  
**Project Site Plan**

**TABLE 1**  
**RECOMMENDATIONS ON SITING NEW SENSITIVE LAND USES SUCH AS RESIDENCES, SCHOOLS, DAYCARE CENTERS, PLAYGROUNDS, OR MEDICAL FACILITIES\***

SOURCE CATEGORY	ADVISORY RECOMMENDATIONS
Freeways and High-Traffic Roads <sup>1</sup>	- Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.
Distribution Centers	- Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). - Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.
Rail Yards	- Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard. - Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.
Ports	- Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks.
Refineries	- Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.
Chrome Platers	- Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.
Dry Cleaners Using Perchloroethylene	- Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district. - Do not site new sensitive land uses in the same building with perchloroethylene dry cleaning operations.
Gasoline Dispensing Facilities	- Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

<sup>1</sup>: The recommendation to avoid siting new sensitive land uses within 500 feet of a freeway was identified in CARB's Air Quality and Land Use Handbook published in 2005. CARB recently published a technical advisory to the Air Quality and Land Use Handbook indicating that new research has demonstrated promising strategies to reduce pollution exposure along transportation corridors.

**\*Notes:**

- These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.
- Recommendations are based primarily on data showing that the air pollution exposures addressed here (i.e., localized) can be reduced as much as 80% with the recommended separation.
- The relative risk for these categories varies greatly (see Table 1-2). To determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in.
- These recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists. The recommended distances take into account other factors in addition to available health risk data (see individual category descriptions).
- Site-specific project design improvements may help reduce air pollution exposures and should also be considered when siting new sensitive land uses.
- This table does not imply that mixed residential and commercial development in general is incompatible. Rather it focuses on known problems like dry cleaners using perchloroethylene that can be addressed with reasonable preventative actions.
- A summary of the basis for the distance recommendations can be found in the ARB Handbook: Air Quality and Land Use Handbook: A Community Health Perspective.

Source: SJVAPCD 2024

## REGULATORY SETTING

### Federal

The US Environmental Protection Agency (EPA) is the federal agency with significant influence on air quality policy and initiatives. The EPA regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain locomotives. As part of its enforcement responsibilities, the EPA requires each state with nonattainment areas to prepare and submit a State Implementation Plan (SIP) describing a strategy for the means to attain the federal standards for ozone and particulate matter. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution, using a combination of performance standards and market-based programs.

#### Clean Air Act

The Federal Clean Air Act, as amended, establishes the National Ambient Air Quality Standards (NAAQS) for several pollutants. These standards are divided into primary standards and secondary standards. Primary standards are designed to protect public health, and secondary standards are intended to protect public welfare from effects such as visibility reduction, soiling, nuisance, and other forms of damage. The Clean Air Act requires that regional plans be prepared for nonattainment areas that illustrate how the federal air quality standards could be met.

Regulation of TACs is achieved through federal and state controls on individual sources. The 1990 Clean Air Act Amendments offered a comprehensive plan for achieving significant reduction in both mobile and stationary source emissions of certain designated hazardous air pollutants, with a goal of achieving the EPA's one in 1 million cancer risk from TACs.

#### 1990 Amendments to the Federal Clean Air Act

The 1990 amendments to the federal Clean Air Act included a provision to address air toxics. Under Title III of the federal Clean Air Act, the U.S. EPA establishes and enforces National Emission Standards for Hazardous Air Pollutants, which are national uniform standards oriented toward controlling particular hazardous air pollutants. Section 112(b) of the federal Clean Air Act identifies 189 "Air Toxics" (hazardous air pollutants), directs U.S. EPA to identify sources of the 189 pollutants, and establishes a 10-year time period for the U.S. EPA to issue technology-based emissions standards for each source category. Title III of the federal Clean Air Act provides for a second phase under which the U.S. EPA is to assess residual risk after the implementation of the first phase of standards and impose new standards, when appropriate, to protect public health.

### State

The State of California Air Resources Board (CARB) sets the laws and regulations for air quality on the state level. In this capacity, CARB conducts research and sets the California Ambient Air Quality Standards (CAAQS), compiles emission inventories, develops suggested control measures, and provides oversight of



local programs. CARB also establishes emissions standards for motor vehicles sold in California, consumer products (i.e., hairspray, aerosol paints), and various types of commercial equipment.

### California Clean Air Act

The California Clean Air Act (CCAA) was enacted in 1988 (California Health & Safety Code Section 39000 et seq.) and amended in 1992. The CAAQS are generally more stringent than the corresponding federal standards and incorporate additional standards for sulfates, hydrogen sulfide, vinyl chloride and visibility reducing particles. Air basins or areas that exceed the CAAQS are designated non-attainment until compliance is disclosed in an attainment plan. In California, CARB is responsible for meeting the State requirements of the federal CAA, administering the California CAA, and establishing the California ambient air quality standards (CAAQS). The California CAA, as amended in 1992, requires all air districts in the State to endeavor to achieve and maintain the CAAQS. CARB oversees the functions of local air pollution control districts and air quality management districts, which in turn administer air quality activities at the regional and county level.

### **Regional**

The SJVAPCD is the agency responsible for monitoring and regulating air pollutant emissions from stationary, area, and indirect sources within Tulare County and throughout the SJVAB. The SJVAPCD also has responsibility for monitoring air quality and setting and enforcing limits for source emissions. CARB is the agency with the legal responsibility for regulating mobile source emissions. The SJVAPCD is precluded from such activities under State law.

### District Regulation VIII (Fugitive PM<sub>10</sub> Prohibition)

The purpose of Regulation VIII (Reg. VIII) is to reduce ambient concentrations of fine particulate matter (PM<sub>10</sub>) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Reg. VIII requires property owners, contractors, developers, equipment operators, farmers and public agencies to control fugitive dust emissions from specified outdoor fugitive dust sources. It specifies the following measures to control fugitive dust:

- Apply water to unpaved surfaces and area
- Use non-toxic chemical or organic dust suppressants on unpaved roads and traffic areas
- Limit or reduce vehicle speed on unpaved roads and traffic areas
- Maintain areas in a stabilized condition by restricting vehicle access
- Install wind barriers
- During high winds, cease outdoor activities that disturb the soil.
- Keep bulk materials sufficiently wet when handling
- Store and handle materials in a three-sided structure
- When storing bulk materials, apply water to the surface or cover the storage pile with a tarp
- Don't overload haul trucks. Overloaded trucks are likely to spill bulk materials

- Cover haul trucks with a tarp or other suitable cover. Or, wet the top of the load enough to limit visible dust emissions
- Clean the interior of cargo compartments on emptied haul trucks prior to leaving a site
- Prevent trackout by installing a trackout control device
- Clean up trackout at least once a day. If along a busy road or highway, clean up trackout immediately
- Monitor dust-generating activities and implement appropriate measures for maximum dust control

Regulation of TACs is achieved through federal and state controls on individual sources. The 1990 Clean Air Act Amendments offered a comprehensive plan for achieving significant reduction in both mobile and stationary source emissions of certain designated hazardous air pollutants, with a goal of achieving the EPA's one in 1 million cancer risk from TACs.

## Local

### City of Visalia General Plan

The Air Quality & Greenhouse Gases section of the City of Visalia's General Plan provides air quality policies and programs to achieve desired improvements to air quality. Listed below are objectives and policies from the City of Visalia General Plan Air Quality & Greenhouse Gases section that would be applicable to the Project:

- **Objective AQ-O-1** - Coordinate air quality planning efforts with other local, regional and State agencies.
- **Objective AQ-O-2** - Strive to improve air quality by implementing emissions reduction efforts targeting mobile sources, stationary sources and construction-related sources.
- **Policy AQ-P-2** - Require use of Best Management Practices (BMPs) to reduce particulate emission as a condition of approval for all subdivisions, development plans and grading permits, in conformance with the San Joaquin Valley Air Pollution Control District Fugitive Dust Rule.
- **Policy AQ-P-9** - Continue to mitigate short-term construction impacts and long-term stationary source impacts on air quality on a case-by-case basis and continue to assess air quality impacts through environmental review. Require developers to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with the construction and operation of development projects.

## PROJECT RELATED AIR QUALITY IMPACTS

The California Environmental Quality Act (CEQA) Guidelines, Appendix G, are used to assess the potential significance of Project impacts pursuant to local General Plan policies, Municipal Code standards, or applicable standards of other agencies. Under CEQA, TAC's associated with the Project would be considered significant **if the Project exposed sensitive receptors to substantial pollutant concentrations.**

### Toxic Air Contaminants (TAC)

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The SJVAPCD's *Guidance for Assessing and Mitigating Air Quality Impacts* identifies the need for projects to analyze the potential for adverse air quality impacts to sensitive receptors. From a health risk perspective, the Project is a Type A project in that it may potentially place toxic sources in the vicinity of existing sensitive receptors. The Project is located adjacent to the Westlake Village Community, the Oak Tree Estates, and the Visalia Estates. The SJVAPCD's current thresholds of significance for TAC emissions from the operations of both permitted and non-permitted sources are presented below:

- Carcinogens: Maximally Exposed Individual risk equals or exceeds 10 in one million
- Chronic: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual
- Acute: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual

The characteristics of the proposed Project are consistent with the 'Gasoline Dispensing Facilities' TAC source categories presented in Table 1. The nearest sensitive receptor (residence) is located within 92 feet (28 meters) of the underground gasoline storage tanks. Table 1 indicates that a 50-foot separation is recommended for typical gas dispensing facilities and that siting 'new' sensitive land uses within 300 feet of a large gas station (facility with a throughput of 3.6 million gallons per year or greater) should be avoided. While the Project is anticipated to sell 7.5 million gallons of gasoline and 1.2 million gallons of diesel fuel annually, the recommendation related to 300 feet is related to siting new sensitive receptors adjacent to existing gasoline dispensing facilities. The fuel dispensing area is located approximately 200 feet (60 meters) from the nearest sensitive receptor (residence). Figure 4 depicts the sensitive receptor setback from the Project underground storage tanks and dispensing facilities.

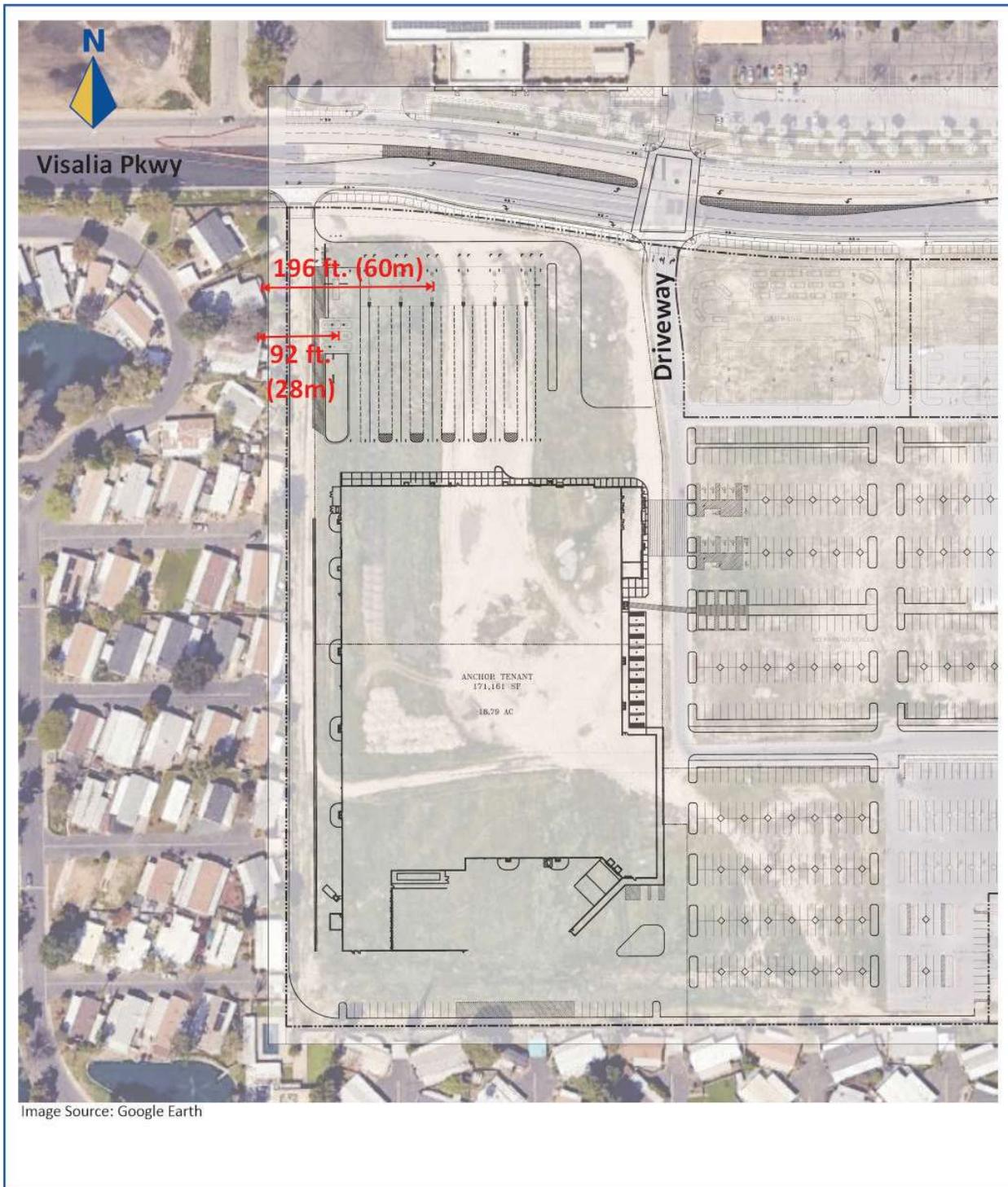
VOC emissions from the operation of the gasoline service station in addition to diesel emissions from truck traffic and idling have the potential to emit TAC's and impact sensitive receptors adjacent to the Project site. The Project will generate a maximum of three (3) daily truck trips, or approximately 20 truck deliveries per week for the purpose of refilling the underground storage tanks. Exposure to various TAC's primarily occurs through inhalation. Cancer and non-cancer health risks are related to the exposure concentration of TACs that will be generated on the Project site. The ambient concentration of TACs at the Project site is influenced by factors such as the emission rate, the distance from the emission source, the local wind speed and direction, the local topography, the land use, etc.

Vehicle DPM emissions were estimated using emission factors for particulate matter less than 10µm in diameter (PM10) generated with the 2017 version of the Emission Factor model (EMFAC) developed by the ARB. EMFAC 2017 is a mathematical model that was developed to calculate emission rates from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the ARB to project changes in future emissions from on-road mobile sources. It incorporates regional motor vehicle data, information and estimates regarding the distribution of vehicle miles traveled (VMT) by speed, and number of starts per day.

For this Project, annual average PM10 emission factors were generated by running EMFAC 2017 for vehicles in Tulare County. The EMFAC model generates emission factors in terms of grams of pollutant emitted per vehicle activity and can calculate a matrix of emission factors at specific values of temperature, relative humidity, and vehicle speed. The model was run for speeds traveled in the vicinity of the Project. To conservatively estimate air quality emissions associated with the Project, it was assumed that trucks idled for no more than five (5) minutes while onsite. In addition, it was assumed that trucks traveled at 10 miles per hour while performing onsite driving and maneuvering. Emissions estimates for diesel operated vehicles and other supporting documentation are provided in the appendices.

The emission rates provided in the California Air Resources Board and California Air Pollution Control Officers Association's Gasoline Service Station Industrywide Risk Assessment Technical Guide (February 18, 2022) were also used to estimate Project emissions associated with the operation of the gasoline service station. Evaporation losses due to vehicle refueling operations, underground tank breathing and emptying, and other processes were estimated for purposes of determining the Project's impact to nearby sensitive receptors. In addition, AB2588 methodology and the SJVAPCD's emission factor(s) were used for diesel storage tank emission estimates.

The SJVAPCD Prioritization Calculator was used to determine the "Total Max Score" of Project specific toxic emissions as discussed above. Projects with a Prioritization score of 10 or higher require a Health Risk Assessment with dispersion modeling. Toxic emissions associated with the Project were used as inputs to the Prioritization Calculator which generated the prioritization score for the Project as shown in Table 2. Results indicate that toxic emissions associated with the Project will generate a max score of 8.62 for sensitive receptors within 0 to 100 meters (328 feet) of the Project. Project emissions associated with the Project will not trigger dispersion modeling since the Total Max Score is less than 10. As a result, dispersion modeling is not required for the Project considering the SJVAPCD's methodology/threshold. TAC emissions generated during Project operations would not expose sensitive receptors to substantial pollutant concentrations. Therefore, mitigation is not warranted since there is a ***less than significant impact*** from Project operational emissions.



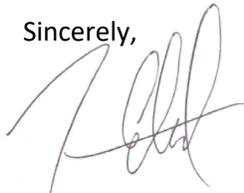
**FIGURE 4**  
**Sensitive Receptor Setback**

**TABLE 2**  
**TOTAL MAX SCORE FOR PROJECT EMISSIONS**

Receptor Proximity and Proximity Factors		Diesel Storage Tank Fugitives	Gasoline Storage Tank Fugitives	Gasoline Dispensing Operations	Onsite Truck Idling/Mobile Sources	Total Max Score
		Max Score	Max Score	Max Score	Max Score	
0< R<100	1.000	0.00707	0.28136	8.32245	0.00716	8.61804
100≤R<250	0.250	0.00177	0.07034	2.08061	0.00179	2.15451
250≤R<500	0.040	0.00028	0.01125	0.33290	0.00029	0.34472
500≤R<1000	0.011	0.00008	0.00309	0.09155	0.00008	0.09480
1000≤R<1500	0.003	0.00002	0.00084	0.02497	0.00002	0.02585
1500≤R<2000	0.002	0.00001	0.00056	0.01664	0.00001	0.01724
2000<R	0.001	0.00001	0.00028	0.00832	0.00001	0.00862

Should you have any further questions or comments, please contact me by phone at (559) 246-4204 or by email at [jellard@jkconsultinggroupllc.com](mailto:jellard@jkconsultinggroupllc.com).

Sincerely,



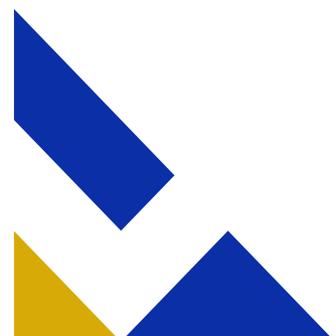
Jason Ellard, Principal  
 JK Consulting Group

Attachment



# APPENDIX A

## EMISSIONS ESTIMATES FOR DIESEL OPERATED VEHICLES



Onsite On-Road Mobile Sources

Pollutant	Vehicle Type	EMFAC Vehicle Class	Maximum Daily Trips (trips/day)	Total Annual Round-Trips (trips/yr)	Round-Trip Distance (miles)	Emission Factors (gms/mile)	Emission Factors (lbs/MMT)	Annual Emissions (lbs/mile/yr)	Maximum Daily Emission Estimate (lbs/day)	Annual Average Emission Estimate (tons/yr)
ROG Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	0.066	1.462E-04	0.2	0.000110	0.000010
	Total ROG Emissions						0.000110	0.000110	0.2	0.000110
TOG Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	0.075	1.664E-04	0.2	0.000125	0.000011
	Total TOG Emissions						0.000125	0.000125	0.2	0.000125
SO <sub>x</sub> Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	0.028	6.216E-05	0.1	0.000047	0.000004
	Total SO <sub>x</sub> Emissions						0.000047	0.000047	0.1	0.000047
CO Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	1.109	2.445E-03	2.7	0.001834	0.000167
	Total CO Emissions						0.001834	0.001834	2.7	0.001834
NO <sub>x</sub> Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	7.608	1.677E-02	18.4	0.012580	0.001148
	Total NO <sub>x</sub> Emissions						0.012580	0.012580	18.4	0.012580
CO <sub>2</sub> Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	2984.576	6.580E+00	7,205.0	4.934898	0.450309
	Total CO <sub>2</sub> Emissions						4.934898	4.934898	7,205.0	4.934898
PM <sub>10</sub> Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	0.007	1.525E-05	0.0	0.000011	0.000001
	Total PM <sub>10</sub> Emissions						0.000011	0.000011	0.0	0.000011
PM <sub>2.5</sub> Exhaust	Product Trucks - Outside Sales	T7	3	1095	0.25	0.007	1.459E-05	0.0	0.000011	0.000001
	Total PM <sub>2.5</sub> Emissions						0.000011	0.000011	0.0	0.000011

lbs/year	lbs/hr
0.020011	1.1E-05
0.020011	1.1E-05
0.022781	1.25E-05
0.008509	1.25E-05
0.008509	4.66E-06
0.008509	4.66E-06
0.334658	0.000183
0.334658	0.000183
2.295902	0.001258
900.6189	0.49349
0.002087	1.14E-06
0.001997	1.14E-06
0.001997	1.09E-06

References:  
 (1) Emission Factors source: EMFAC2017 for Tulare County Year 2023, for speed distribution of 10 mph  
 Assumptions:  
 Maximum 3 Daily Truck Trips

Onsite Idling Sources

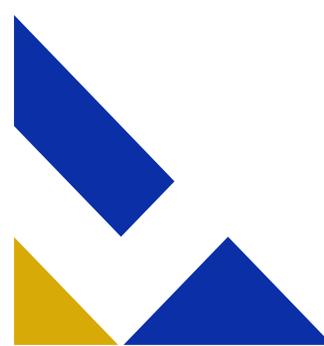
Pollutant	Vehicle Type	EMFAC Vehicle Class	Maximum Daily Trips (trips/day)	Total Annual Round-Trips (trips/yr)	Idle Time per Trip (1) (hrs/trip)	Idle Emission Factors (2) (g/hr-veh)	Idle Emission Factors (lbs/hr-veh)	Maximum Daily Emission Estimate (lbs/day)	Annual Average Emission Estimate (tons/yr)
ROG	Product Trucks - Outside Sales	T7	3	1095	0.09	2.186	4.82E-03	0.001301	0.000119
	Total ROG Emissions							0.001301	0.000119
TOG	Product Trucks - Outside Sales	T7	3	1095	0.09	2.489	5.49E-03	0.001481	0.000135
	Total TOG Emissions							0.001481	0.000135
CO	Product Trucks - Outside Sales	T7	3	1095	0.09	32.301	7.12E-02	0.019227	0.001754
	Total CO Emissions							0.019227	0.001754
NOx	Product Trucks - Outside Sales	T7	3	1095	0.09	25.833	5.70E-02	0.015377	0.001403
	Total NOx Emissions							0.015377	0.001403
CO <sub>2</sub>	Product Trucks - Outside Sales	T7	3	1095	0.09	5648.173	1.25E+01	3.362065	0.306788
	Total CO <sub>2</sub> Emissions							3.362065	0.306788
SO <sub>x</sub>	Product Trucks - Outside Sales	T7	3	1095	0.09	0.053	1.18E-04	0.000032	0.000003
	Total SO <sub>x</sub> Emissions							0.000032	0.000003
PM <sub>10</sub>	Product Trucks - Outside Sales	T7	3	1095	0.09	0.009	2.05E-05	0.000006	0.000001
	Total PM <sub>10</sub> Emissions							0.000006	0.000001
PM <sub>2.5</sub>	Product Trucks - Outside Sales	T7	3	1095	0.09	0.009	1.96E-05	0.000005	0.000000
	Total PM <sub>2.5</sub> Emissions							0.000005	0.000000

lbs/year	lbs/hr
0.237483	5.42198E-05
0.237483	5.42198E-05
0.270356	6.17251E-05
0.270356	6.17251E-05
3.508999	0.000801141
3.508999	0.000801141
2.806316	0.000640711
2.806316	0.000640711
613.5768	0.140086024
613.5768	0.140086024
0.005797	1.32346E-06
0.005797	1.32346E-06
0.001011	2.3075E-07
0.001011	2.3075E-07
0.000967	2.20768E-07
0.000967	2.20768E-07

References:  
 (1) Assumes 5 minute idle time  
 (2) Emission Factors source: EMFAC2017 for Tulare County Year 2023.  
 Assumptions:  
 Maximum 3 Daily Truck Trips

# APPENDIX B

## SAM'S CLUB SERVICE STATION EMISSIONS ESTIMATES



8,800 Gallon Tank Trucks (Typical Size) - Gasoline

52,000 Gallon Storage Tank - Gasoline  
 625,000 Gallons Sold Per Month  
 7,500,000 Gallons Sold Per Year

8,800 Gallons/Hr MAX\* (Phase I Loading Operation)  
 2,680 Gallons/Hr MAX\* (Phase II Dispensing Operations)

	Emission Rate lb/1,000 Gal	Resulting lbs/year	Resulting lbs / hr
<b>Filling Underground Tank</b>			
Submerged Filling/Loading	0.150	1,125	1.3200
<b>Underground Tank Breathing and Emptying</b>	0.024	180	0.0643
<b>Vehicle Refueling Operations</b>			
Displacement Losses (Controlled)/Refueling	0.356	2,670	0.9541
Spillage	0.240	1,800	0.6432
Hose Permeation	0.009	68	0.0241

7,500,000 Gallons Sold Per Year

\* Gasoline Service Station Industrywide Risk Assessment Technical Guidance - Mega Blitz Data

Gasoline Dispensing Operations			
		LB/HR	LB/YR
Benzene	71432	0.015344049	31.20251
Ethyl Benzene	100414	0.010825155	27.54601
Hexane	110543	0.05496102	107.0626
Naphthalene	91203	0.001129681	3.149991
Propylene (propene)	115071	8.5693E-05	0.147501
Toluene	108883	0.06243591	146.2173
Xylenes	1330207	0.052049505	135.1559

Storage Tank Gasoline Fugitives			
		LB/HR	LB/YR
Benzene	71432	0.0004501	1.26
Toluene	108883	0.000643	1.8
Xylenes	1330207	0.000643	1.8

Bakersfield Sam's Club Hours

6am - 9pm	M-Sa	15 hrs
9am - 7pm	Sun	10 hrs

14.3 hrs/day X 365 = 5,220 hrs/yr

8,800 Gallon Tank Trucks (Typical Size) - Diesel

8,000 Gallon Storage Tank - Diesel

3,300 Gallons Sold Per Day

100,000 Gallons Sold Per Month

1,200,000 Gallons Sold Per Year

	Emission Rate lb/1,000 Gal	lbs/hr	lbs/day	lbs / yr
Hourly	0.030	0.004		
Daily	0.030		0.099	
Annual	0.030			36.000

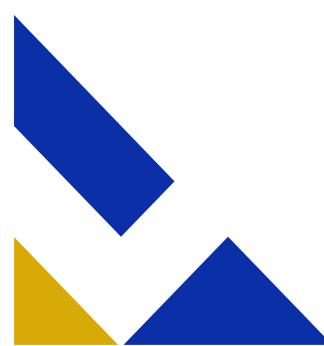
1,200,000 Gallons Sold

Storage Tank Diesel Fugitives

		LB/HR	LB/YR
Benzene	71432	3.52E-06	0.03168
Toluene	108883	1.93E-05	0.17352
Xylenes	1330207	1.68E-05	0.1512

# APPENDIX C

## SJVAPCD EMISSION FACTOR/CALCULATION WORKSHEETS



<b>Name</b>	<b>Storage Tank Diesel Fugitives</b>							
<b>Applicability</b>	Use this spreadsheet for VOC fugitive emission from Diesel Storage Tanks. Entries required in yellow areas, output in grey areas.							
<i>Author or updater</i>	Matthew Cegielski	<i>Last Update</i>	February 23, 2022					
<b>Facility:</b>	Sam's Club City of Visalia							
<b>ID#:</b>								
<b>Project #:</b>								
<b>Inputs</b>	lb /hr	lb /yr	<b>Formula</b>					
VOC Rate	4.00E-03	36	Emissions are calculated by the multiplication of VOC Rates and Emission Factors.					
<b>Substances</b>	<b>CAS#</b>	<b>lbs/ lb VOC</b>	<b>LB/HR</b>	<b>LB/YR</b>				
<b>Benzene</b>	<b>71432</b>	8.80E-04	3.52E-06	3.17E-02				
<b>Toluene</b>	<b>108883</b>	4.82E-03	1.93E-05	1.74E-01				
<b>Xylenes</b>	<b>1330207</b>	4.20E-03	1.68E-05	1.51E-01				
<b>References:</b>								
* The emission factors are from the 1993 District memo "Diesel Storage Weight Fractions", test data from source tests of 75 crude oil storage tanks in the southern region.								

<b>Name</b>	<b>Storage Tank Gasoline Fugitives</b>							
<b>Applicability</b>	Use this spreadsheet for VOC fugitive emission from Gasoline Storage Tanks. Entries required in yellow areas, output in grey areas.							
<i>Author or updater</i>	Matthew Cegielski	<i>Last Update</i>	March 11, 2016					
<b>Facility:</b>	Sam's Club City of Visalia							
<b>ID#:</b>								
<b>Project #:</b>								
<b>Inputs</b>	lb /hr	lb /yr	<b>Formula</b>					
VOC Rate	6.43E-02	180	Emissions are calculated by the multiplication of VOC Rates and Emission Factors.					
<b>Substances</b>	<b>CAS#</b>	<b>lbs/ lb VOC</b>	<b>LB/HR</b>	<b>LB/YR</b>				
<b>Benzene</b>	<b>71432</b>	7.00E-03	4.50E-04	1.26E+00				
<b>Toluene</b>	<b>108883</b>	1.00E-02	6.43E-04	1.80E+00				
<b>Xylenes</b>	<b>1330207</b>	1.00E-02	6.43E-04	1.80E+00				
<b>References:</b>								
* The emission factors are from the 1995 District memo "Toxic Emissions Inventory Plan Regarding Diesel and Gasoline Storage Weight Fractions"								

<b>Gasoline Dispensing Operations VOC from Vapor Tank Filling Loss</b>				
<b>Name</b>				
<b>Applicability</b>	Use this spreadsheet for vapor VOC emissions from Vapor Tank Filling Loss. Entries required in yellow areas, output in gray areas.			
<i>Author or updater</i>	Matthew Cegielski	<i>Last Update</i>	April 28, 2022	
<b>Facility:</b>	Sam's Club City of Visalia			
<b>ID#:</b>				
<b>Project #:</b>				
<b>Inputs</b>	lb /hr	lb /yr	<b>Formula</b>	
VOC Rate	1.32E+00	1.13E+03	Emissions are calculated by the multiplication of VOC Rates and Emission Factors.	
<b>Substances</b>	<b>CAS#</b>	<b>lbs/ lb VOC</b>	<b>LB/HR</b>	<b>LB/YR</b>
<b>Benzene</b>	<b>71432</b>	4.57E-03	6.03E-03	5.14E+00
<b>Ethyl Benzene</b>	<b>100414</b>	1.07E-03	1.41E-03	1.20E+00
<b>Hexane</b>	<b>110543</b>	1.82E-02	2.40E-02	2.05E+01
<b>Naphthalene</b>	<b>91203</b>	4.45E-06	5.87E-06	5.01E-03
<b>Propylene (propene)</b>	<b>115071</b>	3.59E-05	4.74E-05	4.04E-02
<b>Toluene</b>	<b>108883</b>	1.11E-02	1.47E-02	1.25E+01
<b>Xylenes</b>	<b>1330207</b>	4.09E-03	5.40E-03	4.60E+00
<b>References:</b>				
*These emission factors are from table 11, "Content of Gasoline for Substances with OEHHA Chronic Health Factor (Combined Winter/Summer) in CARB's 2022 Gasoline Service Station Industrywide Risk Assessment Technical Guidance.				



<b>Gasoline Dispensing Operations VOC from Vapor Vehicle Refueling</b>				
<b>Name</b>				
<b>Applicability</b>	Use this spreadsheet for vapor VOC emissions from Vapor Vehicle Refueling. Entries required in yellow areas, output in gray areas.			
<i>Author or updater</i>	Matthew Cegielski	<i>Last Update</i>	April 28, 2022	
<b>Facility:</b>	Sam's Club City of Visalia			
<b>ID#:</b>				
<b>Project #:</b>				
<b>Inputs</b>	lb /hr	lb /yr	<b>Formula</b>	
VOC Rate	9.54E-01	2.67E+03	Emissions are calculated by the multiplication of VOC Rates and Emission Factors.	
<b>Substances</b>	<b>CAS#</b>	<b>lbs/ lb VOC</b>	<b>LB/HR</b>	<b>LB/YR</b>
<b>Benzene</b>	<b>71432</b>	4.57E-03	4.36E-03	1.22E+01
<b>Ethyl Benzene</b>	<b>100414</b>	1.07E-03	1.02E-03	2.86E+00
<b>Hexane</b>	<b>110543</b>	1.82E-02	1.74E-02	4.86E+01
<b>Naphthalene</b>	<b>91203</b>	4.45E-06	4.25E-06	1.19E-02
<b>Propylene (propene)</b>	<b>115071</b>	3.59E-05	3.43E-05	9.60E-02
<b>Toluene</b>	<b>108883</b>	1.11E-02	1.06E-02	2.96E+01
<b>Xylenes</b>	<b>1330207</b>	4.09E-03	3.90E-03	1.09E+01
<b>References:</b>				
*These emission factors are from table 11, "Content of Gasoline for Substances with OEHHA Chronic Health Factor (Combined Winter/Summer) in CARB's 2022 Gasoline Service Station Industrywide Risk Assessment Technical Guidance.				

<b>Gasoline Dispensing Operations VOC from Vapor Breathing Loss</b>				
<b>Name</b>				
<b>Applicability</b>	Use this spreadsheet for vapor VOC emissions from Vapor Breathing Loss. Entries required in yellow areas, output in gray areas.			
<i>Author or updater</i>	Matthew Cegielski	<i>Last Update</i>	April 28, 2022	
<b>Facility:</b>	Sam's Club City of Visalia			
<b>ID#:</b>				
<b>Project #:</b>				
<b>Inputs</b>	lb /hr	lb /yr	<b>Formula</b>	
VOC Rate	6.43E-02	1.80E+02	Emissions are calculated by the multiplication of VOC Rates and Emission Factors.	
<b>Substances</b>	<b>CAS#</b>	<b>lbs/ lb VOC</b>	<b>LB/HR</b>	<b>LB/YR</b>
<b>Benzene</b>	<b>71432</b>	4.57E-03	2.94E-04	8.23E-01
<b>Ethyl Benzene</b>	<b>100414</b>	1.07E-03	6.88E-05	1.93E-01
<b>Hexane</b>	<b>110543</b>	1.82E-02	1.17E-03	3.28E+00
<b>Naphthalene</b>	<b>91203</b>	4.45E-06	2.86E-07	8.01E-04
<b>Propylene (propene)</b>	<b>115071</b>	3.59E-05	2.31E-06	6.47E-03
<b>Toluene</b>	<b>108883</b>	1.11E-02	7.14E-04	2.00E+00
<b>Xylenes</b>	<b>1330207</b>	4.09E-03	2.63E-04	7.36E-01
<b>References:</b>				
*These emission factors are from table 11, "Content of Gasoline for Substances with OEHHA Chronic Health Factor (Combined Winter/Summer) in CARB's 2022 Gasoline Service Station Industrywide Risk Assessment Technical Guidance.				

## RESUME

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**Jason Ellard**  
Owner/Principal

Jason Ellard is an engineering professional who is devoted to the success of clients and their objectives. Since receiving his BS Degree in Civil Engineering from Fresno State University, he has worked in the environmental planning and traffic engineering/planning industry for 20+ years and uses that invaluable experience to prepare air quality and greenhouse gas, energy, health risk, and noise impact assessments to the satisfaction of CEQA and NEPA requirements. At a previous firm, Jason completed numerous (300+) environmental assessments, including traffic, throughout the San Joaquin Valley in addition to the successful creation of traffic signal and signal interconnect design drawings. Jason has completed impact assessments in Fresno, Kern, Kings, Madera, Merced, Riverside, Stanislaus, San Joaquin, Sacramento, Tulare, and other Counties.

### PROFESSIONAL QUALIFICATIONS

#### Education

- California State University, Fresno 2000-2005, Bachelor of Science in Engineering (Civil Engineering)

#### Years of Experience

- Twenty (20) Years; Seventeen (17) Years with VRPA Technologies, Inc. in Fresno, CA

#### Computer Program Proficiency

- **Environmental Planning:** CalEEMod, HARP, Aermoview, TNM2.5
- **Traffic Operations:** Synchro, HCS, LOSPLAN
- **Travel Demand Forecasting:** Viper
- **Others:** AutoCAD, MicroStation, CorelDraw, Microsoft Office

### PROJECT EXPERIENCE

- Josan Development – Noise Impact Assessment / City of Selma
- Nebraska Truck Parking Development – Greenhouse Gas Assessment / Fresno County
- Nightpeak Matador BESS Development – Air Quality and Noise Impact Assessment / Imperial County
- West-Shields Gas Station Development – Air Quality and Noise Impact Assessment / City of Fresno
- Dairy Expansion Project – Air Quality Impact Assessment / Fresno County
- 76 Gas Station Development – Noise Impact and VMT Assessment / City of Fresno
- CV Alliance Event Center – Air Quality Impact Assessment / Fresno County
- Peach Avenue Starbucks Development – Air Quality Impact Assessment and Indirect Source Review Application / City of Fresno
- Central Point III Industrial Development – Indirect Source Review Application / City of Visalia
- Waterfly Express Carwash Development – VMT-Driveway Assessment / City of Indio

- Yosemite Commercial Development – Noise Impact Assessment / Madera County
- Sunny Market (Grocery Store) – Air Quality Impact Assessment / Fresno County
- H2B2 USA Solar Field – Air Quality Impact Assessment / Fresno County
- Gill Truck Parking Development – Air Quality and Noise Impact Assessment / Fresno County
- Evergreen Development – Energy Assessment / City of Lake Elsinore
- Rally’s Fast-Food Restaurant – Noise Impact Assessment / City of Visalia
- Duplex Development – Noise Impact Assessment / City of Fresno
- Woodville Landfill Expansion – Noise Impact Assessment / Tulare County
- Kaiser Permanente Medical Office Building – Air Quality and Noise Impact Assessment / City of Fresno
- Iron Ridge Development – Air Quality Impact Assessment / City of Visalia
- Avila Packing House – Air Quality and Health Risk Assessment / Stanislaus County
- Yosemite West Development – Air Quality and Noise Impact Assessment / Mariposa County
- Reedley Health Clinic Annexation Project – Air Quality Impact Assessment / City of Reedley
- Sessions Family Foundation Development – Air Quality Impact Assessment / City of Chowchilla
- Surf Ranch Development – Air Quality and Noise Impact Assessment / Kings County
- Miles Chemical Expansion – Air Quality and Health Risk Assessment / Madera County
- Lindsay Well Site Project – Air Quality Impact Assessment / City of Lindsay
- Deer Creek Rock Co. Expansion – Noise Impact Assessment / Tulare County
- Cutler-Orosi Community Plan Update – Noise Impact Assessment / Tulare County
- Wastewater Facility Improvement Project – Air Quality Impact Assessment / Planada Community Services District
- Portola Avenue & I-10 Interchange Project – Air Quality and Noise Impact Assessment / Riverside County
- Indian Canyon Road Widening – Air Quality and Noise Impact Assessment / Riverside County
- Running Horse Development – Noise Impact Assessment / City of Fresno
- Stonefield Development – Air Quality, Health Risk, and Noise Impact Assessment / City of McFarland
- UP Imperial County Transfer Facility – Air Quality and Noise Impact Assessment / Imperial County
- Hanford Downtown East Precise Plan – Air Quality and Noise Impact Assessment / City of Hanford
- Golden State Corridor Development – Air Quality and Noise Impact Assessment / Fresno County
- Kern River Valley Specific Plan – Air Quality and Noise Impact Assessment / Kern County
- Fairfax Union School District – Air Quality and Noise Impact Assessment / Kern County
- North Fork Hotel and Casino – Noise Impact Assessment / Madera County
- Peach Avenue Road Widening – Air Quality and Noise Impact Assessment / City of Fresno
- Grant Line Road Improvement Project – Noise Impact Assessment / City of Elk Grove
- Madera School – Noise Impact Assessment / City of Madera
- Zinkin’s Fresno 40 Development – Noise Impact Assessment
- Home Depot Development – Noise Impact Assessment / City of Visalia
- Fig Garden Corporation Center – Air Quality Impact Assessment / City of Fresno
- Gettysburg & Willow Multi-Family Development – Noise Impact Assessment / City of Clovis
- Strathmore High School – Air Quality Impact Assessment / City of Strathmore
- Eastgate Estates – Air Quality Impact Assessment / Fresno County
- Avenue 13 & Raymond Road – Air Quality Impact Assessment / City of Madera
- Cal-Kern III Development – Air Quality and Noise Impact Assessment / Kern County

- Bond Road Improvement Project – Air Quality and Noise Impact Assessment / City of Elk Grove
- West McFarland Annexation – Air Quality and Noise Impact Assessment / City of McFarland
- Paladino and Morning Development – Air Quality and Noise Impact Assessment / Kern County
- San Joaquin Gardens Development – Noise Impact Assessment / City of Fresno
- Stallion Springs Development – Air Quality Impact Assessment / Kern County
- Tract 5558 Development – Air Quality and Noise Impact Assessment / City of Fresno
- Baker Lawson Development – Air Quality Impact Assessment / Fresno County
- Fresno Council of Governments (Fresno COG) 2015/2018 Regional Transportation Plan (RTP) Environmental Impact Report (EIR) – Air Quality and Noise Impact Assessment / Fresno County
- Madera County Transportation Commission (MCTC) 2015/2018 Regional Transportation Plan (RTP) Environmental Impact Report (EIR) – Air Quality and Noise Impact Assessment / Madera County
- Tulare County Association of Governments (TCAG) 2011 Regional Transportation Plan (RTP) Subsequent Environmental Impact Report (SEIR) – Air Quality Impact Assessment / Tulare County

<b>Name</b>	<b>Gasoline Dispensing Operations VOC from Liquid</b>							
<b>Applicability</b>	Use this spreadsheet for liquid VOC emissions from gasoline dispensing operations' spillage processes. Entries required in yellow areas, output in gray areas.							
<i>Author or updater</i>	Matthew Cegielski	<i>Last Update</i>	April 28, 2022					
<b>Facility:</b>	Sam's Club City of Visalia							
<b>ID#:</b>								
<b>Project #:</b>								
<b>Inputs</b>	lb /hr	lb/yr	<b>Formula</b>					
VOC Rate	6.43E-01	1.80E+03	Emissions are calculated by the multiplication of VOC Rates and Emission Factors.					
<b>Substances</b>	<b>CAS#</b>	<b>lbs/ liquid vapor</b>	<b>LB/HR</b>	<b>LB/YR</b>				
<b>Benzene</b>	<b>71432</b>	7.07E-03	4.55E-03	1.27E+01				
<b>Ethyl Benzene</b>	<b>100414</b>	1.29E-02	8.30E-03	2.32E+01				
<b>Hexane</b>	<b>110543</b>	1.86E-02	1.20E-02	3.35E+01				
<b>Naphthalene</b>	<b>91203</b>	1.74E-03	1.12E-03	3.13E+00				
<b>Propylene (propene)</b>	<b>115071</b>	1.22E-06	7.85E-07	2.20E-03				
<b>Toluene</b>	<b>108883</b>	5.63E-02	3.62E-02	1.01E+02				
<b>Xylenes</b>	<b>1330207</b>	6.59E-02	4.24E-02	1.19E+02				
<b>References:</b>								
*These emission factors are from table 11, "Content of Gasoline for Substances with OEHHA Chronic Health Factor (Combined Winter/Summer) in CARB's 2022 <i>Gasoline Service Station Industrywide Risk Assessment Technical Guidance</i> .								

ARCHAEOLOGICAL LETTER REPORT  
IN CONSIDERATION  
OF THE SWC VISALIA PARKWAY AND MOONEY BLVD.  
DEVELOPMENT PROJECT

Presented to  
Lars Andersen & Associates, Inc.”  
Name: LARS ANDERSEN & ASSOCIATES, INC.  
Address: 4694 W JACQUELYN AVENUE, FRESNO, CA 93722  
Phone: (559) 276-2790  
Fax: (559) 276-0850  
Representative: DANIEL J. ZOLDAK  
by



August 2024

SW ¼ of Section 7, T19 S, R 21E  
Visalia 7.5

In partial fulfillment of California Environmental Quality Act (CEQA), Culturescape has concluded a survey for historic resources on an undeveloped area of approximately 22.5 acres plotted in the SW ¼ of Section 7, T19 S, R 21E Visalia 7.5 Quadrangle 1990. Visalia, Tulare County, California (Appendix A: Maps)..

The results of this survey were **Negative** for any historic or prehistoric cultural materials. The location is within a partially developed parcel that has infrastructure that includes electrical conduit for streetlights and sewer drains. The largest portion of the parcel has been used to stockpile and mix imported fill soils. There are several rows of soil that exceed 6 feet in height. A second example of this is at the south side of the parcel where the parcel meets a developed parking lot. There are two large piles located near one of the access roads that appears to have been used recently. Other fill material includes discarded concrete sewer man ways and pipe (Appendix C: Photos)

The parcel had 85% surface visibility with 15% covered in tumble weed on the imported fill piles. The portion along Visalia Avenue has been impacted by road construction. and mechanized land alteration for strip mall development. The soil is for the majority, Tagus, 85% Hanford, 5% Tujunga, 5% all located as silt deposited on alluvial fans and flood plains.

The project area has a low potential for buried cultural materials, however, there is always the possibility that buried deposits may be located as a result of subsurface construction. If buried materials are encountered during construction, then work must stop in that area until a qualified archaeologist can evaluate the nature and significance of the find.

### **Part 1: Project Information**

Project Size: Approximately 22.5 acres

Name of Landowner: Sams club

Legal Location: plotted on the SW ¼ of Section 7, T19 S, R 21E Visalia 7.5 Quadrangle 1990.  
Tulare County, California (Appendix A: MAPS).

Project Description: Proposed Sams Club

### **Part 2: Archaeological Records Check Information**

Date of Records Check 11/27/2023.

Southern San Joaquin Valley Information Center

Information Center File Number: 23-476

Summary of Records Check Results: The records search indicated that three previous studies have occurred within the project area, TU-01078, 01079, and 01080 with two more occurring within .5 miles, including TU-01085 and 01904. No sites were located within the project area. A description of these surveys and sites can be found in Appendix B: Records Search.

Records Check access agreement and Records Search Map are attached,

Justification: No studies were available prior to survey..

### **Part 3: Native American Correspondence Information**

A sacred lands search request was conducted on 10/26/2023. The NAHC returned an e-mail on 10/27/23 stating that information would be delayed by at least 4 weeks. No information has been received at the time of this report. This was carried out to solicit information and did not constitute formal consultation as provided by AB52 (Appendix C:Native American Correspondence).

### **Part 4: Pre-Field Research**

The methodology included a records search conducted by the Southern San Joaquin Valley Information Center for the property owner and records that had close cultural affiliations. Maps on file were included. The list of the National Register of Historic Places was consulted as was the California Register of Historic Resources, the *California Inventory of Historic Resources (1976)*, the *California Historical Landmarks (1996)*, and the *California Points of Historical Interest listing (May 1992 and updates)* and the Historic Property Data File (Office of Historic Preservation current computer list, dated 6/12/2006), the Survey of Surveys (1989), and other information pertinent to the project.

### **Part 5: Training and Experience of Archaeological Surveyors**

Name of current Archaeological Surveyor(s): M. C. Kile M.A. (Appendix E:Qualifications)

### **Part 6: Survey Methods and Procedures**

A survey was conducted within the project area and opportunistically where access allowed. method included a ten meter transects throughout the project area.

Time spent conducting archaeological field survey: 4 hours.

Date or dates the survey was conducted on November 16, 2023.

Survey coverage intensity: Intense: see above

Ground visibility/other limitations: The entire project is within a partially developed parcel that includes stockpiles of imported fill soils. This includes electrical infrastructure, sewer lines and a developed roads and parking areas. The area has very limited sensitivity.

### **Part 7: Survey Results**

List and description of all sites found: No sites found within the site survey area.

### **Part 8: Evaluation of Significance**

Preliminary determination of significance of listed sites (if required): N/A

### **Part 9: Protection Measures**

Specific enforceable protection measures: The current project does not threaten any resources.

### **Part 10: Implementation of Protection Measures**

Discuss actions taken to carry out protection measures: None needed.

### **Part 11: Other Applicable Information**

NA



## Part 12: List of Appendices

(X) A: Project Maps

(X) B: Archaeological Records Search Results

(X) C: NAHC Correspondence

(X) D: Photos

(X) E: Qualifications

## Part 13: Professional Review and Approval

Signature of Archaeologist\_

( Appendix D: Qualifications) Date Signed: December 2023

Printed name: M. C. Kile M.A.

Title: Owner,

Culturescape Location: 6182 Carter Rd Mariposa



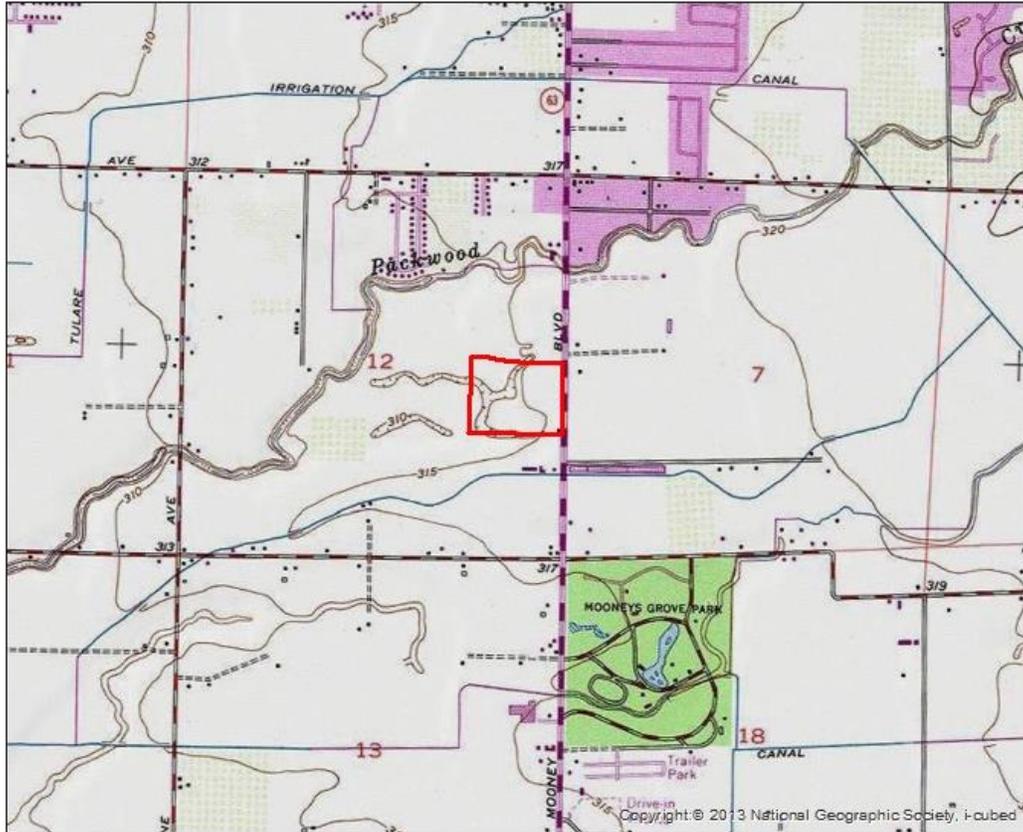
Culture Resource Survey and Archaeological Survey Report for a  
Proposed Sams Club, Visalia, California.

6182 Carter Road  
Mariposa Ca. 95338  
(209) 966-3327  
Cell (209) 769-1095  
Fax (209) 966-6435  
mck@sierratel.com

## **APPENDIX A: MAPS**

## Project Location

Visalia 7.5 Quadrangle 1990.  
Section 7, T19 S, R 21E  
Visalia, Tulare County  
20 acres



### Proposed Sams Club

 Sams Project Boundary



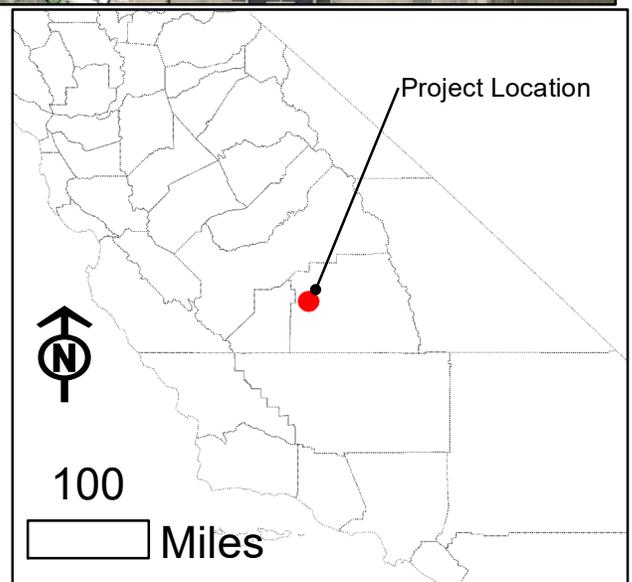
# Project Location

Visalia 7.5 Quadrangle 1990.  
Section 7, T19 S, R 21E  
Visalia, Tulare County  
18.75 acres



## Proposed Sams Club

 Survey Area





Culture Resource Survey and Archaeological Survey Report for a  
Proposed Sams Club, Visalia, California.

6182 Carter Road  
Mariposa Ca. 95338  
(209) 966-3327  
Cell (209) 769-1095  
Fax (209) 966-6435  
mck@sierratel.com

## **APPENDIX B: RECORD SEARCH**

**CHRIS Data Request Form**

ACCESS AND USE AGREEMENT NO.: 72.00 IC FILE NO.: \_\_\_\_\_

To: Southern San Joaquin Valley  Information Center

Print Name: M. C. Kile Date: 10/19/2023

Affiliation: Culturescape

Address: 6182 Carter Road

City: Mariposa State: Ca Zip: 95338

Phone: (209) 966-3327 Fax: (209) 966-6435 Email: mck@sti.net

Billing Address (if different than above): \_\_\_\_\_

Billing Email: \_\_\_\_\_ Billing Phone: \_\_\_\_\_

Project Name / Reference: Sams Club

Project Street Address: Visalia Parkway and Mooney Blvd. Visalia

County or Counties: Tulare

Township/Range/UTMs: SW ¼ of Section 7, T19 S, R 21E.

USGS 7.5' Quad(s): Visalia

PRIORITY RESPONSE (Additional Fee): yes  / no

TOTAL FEE NOT TO EXCEED: \$ \_\_\_\_\_  
(If blank, the Information Center will contact you if the fee is expected to exceed \$1,000.00)

Special Instructions:

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**Information Center Use Only**

Date of CHRIS Data Provided for this Request: \_\_\_\_\_

Confidential Data Included in Response: yes  no

Notes: \_\_\_\_\_

## CHRIS Data Request Form

Mark the request form as needed. Attach a PDF of your project area (with the radius if applicable) mapped on a 7.5' USGS topographic quadrangle to scale 1:24000 ratio 1:1 neither enlarged nor reduced and include a shapefile of your project area, if available. Shapefiles are the current CHRIS standard for submitting digital spatial data for your project area or radius. **Check with the appropriate IC for current availability of digital data products.**

- Documents will be provided in PDF format. Paper copies will only be provided if PDFs are not available at the time of the request or under specially arranged circumstances.
- Location information will be provided as a digital map product (Custom Maps or GIS data) unless the area has not yet been digitized. In such circumstances, the IC may provide hand drawn maps.
- In addition to the \$150/hr. staff time fee, client will be charged the Custom Map fee when GIS is required to complete the request [e.g., a map printout or map image/PDF is requested and no GIS Data is requested, or an electronic product is requested (derived from GIS data) but no mapping is requested].

For product fees, see the CHRIS IC Fee Structure on the [OHP website](#).

### 1. Map Format Choice:

Select One: Custom GIS Maps  GIS Data  Custom GIS Maps and GIS Data  No Maps

**Any selection below left unmarked will be considered a "no."**

#### Location Information:

	Within project area	Within <u>1/4</u> mi. radius
<b>ARCHAEOLOGICAL Resource Locations<sup>1</sup></b>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>
<b>NON-ARCHAEOLOGICAL Resource Locations Report Locations<sup>1</sup></b>	yes <input type="checkbox"/> / no <input checked="" type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>"Other" Report Locations<sup>2</sup></b>	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>

### 3. Database Information:

(contact the IC for product examples, or visit the [SSJVIC website](#) for examples)

	Within project area	Within <u>1/4</u> mi. radius
<b>ARCHAEOLOGICAL Resource Database<sup>1</sup></b>		
List (PDF format)	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>
Detail (PDF format)	yes <input type="checkbox"/> / no <input checked="" type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
Excel Spreadsheet	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>NON-ARCHAEOLOGICAL Resource Database</b>		
List (PDF format)	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
Detail (PDF format)	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
Excel Spreadsheet	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>Report Database<sup>1</sup></b>		
List (PDF format)	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>
Detail (PDF format)	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
Excel Spreadsheet	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>
Include "Other" Reports <sup>2</sup>	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>

### 4. Document PDFs (paper copy only upon request):

	Within project area	Within <u>1/4</u> mi. radius
ARCHAEOLOGICAL Resource Records <sup>1</sup>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>
NON-ARCHAEOLOGICAL Resource Records Reports <sup>1</sup>	yes <input type="checkbox"/> / no <input checked="" type="checkbox"/>	yes <input type="checkbox"/> / no <input checked="" type="checkbox"/>
"Other" Reports <sup>2</sup>	yes <input type="checkbox"/> / no <input type="checkbox"/>	yes <input type="checkbox"/> / no <input type="checkbox"/>

**CHRIS Data Request Form**

**5. Eligibility Listings and Documentation:**

Within project area                      Within 1/4 mi.                      radius

**OHP Built Environment Resources Directory<sup>3</sup>:**

Directory listing only (Excel format)  
Associated documentation<sup>4</sup>

yes  / no   
yes  / no

yes  / no   
yes  / no

**OHP Archaeological Resources Directory<sup>1,5</sup>:**

Directory listing only (Excel format)  
Associated documentation<sup>4</sup>

yes  / no   
yes  / no

yes  / no   
yes  / no

**California Inventory of Historic Resources (1976):**

Directory listing only (PDF format)  
Associated documentation<sup>4</sup>

yes  / no   
yes  / no

yes  / no   
yes  / no

**6. Additional Information:**

The following sources of information may be available through the Information Center. However, several of these sources are now available on the [OHP website](#) and can be accessed directly. The Office of Historic Preservation makes no guarantees about the availability, completeness, or accuracy of the information provided through these sources. Indicate below if the Information Center should review and provide documentation (if available) of any of the following sources as part of this request.

<b>Caltrans Bridge Survey</b>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>
<b>Ethnographic Information</b>	yes <input checked="" type="checkbox"/> / no <input type="checkbox"/>
<b>Historical Literature</b>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>Historical Maps</b>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>Local Inventories</b>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>GLO and/or Rancho Plat Maps</b>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>Shipwreck Inventory</b>	yes <input type="checkbox"/> / no <input type="checkbox"/>
<b>Soil Survey Maps</b>	yes <input type="checkbox"/> / no <input type="checkbox"/>

<sup>1</sup> In order to receive archaeological information, requestor must meet qualifications as specified in Section III of the current version of the California Historical Resources Information System Information Center Rules of Operation Manual and be identified as an Authorized User or Conditional User under an active CHRIS Access and Use Agreement.

<sup>2</sup> "Other" Reports GIS layer consists of report study areas for which the report content is almost entirely non-fieldwork related (e.g., local/regional history, or overview) and/or for which the presentation of the study area boundary may or may not add value to a record search.

<sup>3</sup> Provided as Excel spreadsheets with no cost for the rows; the only cost for this component is IC staff time. Includes, but not limited to, information regarding National Register of Historic Places, California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and historic building surveys. Previously known as the HRI and then as the HPD, it is now known as the Built Environment Resources Directory (BERD). The Office of Historic Preservation compiles this documentation and it is the source of the official status codes for evaluated resources.

<sup>4</sup> Associated documentation will vary by resource. Contact the IC for further details.

<sup>5</sup> Provided as Excel spreadsheets with no cost for the rows; the only cost for this component is IC staff time. Previously known as the Archaeological Determinations of Eligibility, now it is known as the Archaeological Resources Directory (ARD). The Office of Historic Preservation compiles this documentation and it is the source of the official status codes for evaluated resources.



11/27/2023

M. C. Kile  
Culturescape  
6182 Carter Road  
Mariposa, CA 95338

Re: Sams Club  
Records Search File No.: 23-476

The Southern San Joaquin Valley Information Center received your record search request for the project area referenced above, located on the Visalia USGS 7.5' quad. The following reflects the results of the records search for the project area and the 0.25 mile radius:

As indicated on the data request form, the locations of archaeological resources and reports are provided in the following format:  custom GIS maps  GIS data

Archaeological resources within project area:	None
Archaeological resources within 0.25 mile radius:	None
Reports within project area:	TU-01078, 01079, 01080
Reports within 0.25 mile radius:	TU-01085, 01904

*NOTE: Report location information was omitted per the CHRIS Data Request Form.*

- Resource Database Printout (list):**  enclosed  not requested  nothing listed
- Resource Database Printout (details):**  enclosed  not requested  nothing listed
- Resource Digital Database Records:**  enclosed  not requested  nothing listed
- Report Database Printout (list):**  enclosed  not requested  nothing listed
- Report Database Printout (details):**  enclosed  not requested  nothing listed
- Report Digital Database Records:**  enclosed  not requested  nothing listed
- Resource Record Copies:**  enclosed  not requested  nothing listed
- Report Copies:**  enclosed  not requested  nothing listed
- 
- OHP Built Environment Resources Directory:**  enclosed  not requested  nothing listed
- Archaeological Determinations of Eligibility:**  enclosed  not requested  nothing listed
- CA Inventory of Historic Resources (1976):**  enclosed  not requested  nothing listed

**Caltrans Bridge Survey:** Not available at SSJVIC; please see  
<https://dot.ca.gov/programs/environmental-analysis/cultural-studies/california-historical-bridges-tunnels>

**Ethnographic Information:** Not available at SSJVIC

**Historical Literature:** Not available at SSJVIC

**Historical Maps:** Not available at SSJVIC; please see  
<http://historicalmaps.arcgis.com/usgs/>

**Local Inventories:** Not available at SSJVIC

**GLO and/or Rancho Plat Maps:** Not available at SSJVIC; please see  
<http://www.glorerecords.blm.gov/search/default.aspx#searchTabIndex=0&searchByTypeIndex=1> and/or  
<http://www.oac.cdlib.org/view?docId=hb8489p15p;developer=local;style=oac4;doc.view=items>

**Shipwreck Inventory:** Not available at SSJVIC; please see  
<https://www.slc.ca.gov/shipwrecks/>

**Soil Survey Maps:** Not available at SSJVIC; please see  
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

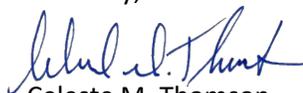
The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,



Celeste M. Thomson  
Coordinator

## Report List

SSJVIC Record Search 23-476

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
TU-01078		2000	Busby, Colin I.	Archaeological Evaluation Report for the South Packwood Creek Specific Plan and Phase I Regional Retail Development, City of Visalia and Vicinity, Tulare County	Basin Research Associates, Inc.	
TU-01079		2001	Busby, Colin I.	Supplement to Archaeological Evaluation Report - South Packwood Creek Specific Plan and Phase I Regional Retail Development, City of Visalia and Vicinity, Tulare County	Basin Research Associates	
TU-01080		2000	Hill, Ward	Historic Evaluation Report for the Freitas Dairy Farm, 4004 South Mooney Boulevard, City of Visalia, Tulare County, California	Ward Hill / Basin Research Associates, Inc.	54-003650
TU-01085		1999	Dodd, Douglas W.	Historical Architectural Survey Report/Historic Resource Evaluation Report for Roadbed Rehabilitation and Intersection Upgrades on State Route 63 Between Tulare and Visalia, Tulare County	California Department of Transportation, District 6	
TU-01904		2021	Sauls, Consuelo Y.	Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California	Taylor Archaeology	



Culture Resource Survey and Archaeological Survey Report for a  
Proposed Sams Club, Visalia, California.

6182 Carter Road  
Mariposa Ca. 95338  
(209) 966-3327  
Cell (209) 769-1095  
Fax (209) 966-6435  
mck@sierratel.com

## **Appendix C: Native American Outreach**

# Sacred Lands File & Native American Contacts List Request

## Native American Heritage Commission

1550 Harbor Blvd, Suite 100

West Sacramento, CA 95691

916-373-3710

916-373-5471 – Fax

[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

*Information Below is Required for a Sacred Lands File Search 11/13/2023*

**Project:** Sams Club

**County:** Tulare

**USGS 7.5 Topographical Quadrangle Name:** Visalia

**Company/Firm/Agency:** Culturescape

**Street Address:** 6182 Carter Rd

**City:** Mariposa **Zip:** 95338

**Phone:** 209-966-3327

**Fax:** 209 966-6435

**Email:** mck@sti.net

**Project Description:** Sams Club Project

”

## Mark Kile

---

**From:** NAHC@NAHC <NAHC@nahc.ca.gov>  
**Sent:** Thursday, November 16, 2023 12:48 PM  
**To:** Mark Kile  
**Cc:** Vela, Cameron@NAHC  
**Subject:** RE: Search request for Sacred Lands  
**Attachments:** Sacred-Lands-File-NA-Contact-Form Sams Visalia.pdf; Sams Visailia Project.pdf

Hello,

Thank you for your message. We're in receipt of your request. We have recently hired new staff, and this change in our office is creating some delays. We estimate a turn-around time of 4 weeks and don't anticipate responding sooner than the end of that time frame. Please let us know if you have any questions.

Kind regards,

**Native American Heritage Commission**  
1550 Harbor Blvd, Suite 100  
West Sacramento, CA 95691  
(916) 373-3710

---

**From:** Mark Kile <mck@sti.net>  
**Sent:** Monday, November 13, 2023 8:03 PM  
**To:** NAHC@NAHC <NAHC@nahc.ca.gov>  
**Subject:** Search request for Sacred Lands

Please consider this request for a search of your Sacred Lands File for the attached project.

Thank You,

M.C. Kile



(209) 966-3327



Culture Resource Survey and Archaeological Survey Report for a  
Proposed Sams Club, Visalia, California.

6182 Carter Road  
Mariposa Ca. 95338  
(209) 966-3327  
Cell (209) 769-1095  
Fax (209) 966-6435  
mck@sierratel.com

## **APPENDIX D: Photos**



*Figure 1 Overview of project area at fast food area towards car wash at northeast corner with Visalia Boulevard to the right west*



*Figure 2 Overview of project from Visalia Boulevard near the northwest corner southeast*



*Figure 3 Overview of project area at the northwest corner south*



*Figure 4 Overview of project area from the southwest corner east*



Figure 5 Overview of 6' stockpile of fill soils at the southwest corner of the project area. North



Figure 6 Overview of stockpiled fill soil along western edge of project area south



*Figure 7 Overview of recent mechanical earthwork with a spoils pile at center located within the project area. South*



Culture Resource Survey and Archaeological Survey Report for a  
Proposed Sams Club, Visalia, California.

6182 Carter Road  
Mariposa Ca. 95338  
(209) 966-3327  
Cell (209) 769-1095  
Fax (209) 966-6435  
mck@sierratel.com

## **Appendix E: Qualifications**

## Mark Kile

6182 Carter Road

Mariposa Ca. 95338

(209) 966-3327: Fax (209) 966-6435

mck@sti.net

### DISCIPLINE/SPECIALTY

- Field transects
- Excavation
- Mapping
- Recordation
- Laboratory analysis
- Site records
- GIS
- Trimble GeoXT/XH
- Trimble Pathfinder
- ArcGIS 10.2

### EDUCATION

- Ph.D. Program World Cultures  
U.C. Merced 2011/2012
- M. A. Interdisciplinary Studies  
Anthropology/ Geography,  
California State University,  
Stanislaus 2003
- B.A. Anthropology  
/Archaeology, Minor Geography  
2000

### TEACHING EXPERIENCE

2002-2003 –Teachers Assistant,  
Field Methods, CSU Stanislaus,  
Turlock, Ca.

2003 – Teachers Assistant GIS  
laboratory CSU Stanislaus,  
Turlock, Ca.

2008 – Guest Lecturer, California  
State University Stanislaus,  
Turlock, Ca.

2011-2012– Teachers Assistant,  
University of California, Merced,  
Ca.

- Previously held BLM Permit  
CA-10-03

Approved as Crew Chief Southern  
Nevada, Winnemucca, and  
Carson City Districts

### SUMMARY OF QUALIFICATIONS

Mr. Kile's 18 years' experience with some of California's leading cultural resource management firms, and as a private consultant includes all phases of archaeological investigations of prehistoric and historical resources; evaluations of sites, mines, logging activity, railroads, irrigation, and hydro-electric projects for compliance with the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA). Mr. Kile's experience includes project design, personnel management, multi-party project coordination and working knowledge of Federal, State and County laws.

### AREAS OF EXPERTISE:

- A working knowledge of California Environmental Quality Act
- National Environmental Policy Act
- National Historic Preservation Act
- Consultation with Native American groups and concerned persons
- Preparation of Archaeological Research Design proposals,
- Preparation of Archaeological Technical Reports

records searches, site plotting, rectifying field records, field transects, excavation, mapping, recordation, laboratory analysis, organization of site records, use of Total Station, and Geographical Information Systems.

### RELEVANT EXPERIENCE

**Principal Investigator, Fine Gold, Madera 2022** Bridge 41C0001 Replacement Road 200 at Fine Gold Creek. Monitoring for Historic and prehistoric resources, recordation of historic mill site.

**Principal Investigator, Eco-Village Project, Mariposa, 2020. Culturescape.** Phase I Investigation of 1800 acres for the potential development of the property. This included recordation of 35 historic and prehistoric sites within a portion of the former Las Mariposas Grant.

**Principal Investigator, County of Madera, the Mid-Town Connector, Oakhurst 2015- 2016, 2018-2019. Culturescape** Extended Phase I Investigation of CA-MAD-2824/H. The purpose of the investigation was to determine vertical and horizontal extent of the site through positive identification or negative sampling of cultural materials only.

**Phase II evaluation** of the site to determine the eligibility of the resource for entry into the California Inventory of Historic Places

**Principal Investigator/Monitor** for Bridge 39C0023) La Grange Road over Dry Creek, Merced, observed demolition and directed protective measures for existing prehistoric resources.

**Principal Investigator, Archaeological Survey Report of CVIN Fiber Optic Conduit and Facility Installation Escalon-Bellota Road (J6) and East Groves**

**Road Farmington, Ca. 2018** Phase I Survey of 1.5 miles of roadway for proposed fiber optics route.

**Principal Investigator, Cultural Inventory for Ponderosa Telephone Fiber Optic Aerial Support installation, Central Camp Ca. 2018** Phase I survey of 1.5 miles of utility lines in Central Camp.

**Principal Investigator, Central Valley Independent Network, The Central Valley Next Generation Broadband Infrastructure Project, Cultural Resource Inventory, Auburn, Ca. 2015 Culturescape**  
Phase I and report for fiber optic transmission lines.

**Principal Investigator, Cultural Resources Inventory for Hillview Water Company Infrastructure Improvements, Raymond, Ca. 2015 Culturescape** Phase I survey and report for compliance of the California Environmental Quality Act for requirements of the California Department of Public Health (CDPH) Proposition 50 Water Improvement Grant.

**Principal Investigator, Historical Properties Survey Report and Archaeological Survey Report for Tully Road Reconstruction STPL 5411 (014) Hughson, Stanislaus County Ca. 2014 Culturescape.** Phase I survey and report for compliance with FHWA guidelines.

**Principal Investigator, Cultural Inventory for 13-MPRO-191 WaterSmart Grant for Madera Irrigation District Water Conservation, Telemetry and Delivery System Management Improvement Project, Madera County California. 2013 Culturescape**

Phase I Survey in conjunction with a Bureau of Reclamation grant to replace manual controls and gauges with automated flume gates and flow meters. This included research into California irrigation and generally focused on built environment.

**Principal Investigator, Avoidance of Site CA-COL-245/H (NTIA 101004A) Colusa, California. Central Valley Independent Network. The Central Valley Next Generation Broadband Infrastructure Project 2013 Culturescape**  
Phase III Investigation. This research was conducted in an effort to avoid a previously located site within downtown Colusa and to determine if there were undisturbed cultural deposits for the purpose of securing a viable route for fiber optics cables. The project consisted of excavation of 8 test units from 1 X 1 meters to 2 X 1 meters that were excavated to a depth of 2.5 meters. The conclusion was that this substrata was disturbed throughout the proposed route.

**Principal Investigator, , Cultural Resource Inventory, Evaluation and Cultural Mitigation of APN 092-030-100 El Dorado County, California for Central Valley Independent Network, The Central Valley Next Generation Broadband Infrastructure Project 2013 Culturescape,** Extended Phase I Investigation and evaluation of two sites affected by a bentonite spill

**Project Archaeologist, Gil Ranch Storage LLC, Madera County, Ca. 2009 ENTRIX**

This project consisted of placement of 26.5 miles of pipeline for a natural gas storage facility in Madera County. Investigations included monitoring, coordinating with GRS management and various construction crews on a daily basis and coordination with Native American Monitors during excavations through recorded sites. Daily reports were used for compliance with the California Public Utilities Commission, Army Corp of Engineers, and Office of Historic Preservation

**Field Supervisor, Sweetwater Mine Evaluation. Mariposa County 2006, Applied Earthworks**

Field supervision and assessment of mine property for evaluation for eligibility for inclusion into the National Register of Historic Places. Reports for this project complied with Caltrans requirements California Environmental Quality Act and Section 106 of the Nation Historic Preservation Act

**Field Supervisor, San Joaquin/ Big Dreamer Mine Evaluation North Fork, Madera County, 2006, Applied Earthworks.**

Duties included field supervision and assessment of mine property for evaluation for eligibility for inclusion into the National Register of Historic Places. Reports for this project complied with Caltrans requirements California Environmental Quality Act and Section 106 of the Nation Historic Preservation Act

**Principal Investigator, CALTRANS Contract 10- OP7704 Emergency Road Widening for Ferguson Slide, Highway 120 Priest Grade 2006 Culturescape**

This project consisted of monitoring emergency road widening conducted as a result of the landslide of Ferguson Ridge on Highway 140 in Mariposa County. Duties included recordation of mine trails subsumed by highway construction and identification of historic and prehistoric artifacts. Reports for this project complied with Caltrans requirements California Environmental Quality Act and Section 106 of the Nation Historic Preservation Act

**From:** Deel, David@DOT <david.deel@dot.ca.gov>  
**Sent:** Tuesday, September 3, 2024 5:09 PM  
**To:** Cristobal Carrillo  
**Cc:** Padilla, Dave@DOT; Paul Bernal  
**Subject:** Mitigated Negative Declaration & Initial Study - CUP No. 2024-17 - Commons at Visalia Parkway Shopping Center  
**Attachments:** [CUP No. 2024-17.pdf](#); [Mitigated Negative Declaration & Initial Study - CUP No. 2024-17.pdf](#); [Mitigated Negative Declaration & Initial Study - CUP No. 2024-17 -Trip Generation Dated August 19, 2024.pdf](#)

Cristobal,

Caltrans has reviewed the Mitigated Negative Declaration & Trip Generation memo dated August 19, 2024, for CUP No. 2024-17.

CUP No. 2024-17 proposes to amend CUP No. 2019-31, which established a master planned commercial development on 17.43 acres of a 28.7-acre site, consisting of approximately 138,188 sq. ft. of commercial uses., including the establishment of four retail buildings of varying sizes (56,800 sq. ft., 29,800 sq. ft. and two 10,000 sq. ft. buildings), a 4,088 sq. ft. gas station/convenience store with six fueling stations and a 3,060 sq. ft. canopy, a 7,500 sq. ft. sit-down restaurant, two 3,000 sq. ft. drive-thru restaurants, and a 5,000 sq. ft. automotive repair store, on parcels with less than the minimum five-acre site area requirement, including a parcel with no public street frontage. This development was collectively known as the Commons at Visalia Parkway Shopping Center.

The amendment to the Conditional Use Permit proposes consolidation of the retail and office uses, removal of the convenience store, and relocation of the service station, to accommodate the ultimate establishment of a 172,000 square foot big box retail membership club store, with an expanded service station containing 14 fueling stations, a 9,000 square foot canopy, and 200 square foot fueling station building, and addition of a 7,500 square foot carwash to the commercial development. The development will be located in the C-R (Regional Commercial) Zone.

Caltrans **agrees** with the Technical Memorandum dated August 19, 2024, for CUP No. 2024-17 and has no further comments.

Respectfully,

David Deel  
Associate Transportation Planner  
Desk & Mobile: 559.981.1041  
CALTRANS District 6

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**From:** Padilla, Dave@DOT <[dave.padilla@dot.ca.gov](mailto:dave.padilla@dot.ca.gov)>  
**Sent:** Tuesday, August 27, 2024 3:51 PM  
**To:** Deel, David@DOT <[david.deel@dot.ca.gov](mailto:david.deel@dot.ca.gov)>  
**Subject:** City of Visalia LDRs

Thank you,



**David Padilla, Branch Chief**

Caltrans District 6 | Transportation Planning

Mobile 559-905-9371

Web [www.dot.ca.gov](http://www.dot.ca.gov) | Email [dave.padilla@dot.ca.gov](mailto:dave.padilla@dot.ca.gov)

1352 W. Olive Avenue | Fresno, CA 93728



*Institute of Transportation Engineers Member*

**From:** Joseph Mestres <gcny63@yahoo.com>  
**Sent:** Wednesday, September 11, 2024 1:45 PM  
**To:** Brett Taylor; Cristobal Carrillo; jims@calfresno.com  
**Subject:** project

You don't often get email from [gcny63@yahoo.com](mailto:gcny63@yahoo.com). [Learn why this is important](#)

**Joseph Mestres**  
**2400 W. Midvalley Ave. SPC M7**  
**Visalia, Ca. 93277**  
[Gcny63@yahoo.com](mailto:Gcny63@yahoo.com)  
**559-633-0949**

**September 9, 2024**

**City of Visalia Planning Division**  
**707 W. Acequia Ave**  
**Visalia, CA 93291**

**Dear Planning Division,**

**Subject: Concerns Regarding Conditional Use Permit No. 2024-17**

**I am writing on behalf of the residents of the Westlake Village Senior Community to express our concerns regarding Conditional Use Permit No. 2024-17. Our community, located adjacent to the west and south sides of the proposed project, has several issues we would like to address.**

**Operating Hours: The project's proposed operating hours until 10 PM present a significant noise concern for our elderly residents. We request that operating hours be reconsidered to minimize disturbance.**

**Trash Location and Sanitation: The current plans indicate that trash will be located along the south wall, directly behind our homes and clubhouse. We are concerned about the frequency of trash collection and potential sanitation issues, including unpleasant odors.**

**Wall Height: The existing walls on the south and west sides are only 5.7 feet high, making them easy to scale. We request that these walls be increased to 9-10 feet to enhance security.**

**Visual Impact: We are concerned about how the new building will affect the views from our properties. We request a commitment to plant trees and greenery along the walls to improve aesthetics and discourage loitering.**

**Health and Safety During Construction: The potential respiratory effects on our senior residents during construction are a significant concern. We ask what measures will be taken to minimize health risks during this phase.**

**We understand the importance of development, but we urge the Planning Commission to consider our concerns carefully. We hope to ensure that the project respects our community's needs and holds all parties accountable. We will be there at the meeting on September 23, 2024 to voice our concerns with recommendations. Feel free to contact me.**

**Thank you for your attention and consideration.**

**Respectfully,**

**Joseph Mestres  
559-633-0949  
HOA President  
Westlake Village  
Senior Community**

**From:** Claudia Lenoir <claudialenoir3@gmail.com>  
**Sent:** Thursday, September 19, 2024 12:22 PM  
**To:** Cristobal Carrillo  
**Cc:** Joe Gray; gcny63@yahoo.com; jill Faenza  
**Subject:** Commons at Visalia Parkway Shopping Center

You don't often get email from [claudialenoir3@gmail.com](mailto:claudialenoir3@gmail.com). [Learn why this is important](#)

Dear Mr. Carrillo,

We are writing to express our concerns regarding the shortened public comment period on the proposed Mitigated Negative Declaration.

The staff report will be released on Sept 20, 2024, the same day the public comment period closes.

Is our understanding correct?

The public comment period opened on August 22, 2024, at which time the report hadn't been issued.

May we know why your department has severely reduced the time allocated to review and comment upon a report of this importance?

Who made the decision to limit the public's timeframe to review and to respond, to a matter of hours?

In our opinion, at the very least, the public comment period comment period should be extended to a reasonable period, of at least 10 working, as is the custom in other municipalities.

As residents whose home borders the proposed development, we are concerned, foremost, for our safety. The gas service station is to be constructed adjacent to our backyard.

Why cannot the gas pumps and storage tanks be relocated to the Mooney Blvd side of the development, where there are no residences?

Traffic on Visalia Parkway will significantly increase along with the risks of collision as cars enter the fuel station situated directly behind our backyard.

What are the pertinent regulations regarding the allowable distance between private residences and gas pumping stations and tanks?

We understand the value of this project to the city and the residents of Visalia.

However, we are concerned that the safety and welfare of the most vulnerable residents of Visalia have not been adequately considered.

Sincerely,

Claudia LeNoir

Jill Faenza

Re: City of Visalia: Conditional Use Permit No. 2024-17 - Commons Sh...



David Jensen <visaliadj@comcast.net>

To Cristobal Carrillo



09/04/2024

This sender visaliadj@comcast.net is from outside your organization.

You replied to this message on 09/10/2024 10:51 AM.

Thanks for all the information you provided me on the phone today and for the email with the site diagram. I had mentioned to you about the wall not being 7 feet currently as you suggested it is so here is a photograph I just took at the end of Q St. in our park to verify that.

Thanks again  
David Jensen





January 26, 2024

**Site Plan Review No. 2023-202:**

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 **November 15, 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", is written over a large, light blue circular scribble.

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

**Attachment(s):**

- Site Plan Review Comments



MEETING DATE November 15, 2023  
 SITE PLAN NO. 2023-202  
 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 / TPM or LLAs
- HISTORIC PRESERVATION  OTHER – Lot Line Adjustment
- ADDITIONAL COMMNTS:**

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: November 15, 2023

SITE PLAN NO: 2023-202  
PROJECT TITLE: Visalia Parkway – SWC Visalia Parkway & Mooney Blvd  
DESCRIPTION: Revised Site Plan for proposed shopping center development  
APPLICANT: Daniel Zoldak  
LOCATION TITLE: Visalia Parkway & Mooney Blvd  
APN TITLE: 121-620-013  
GENERAL PLAN: CR (Regional Commercial)  
EXISTING ZONING: C-R (Regional Commercial)

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## **Planning Division Recommendation:**

- Revise and Proceed  
 Resubmit

## **Project Requirements**

- Amendment the MCUP
- LLA or TPM

## **PROJECT SPECIFIC INFORMATION:** November 15, 2023

1. The proposal shall comply with the sign program of The Commons Master Plan.
2. Changes shown shall constitute a change to the originally entitled Master Plan and will require revisions to previous studies to ensure compliance.
3. A lighting plan shall be provided to ensure that building and onsite lighting does not trespass.
4. Traffic Action Plans and onsite geography shall work to mitigate vehicle stacking.

## **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:**

**17.20 Office Zones** - 17.20.050 Development standards in the O-PA zone.

**17.32.080 Maintenance of landscaped areas.**

**17.34 Off-street parking and loading facilities**

**17.36 Fences Walls and Hedges**

**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 type="checkbox"/>	Sarah MacLennan	713-4271
<input checked="" type="checkbox"/>	Luqman Ragabi	713-4362

ITEM NO: 8 DATE: NOVEMBER 15, 2023

SITE PLAN NO.: 23-202  
 PROJECT TITLE: VISALIA PARKWAY - SWC VISALIA PARKWAY & MOONEY BLVD  
 DESCRIPTION: REVISED SITE PLAN FOR PROPOSED SHOPPING CENTER DEVELOPMENT  
 APPLICANT: DANIEL ZOLDAK  
 PROP OWNER: VISALIA PARKWAY PARTNERS LLC  
 LOCATION: SWC OF VISALIA PKWY AND MOONEY BLVD  
 APN: 121-620-013

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with \_\_\_\_\_ radius;
- Install curb;  gutter **ON SITE PER DESIGN**
- Drive approach size:  Use radius return; **36' MIN. REFER TO CITY COMMERCIAL STDS**
- Sidewalk: \_\_\_\_\_ width;  \_\_\_\_\_ parkway width at
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**  
 Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: \_\_\_\_\_ : \_\_\_\_\_ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .20%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

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

**Additional Comments:**

- 1. Proposed project will incur impact fees.**
- 2. A building permit is required, standard plan check and inspection fees will apply.**
- 3. The Proposed development plan will need to address existing lot lines. Coordinate with Planning department for LLA requirements and procedures. If a parcel map is desired, a separate plan submittal for a map will be required.**
- 4. Parking shall comply with City standards PK-1 to PK-5.**
- 5. Coordinate with existing permits on this development site. This project shall tie into master planned infrastructure including storm, sewer and internal circulation.**
- 6. Provide accessible pedestrian connectivity to existing and future surrounding parcels/buildings within the site, and to the public right of way.**
- 7. Proposed project is part of an Underlying Master Development to which all requirements and conditions of master development must be completed prior to proposed project permittance. City comments are based on the master development improvements and mapping to be completed first.**
- 8. Proposed new drive approach shall comply with City standards. Minimum 36' for two way drive approach on arterial roads.**

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 23-202

Date: 11/15/2023

**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: 08/19/2023)

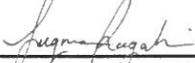
(Project type for fee rates: )

Existing uses may qualify for credits on Development Impact Fees.

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

**Reimbursement:**

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

  
\_\_\_\_\_  
**Luqman Ragabi**

City of Visalia  
Building: Site Plan  
Review Comments

SFR 23202  
VISALIA PARKWAY  
121100088

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 EACH BUILDING** 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 ALL COMMERCIAL FOOD EST.** For information call (559) 624-8011
- Project is located in flood zone \_\_\_\_\_ \*  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- School Development fees. **COMMERCIAL: \$0.78 PER 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: **PROVIDE THE FOLLOWING AT EACH BUILDING, BIKE RACK AND BIKE STORAGE, (EV) CHARGING AND (EV) CHARGING (EVCS) PARKING, (PV) SOLAR AND BATTERY STORAGE SYSTEMS, PROVIDE ACCESSIBLE ROUTES BETWEEN BUILDINGS, TO TRASH ENCLOSURES, AND TO THE PUBLIC WAY. PROVIDE FIRE SPINKLERS AT RESTAURANT AND THE ANCHOR BUILDING, PROVIDE IN GROUND GREASE INTERCEPTOR, PROVIDE SAND/OIL INTERCEPTORS AT THE CAR WASH AND FUEL ISLAND. ANCHOR BUILDING SHALL BE EQUIPPED WITH SMOKE AND HEAT VENTILATION.**

**VAL GARCIA 11/14/23**



**Site Plan Comments**

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

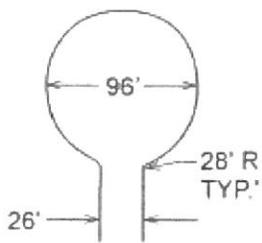
Date	November 15, 2023
Item #	8
Site Plan #	23202
APN:	121620013

- 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 following:
  - **Water supply** for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. 2022 CFC §3312
  - Provide an all-weather, 20 feet width **construction access road** capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. 2022 CFC §3310
- **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](http://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.

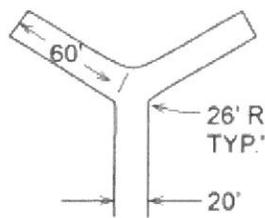
- Where a portion of any building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2022 CFC 507.5.1, App B and C
- Due to insufficient building information, the number and distance between **fire hydrants** cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with 2022 CFC §507, App B and C.

To determine **fire hydrant** location(s) and distribution the following information should be provided to the Site Plan Review committee: Type of construction \_\_\_\_\_ Square footage \_\_\_\_\_

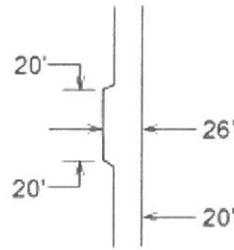
- A **fire apparatus access road(s)** shall be provided and extend within 150 feet of all portions of the building and all portions of the exterior walls of the first story as measured by an approved route around the exterior. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. Fire apparatus access roads shall have an unobstructed width of not less than the following (2022 CFC 503.1.1)
  - 20 feet width, exclusive of shoulders (No Parking)
  - More than 26 feet width, exclusive of shoulders (No Parking one side)
  - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)
- Buildings or portions of buildings with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved **fire apparatus access road** capable of accommodating fire department aerial apparatus.
  - Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders.
  - Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
  - Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.
- Fire apparatus access roads in excess of 150 feet that dead end shall be provided with a **turnaround**. Fire apparatus access roads with a length of 151-500 feet shall be a minimum of 20 feet in width. Length of 501-750 feet shall be 26 feet in width. 2022 CFC Table D103.4



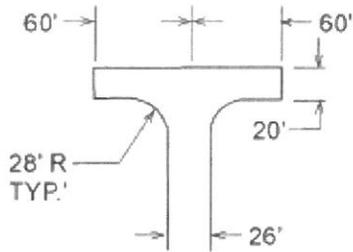
96' DIAMETER  
CUL-DE-SAC



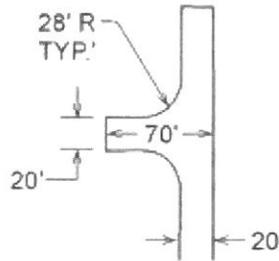
60' "Y"



MINIMUM CLEARANCE  
AROUND A FIRE  
HYDRANT



120' HAMMERHEAD



ACCEPTABLE ALTERNATIVE  
TO 120' HAMMERHEAD

- Approved **No PARKING – FIRE LANE** signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. 2022 CFC 503.3/ D103.6

SIGN TYPE "A"



SIGN TYPE "C"

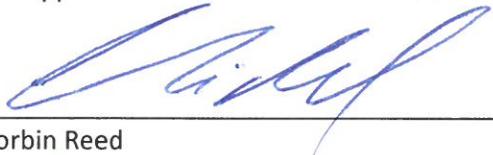


SIGN TYPE "D"



- An **automatic fire sprinkler system** will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. 2022 CFC §912 and VMC 8.20.010 subsection C103.4
- Locking **fire department connection (FDC) caps** are required. The caps shall be ordered using an approved Knox Authorization Order Form. Go to [knoxbox.com](http://knoxbox.com) to order and please allow adequate time for shipping and installation. 2022 CFC 912.4.1

- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors shall be provided with a **Type 1 Hood**, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. 2022 CFC 904.12 & 609.2
- Mobile Food Vehicle shall not be within 10 feet of adjacent buildings, property lines and air intakes. 2022 CMC 510.9.1
- Sources of ignition shall be prohibited where fuel is dispensed. Sources of ignition shall not be located within 50 feet of fuel dispensing operations, fuel transfer areas and/or vapor processing equipment. 2022 CFC 2305.4 & 2306.7.9.2.2
- Traffic calming devices shall be prohibited unless approved by the fire code official. Visalia Fire Department current standards for approved traffic calming are speed tables that can be traversed at 25 miles per hour.
- All exterior risers, drain/test valves and backflow devices shall be protected from unauthorized tampering by approved means. Protection method shall be indicated on building plans. 2022 CFC 903.3.8.4.1



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Corbin Reed  
Fire Marshal



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

Date: 11/13/23  
 Item: 8  
 Site Plan: SPR23202  
 Name: Agent McBride

**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

November 15, 2023

ITEM NO: 8      Added to Agenda      MEETING TIME:  
SITE PLAN NO: [SPR23202](#)      ASSIGNED TO: Josh Dan [Josh.Dan@visalia.ci](mailto:Josh.Dan@visalia.ci)  
PROJECT TITLE: Visalia Parkway - SWC Visalia Parkway & Mooney Blvd  
DESCRIPTION: Revised Site Plan for proposed shopping center development  
APPLICANT: DANIEL ZOLDAK - Applicant  
APN: 121-620-013

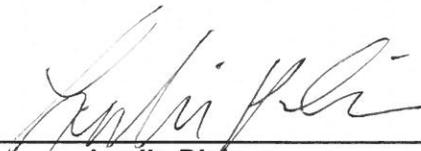
**THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY**

- 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:

- Applicant to provide conformance with TIA previously performed for master plan of site. Change in projected trip generation and comparison required. Depending on size of increase, an update to TIA may be required.
- All site access points required to be analyzed.
- Onsite traffic circulation required to be analyzed.

- Drive thru queues required to be evaluated. Need traffic control plans to ensure no backup queue blocks drive aisles for parking lot, and main drive aisles, and there is no spillover of queue onto public ROW.
- Commercial drive approach on Visalia Pkwy may be required to be wider than 25' as shown on plan. Width dependant on speed of Visalia Pkwy and truck turn movements for deliveries.



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**Leslie Blair**



SITE PLAN REVIEW DATE: 11/15/2023

WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)  
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 23202

PROJECT NAME: VISALIA PARKWAY

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 FSE QUEST. \_\_\_\_\_
- FORM REQUIRED AUTOMOTIVE QUEST. \_\_\_\_\_
- FORM REQUIRED \_\_\_\_\_

INSTALLATION OF SAND AND GREASE INTERCEPTOR

INSTALLATION GREASE INTERCEPTOR

OTHER SAND/OIL SEP \_\_\_\_\_

SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE) AT  
(559) 713-4529 OR [JESSICA.SANDOVAL@VISALIA.CITY](mailto:JESSICA.SANDOVAL@VISALIA.CITY), IF YOU HAVE ANY QUESTIONS.

COMMENTS:

FORMS attached

DATE REVIEWED: 11/15/2023



FOOD SERVICE ESTABLISHMENT WASTEWATER SURVEY

- This survey must be filled out completely. **Please write N/A (not applicable) if the requested information does not apply.**
- The survey must be signed by an official company representative, who is authorized to sign such documents.
- If assistance in completing this questionnaire is needed, please contact:

Jessica Sandoval  
 Pretreatment Program Coordinator  
 Email: [Jessica.Sandoval@visalia.city](mailto:Jessica.Sandoval@visalia.city)  
 Phone: (559) 713-4529

- Please return survey via email to [Jessica.sandoval@visalia.city](mailto:Jessica.sandoval@visalia.city), and hand deliver or mail original to:

City of Visalia, WCP  
 Attention: Jessica Sandoval  
 7579 Ave 288  
 Visalia, CA 93277

**Contact Information:**

- A. Applicant Name: \_\_\_\_\_
- B. Doing Business As: \_\_\_\_\_
- C. City of Visalia Business License Number: \_\_\_\_\_
- D. Owner Name(s): \_\_\_\_\_
- E. Business Address: \_\_\_\_\_
- F. Business Phone Number: \_\_\_\_\_
- G. Mailing Address: \_\_\_\_\_
- H. Alternate Phone Number: \_\_\_\_\_
- I. Email Address: \_\_\_\_\_
- J. Website: \_\_\_\_\_
- K. Designated Representative and Signatory at the facility that has been authorized and can sign for all correspondence and reports. All correspondence from the City will be sent to this person.

Name/Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

L. Facility Contact During Inspections

Name/Title: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

**Facility Information:**

M. Please check all descriptions that apply to your facility.

Type of Food Service Establishment	Location
<input type="checkbox"/> Fast Food Restaurant	<input type="checkbox"/> Stand-Alone Restaurant
<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Strip Mall
<input type="checkbox"/> Doughnut Shop	<input type="checkbox"/> Mall/Food Court
<input type="checkbox"/> Coffee Shop	<input type="checkbox"/> School
<input type="checkbox"/> Supermarket/Grocery Store	<input type="checkbox"/> Religious Institution
<input type="checkbox"/> Convenience Store/Mini Mart	<input type="checkbox"/> Amusement Park
<input type="checkbox"/> Ice Cream/Smoothie Shop	<input type="checkbox"/> Hospital
<input type="checkbox"/> Deli/Sandwich shop	<input type="checkbox"/> Nursing home
<input type="checkbox"/> Meat Processor	<input type="checkbox"/> Hotel
<input type="checkbox"/> Bakery	<input type="checkbox"/> Supermarket
<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Office Building
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

N. Please check all the equipment currently in your facility

Food Processing Equipment		Kitchen Equipment	
	QTY		QTY
<input type="checkbox"/> Deep Fryer		<input type="checkbox"/> Dishwasher	
<input type="checkbox"/> Char broiler		<input type="checkbox"/> Pre-rinse sink	
<input type="checkbox"/> Griddle		<input type="checkbox"/> Mop	
<input type="checkbox"/> Grill		<input type="checkbox"/> Floor drains	
<input type="checkbox"/> Oven		<input type="checkbox"/> Garbage disposal	
<input type="checkbox"/> Rotisserie		<input type="checkbox"/> Other _____	
<input type="checkbox"/> Stove			
<input type="checkbox"/> Other			

O. Number of employees/shift: \_\_\_\_\_ Number of shifts/day: \_\_\_\_\_

P. Outdoor seating capacity: \_\_\_\_\_ Indoor seating capacity: \_\_\_\_\_

Q. Please provide the following information for hours of operation.

Day	Hours of Operation	24 Hours	Approximate Number of Meals Served Daily
Monday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Tuesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Wednesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Thursday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Friday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Saturday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sunday		<input type="checkbox"/> Yes <input type="checkbox"/> No	

R. Grease Removal Device Information

<input type="checkbox"/> Indoor Trap	<input type="checkbox"/> Outdoor Interceptor	<input type="checkbox"/> No grease removal device
--------------------------------------	--	---

S. What is the capacity of the grease interceptor/grease trap? \_\_\_\_\_

T. How frequently is the interceptor/grease trap cleaned? \_\_\_\_\_

U. Date of last cleaning? \_\_\_\_\_

V. Company or firm who performs grease interceptor maintenance and pumping:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

W. Do you have a waste oil container for recycling used cooking oil? ( ) Yes ( ) No

X. If yes, what is the frequency that it is pumped? \_\_\_\_\_

Y. If yes, name of company or firm that pumps and disposes of your used cooking oil:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Z. Certification

*By signing below, I certify that I have examined and am familiar with the information submitted in the attached document and under penalty of law; the submitted information is true, accurate, and complete. I am aware there are penalties for submitting false information, including the possibility of fine.*

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

City Use Only	
Survey Received Date	Received by



CITY OF VISALIA  
AUTOMOTIVE SERVICES QUESTIONNAIRE

New Business  Renewal  Ownership/Name Change

BUSINESS NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ SAND/OI \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP \_\_\_\_\_

OWNER NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

OWNER EMAIL: \_\_\_\_\_

ONSITE CONTACT PERSON: \_\_\_\_\_ TITLE: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTACT EMAIL ADDRESS: \_\_\_\_\_

NATURE OF BUSINESS (engine/transmission repair, oil change, car wash, radiator service, paint & body shop, etc.):  
FORMS attached 

NO. OF EMPLOYEES: \_\_\_\_\_ HOURS OF OPERATION: \_\_\_\_\_

DAYS PER WEEK BUSINESS OPEN:  MON  TUES  WED  THUR  FRI  SAT  SUN

Does your facility have a grease, oil or grit trap installed before discharge to sewer? YES NO

Does your facility conduct operations that involve the exchange or replacement of fluids?  
(e.g. oil, transmission or brake fluid, radiator coolant etc.)? YES NO

Does your facility have any floor drains? YES NO

Does your facility have a steam cleaner? YES NO

Does your facility wash vehicles on site? YES NO

**If generated, how do you dispose of the following?**

Grease, oil, and sand interceptor contents \_\_\_\_\_

Hazardous Waste: \_\_\_\_\_

*By signing below, I certify that I have examined and am familiar with the information submitted and under penalty of law; the submitted information is true, accurate, and complete. I am aware there are penalties for submitting false information, including the possibility of fine.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

For assistance in completing this questionnaire, please contact Jessica Sandoval at (559) 713-4529 or by email at [jessica.sandoval@visalia.city](mailto:jessica.sandoval@visalia.city).

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

23202

November 15, 2023

- 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.

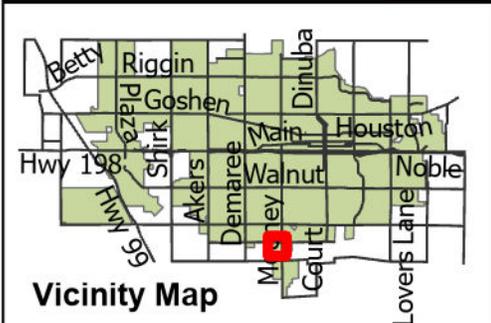
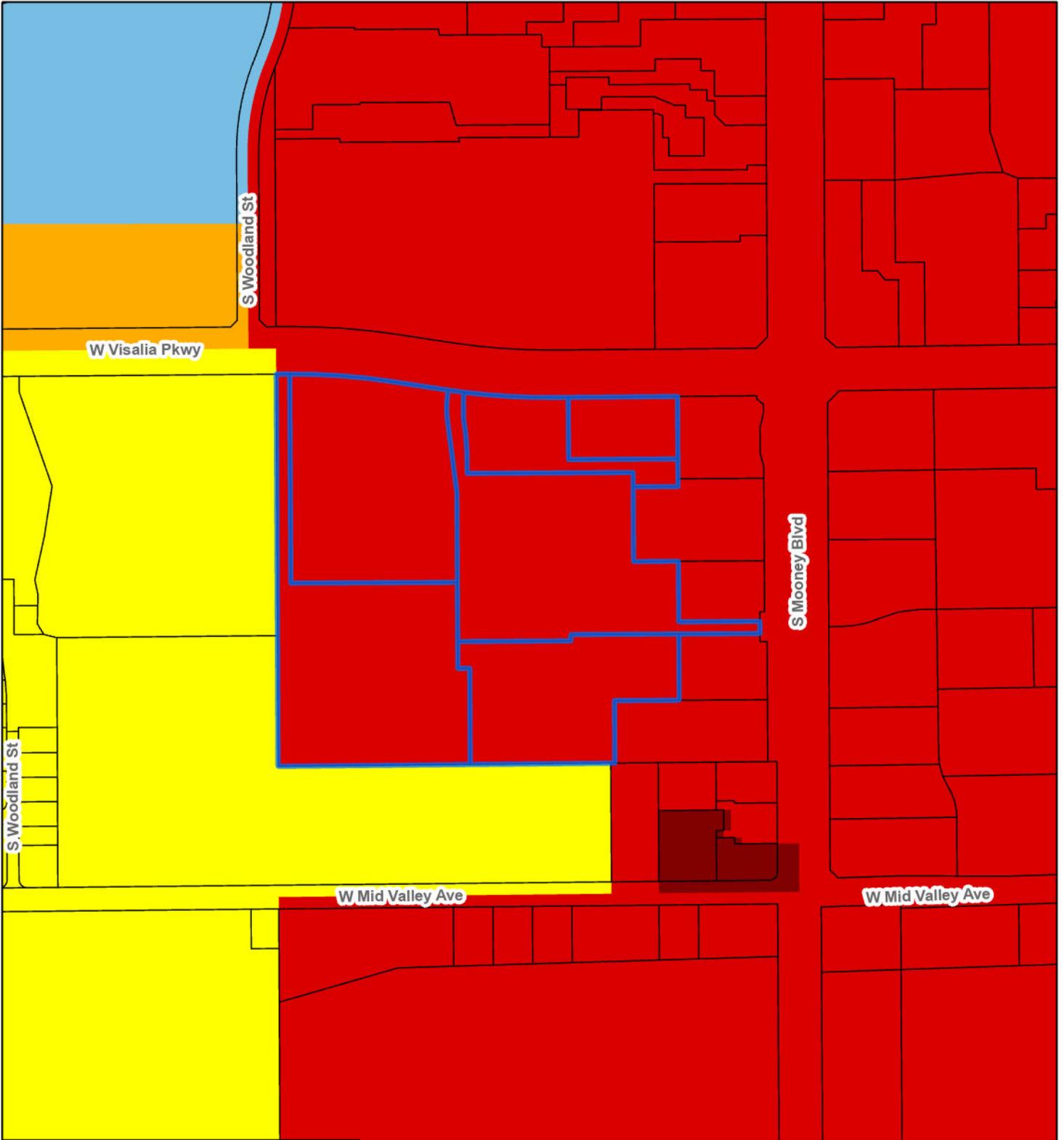
City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

Solid waste services to include trash, recycling, and organics recycling, per the State of California's mandatory commercial recycling laws (AB341 & AB1826), at each of the proposed sites, including the anchor site. Customer to identify placement of city standard (R1/R2) single bin and city standard (R3/R4) double bin enclosures at each site, set for STAB load collections. The proposed enclosure at the car wash must be relocated to allow for STAB collections. Customer to include a city standard (R1/R2) single bin enclosure set for STAB load collections at the proposed fast-food site. Enclosure gates are required and must swing 180 degrees, clearing all curbing. Cane bolts to be included to secure gates when opened. The customer is encouraged to contact Solid Waste at 559-713-4532 to review preferred enclosure placements.

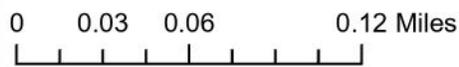
Comment

Jason Serpa, Solid Waste Manager, 559-713-4533  
Edward Zuniga, Solid Waste Supervisor, 559-713-4338  
Nathan Garza, Solid Waste, 559-713-4532



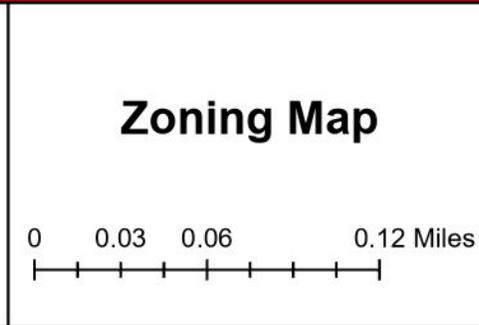
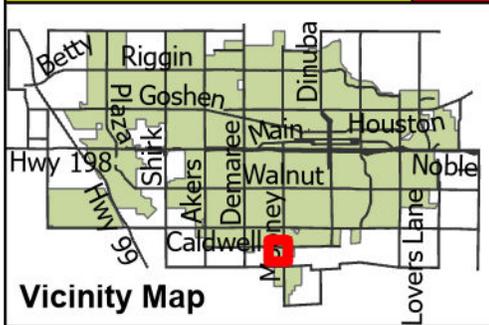
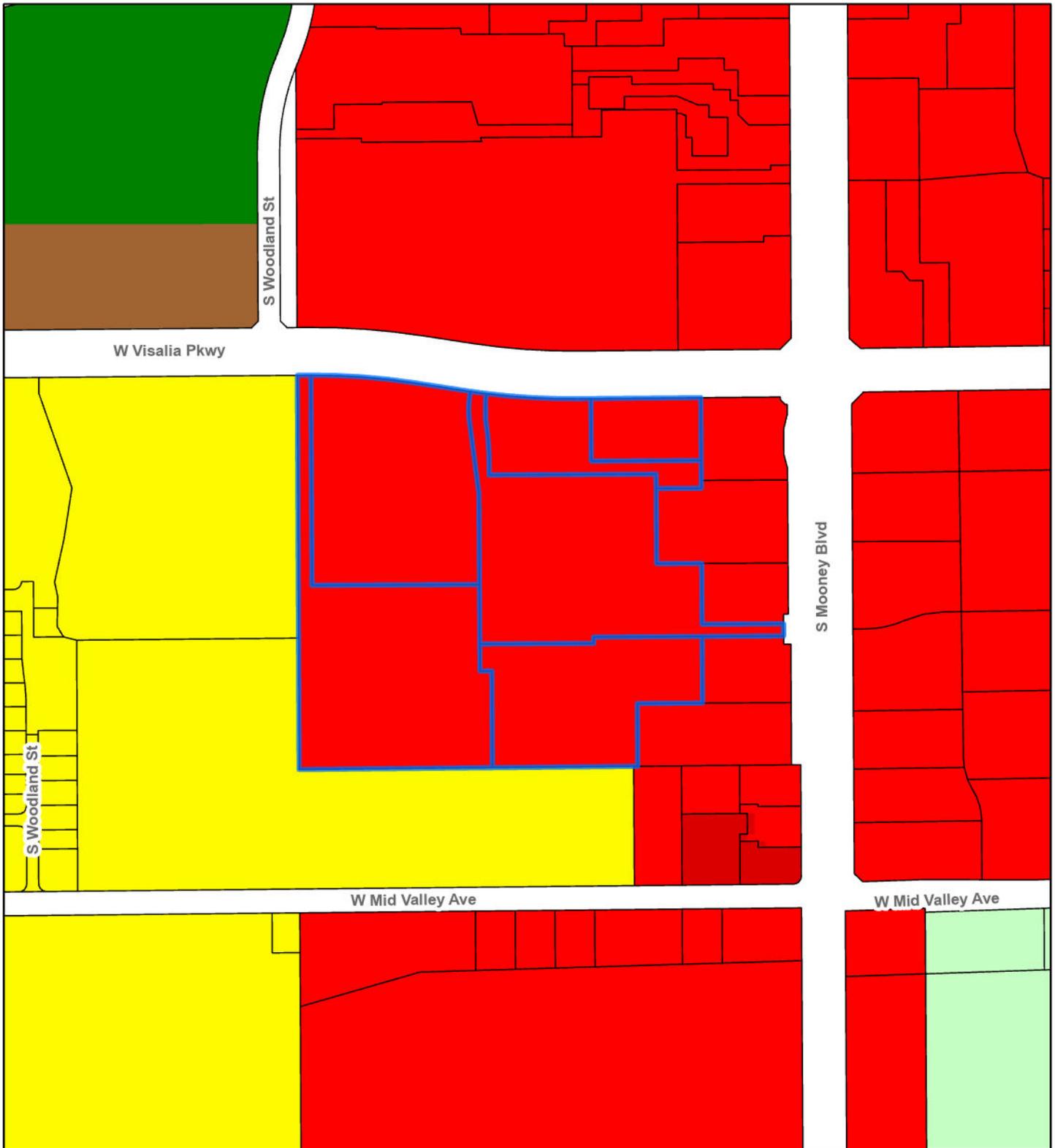


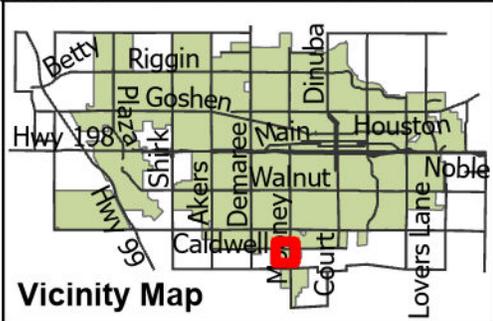
## General Plan Land Use Map



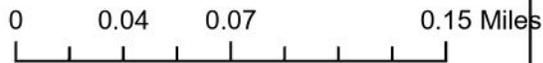
- Commercial Neighborhood
- Commercial Regional
- Public Institutional
- Residential Low Density
- Residential Medium Density

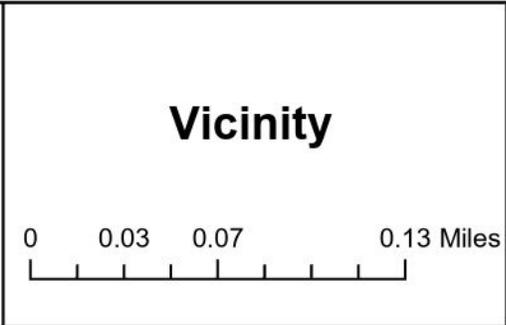
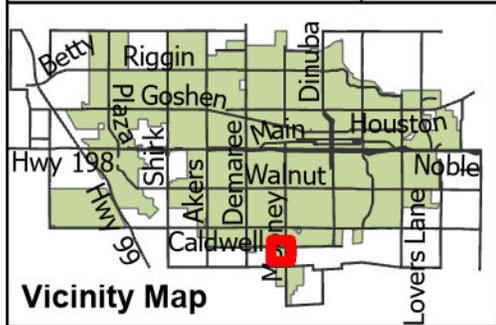
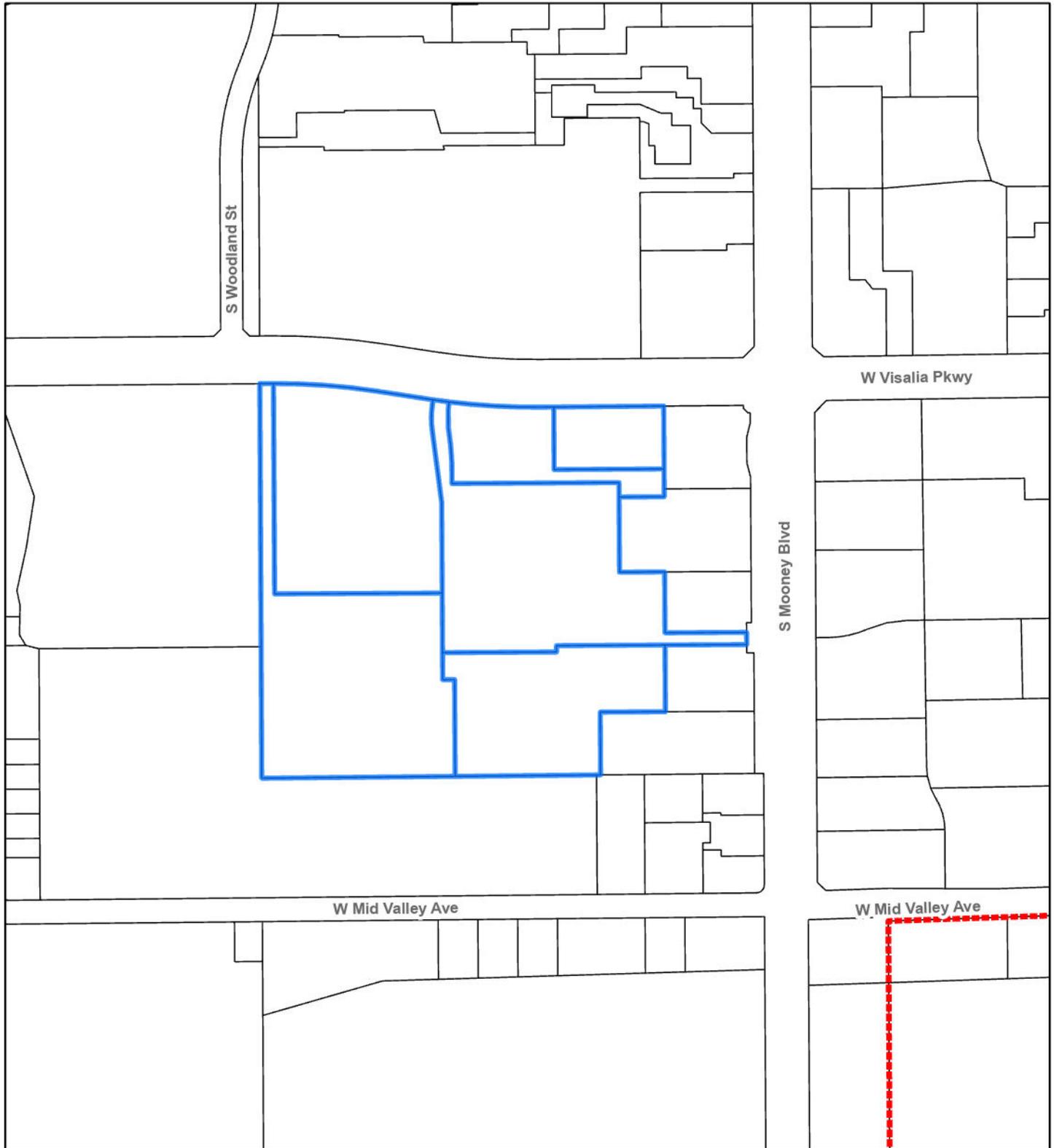






### Aerial Map







# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** September 23, 2024

**PROJECT PLANNER:** Paul Bernal, Director  
Phone No.: (559) 713-4025  
E-mail: [paul.bernal@visalia.city](mailto:paul.bernal@visalia.city)

**SUBJECT:** **Revocation of Conditional Use Permit No. 2011-18:** A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2011-18, which allows live entertainment and dancing in conjunction with Downtown Rookies Sports Bar and Grill located at 215 East Main Street, in the D-MU (Downtown Mixed Use) Zone (APN: 094-296-011).

## STAFF RECOMMENDATION

Staff recommends revoking Conditional Use Permit No. 2011-18. Staff's recommendation is based on the conclusion that the owner/operator has failed to comply with terms and conditions of the Conditional Use Permit and the Visalia Municipal Code, resulting in excessive calls for police service during hours of live entertainment.

## RECOMMENDED MOTION

I move to approve revocation of Conditional Use Permit No. 2011-18 based on the findings and conditions in Resolution No. 2024-61.

## ALTERNATIVES

The Planning Commission may, in lieu of the recommended motion specified above, consider the following alternative motion:

I move to direct staff to work with the applicant/owner to establish new and/or revised conditions of project approval that reflect the applicant/owners desire to modify and update their operational statement, security plan, and operating conditions that will better effectuate how live entertainment is properly managed when offered within the Downtown Rookies Sports Bar and Grill restaurant. The revisions to the operational statement, security plan, and operating conditions will be presented at a future Planning Commission meeting.

## BACKGROUND

Conditional Use Permit (CUP) No. 2011-18, approved by the Planning Commission on September 12, 2011, subject to the conditions of approval per Resolution No. 2011-39, permitted live entertainment in conjunction with a bona fide restaurant (i.e., Downtown Rookies Sports Bar and Grill). Per the staff report, live entertainment activities were to be provided four nights a week beginning at 9:00 p.m. to 1:00 a.m. while the use of the restaurant identified hours of operation from 11:00 a.m. to 11:00 p.m. Live entertainment activities were to consist of live musical acts, disc jockeys, karaoke, or similar activities in nature and intensity, and during this time patrons needed to be 21 years of age or older when live entertainment activities were provided. The approval to permit live entertainment was condition in a manner that explicitly requires management and operational requirements to be adhered to at all times to ensure a safe environment is provided during live entertainment activities for both patrons of the establishment and to the surrounding businesses. As noted in the September 12, 2011, staff report, *"failure by the owner/operator to comply with the conditions may result in a hearing to revoke the CUP."*

The request to revoke Conditional Use Permit (CUP) No. 2011-18 is in response to violations of the terms and conditions of the conditional use permit and Municipal Code provisions by this business, Downtown Rookies Sports Bar and Grill, when live entertainment activities are occurring within the restaurant. On August 15, 2024, a “Notice of Conditional Use Permit Suspension” letter was sent by certified mail to both the property owner and business operator informing them that the conditional use permit was being suspended and a public hearing was being set to determine if the conditional use permit should be revoked. A copy of that letter is provided as Attachment “A” to this staff report. Please note that the use of the restaurant continues to be permitted to operate, and the CUP suspension/revocation is only related to the ancillary live entertainment use.

Pursuant to Section 17.38.040 of the Zoning Ordinance, 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 ensure 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 of the Zoning Ordinance. Please note, pursuant to Section 17.38.050, following 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 revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council.

**BACKGROUND INFORMATION**

General Plan Land Use Designation: Downtown Mixed Use  
Zoning: D-MU (Downtown Mixed Use)  
Surrounding Zoning and Land Use: North: Main St. & D-MU / Bank of America  
South: Alley & D-MU / Comfort Suites  
East: D-MU / Clothing store  
West: D-MU / Restaurant

**Related Project:**

On September 12, 2011, Conditional Use Permit No. 2011-18 was approved which allows live entertainment and dancing in conjunction with Downtown Rookies Sports Bar and Grill located at 215 East Main Street, in the D-MU (Downtown Mixed Use) Zone. A copy of the staff report and resolution is attached to this report as Attachment “B”.

**REVOCAION REQUEST**

Staff recommends the revocation of Conditional Use Permit No. 2011-18 based on the operator/owner failure to comply with the terms and conditions of the conditional use permit and the Visalia Municipal Code as analyzed below. Staff conducted a review of the Conditional Use Permit (CUP) at this site address and compared it to other businesses in the downtown area that have approved CUP’s to permit live entertainment within their establishments. This comparison showed this site has more calls for services compared to other locations.

**Analysis of Live Entertainment Revocation Request**

The City of Visalia has long recognized the importance of the downtown area which represents the center of the city offering a wide range of commercial establishments, stores, restaurants, mixed with offices and some residential uses. In addition to being a major center for employment, there are several commercial establishments that have been approved, via a discretionary review process and subject

to operating conditions, that offer various live entertainment options in the latter part of the evening which are intended to be ancillary to the primary commercial establishments use (i.e., bona fide restaurant). These live entertainment approvals are recognized as a way to provide the downtown with a variety of entertainment options for patrons to enjoy dancing, singing, and listening to local artist in the late evening hours, and on the weekends. However, when these establishments fail to properly comply with the conditions/requirements imposed on them to ensure entertainment activities are done in a manner to protect their patrons, this often results in the City of Visalia having to apply significant staff resources to monitor and combat unruly behavior that can lead to negative impacts to the downtown area, surrounding businesses, and to the safety of visitors to the downtown area.

As provided in the attached CUP Suspension letter (see Attachment "A"), staff issued the letter due to numerous ongoing code violations, and noncompliance with CUP conditions by Downtown Rookies Sports Bar and Grill when live entertainment activities are occurring within the restaurant. The suspension of live entertainment activities is based on a review of the adopted conditions for the live entertainment use and calls for service to this establishment as follows:

- On March 25, 2021, a "Declaration of Public Nuisance" was issued to this business based on the excessive amount of police calls to the property and criminal activity related to the business at the location.
- On April 2, 2021, the property owner met and discussed with staff the issues that were occurring at the business, which staff was informed the property owner would meet and present the problems with the owner/operator of the restaurant in an effort to resolve the ongoing issues.
- On April 13, 2021, the property owner advised staff that a meeting with the business owner had occurred and during the course of those discussions the restaurant owner/operator was informed of the seriousness of the situation. It was further confirmed that the property owner was going to allow the business owner/operator to continue operations subject to them working on resolving the situation before taking any additional actions if the issues were not resolved.
- On January 11, 2022, staff informed the property owner that there had been an additional 26 calls for service to the business and 10 of those were due to lack of proper management of the business.

The CUP suspension letter issued on August 15, 2024, also identified the number of calls for service for the past two years to the business address as noted below:

<b>YEAR</b>	<b>TOTAL CALLS FOR SERVICE</b>	<b>DIRECTLY RELATED TO THE BUSINESS</b>	<b>DURING HOURS OF LIVE ENTERTAINMENT</b>
2023	53	28	18
2024 (7 MONTHS)	48	37	27

Upon setting the CUP revocation hearing, staff conducted another review of the calls for service. This review focused on considering when the calls occurred, during or after the entertainment hours specified in the CUP. The review also considered how the calls for police services were generated and noted that calls for assistance from the employees at the business should not be considered as part of a public nuisance for excess calls, these calls were removed<sup>1</sup>. The remaining calls were for calls generated by citizens nearby or were initiated by VPD in response to issues at this location. This review noted the following changes:

YEAR	TOTAL CALLS FOR SERVICE	DIRECTLY RELATED TO THE BUSINESS	DURING HOURS OF LIVE ENTERTAINMENT
2023	53	30 (an increase of 2 calls from the information provided in the CUP suspension letter)	20 (an increase of 2 calls from the information provided in the CUP suspension letter)
2024 (7 MONTHS)	48	32 (a reduction of 5 calls from the information provided in the CUP suspension letter)	25 (a reduction of 2 calls from the information provided in the CUP suspension letter)

As noted in the tables above, including the re-review of calls for service after the date of issuance of the CUP suspension letter, the need for police presence at the business has escalated which can be contributed to the lack of proper management when live entertainment activities were occurring. Furthermore, when responding to these calls police officers found that the business was in violation of the live entertainment conditions of approval as adopted per Resolution No. 2011-39 for Conditional Use Permit No. 2011-18. A copy of the 2011 resolution and staff report is included as Attachment “B”.

Also as stated in the August 15, 2024 CUP suspension letter, on June 23, 2024, and July 27, 2024, while patrolling the area, officers found numerous large groups of people congregating in front of the business, and live entertainment activities were occurring after 1:00 a.m. Police officers informed Rookies’ staff present during this encounter that allowing people to congregate in front of the business in the manner that was occurring is a violation of the live entertainment CUP conditions. Additionally, on July 28, 2024, during a homicide investigation of a patron of the Downtown Rookies Sports Bar and Grill that occurred in front of this business, it was found that the victim was part of large group of people that were allowed to congregate in front of the business, and Police Officers also noted that the live entertainment activities were still occurring after 1:00 a.m. on the night of the homicide.

These issues as noted above are in violation of the Conditions of Approval (COA) as adopted per Resolution No. 2011-39. The COA’s violated are summarized below:

- **COA No. 2:** *That the hours of operation for live entertainment and dancing shall be between the hours of 9:00 pm to 1:00 am. Live entertainment shall be restricted only to live musical acts, disc jockeys, karaoke, or similar activities in nature and intensity as determined by the City Planner. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.*

**Analysis:** Responding police officers noted that on several occasions live entertainment activities extended beyond the hours of operation for live entertainment as conditioned per COA No. 2. The business owner acknowledged that live entertainment hours were conducted beyond the allowed times. No request to modify the hours was submitted at any time during the 12 years that the live entertainment CUP was active.

<sup>1</sup> Upon review these calls were considered part of the management of the business, since these calls involved employees of the business seeking police assistance in dealing with an incident.

- COA No. 7: *During live entertainment or dancing, the public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business and shall keep the public sidewalk area directly in front of the business open for public pedestrian use. This waiting area shall be defined by a solid visible line on the ground or a portable non-permanent rope style system that creates a separation between the area patrons wait in line and the public use area of the sidewalk. The operator shall regularly maintain the area under their control free of alcohol and litter.*

Analysis: Responding police officers noted that on several occasions numerous large groups of people congregating in front of the business when live entertainment activities were occurring. The implementation of this condition is to ensure that patrons waiting to enter the establishment are prevented from congregating and spilling out onto the sidewalk and street which could result in both obstructions to pedestrians walking along the sidewalk and vehicles driving along Main Street. By not properly complying and implementing this condition, failure to control patrons entering the establishment creates nuisance issues for the reasons noted above.

- COA No. 16(d): *That the owner/operator shall prepare and implement an approved Security Plan that includes the following:*
  - a. *Designate an adequate number of security personnel who will monitor and control the behavior of customers inside the building, any queue on the public sidewalk for the business, and any private parking lot under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a licensed security firm. All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.*

Analysis: As noted under COA No. 7, the owner/operator failure to implement the security measures as conditioned to ensure patrons were placed in a designed area to wait and enter the establishment (i.e., large groups of people congregating in front of the business). The establishments security employees failed to properly employ crowd control techniques, as required per this condition, to ensure that people are congregating in a designed queue area in front of the business in an effort to limit obstructions to the sidewalk and street, and to reduce the likelihood of disturbances involving patrons waiting to enter the business.

Staff's recommendation to move towards revocation should not come as a surprise as the 2011 Planning Commission staff report explicitly detailed, in two instances, that failure by the property owner or establishment operator to comply with the conditions may result in a hearing to revoke the CUP. This was noted under both the "Inter Departmental Review" and "Conditional Use Permit Revocation Process" sections and included as COA No. 15 which can be found in the attached Planning Commission Staff Report dated September 12, 2011 (see Attachment "B").

Likewise, Downtown Rookies Sports Bar and Grill is required to be a bona fide restaurant, which is conditioned per COA NO. 5 of Resolution No. 2011-39. Live entertainment activities should not be considered the primary use of the establishment. Live entertainment is an ancillary use for this restaurant business and was permitted to operate subject to complying with the conditions. The revocation of the CUP for live entertainment has no bearing on keeping the restaurant from operating in a manner consistent with a restaurant use.

**Review of Other Live Entertainment / Restaurant Uses in the Downtown Area:**

The City of Visalia has also reviewed all live entertainment CUPs issued for businesses in the downtown area. There is a total of nine CUPs approved with some form of live entertainment as follows:

1. Crawdaddy’s Restaurant: CUP No. 2005-40 approved to allow live entertainment.
2. Cellar Door: CUP No. 2009-17 approved to allow live entertainment and dancing along with other special events.
3. Downtown Rookies Sports Bar and Grill: CUP No. 2011-18 approved to allow live entertainment and dancing.
4. Visalia Brewing Company: CUP No. 2012-12 approved to allow live entertainment and karaoke.
5. Sequoia Brewing: CUP No. 2014-28 approved to allow live entertainment.
6. Blend Wine Room: CUP No. 2015-05 approved to allow live music.
7. Barrelhouse Brewing Company: CUP No. 2017-23 approved to allow live entertainment.
8. Corbey’s Rock n Roll Heroes: CUP No. 2021-12 approved to allow live entertainment.
9. Los Culichis Sushi and Bar: CUP No. 2023-27 approved to allow live entertainment.

Staff conducted a review of calls for service to these establishments from January 2024 to August 2024, and notes the following:

<b>Table 1-1</b>		
<b>Business</b>	<b># of Calls</b>	<b>DURING HOURS OF LIVE ENTERTAINMENT</b>
<u>Crawdaddy’s Restaurant</u>	10	1
<u>Cellar Door</u>	14	0
<u>Downtown Rookies Sports Bar and Grill</u>	48	25
<u>Visalia Brewing Company</u>	16	13
<u>Sequoia Brewing</u>	12	No live entertainment conducted at this establishment during reporting timeline
<u>Blend Wine Room</u>	0	0
<u>Barrelhouse Brewing Company</u>	7	4
<u>Corbey’s Rock n Roll Heroes</u>	12	2
<u>Los Culichis Sushi and Bar</u>	14	9

*\*With the exception of Downtown Rookies restaurant, the numbers identified for each establishment during live entertainment have not been further reviewed to remove calls for service that may not be directly associated to that business.*

Based on the number of calls for service to establishments in the downtown area permitted to host live entertainment activities, and particularly the number of calls during hours of live entertainment as noted in Table 1-1, it is apparent that during live entertainment hours for Downtown Rookies Sports Bar and Grill, police assistance is needed more frequently, creating an undue burden for law enforcement. As noted in the “**Analysis of Live Entertainment Revocation Request**” section above, the excessive calls for service could be attributed to the owner/operator failing to ensure that the proper protocols are met based on the conditions of approval that are designed to help control and manage patrons of the establishment in a safe manner when live entertainment is provided. Staff concludes, based on the analysis provided in the staff report, CUP No. 2011-18 should be revoked.

## RECOMMENDED FINDINGS

1. That the Downtown Rookies Sports Bar and Grill restaurant establishment has on multiple occasions been in violation of adopted conditions, when live entertainment activities are occurring, as required per the terms and conditions of Conditional Use Permit No. 2011-18 and adopted per Resolution No. 2011-39.
2. That continuing to allow live entertainment activities within the restaurant establishment under the current Conditional Use Permit may have a negative impact on the surrounding businesses and downtown area due to the repeated failures of the establishments at this location to meet applicable requirements, including but not limited to following: complying with the required hours of operation for live entertainment; keeping the sidewalks area in front of the business open for public use during live entertainment; keeping business patrons in orderly lines while waiting to enter the business for live entertainment; and implementing a security plan to monitor the behavior of customers inside the building and the public sidewalk in front of the business when live entertainment activities are occurring.
3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on August 15, 2024, pursuant to Section 17.38.040 of the Zoning Ordinance.

## APPEAL INFORMATION

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

### Attachments:

- Resolution No. 2024-61
- Attachment "A" – Notice of Conditional Use Permit Suspension letter
- Attachment "B" – Conditional Use Permit No. 2011-18 Staff Report dated September 12, 2011
- Attachment "C" – Conditional Use Permit Section 17.38
- Aerial Map

RESOLUTION NO. 2024-61

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING A REQUEST BY THE CITY OF VISALIA, PURSUANT TO MUNICIPAL CODE SECTION 17.38.040, TO REVOKE CONDITIONAL USE PERMIT NO. 2011-18, WHICH ALLOWS LIVE ENTERTAINMENT AND DANCING IN CONJUNCTION WITH DOWNTOWN ROOKIES SPORTS BAR AND GRILL LOCATED AT 215 EAST MAIN STREET, IN THE D-MU (DOWNTOWN MIXED USE) ZONE (APN: 094-296-011)

**WHEREAS**, Conditional Use Permit No. 2011-18, was a request to allow live entertainment and dancing between the hours of 9:00 p.m. and 1:00 a.m. as an ancillary use in conjunction with the bona fide Downtown Rookies Sports Bar and Grill restaurant located at 215 East Main Street, in the D-MU (Downtown Mixed Use) Zone (APN: 094-296-011); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 12, 2011, and found the Conditional Use Permit No. 2011-18, as conditioned per Resolution No. 2011-39, 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**, on March 25, 2021, a “Declaration of Public Nuisance” was issued based on the excessive amount of police calls to the property and criminal activity related to the business located at 215 East Main Street; and

**WHEREAS**, on April 2, 2021, a meeting between City staff and the property owner was held to discuss the issues occurring at the business located at 215 East Main Street; and

**WHEREAS**, on April 13, 2021, the property owner informed City staff that a meeting with the business owner/operator of the restaurant establishment located at 215 East Main Street occurred and that the owner/operator of said restaurant was informed of the seriousness of the situation occurring during hours live entertainment is offered and that said owner/operator of the restaurant was instructed to take corrective measures to resolve these issues; and

**WHEREAS**, the Neighborhood Preservation Division continued to monitor the business and noted that calls for service during the calendar years for 2023 and 2024 had escalated with the need for police presence required at the business; and

**WHEREAS**, on June 23, 2024, and July 27, 2024, while patrolling the area, police officers found large groups of people congregating in front of the business, and live entertainment activities were occurring after 1:00 a.m. which are violations of Condition Nos. 2, 7, 11, and 16.d of adopted Resolution No. 2011-39; and

**WHEREAS**, on July 27, 2024, police officers informed Rookies' staff present during this encounter that allowing people to congregate in front of the business in the manner that was occurring is a violation of the live entertainment CUP conditions; and

**WHEREAS**, on July 28, 2024, during a homicide investigation of a patron of the Downtown Rookies Sports Bar and Grill that occurred in front of this business, it was found that the victim was part of large group of people that were allowed to congregate in front of the business, which is in violation of Condition Nos. 7, 11, and 16.d., and police officers also noted that the live entertainment activities were still occurring after 1:00 a.m., which is in violation of Condition No. 2, of the adopted Resolution No. 2011-39; and

**WHEREAS**, on August 15, 2024, based on a thorough review of the live entertainment conditions of approval for Conditional Use Permit No. 2011-18, as adopted per Resolution No. 2011-39, a Notice of Conditional Use Permit Suspension letter, pursuant to Section 17.38.040 of the Zoning Ordinance, was sent by certified mail to the property owner informing them that the conditional use permit is being suspended due to numerous ongoing code violations by the business when live entertainment activities are occurring within the restaurant, and a public hearing was being set to determine if the conditional use permit should be revoked; and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on September 23, 2024; and

**WHEREAS**, the Planning Commission of the City of Visalia has considered the request for revocation of the Conditional Use Permit in accordance with Sections 17.38.040, 17.38.080, 17.38.090, 17.38.100 and 17.38.110 of the Zoning Ordinance of the City of Visalia; and

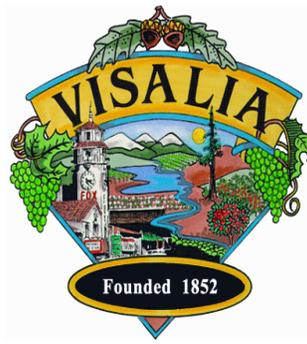
**WHEREAS**, the Planning Commission of the City of Visalia finds the owner/operator of restaurant establishment to be in violation of the terms and conditions of approval of the Conditional Use Permit issued for live entertainment based on the evidence contained in the staff report and testimony presented at the public hearing.

**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 Downtown Rookies Sports Bar and Grill restaurant establishment has on multiple occasions been in violation of adopted conditions, when live entertainment activities are occurring, as required per the terms and conditions of Conditional Use Permit No. 2011-18 and adopted per Resolution No. 2011-39.
2. That continuing to allow live entertainment activities within the restaurant establishment under the current Conditional Use Permit may have a negative impact on the surrounding businesses and downtown area due to the repeated failures of the establishments at this location to meet applicable requirements, including but not limited to following: complying with the required hours of operation for live entertainment; keeping the sidewalks area in front of the business open for public use during live entertainment; keeping business patrons in orderly lines while waiting to enter the business for live entertainment; and implementing a security plan to monitor the behavior of customers inside the building and the public sidewalk in front of the business when live entertainment activities are occurring.

3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on August 15, 2024, pursuant to Section 17.38.040 of the Zoning Ordinance.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the revocation of Conditional Use Permit No. 2011-18 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.



## Notice of Conditional Use Permit Suspension

August 15, 2024

Leslie Mosely LLC  
3501 South Willis Court  
Visalia CA 93277

CASE NUMBER: **CE210154**  
CONDITIONAL USE PERMIT NO.: **2011-18**  
RE: 215 East Main Street, Visalia, CA

Mr. Leslie Mosely,

This letter is to inform you of the City of Visalia's decision, based on a thorough review of the live entertainment conditions of approval for Conditional Use Permit (CUP) No. 2011-18 which was issued for the Downtown Rookies Sports Bar and Grill restaurant establishment, to suspend the CUP due to numerous ongoing code violations by this business when live entertainment activities are occurring within the restaurant.

The subject property, 215 East Main Street, was issued a Conditional Use Permit (i.e., Conditional Use Permit No. 2011-18) by the Planning Commission on September 12, 2011, which permitted live entertainment and dancing, subject to conditions of approval as listed in Resolution No. 2011-39, as an ancillary use to the primary restaurant business located at 215 East Main Street. A copy of the resolution is attached for your reference.

A public hearing by the Visalia Planning Commission will be set within the next sixty days to determine if this Conditional Use Permit should be permanently revoked or if the suspension should be lifted and the business allowed to resume under prior conditions or with new additional conditions.

The suspension, based on staff's review of the adopted conditions for the live entertainment use and a review of calls for service to this establishment, is based on the following factors:

- On March 25, 2021, a "Declaration of Public Nuisance" was issued based on the excessive amount of police calls to the property and criminal activity related to the business at the location.
- On April 2, 2021, we met and discussed the issues that were occurring at the businesses and you agreed to discuss the problems with your tenant.

- On April 13, 2021, you advised that you did in fact meet with your tenant and discussed the seriousness of the situation with the owner. You confirmed that you were going to allow them to continue to operate at your property and work on resolving the situation before taking any additional action with your attorney.
- On January 11, 2022, you contacted our office to see if there had been any improvement on the excessive calls for service. You were advised that there had been an additional 26 calls for service to the business and 10 of those were due to lack of proper management of the business.

City staff continued to monitor the business and notes the following calls for service for the past two years:

<b>YEAR</b>	<b>TOTAL CALLS FOR SERVICE</b>	<b>DIRECTLY RELATED TO THE BUSINESS</b>	<b>DURING HOURS OF LIVE ENTERTAINMENT</b>
2023	53	28	18
2024 (7 MONTHS)	48	37	27

As noted in the table above, over the past seven months (January 2024 through end of July 2024) the need for police presence at the business has escalated with the Police Department responding to 48 calls for service to that address. A review of these calls found that 37 of those calls were directly related to the business operating at 215 East Main Street, and 27 of them were during the hours when live entertainment activities were occurring.

In addition to the increase in calls for service, officers found that the business was in violation of the live entertainment conditions of approval as adopted per Resolution No. 2011-39 for Conditional Use Permit No. 2011-18.

Most recently, on June 23, 2024, and July 27, 2024, while patrolling the area, officers found large groups of people congregating in front of the business, which is in violation of Condition Nos. 7, 11, and 16.d. and live entertainment activities were occurring after 1:00 a.m. which is also in violation of Condition No. 2.

Additionally, on July 28, 2024, during a homicide investigation of a patron of the Downtown Rookies Sports Bar and Grill that occurred in front of this business, it was found that the victim was part of large group of people that were allowed to congregate in front of the business, which is in violation of Condition Nos. 7, 11, and 16.d. Officers also noted that the live entertainment activities were still occurring after 1:00 a.m., which is in violation of Condition No. 2.

As a result of the violations of the Visalia Municipal Code and Conditional Use Permit No. 2011-18, you are hereby issued this Notice of Conditional Use Permit Suspension. The Conditional Use Permit is hereby suspended, and the restaurant is no longer permitted to hold any live entertainment function unless the Conditional Use Permit is reestablished by the Visalia Planning Commission or the Visalia City Council. This suspension is effective as of the date of this letter and is issued pursuant to Section 17.38.040 of the Visalia Municipal Code which states:

*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 ensure 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. (Ord. 2017-01 (part), 2017: prior code § 7528)*

A copy of Section 17.38.120 is also enclosed with this letter. A public hearing by the Planning Commission shall be held within the next sixty days. Notice of the public hearing shall be mailed to you, the current business owner, and all property owners within three hundred feet of the subject property and published in the local newspaper at least ten days in advance of the hearing.

Pursuant to Visalia Municipal Code Section 1.12.010, no person shall violate any provision of this code or fail to comply with the mandatory requirements of the ordinances of the City. Please be aware that any further violation of the provisions shall be punishable as a misdemeanor. Any person convicted of a misdemeanor shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in County Jail not to exceed 6 months or by both such fine and imprisonment.

Please do not hesitate to contact me at (559) 713-4025, for any further information you may require in this regard.

Sincerely,

*Paul Bernal*

Paul Bernal, Director  
Planning and Community Preservation Department  
City of Visalia

**Enclosures:**

1. Declaration of Public Nuisance Notice dated March 25, 2021
2. Sections 17.02.145 and 17.38.120 of the Visalia Municipal Code

Cc: Leslie Caviglia, City Manager – via e-mail  
John Lollis, Assistant City Manager – via e-mail  
Ken Richardson, City Attorney – via e-mail  
Jason Salazar, Chief of Police – via e-mail  
James Koontz, Assistant City Attorney – via e-mail  
Andrew Swarthout, Police Captain – via e-mail  
Luma Fahoum, Police Captain – via e-mail  
Jared Hughes, Police Lieutenant – via e-mail  
Kevin Kroeze, Police Lieutenant – via e-mail  
Tracy Robertshaw, Neighborhood Preservation Manager – via e-mail  
Downtown Rookies Sports Bar and Grill / Tenant – via e-mail



## **Declaration of “PUBLIC NUISANCE”**

March 25, 2021

Leslie Mosley LLC  
3501 S Willis Court  
Visalia CA 93277

**RE:** 215 E Main, Visalia (Rookies)  
**CASE #:** CE210154

The Visalia Police Department has referred your property located at 215 E Main Street, Visalia to the City of Visalia Community Development Department's Neighborhood Preservation/Code Enforcement Division.

The referral is based on the excessive amount of police calls to the property and criminal activity related to the business at the location. A review of the calls for service to the property found:

- Police Officers have responded to the property 34 times in the past 12 months
- 2 of those calls involved a shooting
- 6 of those calls were in the past 2 weeks
- 28 of those calls were during COVID requirements to only have outdoor dining
  - 17 of those calls were after 11:00pm when the restaurant should have been closed entirely

While we recognize that some calls are unavoidable, the need for adequate property management is important to prevent unnecessary calls for service for the Police Department and/or other emergency service providers.

Based on the ongoing issues and call volume, your property has been declared a Public Nuisance for violation of the following Visalia Municipal Code:

### **VMC 8.40.030 (I)- Nuisances**

Any condition on a property which meets the following requirements:

1. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life and property; and
2. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

### **VMC 8.40.170 – Penalties**

It is unlawful and a misdemeanor to maintain property or premises conducive to creating a public nuisance in violation of this chapter or to refuse to abate such nuisance when ordered to do so by the enforcement officer in accordance with the abatement provisions of this chapter or state law where such is applicable. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction.

A. Any person convicted of a misdemeanor under this chapter shall be punished by: (1) a fine not to exceed five hundred dollars (\$500.00) and/or thirty (30) days in the county jail for a first violation; (2) a fine not exceeding one thousand dollars (\$1,000.00) and/or ninety (90) days in the county jail for a second violation of this chapter within one year; and (3) a fine not exceeding two thousand five hundred dollars (\$2,500.00) and/or six months in the county jail for each additional violation of this chapter within one year.

B. Any person convicted of an infraction under this chapter shall be punished by: (1) a fine not exceeding fifty dollars (\$50.00) for a first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for the second violation of this article within one year; and (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of this chapter within one year.

C. Each day that a violation continues shall be regarded as a new and separate offense.

You are required to contact me by **April 8, 2021** to schedule a meeting with Neighborhood Preservation (Code Enforcement) and the Visalia Police Department. You are required to have your tenant present at the meeting so that a plan of action on how you will resolve the issues on the property can be discussed. Failure to schedule and attend the meeting by the deadline will result in fines per:

### **VMC 1.13.050 C. Standard Administrative Penalty**

Unless a specific administrative penalty is adopted by the City Council pursuant to the provisions of subsection D below, the amount of the administrative penalty to be imposed shall be:

1. One hundred dollars (\$100.00) for a first violation
2. Two hundred dollars (\$200.00) for a second violation of the same ordinance provision within one year
3. Five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year.

D. Alternative Administrative Penalty. In lieu of the standard administrative penalty schedule, the department head or his/her designee responsible for issuing an administrative penalty may establish an administrative penalty schedule providing for an administrative penalty in any amount not less than one

hundred dollars (\$100.00) nor more than twenty-five thousand dollars (\$25,000.00) per violation.

Additionally, you will be held accountable for the costs of all staff time including each officer that responds to the property for issues that could have been avoided through proper management of the property and/or business.

Thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Robertshaw".

Tracy Robertshaw  
Neighborhood Preservation Manager/CCEO  
(559)713-4187  
tracy.robertshaw@visalia.city

C: Randy Groom, City Manager  
Jason Salazar, Police Chief, Visalia Police Department  
Curtis Cannon, Community Development Director  
Andrew Swarthout, Lieutenant, Visalia Police Department  
Jim Koontz, City Attorney  
Tenant, 215 E Main Visalia

### **17.02.145 Appeal to city council**

*Where the planning commission is authorized to make any decision pursuant to the provisions of Title 17 of the Visalia Municipal Code and that decision is to be subject to appeal to the city council, the following procedure shall apply.*

- A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the Council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.*
- B. clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.*
- C. or abuse of discretion by the planning commission.*
- D. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be not less than 10 days before the hearing.*
- E. In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote. (Ord. 2017-01 (part), 2017: Ord. 2006-18 § 3, 2007)*
- F. ation pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled*

*Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote. (Ord. 2017-01 (part), 2017: Ord. 2006-18 § 3, 2007)*

*G. odifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote. (Ord. 2017-01 (part), 2017: Ord. 2006-18 § 3, 2007)*

*H. sary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote. (Ord. 2017-01 (part), 2017: Ord. 2006-18 § 3, 2007)*

**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. nge of zone or other ordinance amendment.*

*D. The commission may deny an application for a conditional use permit. (Ord. 2017-01 (part), 2017: 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](#). (Ord. 2017-01 (part), 2017: Ord. 2006-18 § 6, 2007: prior code § 7537)*



315 East Acequia Ave., Visalia, CA 93291

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

Attachment "B"

October 18, 2011

DIANE D. RODRIGUEZ  
DOWNTOWN ROOKIE'S SPORTS BAR & GRILL  
VISALIA, CA 93291

Re: Conditional Use Permit No. 2011-18

On September 12, 2011, the Visalia City Planning Commission passed and adopted Resolution Nos. 2011-39 approving, Conditional Use Permit No. 2011-18: A request by Duane Rodriguez to allow live entertainment and dancing in the CDT (Central Business District) zone, located at 215 E. Main Street (APN 094-296-011).

This Conditional Use Permit became effective September 12, 2011, and shall expire September 12, 2013 unless a building permit is issued by the City of Visalia and construction is commenced and diligently pursued toward completion on the 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 713-4359.

Susan Currier  
Planning Assistant

Attachments

RESOLUTION NO. 2011-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2011-18, A REQUEST BY DUANE RODRIGUEZ TO ALLOW LIVE ENTERTAINMENT AND DANCING IN THE CDT (CENTRAL BUSINESS DISTRICT) ZONE, LOCATED AT 215 E. MAIN STREET (APN 094-296-011)

**WHEREAS**, Conditional Use Permit No. 2011-18: A request by Duane Rodriguez to allow live entertainment and dancing (nightclub activities) in the CDT (Central Business District) zone, located at 215 E. Main Street (APN 094-296-011); and

**WHEREAS**, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said Commission on September 12, 2011; 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 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 CUP 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 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 project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2011-64)

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

1. That the site be developed and maintained in substantial conformance with the site plan in Exhibit "A", and the operational statement in Exhibit "B, and any applicable conditions of Site Plan Review No. 2011-94.
2. That the hours of operation for live entertainment and dancing shall be between the hours of 9:00 pm to 1:00 am. Live entertainment shall be restricted only to live musical acts, disc jockeys, karaoke, or similar activities in nature and intensity as determined by the City Planner. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.
3. Live entertainment shall be allowed on a non-amplified basis with no dancing before 9:00 pm.
4. During live entertainment or dancing, nightclub patrons are to be 21 years of age and older. When no live entertainment or dancing is taking place, nightclub patrons are to be 21 years and older between 10:00 p.m. and 2:00 a.m., unless otherwise allowed by a Temporary Conditional Use Permit for special events. Persons employed by the establishment or performers shall be exempt from this condition.
5. That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal meal hours the site shall act as a bona fide restaurant with a full menu offering complete meals. During times of live entertainment food service shall be provided until 12:00 midnight, as identified in the operational statement with a "Bar Menu".
6. There shall be no adult entertainment as defined in Visalia Municipal Code Section 17.63, and including no lingerie/bathing suit shows.
7. During live entertainment or dancing, the public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business and shall keep the public sidewalk area directly in front of the business open for public pedestrian use. This waiting area shall be defined by a solid visible line on the ground or a portable non-permanent rope style system that creates a separation between the area patrons wait in line and the public use area of the sidewalk. The operator shall regularly maintain the area under their control free of alcohol and litter.
8. That the maximum occupancy limit established by the Visalia Building Department and Fire Marshal shall be posted and not exceeded.
9. All of the conditions and responsibilities of Conditional Use Permit No. 2011-18 shall run with the land. The property owner and business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall also be subject to all of the conditions herein, unless amended or revoked.

10. Inspections by City representatives on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
11. All exterior doors shall remain closed at all times when the premises is providing live entertainment or dancing. Doors must be solid and may not solely consist of a screen door or ventilated security door.
12. Nightclub patrons shall use only the main entrance of the business to enter and exit the business except in the event of an emergency.
13. There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
14. No video/arcade games, pool or billiard table shall be maintained upon the premises unless approved through the site plan review and any required City entitlement process.
15. The City Planner may initiate a CUP revocation hearing pursuant to Visalia Municipal Code Section No. 17.38.040, based on documented evidence of failure to comply with any conditions of:
  - a. Conditional Use Permit No. 2011-18.
  - b. Conditions and Requirements of the Alcoholic Beverage Control license for the business.
  - c. All applicable federal, state and city laws, codes and ordinances.
16. That the owner/operator shall prepare and implement an approved Security Plan that includes the following:
  - a) Prior to any type of entertainment or dancing identified in this use permit the owner/operator shall prepare and submit to the Visalia Police Department District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP No. 2011-18.
  - b) The Plan shall identify the establishment's designated contact person for all safety and security management which shall be provided to the District Commander, and shall include the telephone numbers and e-mail address where the contact person may be reached 24 hours a day, seven days a week. The Plan shall also provide the telephone number for direct contact with the business during business hours.
  - c) The burglar and fire alarm shall be monitored by a security company 24 hours a day, seven days a week.
  - d) Designate an adequate number of security personnel who will monitor and control the behavior of customers inside the building, any queue on the public sidewalk for the business, and any private parking lot under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a licensed security firm. All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.

- e) The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Visalia Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Visalia Police Department to inquire about police calls for service or public safety problems noted at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Visalia Police Department, and may be used as the basis for VPD to review and require revisions to the security plan.
  - f) The applicant shall maintain a copy of the current Security Plan and CUP conditions of approval on the premises and shall present the Security Plan immediately upon request by a peace officer or code enforcement officer.
  - g) During times of entertainment or dancing, the Manger shall maintain a count of and accurately report the total number of persons in the building upon official request.
  - h) In the event the physical security plan is withdrawn or revoked, no live or recorded entertainment or dancing shall occur until such time as a security plan has been approved by the Police Department and City Planner.
  - i) Half an hour prior to, during, and half an hour after the times of entertainment and/or dancing a fully functional color digital video camera must be in place to record the activities of patrons on the premises. The interior of the business must have at least one camera placed to focus on each area where alcoholic beverages are being dispensed (this shall include any outside patio area where alcoholic beverages are dispensed), Additionally, there shall be at least one camera placed to focus on each of the following areas; front door (s) and/or entry area, any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment.
  - j) The camera storage capacity should be for at least one week (seven calendar days), The System must continuously record, store, be capable of playing back images and be fully functional at all times. Any recordings of suspected criminal activity shall be provided to the Visalia Police Department within 24 hours of the initial request.
17. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2011-18.
18. That subsequent owners/operators of the restaurant facility who chose to utilize this CUP for entertainment and dancing shall sign a letter of acceptance stating that they understand and agree to all the conditions of Conditional Use Permit No. 2011-18.
19. That the property owner shall record in the office of the Tulare County Clerk-Recorder's Office a document in a form acceptable to the City which includes the Planning Commission's resolution of, and conditions for, approval for the proposed uses granted through this Conditional Use Permit. A confirmed copy of said recorded document shall be provided to the City's Planning Division prior to commencing operation of the proposed uses.

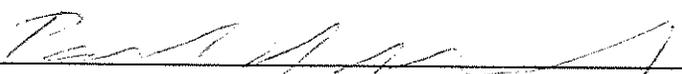
Commissioner Salinas offered the motion to this resolution. Commissioner Peck seconded the motion and it carried by the following vote:

AYES: Commissioners Salinas, Peck, Lane, Segrue  
NOES:  
ABSTAINED:  
ABSENT: Commissioner Soltesz

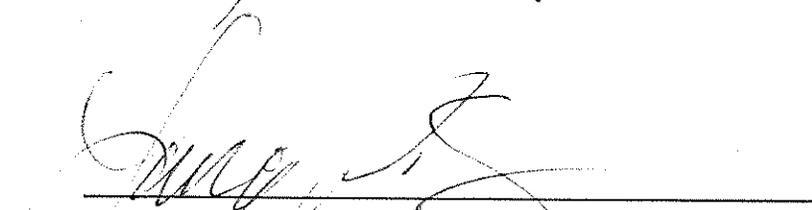
STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Paul Scheibel, AICP  
Planning Services Manager

I, Paul Scheibel, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2011-39, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 12, 2011.



Paul Scheibel, AICP  
Planning Services Manager



Lawrence Segrue, Chairperson

Ground Floor

No.	Item Check	Number/Date
1		

Design By Shawn  
 Shawn Murphy  
 4241 W Prospect Ave  
 Redlin, Ca. 92382  
 558-679-9360

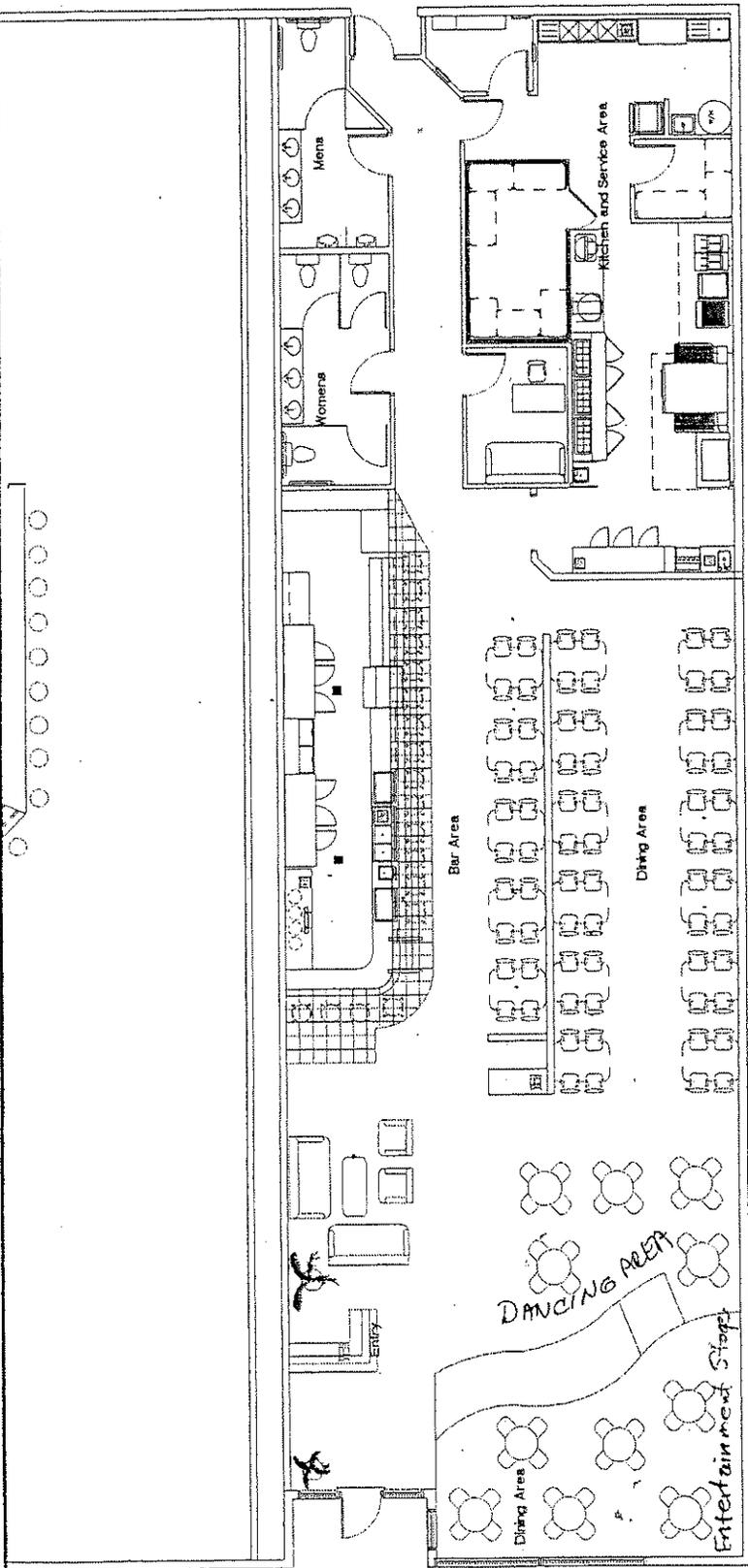
Mike Flatlera  
 Flatlera Construction II  
 210 S. Mooney Blvd. Ste.  
 Vanalla, Ca. 937  
 559-804-661

Michael E. Dunn S.E.  
 Dunn Engineering  
 19 Court St. Suite 103  
 Placentia, Ca. 92620  
 569-367-1883

Downtown Rockie Sport  
 215 East Main St  
 Visalia, Ca.  
 93291



Building  
 Area Plan



Parking: Existing Retail (1000 Sq Ft) + 13 Existing Parking Spaces  
 New Bar/Restaurant (1100 Sq Ft) + 30 New Parking  
 Spaces  
 (15,000) - Near 25 New Parking

Floor Area Street District:  
 Bar Area: 1,100 Sq Ft  
 Entry Area: 1,100 Sq Ft  
 Kitchen and Service Area: 1,100 Sq Ft  
 Restrooms and Men's: 1,100 Sq Ft  
 Total Area: 3,400 Sq Ft  
 Note: Bar Area is less than 25% of total Sq. Ft. of the Restaurant

Building Analysis:  
 Occupancy Classification: A-3  
 Floor Sweeping Table: 37  
 Non-fire Sweeping Table: 47  
 Non-fire Sweeping Table: 2  
 Restrooms and Men's: 2  
 Total Area: 150  
 Occupancy Load Total for Dining Area: 144

Exhibit "A"

← Main Street + Side Walk →

## DOWNTOWN ROOKIE'S SPORTS BAR & GRILL OPERATIONAL PLAN

- **Hours of operation:** Mondays thru Sunday 11:00 am. to 11:00 pm. , with the exception of no more than 4 nights a week of providing entertainment until 1:00 am. , when no sports events are being televised. Dancing will be allowed. We will relocate the tables and chairs in the dance area and stage area within the general seating area stacking very few if any on the west wall. After 9:00 pm. on all nights excluding family sports events, an ID will be mandatory with no minors allowed. During these family sports events, a wrist band will be placed on everyone, color coded to identify those 21 and under. After the event we go back to 21 and above.
- **Capacity:** 147
- **Employees:** 10 to 20.
- **Training:** All bartenders will go thru a mandatory class in order to follow the State of California Department of Alcoholic Beverage Control rules and regulations. A zero tolerance to sales to minors will be implemented. (Automatic termination)
- **Management:** Manager on duty at all times. Managers will be held accountable for following rules set forth as well as our policies and procedures which will continue to grow as needed to ensure a safe and ruley environment to include nobody being served alcohol without a valid ID.
- **Food menu:** We will have a large sports bar menu to include pizza as well as a dinner menu to include specials on a nightly basis. The back line kitchen will remain open until 12:00 am. serving from the bar menu to include pizza for the three late nights.
- **Security:** On the three late nights when providing entertainment we will have three staff security personnel. One posted at the hallway going into the restrooms, one posted at the front entrance (inside) and one posted at the front entrance (outside). We will also have a uniformed officer posted at the back door (outside) in the alley. Uniformed security will be licensed in the State of California given clearance by the Bureau of Security and Investigative Service Department. We will also support the larger sports events with the appropriate security for the type of event. The back door will be alarmed and will only be an emergency exit at all hours of operation. We will have security cameras inside as well as out front and in the back in the alley. There will be a zero tolerance to any ill behavior. If an individual becomes a problem, they will be extracted for a minimum of six months. At that time it will be upon our discretion whether or not the individual will be allowed back. No drinks will be allowed outside of the building. We will be communicating regularly with local law enforcement to ensure we are providing a respectful, safe and friendly feel in the downtown.
- **Mission Statement:** To enhance the downtown with additional choices for those that want to relax in a safe, clean, respectful and friendly environment.



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** September 12, 2011

**PROJECT PLANNER:** Andrew Chamberlain, Project Planner  
Phone No.: (559) 713-4003

*Scanned*

**SUBJECT: Conditional Use Permit No. 2011-18:** A request by Duane Rodriguez to allow live entertainment and dancing in the CDT (Central Business District) zone, located at 215 E. Main Street (APN 094-296-011).

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2011-18, as conditioned, based upon the findings and conditions in Resolution No. 2011-39. Staff's recommendation is based on the conclusion that the request is consistent with the City General Plan and Zoning Ordinance.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2011-18 based on the findings and conditions in Resolution Nos. 2011-39.

## PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow live entertainment in conjunction with a bona fied restaurant in the CDT zone, located at 215 E. Main Street. These uses constitute a "nightclub" use under the Zoning Matrix line 204. The site is within an existing row of storefronts on Main Street with the interior layout as illustrated in Exhibit "A".

The site will be used a restaurant serving dining customers without regard to age during the daytime and evenings. The Operational Statement in Exhibit "B" indicates that live entertainment and dancing is requested for four nights a week. The site is also intended to be a sports bar and grill which would provide televised sports events any day or night of the week. The televised sports events are not considered "entertainment" and are a permitted use in the CDT zone.

The floor plan in Exhibit "A" shows how the tables and chairs at the front of the restaurant would be relocated to provide a stage area along the front windows and a dance floor just off of the stage.

The Operational Statement in Exhibit "B" includes details of the hours of operation which are as follows:

### Live Entertainment

9:00pm to 1:00am (closing time between 1:00-2:00 am)  
Four nights a week

### Restaurant

11:00 am to 11:00 pm  
Seven days a week  
Bar Menu till 12:00 midnight

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Downtown
Zoning:	CDT (Central Business District Retail Zone)
Surrounding Land Use and Zoning	North: CDT/ Commercial South: CDT/ Commercial East: CDT/ Commercial West: CDT/ Commercial
Environmental Review:	Categorical Exemption No. 2009-97
Special Districts:	Design District "A"
Site Plan:	2011-94

## RELATED PROJECTS

Over the years several conditional use permits have been approved for entertainment, dancing and similar activities.

- **Conditional Use Permit No. 2010-06** was approved by the Planning Commission on 6/28/2010, allowing live entertainment and weekly bike nights at Howie and Sons Pizza.
- **Conditional Use Permit No. 2009-44** was approved by the Planning Commission on 12/14/2009, allowing live entertainment at the Depot Restaurant.
- **Conditional Use Permit No. 2009-33** was approved by the Planning Commission on 11/09/2009, allowing live entertainment and dancing at Strings Italian Cafe.
- **Conditional Use Permit No. 2009-20** was approved by the Planning Commission on 6/08/2009, allowing live entertainment and dancing at Isla Tequila Bar and Grill.
- **Conditional Use Permit No. 2009-17** was approved by the Planning Commission on 2/23/2009, allowing live entertainment at the Cellar Door.
- **Conditional Use Permit No. 2005-40** was approved by the Planning Commission on 9/26/2005, allowing live entertainment at Crowdaddy's.

## PROJECT EVALUATION

### Land Use Compatibility

Staff has concluded that the proposed nightclub will not have a negative impact on surrounding uses as conditioned. The Visalia Zoning Matrix identifies nightclubs as a conditional use in the CDT zone, and requires the submittal and approval of a CUP application. Through the CUP process, potential land uses impacts can be addressed, thereby ensuring compatibility between the proposed use and existing surrounding uses.

It should be noted that if CUP No. 2011-18 is denied, the restaurant would continue to function as a permitted use of a restaurant with less than 25% of the public area of the restaurant designated for alcohol sales area. However, no nightclub activities would be allowed.

### Inter Departmental Review

The Visalia Police Department, code enforcement, and Planning staff has reviewed the proposed conditions of approval with the applicant who has indicated their ability and willingness to implement and comply with the proposed conditions. The proposed conditions of

approval are taken from past CUP approvals for live entertainment and subsequent City staff analysis of entertainment and dancing facilities.

In staffs analysis the proposed conditions are reasonable and necessary for the specific nightclub use proposed by their CUP. Further, they can also be used as a template for future applications with only minor modifications to suit the particular circumstances that may be unique to different nightclub venues.

Failure by the property owner or establishment operator to comply with these conditions may result in a hearing to revoke the CUP. Condition No. 19 requires that the property owner also indicate knowledge of, and acceptance of, the proposed conditions by recording a copy of the Planning Commission Resolution prior to commencing any nightclub activities. This is to provide assurance that all present and future parties agree to the conditions of this CUP, and that subsequent property owners are also tied to the conditions of this CUP. The recordation of the signed letter of acceptance does not extend the lapse period for the CUP which is 180 continuous days without entertainment or dancing as provided in this CUP.

#### Conditional Use Permit Revocation Process

Pursuant to Visalia Municipal Code Section 17.38.040, a failure by the owner/operator to comply with the conditions of project approval will result in a Notice of Conditional Use Permit Suspension Order to Cease and Desist. The City of Visalia has the authority to automatically suspend a Conditional Use Permit (CUP) for failure to comply with the condition(s) of the permit. Upon suspending a CUP the Planning Commission shall hold a public hearing within 60 days, in accordance with the Public Hearing Notice producers, and if not satisfied that the regulation, general provision, or conditions are being complied with, may revoke the permit, or take action as may be necessary to insure compliance with the regulation, general provision, or condition(s).

#### Environmental Review

The requested action is considered a minor alteration in land use limitations as provided in the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15305, and is therefore Categorical Exempt from a full environmental review. (Categorical Exemption No. 2011-64).

### **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 CUP 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 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 project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2011-64)

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the site be developed and maintained in substantial conformance with the site plan in Exhibit "A", and the operational statement in Exhibit "B, and any applicable conditions of Site Plan Review No. 2011-94.
2. That the hours of operation for live entertainment and dancing shall be between the hours of 9:00 pm to 1:00 am. Live entertainment shall be restricted only to live musical acts, disc jockeys, karaoke, or similar activities in nature and intensity as determined by the City Planner. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.
3. Live entertainment shall be allowed on a non-amplified basis with no dancing before 9:00 pm.
4. During live entertainment or dancing, nightclub patrons are to be 21 years of age and older. When no live entertainment or dancing is taking place, nightclub patrons are to be 21 years and older between 10:00 p.m. and 2:00 a.m., unless otherwise allowed by a Temporary Conditional Use Permit for special events. Persons employed by the establishment or performers shall be exempt from this condition.
5. That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal meal hours the site shall act as a bona fide restaurant with a full menu offering complete meals. During times of live entertainment food service shall be provided until 12:00 midnight, as identified in the operational statement with a "Bar Menu".
6. There shall be no adult entertainment as defined in Visalia Municipal Code Section 17.63, and including no lingerie/bathing suit shows.
7. During live entertainment or dancing, the public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business and shall keep the public sidewalk area directly in front of the business open for public pedestrian use. This waiting area shall be defined by a solid visible line on the ground or a portable non-permanent rope style system that creates a separation between the area patrons wait in line and the public use area of the sidewalk. The operator shall regularly maintain the area under their control free of alcohol and litter.
8. That the maximum occupancy limit established by the Visalia Building Department and Fire Marshal shall be posted and not exceeded.
9. All of the conditions and responsibilities of Conditional Use Permit No. 2011-18 shall run with the land. The property owner and business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall also be subject to all of the conditions herein, unless amended or revoked.
10. Inspections by City representatives on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
11. All exterior doors shall remain closed at all times when the premises is providing live entertainment or dancing. Doors must be solid and may not solely consist of a screen door or ventilated security door.

12. Nightclub patrons shall use only the main entrance of the business to enter and exit the business except in the event of an emergency.
13. There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
14. No video/arcade games, pool or billiard table shall be maintained upon the premises unless approved through the site plan review and any required City entitlement process.
15. The City Planner may initiate a CUP revocation hearing pursuant to Visalia Municipal Code Section No. 17.38.040, based on documented evidence of failure to comply with any conditions of:
  - a. Conditional Use Permit No. 2011-18.
  - b. Conditions and Requirements of the Alcoholic Beverage Control license for the business.
  - c. All applicable federal, state and city laws, codes and ordinances.
16. That the owner/operator shall prepare and implement an approved Security Plan that includes the following:
  - a) Prior to any type of entertainment or dancing identified in this use permit the owner/operator shall prepare and submit to the Visalia Police Department District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP No. 2011-18.
  - b) The Plan shall identify the establishment's designated contact person for all safety and security management which shall be provided to the District Commander, and shall include the telephone numbers and e-mail address where the contact person may be reached 24 hours a day, seven days a week. The Plan shall also provide the telephone number for direct contact with the business during business hours.
  - c) The burglar and fire alarm shall be monitored by a security company 24 hours a day, seven days a week.
  - d) Designate an adequate number of security personnel who will monitor and control the behavior of customers inside the building, any queue on the public sidewalk for the business, and any private parking lot under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a licensed security firm. All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.
  - e) The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Visalia Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Visalia Police Department to inquire about police calls for service or public safety problems noted at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Visalia Police Department, and may be used as the basis for VPD to review and require revisions to the security plan.

- f) The applicant shall maintain a copy of the current Security Plan and CUP conditions of approval on the premises and shall present the Security Plan immediately upon request by a peace officer or code enforcement officer.
  - g) During times of entertainment or dancing, the Manger shall maintain a count of and accurately report the total number of persons in the building upon official request.
  - h) In the event the physical security plan is withdrawn or revoked, no live or recorded entertainment or dancing shall occur until such time as a security plan has been approved by the Police Department and City Planner.
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17. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2011-18.
18. That subsequent owners/operators of the restaurant facility who chose to utilize this CUP for entertainment and dancing shall sign a letter of acceptance stating that they understand and agree to all the conditions of Conditional Use Permit No. 2011-18.
19. That the property owner shall record in the office of the Tulare County Clerk-Recorder's Office a document in a form acceptable to the City which includes the Planning Commission's resolution of, and conditions for, approval for the proposed uses granted through this Conditional Use Permit. A confirmed copy of said recorded document shall be provided to the City's Planning Division prior to commencing operation of the proposed uses.

### **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 425 East Oak Avenue, Suite 301, 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.ci.visalia.ca.us](http://www.ci.visalia.ca.us) or from the city clerk.

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2011-39

- Exhibit "A" – Floor Plan
- Exhibit "B" – Operational Statement
- Site Plan Review Comments/Conditions
- Zoning Map
- Aerial Photo
- Vicinity Map

**Attachment “C”**  
**Related Ordinances**  
**Conditional Use Permits**  
**(Section 17.38)**

**17.38.010 Purposes and powers**

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

**17.38.020 Application procedures**

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

**17.38.030 Lapse of conditional use permit**

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

**17.38.040 Revocation**

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

regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120.

#### **17.38.050 New application**

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

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

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

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

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

#### **17.38.070 Temporary uses or structures**

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

- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.
- E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

**17.38.080 Public hearing--Notice**

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

**17.38.090 Investigation and report**

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

**17.38.100 Public hearing--Procedure**

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

**17.38.110 Action by planning commission**

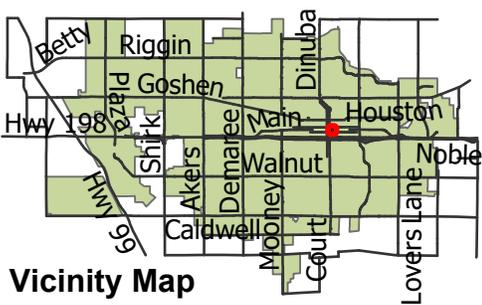
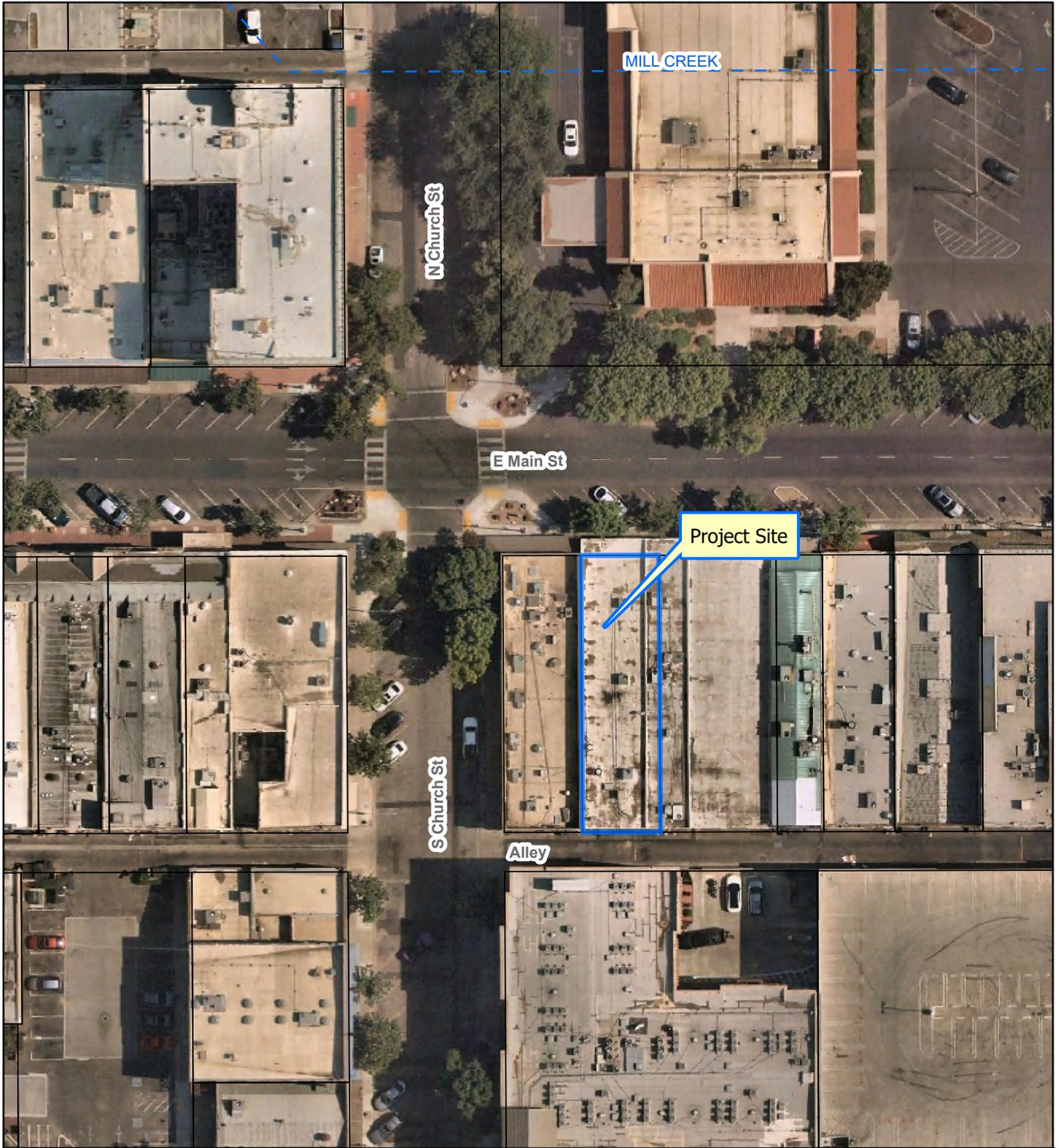
- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
  - 1. That the proposed location of the conditional use is in accordance with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

**17.38.120 Appeal to city council**

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

**17.38.130 Effective date of conditional use permit**

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



# Aerial Map

