



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: August 12, 2013

PROJECT PLANNER: Alyssa Netto, Assistant Planner
Phone No.: (559) 713-4256

SUBJECT: Conditional Use Permit No. 2013-23: is a request by IDA to construct a new 1,200 square foot restaurant with drive-through in the Commercial Shopping/Office (CSO) zone. The site is located at 1400 E. Noble Ave, the northeast corner of South Ben Maddox Way and East Noble Avenue (APN: 100-030-022).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2013-23 based upon the findings and conditions in Resolution No. 2013-31. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2013-23 based on the findings and conditions in Resolution No. 2013-31.

PROJECT DESCRIPTION

The Commercial Shopping Office Service (CSO) zone allows for fast food restaurants as a permitted use, however the drive-thru portion of this project requires a conditional use permit. The project would include the construction of a 1,200 square foot building, 21 stall parking lot, drive-thru lane, and pedestrian and vehicular access points as depicted in Exhibit "A". The drive-thru is accessed by a dedicated lane which should stack approximately 10 vehicles.

The site is located on the north side of Noble Avenue directly west of Ben Maddox Way. The access point on Noble Avenue is designed to allow for ingress and egress, with a median on Noble Avenue to restrict access to only right turns in and out of the site.

The proposed building illustrated in Exhibit "B" would have a stucco exterior, Spanish style roofing, and a wooden trellis. The floor plan is provided in Exhibit "C" and includes restaurant dining, kitchen, and storage areas. The restaurant and drive-thru would operate seven days a week, 9 am until 12 pm.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Shopping Office
Zoning:	CSO (Commercial Shopping Office)
Surrounding Land Uses and Zoning:	North: State Highway 198 / CS (Service Commercial) / Service Commercial Uses
	South: CSO / Mary's Vineyard Shopping Center
	East: CSO/ Wendy's Restaurant, vacant land
	West: IL (Light Industrial) / CS (Service Commercial) / Existing Single Family Residences

Environmental Review: Negative Declaration No. 2013-42
Special Districts: Design District "A"
Site Plan: 2012-161

RELATED PLANS & POLICIES

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

RELATED PROJECTS

Conditional Use Permit No. 2012-24 is a request by Fredrick and Anthony Galante to establish a fast food restaurant with drive thru in the Commercial Shopping Office (CSO) zone. The site is located at 2321 E. Noble Avenue. This CUP was approved by Planning Commission with a 3-2 vote on June 25, 2012.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2013-23, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

Fast food restaurants are a permitted use in the CSO zone with the drive-thru requiring a conditional use permit. This proposal is consistent with similar facilities approved in the CSO and other zones. There are currently three fast food restaurants with drive-thrus located directly across from the subject site in Mary's Vineyard Shopping Center, as well as one under construction directly to the east.

Parking

The Zoning Ordinance requires restaurants to have one parking stall per 100 square feet of gross building area. This would require 12 parking stalls for the 1,200 square foot building. The project proposes 21 parking stalls in addition to the dedicated truck loading area and drive-thru lane.

Circulation and Access

The site would have one access point that allows for ingress and egress. This vehicular access point has been moved as far to the west as practical to minimize conflict with the Highway-198 ramps that are directly to the east of this parcel. Eastbound traffic must make a U-turn from Noble Avenue and CA-198 Southbound on-ramp intersection to access the site.

This project would also install pedestrian crosswalks from Mary's Vineyard Shopping Center to the south. This requirement allows for pedestrian connectivity between the subject site and the shopping center to the south and helps integrate the project into the existing commercial center.

Traffic intensification concerns have historically been raised regarding the roadways surrounding the project site and the potential effects further development may have on traffic patterns. The one-acre project site was evaluated as a Commercial Shopping/Office zoned site in the General Plan and associated Environmental Impact Report. However, due to the traffic congestion at the intersection of Ben Maddox Way and Noble Avenue, further analysis of the potential impacts was required for this project.

The Initial Study for this project analyzed traffic impacts this project may have on the immediate area. A Traffic Impact Study was prepared, which concluded that no additional improvements to

the surrounding roadway or intersections would be needed from this project. The study estimated that the project would bring approximately 595 average daily trips with 15% of the trips being pass-by. These trips would affect the Level of Service at the Noble Avenue and Highway-198 southbound on ramp by a .3-second delay per vehicle and the Noble Avenue at Ben Maddox Way intersection by a .1-second delay per vehicle. This increased vehicle delay still falls within the Level of Service threshold adopted in the Circulation Element.

This traffic study was also analyzed in Negative Declaration No. 2013-42 and the traffic impact of this project was determined to have a less than significant impact on the surrounding area. No off-site improvements were identified and required as mitigation requirements for this proposed project.

Landscaping

The applicant provided a conceptual landscape plan (Exhibit "D") that outlines the proposed on site landscaping. The plan shows trees along the Noble Avenue frontage and a 4,885 square foot landscaped bioswale area on the west side of the site.

The landscaping setback for Design District "A" is 35 feet from front property line. The front setback for this project varies from 18 feet near the pedestrian access point to 88 feet in the bioswale area. Because of this difference in the landscaping setback, the Site Plan Review Committee was able to make the determination that the setback was met through "averaging" the greatest setback area and the smallest setback area. The project's landscaping will be equal to or greater than what would otherwise be the required area with a 35 foot landscaping setback.

Environmental Review

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant. Therefore, staff recommends that Negative Declaration No. 2013-42 be adopted for this project as part of Resolution No. 2013-31.

RECOMMENDED FINDINGS

1. That the proposed fast food drive-thru 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 finding of the 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 That Negative Declaration No. 2013-42 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed in substantial compliance with the comments from the approved Site Plan Review No. 2012-161, and as illustrated in Exhibit "A".
2. That the site be developed consistent with the elevations presented in Exhibit "C".

3. That all signage shall meet Design District "A" standards.
4. That landscape and irrigation plans are to be substantially consistent with the conceptual landscape plan in Exhibit "D", compliant with the State Model Water Efficient Landscape Ordinance, and submitted as a part of the building permit package.
5. The landscaping must include groundcover plants at a minimum one-gallon plant size with minimum three-foot spacing.
6. Meet parkway configuration and street tree planting requirements along the Noble Avenue right-of-way.
7. That a crosswalk be installed across Noble Avenue at the intersection at the east end of the property.
8. That all other Federal, State, Regional, and City codes and ordinances be met.
9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-23.

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 or from the city clerk.

Attachments:

- Related Plans & Policies
- Resolution No. 2013-31
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Elevations
- Exhibit "D" – Conceptual Landscape Plan
- Negative Declaration 2013-42
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

Related Plans & Policies

Conditional Use Permits - (Excerpts from Section 17.38)

17.38.010 Purposes and powers.

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

17.38.030 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)

17.38.110 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)

17.38.130 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. 2013-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2013-23, A REQUEST BY IDA TO CONSTRUCT A NEW 1,200 SQUARE FOOT RESTAURANT WITH DRIVE-THROUGH IN THE COMMERCIAL SHOPPING/OFFICE (CSO) ZONE. THE SITE IS LOCATED AT 1400 E. NOBLE AVE, THE NORTHEAST CORNER OF SOUTH BEN MADDOX WAY AND EAST NOBLE AVENUE (APN: 100-030-022).

WHEREAS, Conditional Use Permit No. 2013-23 is a request by IDA to construct a new 1,200 square foot restaurant with drive-through in the Commercial Shopping/Office (CSO) zone. The site is located at 1400 E. Noble Ave, the northeast corner of South Ben Maddox Way and East Noble Avenue (APN: 100-030-022).

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 12, 2013; 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, and mitigation measures would not be required.

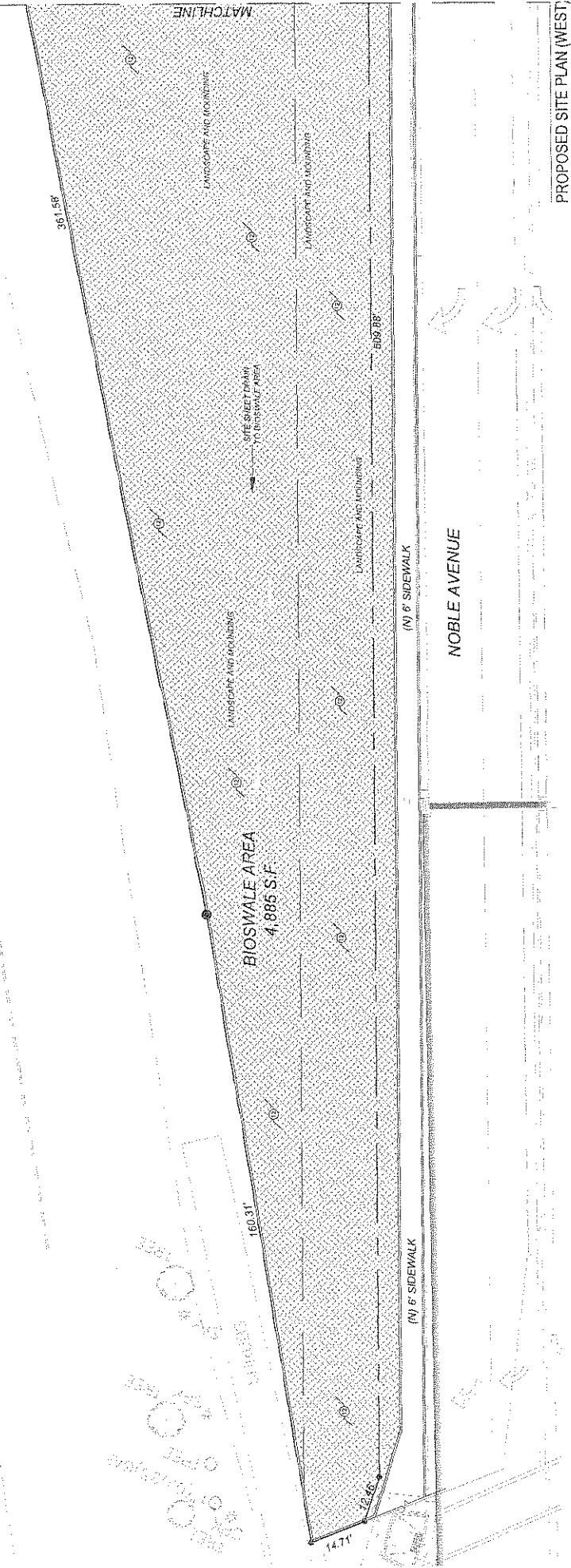
NOW, THEREFORE, BE IT RESOLVED, that Negative Declaration No. 2013-42 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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:

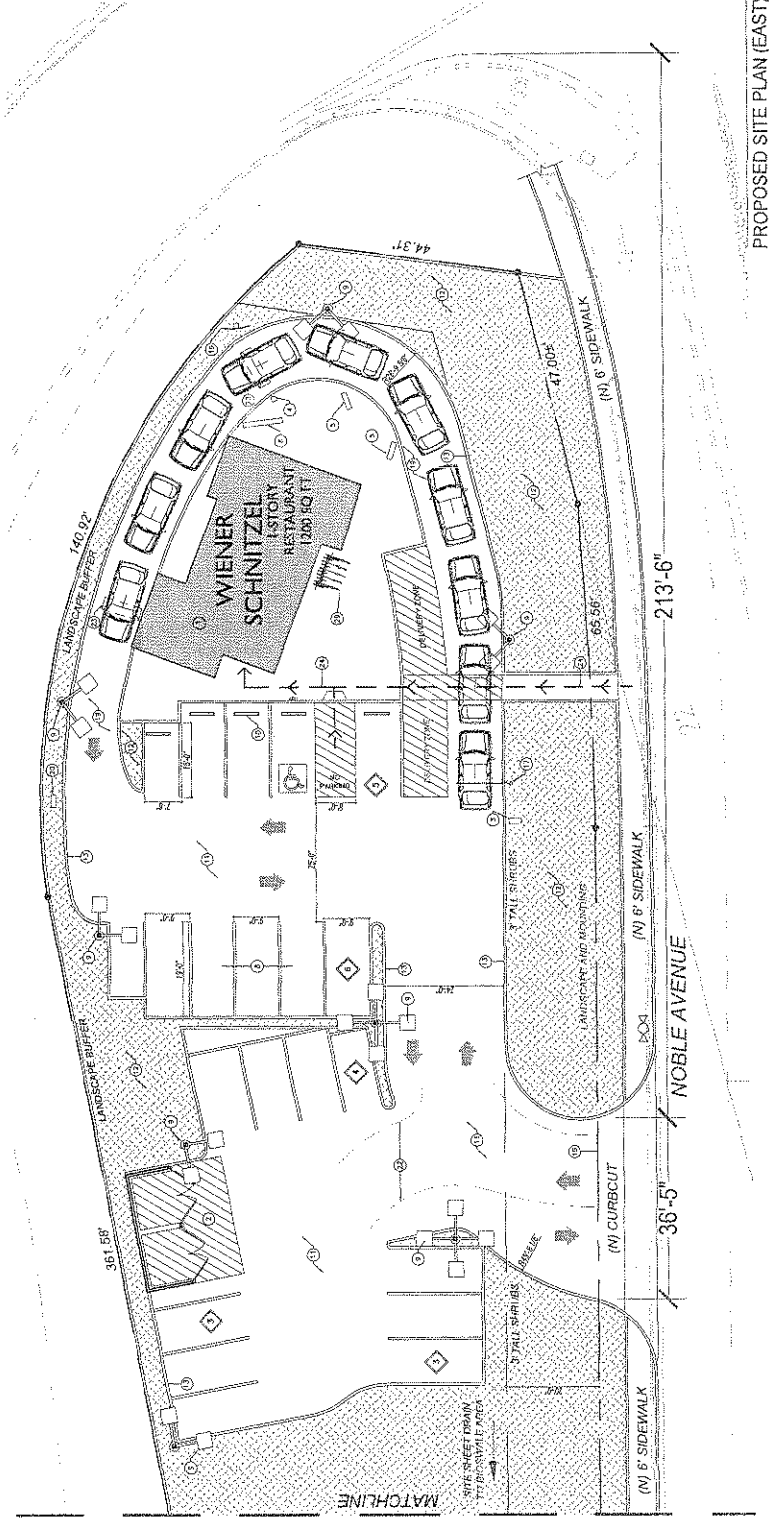
1. That the proposed project will not be detrimental to the public health, safety, or That the proposed fast food drive-thru will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the 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.

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

1. That the site be developed in substantial compliance with the comments from the approved Site Plan Review No. 2012-161, and as illustrated in Exhibit "A".
2. That the site be developed consistent with the elevations presented in Exhibit "C".
3. That all signage shall meet Design District "A" standards.
4. That landscape and irrigation plans are to be substantially consistent with the conceptual landscape plan in Exhibit "D", compliant with the State Model Water Efficient Landscape Ordinance, and submitted as a part of the building permit package.
5. The landscaping must include groundcover plants at a minimum one-gallon plant size with minimum three-foot spacing.
6. Meet parkway configuration and street tree planting requirements along the Noble Avenue right-of-way.
7. That a crosswalk be installed across Noble Avenue at the intersection at the east end of the property.
8. That all other Federal, State, Regional, and City codes and ordinances be met.
9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-23.



PROPOSED SITE PLAN (WEST)



PROPOSED SITE PLAN (EAST)

- SITE PLAN KEY NOTES**
1. EXISTING UTILITIES
 2. PROPOSED UTILITIES
 3. EXISTING DRIVEWAYS
 4. PROPOSED DRIVEWAYS
 5. EXISTING SIDEWALKS
 6. PROPOSED SIDEWALKS
 7. EXISTING PARKING
 8. PROPOSED PARKING
 9. EXISTING LANDSCAPE
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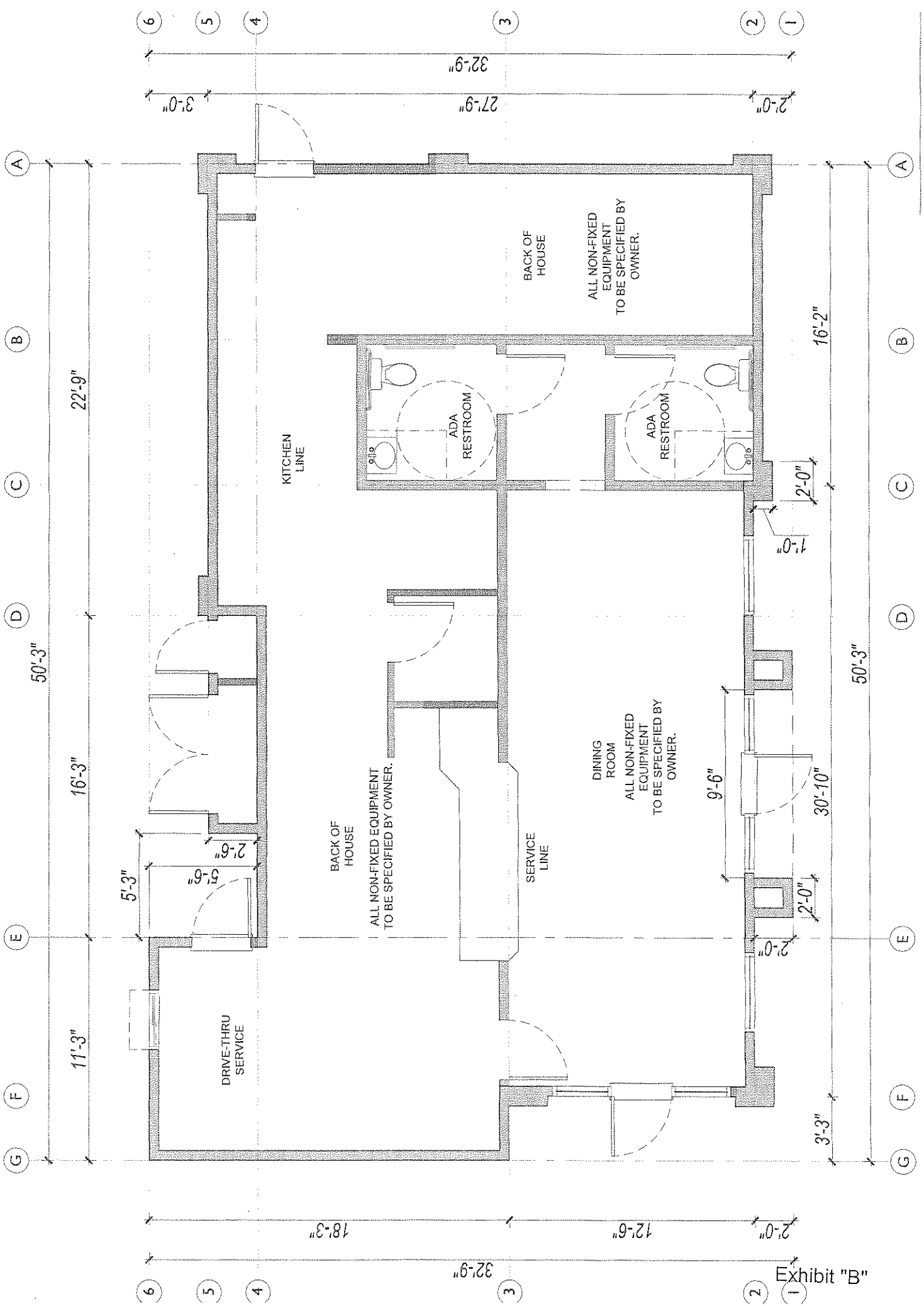
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- 1. EXISTING DRIVEWAY
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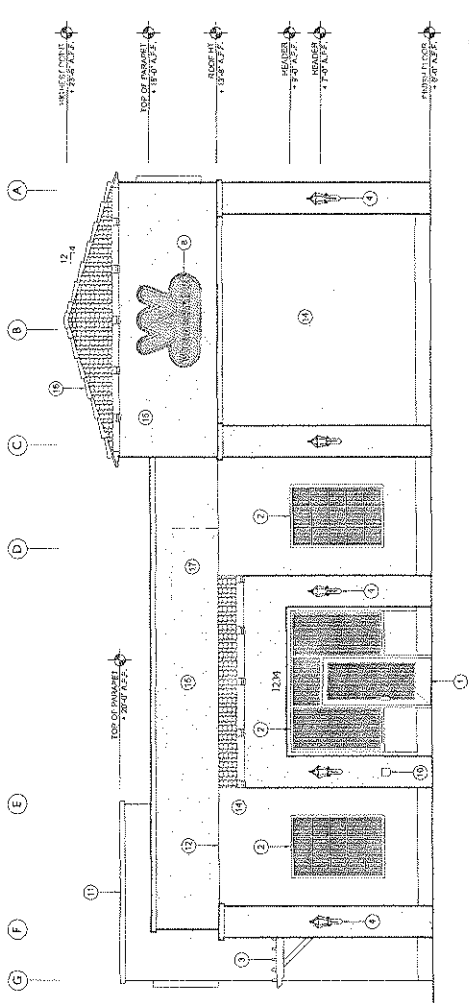
PARKING ANALYSIS
 STANDARD SPACES: 19
 COMPACT SPACES: 2
 TOTAL SPACES PROVIDED: 21 (1 ACCESSIBLE)

Exhibit "A"

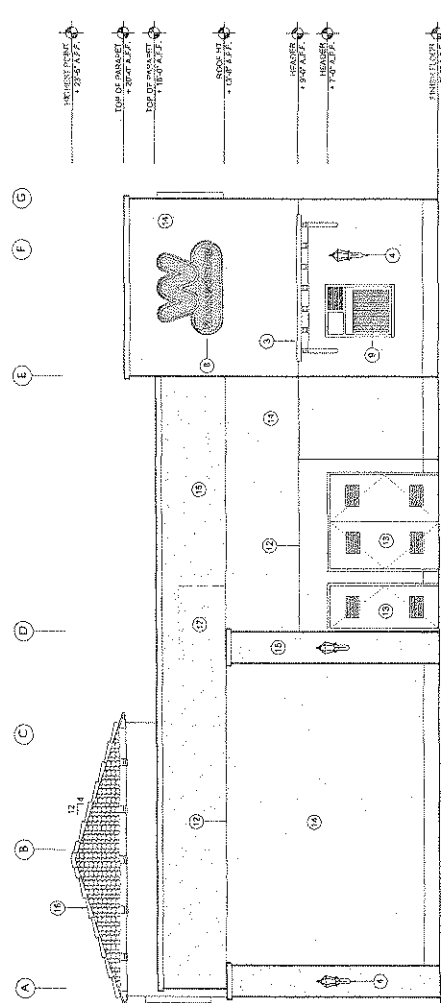


PROPOSED FLOOR PLAN

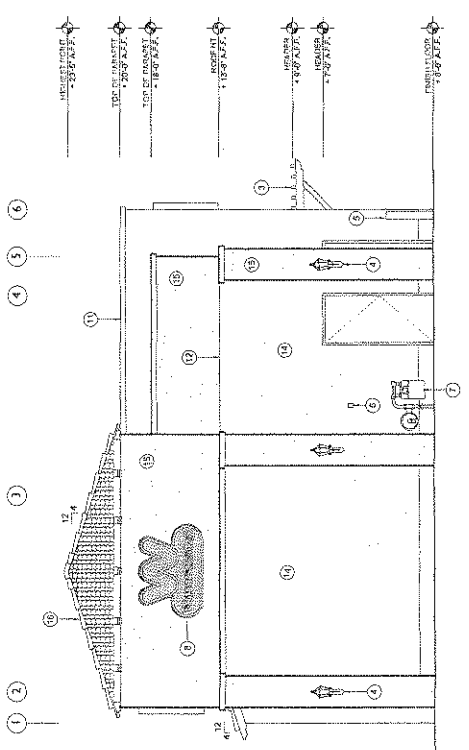
Exhibit "B"



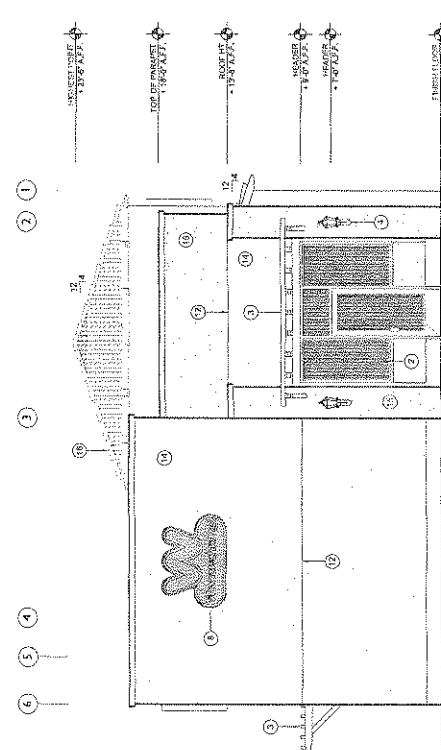
WEST ELEVATION



EAST ELEVATION

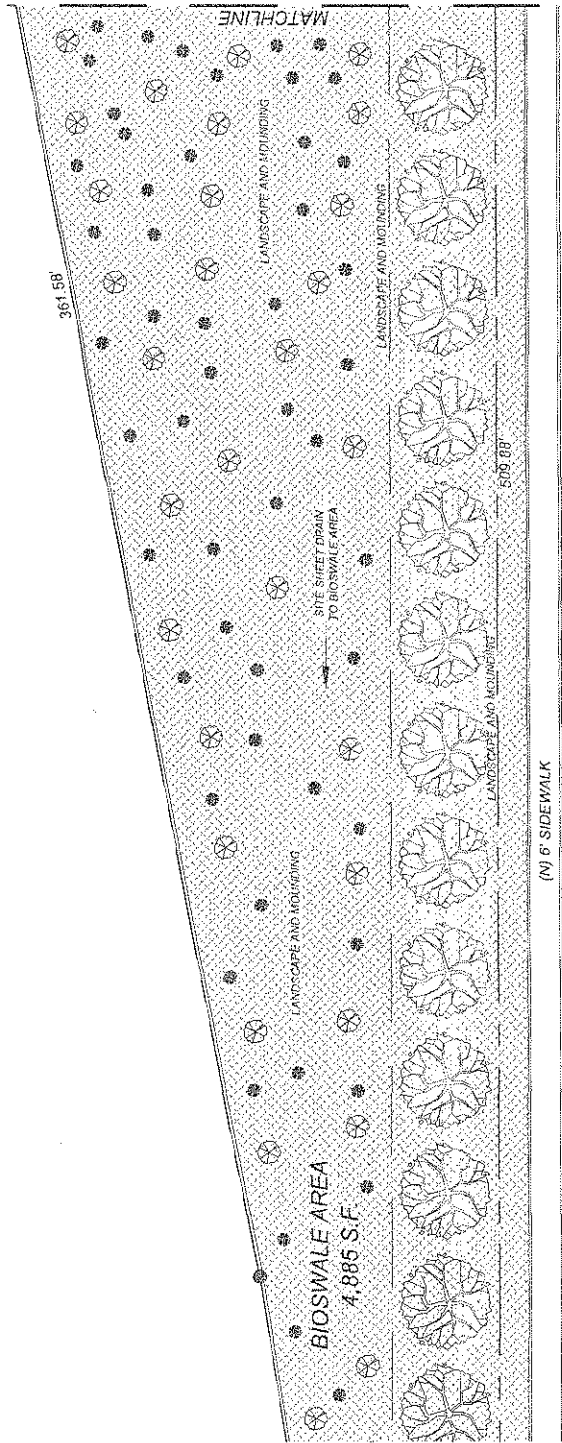


SOUTH ELEVATION

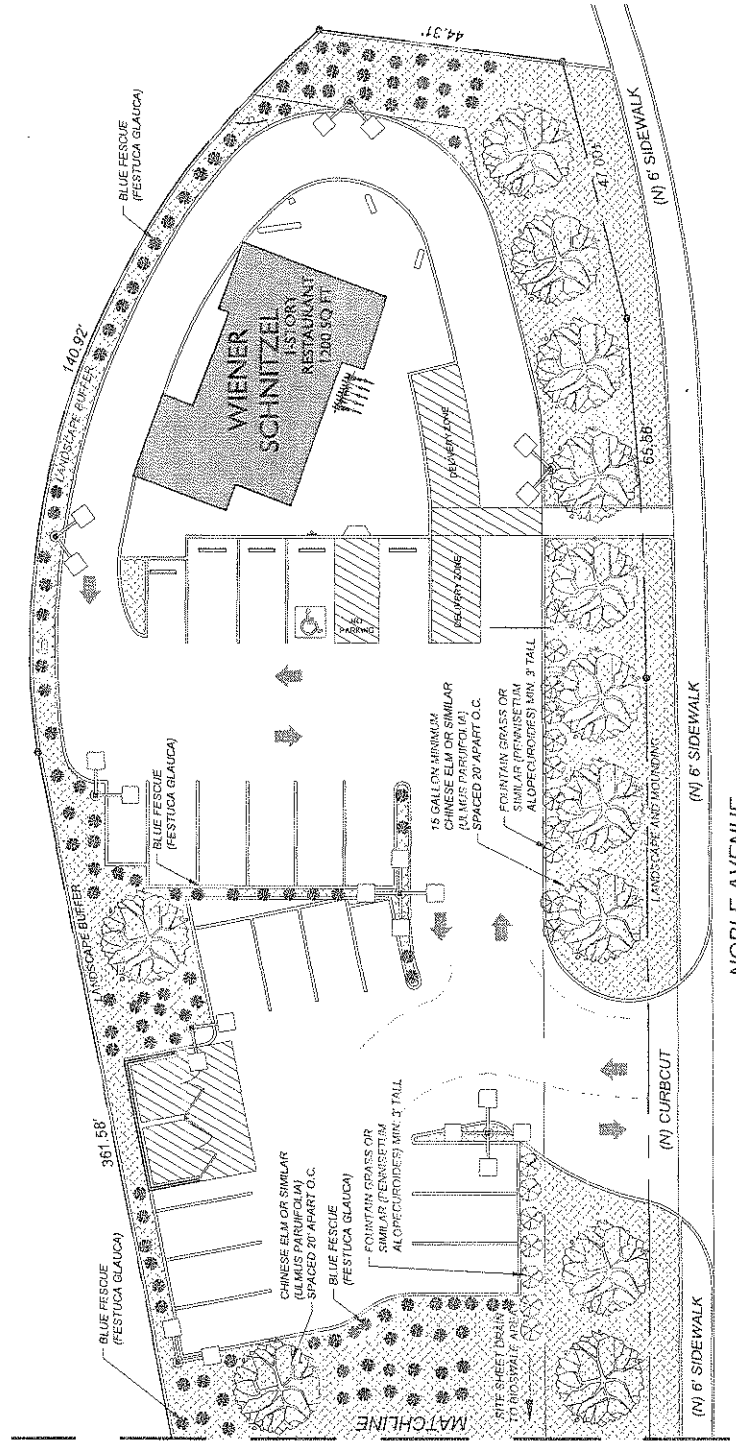


NORTH ELEVATION

- ELEVATION KEY NOTES**
- 1 ENTRY DOOR
 - 2 STOREFRONT WINDOWS
 - 3 WOOD SUN SHADE "TRELISES"
 - 4 WALL MOUNTED LIGHT SCOURCE
 - 5 6" STEEL BOLLARD
 - 6 CO2 INTAKE VALVE
 - 7 GAS METER - C.G. TO COORDINATE FINAL LOCATION WITH GAS CO. (NOT A PART OF THIS PERMIT)
 - 8 DRIVE-THRU WINDOW
 - 9 PROVIDE KNOX BOX WHERE REQUIRED BY LOCAL FIRE DEPT. JURISDICTION
 - 10 PARAPET BEYOND
 - 11 ALUMINUM REVEAL
 - 12 UTILITY CLOSET
 - 13 EXTERIOR STUCCO / PAINT: DEWAS OR SIMLAR
 - 14 EXTERIOR STUCCO / PAINT: DES 01 OR SIMLAR
 - 15 12x8 SPANISH TILE ROOF
 - 16 APPROX. LOCATION OF EQUIPMENT BEHIND PARAPET WALLS.



PRELIMINARY LANDSCAPE PLAN (WEST)
SCALE: 1/16" = 1'-0"



PRELIMINARY LANDSCAPE PLAN (EAST)
SCALE: 1/16" = 1'-0"

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

**NOTICE OF A PROPOSED
NEGATIVE DECLARATION**

Project Title: Conditional Use Permit No. 2013-23

Project Description:

Conditional Use Permit No. 2013-23 is a request by IDA to construct a new 1,200 square foot restaurant with drive-through in the Commercial Shopping/Office (CSO) zone. The project will construct a new 21 stall parking lot and landscaping including a 4,885 square foot bioswale area on the west of the site.

Project Location: The project is located at 1400 E. Noble Ave, the northeast corner of South Ben Maddox Way and East Noble Avenue (APN: 100-030-022).

Contact Person: Alyssa Netto, Assistant Planner Phone: (559) 713-4256

Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on August 12, 2013 at 7:00 p.m. in the City Hall Council Chambers located at 707 W. Acequia Avenue, Visalia, California.

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

Reasons for Negative Declaration: Initial Study No. 2013-42 has not identified any significant, adverse environmental impact(s) that may occur because of the project. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 E. Acequia Ave., Visalia, CA.

Comments on this proposed Negative Declaration will be accepted from July 19, 2013 to August 9, 2013.

Date: July 9, 2013

Signed: _____



Paul Scheibel, AICP
Environmental Coordinator
City of Visalia

NEGATIVE DECLARATION

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Project Description: Conditional Use Permit No. 2013-23 is a request by IDA to construct a new 1,200 square foot restaurant with drive-through in the Commercial Shopping/Office (CSO) zone.

Project Location: The project is located at 1400 E. Noble Ave, the northeast corner of South Ben Maddox Way and East Noble Avenue (APN: 100-030-022).

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

Attachments:

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

DECLARATION OF NO SIGNIFICANT EFFECT:

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

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

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

APPROVED
Paul Scheibel, AICP
Environmental Coordinator

By: 

Date Approved: July 9, 2013

Review Period: 20 days

INITIAL STUDY

I. GENERAL

A. Description of the Project: Conditional Use Permit No. 2013-23 is a request by IDA to construct a new 1,200 square foot restaurant with drive-through in the Commercial Shopping/Office (CSO) zone. The project will construct a new 21 stall parking lot and landscaping including a 4,885 square foot bioswale area on the west of the site. The project is located at 1400 E. Noble Ave, the northeast corner of South Ben Maddox Way and East Noble Avenue (APN: 100-030-022).

B. Identification of the Environmental Setting:

The project is located on a vacant lot on the East side of Visalia within the City Limits. No agriculture operations are currently taking place on the site. The California 198-Freeway, traverses (below-grade) east/west along out-lot at the Northern border of the site. The surrounding zoning and land uses are as follows:

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

North:	Service Commercial Uses / CS (Service Commercial)
South:	Mary's Vineyard Shopping Center/ CSO (Commercial Shopping/Office)
East:	Wendy's Restaurant, vacant land / CSO (Commercial Shopping/Office)
West:	Existing single-family residences / IL (Light Industrial) / CS (Service Commercial)

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

C. Plans and Policies: The General Plan Land Use Element (LUE) designates the site as Commercial Shopping/Office. The site is zoned CSO (Commercial Shopping/Office). The proposed project is consistent with the Land Use Element of the General Plan 3.5.3 for commercial development along Ben Maddox Way and conditionally permitted uses pursuant to the Visalia Municipal Code 17.18.050.

II. ENVIRONMENTAL IMPACTS

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

III. MITIGATION MEASURES

There are no mitigation measures for this project. The City of Visalia Zoning Ordinance contains guidelines, criteria, and requirements for the mitigation of potential impacts related to light/glare, visibility screening, noise, and traffic/parking to eliminate and/or reduce potential impacts to a level of non-significance.

V. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

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

VI. SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Negative Declaration and Initial Study by reference. These documents, along with copies of the initial study and materials relating to the proposed project may be

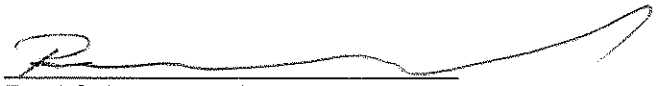
examined by interested parties at the Planning Division in City Hall East, at 315 E. Acequia Ave., Visalia, California, 93291.

- City of Visalia General Plan Land Use Element. City of Visalia. September 1991, revised June 1996.
- City of Visalia General Plan Land Use Element Final Environmental Impact Report (SCH EIR No. 90020160). City of Visalia, September 3, 1991.
- Visalia City Council Resolution 91-105 (Certifying the EIR for the City of Visalia General Plan Land Use Element Update), passed and adopted September 3, 1991.
- City of Visalia General Plan Circulation Element. City of Visalia. April 2001.
- City of Visalia General Plan Circulation Element Final Environmental Impact Report (SCH EIR No. 95032056). VRPA Technologies, February 26, 2001.
- Visalia City Council Resolution 2001-19 (Certifying the EIR for the City of Visalia General Plan Circulation Element Update), passed and adopted April 2, 2001.
- City of Visalia General Plan Conservation, Open Space, Recreation & Parks Element. City of Visalia. June 1989.
- Visalia Municipal Code, Title 17 (Zoning Ordinance)
- California Environmental Quality Act Guidelines
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.

VII. NAME OF PERSON WHO PREPARED INITIAL STUDY



Alyssa Netto
Assistant Planner



Paul Scheibel, AICP
Environmental Coordinator

**INITIAL STUDY
 ENVIRONMENTAL CHECKLIST**

Name of Proposal	Conditional Use Permit No. 2013-23	NAME OF AGENT:	Doug Pedersen
NAME OF PROPONENT:	IDA	Address of Agent:	12216 Mulholland Ct.
Address of Proponent:	12216 Mulholland Ct. San Diego, CA 92128	Telephone Number:	(858) 524-6086
Telephone Number:	(858) 524-6086	Lead Agency:	City of Visalia
Date of Review	June , 2013		

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

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

I. AESTHETICS

Would the project:

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

II. AGRICULTURAL RESOURCES

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

- 1 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

III. AIR QUALITY

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

- 1 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 1 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 1 c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 1 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

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

V. CULTURAL RESOURCES

Would the project:

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

VI. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 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?
 - 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 waste water disposal systems where sewers are not available for the disposal of waste water?

VII. GREENHOUSE GAS EMISSIONS

Would the project:

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

IX. HYDROLOGY AND WATER QUALITY

Would the project:

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

X. LAND USE AND PLANNING

Would the project:

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

XI. 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?

XII. NOISE

Would the project:

- 2 a) Cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 1 b) Cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 2 c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 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 expose people residing or working in the project area to excessive noise levels?
- 1 f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XIII. POPULATION AND HOUSING

Would the project:

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

XIV. PUBLIC SERVICES

Would the project:

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

XV. 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?

XVI. TRANSPORTATION / TRAFFIC

Would the project:

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

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 1 a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2 b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- 1 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 2009

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

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

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

- b. There are no scenic resources on the site.
- c. The proposed project includes a restaurant 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 sites. The City has development standards that require that light be directed and/or shielded so it does not fall upon adjacent properties.

II. AGRICULTURAL RESOURCES

- a. The project site is not zoned for agricultural use. The project is bordered by commercial development to the North, East, West and South. The project does not involve conversion of farmland and therefore will not have an effect on any agricultural resources.
- b. The project will not conflict with an existing zoning for agricultural use, as there are no properties in the project area with an Agriculture zoning. There are no known Williamson Act contracts on any properties within the project area.
- c. There is no forest or timber land currently located on the site.
- d. There is no forest or timber land 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 property within the project area is currently designated for an urban, rather than agricultural, land use. Properties that are vacant may develop in a way that is consistent with their zoning and land use designated at any time.

III. AIR QUALITY

- a. The project site is located in an area that is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project in itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.
- b. The project could result in short-term air quality impacts related to dust generation and exhaust due to construction

and grading activities. The project is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's grading regulations. Compliance with the SJVAPCD's rules and regulations will reduce potential impacts associated with air quality standard violations to a less than significant level.

This project is underneath the threshold for the SJVAPCD Indirect Source Review (Rule 9510) procedures as it is a commercial space smaller than 2,000 square feet.

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

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

This project is underneath the threshold for the SJVAPCD Indirect Source Review (Rule 9510) procedures as it is a commercial space smaller than 2,000 square feet.

- d. Sites located near the proposed project may be exposed to pollutant concentrations due to construction activities. The use of construction equipment will be temporary and is subject to SJVAPCD rules and regulations. The impact is considered as less than significant.
- e. 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. City-wide biological resources were evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The site has no known species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The project would therefore not have a substantial adverse effect on a sensitive, candidate, or special species.
- b. The project is not located within or adjacent to an identified sensitive riparian habitat or other natural community.
- c. The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean

Water Act.

- d. This development would not act as a barrier to animal movement. This site was evaluated in the General Plan EIR for the City of Visalia Land Use Element Update for conversion to urban use.
- e. The City has a municipal ordinance in place to protect oak trees. Any oak trees existing on the project site will be under the jurisdiction of this ordinance. Any oak trees to be removed from the site are subject to the jurisdiction of the municipal ordinance. The project site does not contain any oak trees.
- f. There are no local or regional habitat conservation plans for the area.

V. CULTURAL RESOURCES

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

VI. GEOLOGY AND SOILS

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

VII. GREENHOUSE GAS EMISSIONS

- a. The project is expected to generate Greenhouse Gas (GHG) emissions in the short-term as a result of site preparation, grading, the construction of the building, and paving, and long-term as a result of day-to-day operation of the proposed restaurant. Estimated GHG emissions calculations are contained within the California Emissions Estimator Model (CalEEMod) report prepared for the project by Four Creeks, in March 2013.

AB 32 outlines a scoping plan which entails reducing the projected GHG emissions by 29% from the business as usual operational emissions. According to the report, the construction of the project would generate a total of 121.66 metric tons of carbon dioxide equivalents (MTCO_{2e}). However, because the construction is taking place prior to the year 2020, when the state is required to reduce its emissions levels to the levels of 1990, the short-term emissions from construction can be deemed as less than significant.

When applying the 29% reduction technique to the operational long-term GHG emissions, the project must operate within regulations as enacted in AB 32 and standard measures required by California Code, the City of Visalia, and the San Joaquin Valley Air Pollution Control District (SJVAPCD). These measures, including green building standards, increased energy efficiency standards, pedestrian infrastructure, recycle and waste reduction programs, water efficient landscaping, and water conservation can reduce the significance threshold from 389.55 MTCO_{2e} with business as usual to 209.39 MTCO_{2e}. This constitutes a 46.2% reduction which is under the threshold of significance for GHG emissions.

A 33% reduction from business as usual is achieved through reduction in electricity and natural gas emissions because of compliance with the 2008 Title 24 energy efficiency standards and the implementation of electricity standards with the renewable portfolio standard. The total energy emissions were reduced from 10.89 MTCO_{2e} to 7.31 MTCO_{2e} using regulation and standard measures.

Mobile emissions were reduced by 48% due increased density, improved walkability, improved destination accessibility through increased transit accessibility, and an overall improvement of the pedestrian network. The aggregate mobile reductions went from a projected 361.66 MTCO_{2e} under business as usual to 188.53 MTCO_{2e} with regulation and standard measures.

Waste reductions will be achieved through participation in the City's recycling and waste reduction program. This action achieves a projected 50% reduction in GHG emissions from waste from 2.81 MTCO_{2e} to 1.4 MTCO_{2e}.

When analyzing the projected greenhouse gas reductions for the new regulations and standards (as shown in the Four Creeks CalEEMod report, Table 18) from the business-as-usual projections, the reductions are substantial. Using Paveley and Low Carbon Fuel Standards, mobile sources reduce emissions by 27%. Renewable Portfolio Standards for Electricity create a 17% GHG reduction. The Title 24 Building Efficiency Standards bring 14.3% emissions reductions for electricity and natural gas use. Mobile Sources are reduced by 13.5% using Locational and Standard Measures.

This 46.2% total reduction is within the significance threshold of GHG emissions from business as usual and meets the 29% reduction technique. Therefore the long-term operational GHG emissions of the project are at a less than significant level. These measures are represented in the CalEEMod as mitigation measures; however, they are not considered mitigation under the California Environmental Quality Act because they arise as a result of the projects location and regulation requirements of state, regional, and local governments.

- b. The State of California has enacted the Global Warming Solutions Act of 2006 (AB 32), which included provisions for reducing the GHG emission levels to 1990 "baseline" levels by 2020.

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

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

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

IX. HYDROLOGY AND WATER QUALITY

- a. The project will not violate any water quality standards of waste discharge requirements. The site is a proposed commercial development which will meet the City's improvement standards for directing storm water runoff to the existing City storm water drainage system, consistent with the City's adopted City Storm Drain Master Plan.
- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project site will be

served by a water lateral for domestic, irrigation, and fire protection use.

- c. The project will not result in substantial erosion on- or off-site.
- d. The project will not substantially alter the existing drainage pattern of the site or area, alter the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
- e. The project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. The site is a proposed commercial development which will meet the City's improvement standards for directing storm water runoff to the existing City storm water drainage system, consistent with the City's adopted City Storm Drain Master Plan.
- f. There are no reasonably foreseeable reasons why the project would result in the degradation of water quality.
- g. The project area is located within Zones X and X02, which indicates an area that is not within flood hazard area.
- h. The project area is located within Zones X and X02, which indicates an area that is not within a flood hazard area.
- i. The project would not expose people or structures to risks from failure of levee or dam. The project is located downstream from the Terminus Dam; in the case of dam failure, there will be 4 hours of warning to evacuate the site.
- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, which will contribute to the lack of impacts by mudflow occurrence.

X. LAND USE AND PLANNING

- a. The proposed project is located on a vacant lot between Noble Avenue and the CA-198 Highway on the corner of Ben Maddox Way. The parcel is surrounded by commercially zoned properties including Mary's Vineyard Shopping Center to the South and a Wendy's fast food restaurant to the East. This proposed fast food restaurant would infill a vacant parcel with a compatible use for the surround area; this project helps to complete a developing commercial neighborhood.
- b. The project does not conflict with any land use plan, policy or regulation of the City of Visalia. The project seeks to establish a fast food restaurant with drive-thru in the commercial shopping/office (CSO) zone. Fast food restaurants with drive-thrus are conditionally permitted in the CSO zone per the City of Visalia Zoning Ordinance.
- c. The project does not conflict with any applicable habitat conservation plan or natural community conservation plan as it is located on a vacant dirt lot with no significant natural habitat present.

XI. MINERAL RESOURCES

- 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.

XII. NOISE

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

XIII. POPULATION AND HOUSING

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

XIV. PUBLIC SERVICES

- a.
 - i. Current fire protection facilities are located at the Visalia Station 56 and can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
 - ii. Current police protection facilities can adequately serve the site without a need for alteration. Impact fees will be

paid to mitigate the project's proportionate impact on these facilities.

- iii. The project will not directly generate new students. In order to address indirect impacts, the project will be required to pay non-residential impact fees. These fees are considered to be conclusive mitigation for indirect impacts. Current school facilities can adequately serve the site without a need for alteration.
- iv. The project does not include any residential units that will create a need for additional park facilities. Current park and recreation facilities can adequately serve the site without a need for alteration.
- v. Other public facilities can adequately serve the site without a need for alteration.

XV. RECREATION

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

XVI. TRANSPORTATION AND TRAFFIC

- a. Development and operation of the project is not anticipated to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness of the City's circulation system. The project will result in an increase in traffic levels on arterial and collector roadways, although the City of Visalia's Circulation Element has been prepared to address this increase in traffic. A traffic impact study has been prepared for this project by 4Creeks in April 2013 that analyzes the current and future traffic patterns. The study found that this project would have a less than significant impact on traffic circulation of the surrounding roadways.
- b. Development and operation of the project will result in traffic in the area with a cumulative 595 total daily trips to and from the site. The recommended improvements to be made to the surrounding roadways were identified in the Environmental Impact Report for the Wal-Mart that is across the street from the project. Because this parcel was considered as part of Wal-mart's EIR, there are no additional project-specific improvements required to the surrounding roadway system. The project will be required pay the City of Visalia's Transportation Impact Fee which contributes to citywide transportation improvements and making required frontage improvements. Given that the improvements to the surrounding roadways will be completed with a separate project, there is a less than significant impact on roadway congestion.
- c. The project will not result in nor require a need to change air traffic patterns.
- d. There are no planned designs that are considered hazardous.
- e. The project will not result in inadequate emergency

access.

- f. The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS

- a. The project will be connecting to existing City sanitary sewer lines, consistent with the City Sewer Master Plan. The Visalia wastewater treatment plant has a current rated capacity of 22 million gallons per day, but currently treats an average daily maximum month flow of 12.5 million gallons per day. With the completed project, the plant has more than sufficient capacity to accommodate impacts associated with the proposed project. The proposed project will therefore not cause significant environmental impacts.
- b. The project will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The project site will be accommodated by existing City storm water drainage lines that handle on-site and street runoff. Usage of these lines is consistent with the City Storm Drain Master Plan. These improvements will not cause significant environmental impacts.
- d. California Water Service Company has determined that there are sufficient water supplies to support the site, and that service can be extended to the site.

- e. The City has determined that there is adequate capacity existing to serve the site's projected wastewater treatment demands at the City wastewater treatment plant.
- f. Current solid waste disposal facilities can adequately serve the site without a need for alteration.
- g. The project will be able to meet the applicable regulations for solid waste. Removal of debris from construction will be subject to the City's waste disposal requirements.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- 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. 90020160). The Environmental Impact Report prepared for the City of Visalia Land Use Element (Amendment No. 90-04) was certified by Resolution NO. 91-105 adopted on September 3, 1991. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**

Paul Scheibel, AICP
Environmental Coordinator

July 9, 2012
Date

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.**
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Paul Scheibel, AICP
Environmental Coordinator

July 9, 2012

Date

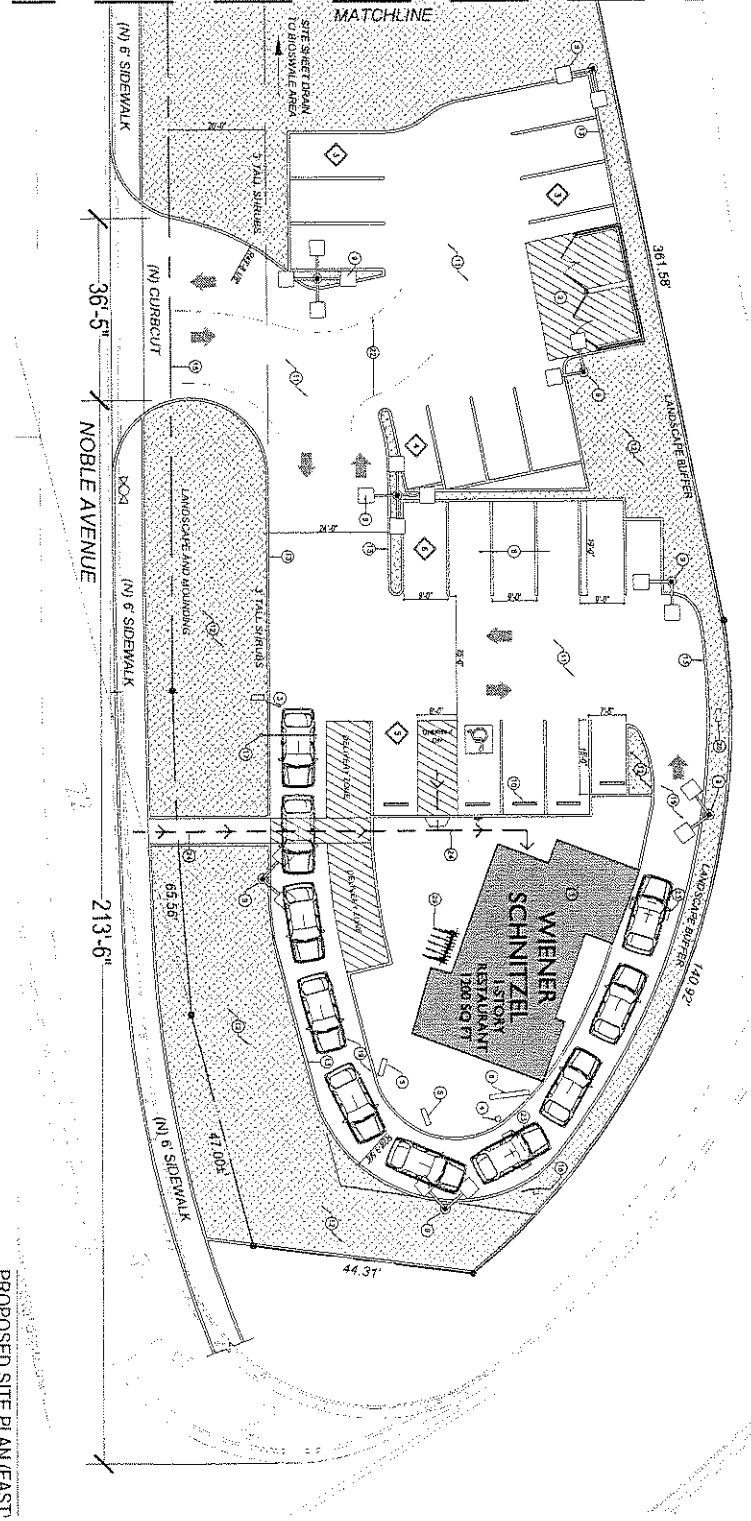


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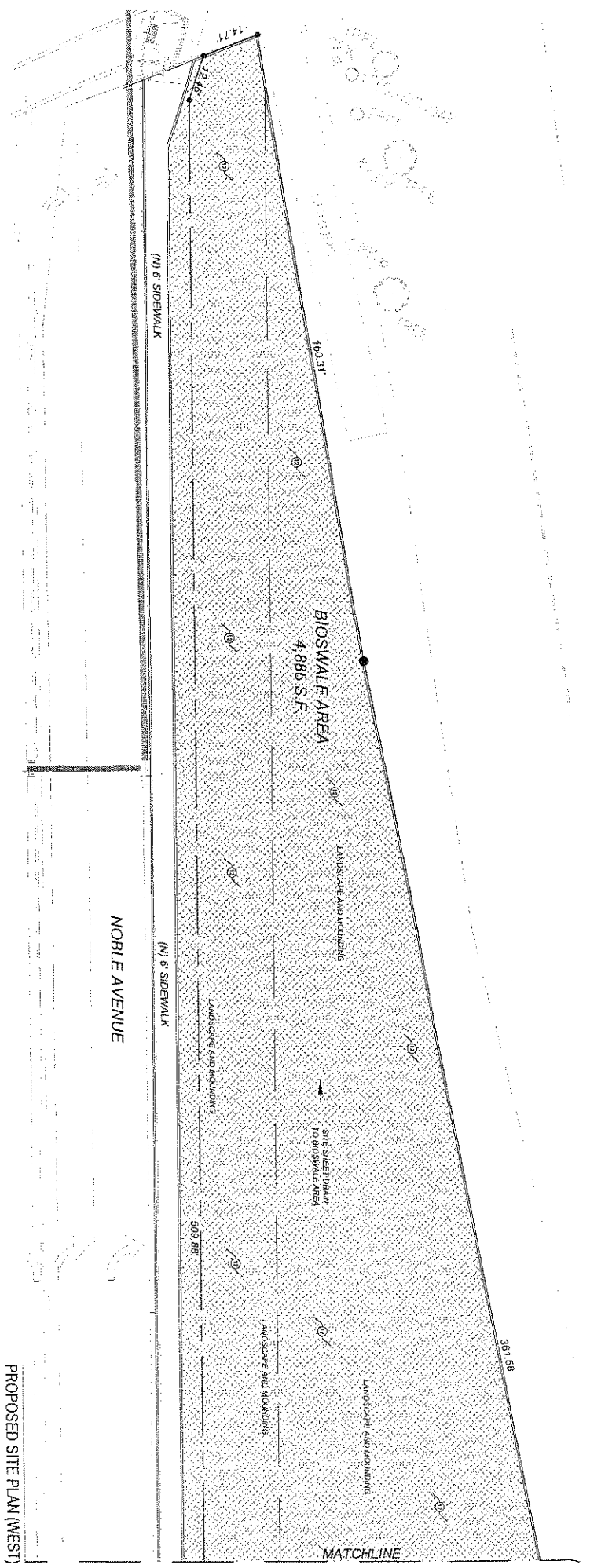
PARKING ANALYSIS
 STANDARD SPACES 19
 COMPACT SPACES 2
 TOTAL SPACES PROVIDED: 21 (1 ACCESSIBLE)

- 1. APPROXIMATE TOTAL SPACES
- 2. CHASSIS LANDSCAPING
- 3. TOTAL LANDSCAPE AREA: 27,348 SQ. FT.
- 4. PARKING AREA LANDSCAPING: 7774 SQ. FT.
- 5. ACCESSIBLE
- 6. SIDEWALK
- 7. CONCRETE DRIVEWAY
- 8. ASPHALT DRIVEWAY
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PROPOSED SITE PLAN (EAST)



PROPOSED SITE PLAN (WEST)



4CREEKS

Greenhouse Gas Analysis

**Noble Avenue
Wienerschnitzel**

03/22/2013

Greenhouse Gas Analysis Report

PREPARED FOR:

Mr. Tahir Salim
8895 Towne Centre Drive, Suite 105-480
San Diego, CA 92122

COMPLETED BY:



4CREEKS

2929 W. MAIN ST., SUITE A
VISALIA, CA 93291
(559) 802-3052

Greenhouse Gas Analysis Report

Noble Avenue Wienerschnitzel
Visalia, CA

Prepared for:

Tahir Salim
1638 Spy Glass Drive
Corona, CA 92883
(951) 543-8665

Greenhouse Gas Analysis Preparation Date:

03/05/2013

Estimated Construction Dates:

Construction Start Date: 06/01/2013 Construction Completion Date: 12/31/2013

Prepared By:

4CREEKS, INC.
2929 W. MAIN ST., Suite A
VISALIA, CA 93291
(559) 802-3052



SECTION 1: EXECUTIVE SUMMARY

1.1 ANALYSIS METHOD

The following Greenhouse Gas (GHG) analysis provides an estimate of the amount of GHGs emitted to and removed from the atmosphere by human activity associated with the construction of a 1,200 square foot (sf) Wienerschnitzel located on Noble Avenue in Visalia, CA and whether these emissions generate would cause a significant impact. The project is within the jurisdiction of the San Joaquin valley Air Pollution Control District (SSJVAPCD) and follows its recommended approach.

1.2 PROJECT SUMMARY

1.2.1 PROJECT LOCATION

The project is located on the northeast corner of Ben Maddox Way and Noble Avenue in the City of Visalia, residing in Tulare County and the San Joaquin Valley Air Basin. Figure 1, Vicinity Map, shows the location surrounding the project.

1.2.2 LAND USE CLASSIFICATION

In compliance with the California Emissions Estimator Model (CALEEMod), all projects must properly define the specific land uses that will occur at the project site. The land use and land use subtypes assist in the proper estimate of GHGs emitted due to the construction and operations of the new facility. CALEEMod uses land use classifications consistent with the Institute of Transportation Engineers (ITE) Trip Generation 9th Edition. This project most closely meets ITE land use code 934, *Fast-Food Restaurant with Drive-Thru*.



Traffic Impact Study

Noble Avenue Wienerschnitzel

April 12, 2013



4CREEKS

Architect

Ideas Inc.
5035 ½ Newport Avenue
San Diego, CA 92107
(619) 220-0400

Owner

Tahir Salim
1638 Spy Glass Drive
Corona, CA 92883
(951) 543-8665

Traffic Impact Study Preparation Date:

4/12/2013

Prepared By:

4CREEKS, INC.
2929 W. MAIN ST., Suite A
VISALIA, CA 93291
(559) 802-3052



SECTION 1: EXECUTIVE SUMMARY

1.1 ANALYSIS METHOD

This Traffic Impact Study (TIS) provides an analysis of the surrounding roadway system and the effects of the proposed Project on the existing and planned infrastructure. The Project is a 1,200 square foot (sf) Wienerschnitzel restaurant with a drive-thru, located on the northeast corner of Noble Avenue at Ben Maddox Way in Visalia, CA. Figure 1 shows the Project area. The Project will operate from 9:00 AM to 11:30 PM, seven days per week. This TIS is prepared based on the Caltrans Traffic Impact Study Guidelines and in consultation with both Caltrans¹ and City of Visalia² staff. All of the analysis methodologies and assumptions are discussed further in Appendix A.

1.1.1 ANALYSIS LOCATIONS

The following study intersections were identified by Caltrans and the City of Visalia for analysis:

- Noble Avenue at SR 198 EB Ramps
- Noble Avenue at Ben Maddox Way
- Mineral King Avenue at Ben Maddox Way
- Mineral King Avenue at SR 198 WB Ramps

1.1.2 ANALYSIS TIME PERIODS AND SCENARIOS

The following study time periods were determined based on the standard industry state of practice and according to the Caltrans Guidelines:

- AM Peak Hour (between 7-9 AM)
 - This analysis time period was removed since the Project will not be open for operation during this time period, thus will not generate any additional trips during the AM peak hour.
- PM Peak Hour (between 4-6 PM)

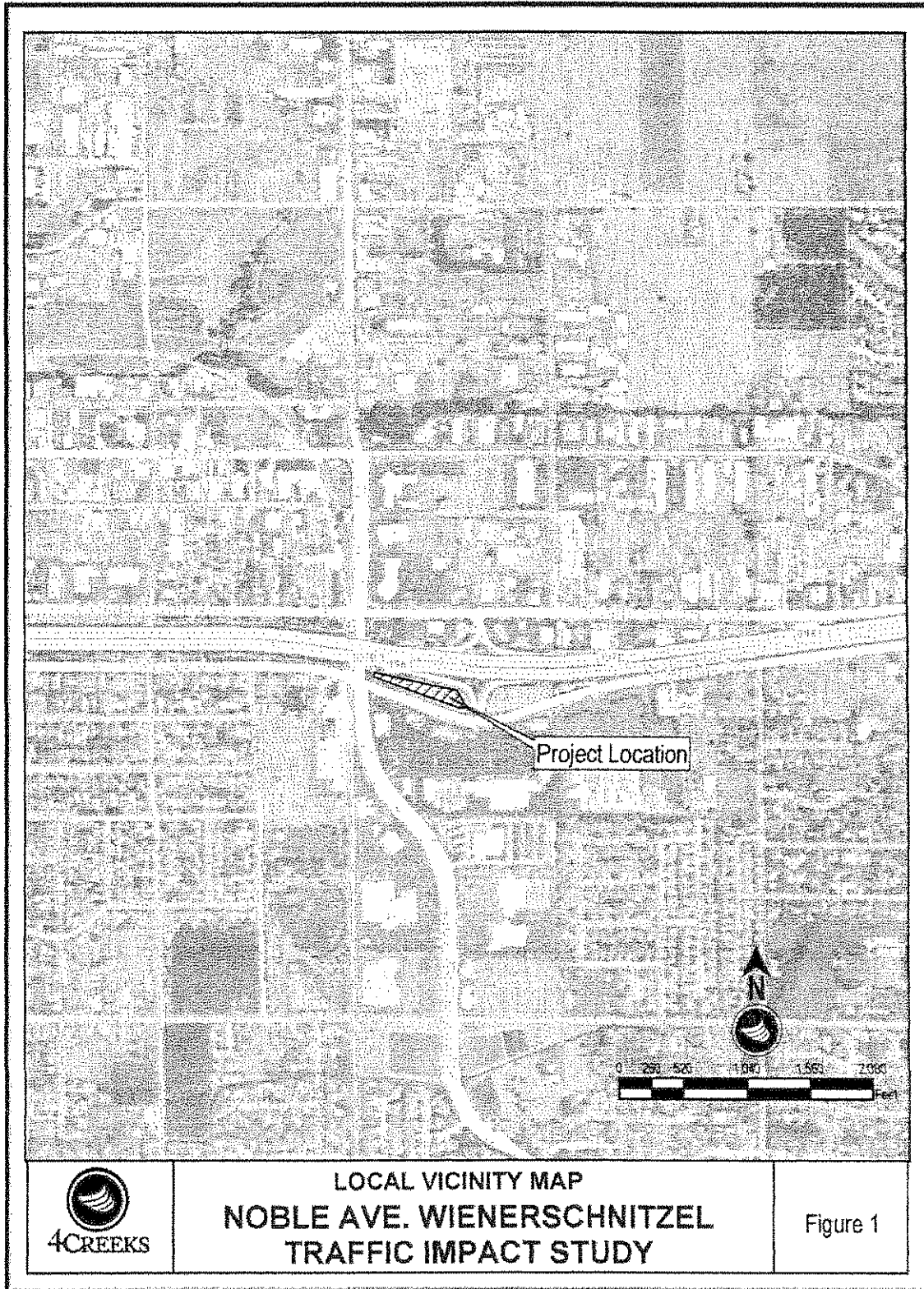
The following analysis scenarios were determined based on the Caltrans Guidelines and City of Visalia standard analyses, and the most recent Tulare County Association of Governments (TCAG) traffic models:

- Existing
- Existing Plus Project
- 2035 No Project
 - This analysis scenario was removed since the Project meets the currently zoning and General Plan designation, therefore a long-term baseline scenario is not required.
- 2035 Plus Project

¹ David Deel, Associate Transportation Planner, Caltrans – District 6, Phone call, 1/4/13.

² Eric Bons, Engineer, City of Visalia, Traffic Safety Division, Phone call, 1/4/13.

FIGURE 1: VICINITY MAP



1.1.3 THRESHOLDS OF SIGNIFICANCE

Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing measures of effectiveness should be maintained.

The City of Visalia has adopted a level of service standard of "D" in the Circulation Element.

Therefore, the SR 198 ramp intersections are evaluated against the Caltrans policy and the remaining intersections are evaluated against the City of Visalia's policy.

1.2 ANALYSIS SUMMARY

Table 1 shows the levels of service (LOS) for the study intersections for the various scenarios. Intersections with movements currently or projected to operate below the City of Visalia or Caltrans' adopted level of service standards are shown in shaded in Table 1. The signalized intersection levels of service shown in Table 1 are representative of the whole intersection. Individual intersection movements or approaches may operate above or below the signalized level of service or delay shown in Table 1.

Table 1: Level of Service Summary

Intersection	Existing		Existing Plus Project		2035 Plus Project	
	LOS	Delay ¹	LOS	Delay ¹	LOS	Delay ¹
Noble Avenue at SR 198 EB Ramps	C	26.5	C	26.8	D	41.3
Noble Avenue at Ben Maddox Way	C	23.7	C	23.8	D	42.4
Mineral King Avenue at Ben Maddox Way	B	13.9	B	14.0	B	18.8
Mineral King Avenue at SR 198 WB Ramps						
• WB Approach	A	4.7	A	4.7	A	5.1
• NB Approach	E	37.4	E	39.0	F	478.1

¹ average seconds of delay per vehicle

1.3 RECOMMENDED IMPROVEMENTS

In order to mitigate the intersections currently or projected to operate below the adopted LOS standard(s), the following improvements are recommended:

- Mineral King Avenue at SR 198 WB Ramps
 - Install stop signs on Mineral King Avenue to form a 3-way stop intersection
 - This improvement has been identified in the Walmart Expansion EIR and will be installed by that project

- Noble Avenue at SR 198 EB Ramps
 - Optimize the signal timing in order to meet the changing traffic patterns
 - This improvement has been identified in the Walmart Expansion EIR and will be installed by that project

These improvements are the same as those identified in the Walmart Expansion EIR and have been identified by the City of Visalia as the preferred improvements to the study intersections. Table 2 shows the LOS for the study intersections as a result of the proposed improvements.

Table 2: Mitigated Level of Service Summary

Intersection	Mitigated Existing Plus Project		Mitigated 2035 Plus Project	
	LOS	Delay ¹	LOS	Delay ¹
Noble Avenue at SR 198 EB Ramps	---	---	C	23.0-33.4 ²
Mineral King Avenue at SR 198 WB Ramps	B	12.8	D	26.2

¹ average seconds of delay per vehicle

² delay varies based on the final treatment of the north-south left-turn movements

In order for the intersection of Mineral King Avenue at SR 198 EB Ramps to operate at a LOS "C" or better, a traffic signal will need to be installed, or left-turning movements restricted. At this time, the City of Visalia has not specifically identified this intersection in the CIP or TIF as a candidate for signalization.

1.4 PROJECT REQUIREMENTS

As discussed above, the recommended improvements were identified in the Walmart EIR. Since no additional impacts are created by the Project, there are no additional Project-specific improvements required to the surrounding roadway system. The Project will be responsible for paying the City of Visalia's Transportation Impact Fee (TIF) to contribute to citywide transportation improvements and making any required frontage improvements.



MEETING DATE 12/19/2012
SITE PLAN NO. 12-161
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 8:30 a.m. and 4:30 p.m., Monday through Friday.

Your plans must be reviewed by:

- | | |
|---|--|
| <input type="checkbox"/> CITY COUNCIL | <input type="checkbox"/> REDEVELOPMENT |
| <input checked="" type="checkbox"/> PLANNING COMMISSION | <input type="checkbox"/> PARK/RECREATION |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER _____ |

ADDITIONAL COMMENTS This project requires a Conditional Use Permit.

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee



MEETING DATE 12-19-12
SITE PLAN NO. 12-161
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
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 - Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

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- Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

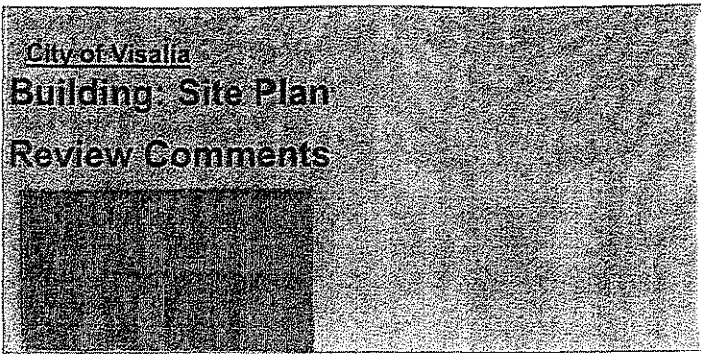
Your plans must be reviewed by:

- | | |
|---|--|
| <input type="checkbox"/> CITY COUNCIL | <input type="checkbox"/> REDEVELOPMENT |
| <input checked="" type="checkbox"/> PLANNING COMMISSION <i>CP</i> | <input type="checkbox"/> PARK/RECREATION |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER _____ |

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee



ITEM NO: 3 DATE: December 19, 2012
 SITE PLAN NO: SPR12161 RESUBMIT
 PROJECT TITLE: WIENERSCHNITZEL & DRIVE THRU
 DESCRIPTION: NEW 1,200 SF WIENERSCHNITZEL WITH DRIVE THRU ON 44,466 SF AREA (CSO ZONED)
 APPLICANT: SALIM TAHIR (PREVIOUS APPLICANT)
 PROP OWNER: GALANTE FREDDIE J JR
 LOCATION: NOBLE AVE E OF BEN MADDOX S OF 198
 APN(S): 100-030-022

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.

- Business Tax certification is required. For information call (559)713-4326
- A building permit will be required For information call (559)713-4444
- Submit 3 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 5 sets of plans signed by an architect or engineer. Must comply with 2010 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets 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 (559)230-6000
- Location of cashier must provide clear view of gas pump island
- Treatment connection charge to be assessed based on use. Credits _____
- 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. For information call (559)713-4444 (Fee for inspection \$146.40)
- School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Existing address must be changed to be consistent with city address p For information call (559)713-4320
- Acceptable as submitted

Special comments: SEE PREVIOUS COMMENTS

G. FERRERO Date: 12-19-12
 Signature

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

COMMERCIAL BIN SERVICE

SITE PLAN NO: SPR12161 **RESUBMIT**
PROJECT TITLE: WIENERSCHNITZEL & DRIVE THRU
DESCRIPTION: NEW 1,200 SF WIENERSCHNITZEL WITH DRIVE THRU ON 44,466 SF AREA (CSO ZONED)
APPLICANT: SALIM TAHIR (PREVIOUS APPLICANT)
PROP OWNER: GALANTE FREDDIE J JR
LOCATION: NOBLE AVE E OF BEN MADDOX S OF 198
APN(S): 100-030-022

- No comments.
- Same comments as as
- 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 be fore 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 (X) 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)
- 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.



Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post see page 2 for instructions

CHECK OVER HEAD LIGHT BY BIN ENCLOSURE FOR HEIGHT.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: December 19, 2012

SITE PLAN NO: 12-161 RESUBMITAL
PROJECT TITLE: WIENERSCHNITZEL DRIVE-THRU
DESCRIPTION: NEW EXPRESS CARWASH & WIENERSCHNITZEL DRIVE THRU ON
44,466 SF AREA (CSO ZONED)
APPLICANT TITLE: SALIM THAIR
PROP. OWNER: GALANTE FREDDIE JR
LOCATION TITLE: NOBLE AVE EAST OF BEN MADDOX
APN TITLE: 100-030-022

General Plan: CSO – Shopping / Office Commercial
Existing Zoning: CSO – Shopping / Office Commercial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Additional Information As Needed
- Building Permits
- Conditional Use Permit for Fast-food Drive-thru
- Traffic Impact Study
- Greenhouse Gas Reduction Plan

PROJECT SPECIFIC INFORMATION: 12/19/2012

1. Staff SPR comments reflect the proposed site plan that only depicts the Wienerschnitzel fast-food drive-thru restaurant. The carwash facility has been removed from the proposed site development.
2. Parking requirements for the fast-food restaurant is calculated at one parking space per 100 square feet of gross building area. Site provides adequate parking based on parking stalls provided.
3. A Traffic Impact Study is required. Contact the City of Visalia's Traffic Engineer, Eric Bons at (559) 713-4350 to discuss the scope of the Traffic Impact Study.
4. Building Elevations with material call-outs are required as part of the CUP application.
5. A Greenhouse Gas Reduction plan is required and shall be submitted by the applicant as part of the CUP application. CEQA guidelines require that an initial study evaluate whether air impacts, including Greenhouse Gas (GHG) emissions associated with a project, will have a significant effect on the environment. The City follows a guidance document adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) to assess the significance of project specific GHG emissions. The guidance document has determined that impacts from a project can be reduced either by meeting Best Performance Standards (BPS), or by demonstrating that certain measure applied to the project reduces its GHG contribution by 29% from Business-As-Usual practices. SJVAPCD has identified several techniques ranging from simple to complex wherein projects can reduce emissions. Simple techniques may include building designs that increase energy efficiency, water conservation techniques in landscaping, and the use of energy efficient appliances. Again, these practices must be documented and will be incorporated as project mitigation.

6. The proposed bio-swales shall be incorporated into the landscape plan and will need to be designed to meet Engineering Department requirements for handling storm water overflow.
7. Compact car spaces shall be evenly distributed throughout the entire site.
8. Standard parking stall dimensions are 19-feet in length by 9-feet wide with 25-feet of back-up space. Dimension parking stalls demonstrating that parking standards are met.
9. Provide a brief operational plan for the proposed Wienerschnitzel fast-food restaurant. The operational plan shall identify number of employees and hours of operation.
10. On September 30, 2009, the State Model Water Efficient Landscape Ordinance (MWELO) was finalized by the State Department of Water Resources to comply with AB 1881. AB 1881 along with the MWELO became effective on January 1, 2010. As of January 1, 2010, the State Model Water Efficient Landscape Ordinance became effective by adoption of a City urgency ordinance on December 21, 2009. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.**

CITY GENERAL PLAN CONSISTENCY

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

Design District: "A" (See Chapter 17.24 For BRP Zoned Sites) [17.30.160]

Maximum Building Height: 50 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front (Building site)	20 Feet**	20 Feet** (only building)
➤ Front (Parking)	25 Feet**	25 Feet**
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	25 Feet	25 Feet
➤ Side abutting residential zone	15 Feet	5 Feet
➤ Rear	0 Feet	5 Feet*
➤ Rear abutting residential zone	15 Feet	5 Feet

*(Except where building is on property line)

** (Reduce per Ordinance No. 2010-17, see Mooney Blvd. Corridor project)

Minimum Site Area: 5 acres

Parking: As prescribed in Chapter 17.34

Signage: [see Zoning Ordinance Section 17.48]

1. All signs require a building permit.
2. Provide a conceptual sign program for planning commission review.

Design District "A" Standards

The following regulations apply to uses in design districts A, B, C, D, E, and F with the exception of those zones specifically identified in Section 17.48.070. The signs within the downtown retail design district are subject to the provisions of Chapter 17.58.

1. Signs Permitted.

- a. Building signs as specified in Section 17.48.070(A)(2);
- b. One pedestrian oriented sign per occupancy;
- c. One freestanding sign per commercial site.

2. Building Signs.

a. Permitted Sign Area. Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum area of one hundred fifty (150) square feet. A building sign may not exceed the height of the roof line or parapet wall upon which it is mounted. Building signs may not exceed eighty (80) percent of the surface upon which it is mounted.

b. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the building used to calculate the permitted sign area.

c. Additional signs of a maximum twenty-five (25) percent of the sign area as calculated in Section 17.48.080(A)(2)(b) shall be allowed for each remaining exterior wall provided that the sign area for any given wall does not exceed two square feet per linear foot of the wall length.

d. Commercial buildings which occupy the entire depth of a city block shall be eligible to apply for signing on each of the street exposures.

e. Commercial buildings which have alley access shall be eligible to apply for signing on both the street and the alley frontages.

f. Building signs shall be mounted flush against or be oriented parallel to the wall of the structure on which it is located. No part of the sign shall extend more than eighteen inches (18) from the surface of the structure except in those cases as specified in Section 17.48.040(C).

g. Signs may be mounted on a mansard or angled roof. The sign shall not, however, extend higher than the peak of the roof.

h. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage or may be divided between the occupancy frontage and any other exterior walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage.

i. Each building of shopping center may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business or the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area may be calculated, the sign area used for the reader board shall be deducted from the total permitted for that occupancy.

j. Reader boards shall be designed as one sign with each copy panel consisting of similar materials and design. Permits for reader boards shall not be issued without consent of the property owner.

3. Freestanding Sign.

a. Each commercial site, excluding highway commercial uses along Highway 198 and Highway 99 is permitted one double-faced freestanding sign, not exceeding an area of thirty-five (35) square feet of sign copy per face. The total area of the aggregate surface of the sign face and the sign structure, as viewed from one side, may not exceed seventy square feet. The freestanding sign shall not exceed a height of ten feet.

b. The total area of the sign faces of a multi-sided freestanding sign shall not exceed seventy (70) square feet, and the total area of the aggregate surface of the sign faces and the sign structure shall not exceed one hundred forty (140) square feet.

c. Freestanding signs may be located within the required setback areas without the required variance procedure as long as all parts of the freestanding sign are located more than five feet from the front property line and public or private right-of-way line, except in design districts E and D in which signs may be located up to the property line upon approval of the planning department.

d. A freestanding sign shall be set back a minimum of twenty (20) feet from any interior side property line. Encroachment into the twenty (20) foot setback may be approved by the planning department where the location of existing improvements presents a functional hardship to compliance with the required setback.

e. Freestanding signs ten feet or less in height shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Please note that the project is subject to SJVAPCD Rule 9510. The applicant is encouraged to do early indirect source modeling consultation with the Air District (please see http://www.aqmd.gov/rules/proposed/2301/sjvapcd_rule9510.pdf).

Parking:

1. Provide 12 spaces based on one space per 100 square feet of gross floor area for the fast food restaurant (see Zoning Ordinance Section 17.34.020). Provide a parking analysis on the number of parking spaces required for the carwash. The parking analysis shall identify the number of maximum employees per shift (see Zoning Ordinance Section 17.34.020).
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot (Zoning Ordinance Section 17.34.030.I).
3. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040.D & 17.30.130.C).
5. No repair work or vehicle servicing allowed in a parking area (Zoning Ordinance Section 17.34.030.L).
6. It is highly recommended that bicycle rack(s) be provided on site plan.
7. No parking shall be permitted in a required front/rear/side yard (Zoning Ordinance Section 17.34.030.F).
8. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street.
9. Provide off-street loading facility (Zoning Ordinance Section 17.34.070 & 17.34.080).

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
3. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
4. Outdoor retail sales prohibited.
5. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.

6. All outdoor storage areas are to be identified on the site plan and they are to be shown with screening (fencing). No materials may be stored above the storage area fence heights (Zoning Ordinance Section 17.30.130.F).
7. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
8. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

Landscaping:

1. On September 30, 2009, the State Model Water Efficient Landscape Ordinance (MWELo) was finalized by the State Department of Water Resources to comply with AB 1881. AB 1881 along with the MWELo became effective on January 1, 2010. As of January 1, 2010, the State Model Water Efficient Landscape Ordinance became effective by adoption of a City urgency ordinance on December 21, 2009. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELo standards is required indicating that the landscaping has been installed to MWELo standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.130.C). These requirement applies to both the landscape park strip and on-site of the commercial development.
3. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
4. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
5. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
6. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
7. Provide a conceptual landscape plan for resubmittal or planning commission review.
8. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
9. Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

Lighting:

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

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

A handwritten signature in black ink, appearing to be "Tom Brown", written over a horizontal line. The signature is stylized and somewhat cursive.

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

Jason Huckleberry 713-4259
 Ken McSheehy 713-4447
 Adrian Rubalcaba 713-4271

ITEM NO: 3 DATE: DECEMBER 19, 2012

SITE PLAN NO.: 12-161 2nd RESUBMITTAL
PROJECT TITLE: WIENERSCHNITZEL
DESCRIPTION: NEW WIENERSCHNITZEL DRIVE THRU ON
44,446 SF AREA (CSO ZONED)
APPLICANT: SALIM TAHIR
PROP OWNER: GALANTE FREDDIE J JR
LOCATION: NOBLE AVE E OF BEN MADDOX S OF 198
APN: 100-030-022

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with _____ radius;

Install curb; gutter

Drive approach size: **36' Minimum** Use radius return;

Sidewalk: **6' 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.

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.

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. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.

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

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

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

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

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

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

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 Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements. ***if any***
 - A permit is required to remove oak trees. Contact David Pendergraft at 713-4295 for an Oak tree evaluation or permit to remove. A pre-construction conference is required.
 - Relocate existing utility poles and/or facilities. ***if any***
 - 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 lighting fixture above trash enclosure location will need to revised/relocated to avoid conflict between truck arm and light fixture.***
- 2.) ***A traffic impact study, conducted per Caltrans guidelines, will be necessary for this project.***
- 3.) ***Parkway landscaping and street trees are required, per City std. street tree and irrigation guidelines.***
- 4.) ***Parking lot inspection and plan review fees apply. All associated impact fees with project are summarized on Page 3.***
- 5.) ***Comply with all Caltrans comments/requirements.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 12-161 2nd RESUBMITTAL
Date: 12/19/2012

Summary of applicable Development Impact Fees to be collected at the time of building permit.
(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

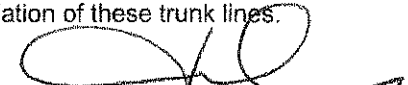
(Fee Schedule Date:8/17/2012)
(Project type for fee rates:RESTAURANT/RETAIL/CAR WASH)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,116/ACRE
<input checked="" type="checkbox"/> Transportation Impact Fee	\$10,642/1000SQ.FT.
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$3,909.40/EACH (FAST FOOD)
	TREATMENT PLANT FEE
	\$17,149.20/EACH (FAST FOOD)
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$37.03/LINEAR FOOT (NOBLE AVE)
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$5,267.40/ACRE
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$4,117.90/ACRE
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$7,478/ACRE
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$1,636.20/ACRE
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$479.80/1000SQ.FT.
<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.



Jason Huckleberry

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

December 19, 2012

ITEM NO: 3	RESUBMTL
SITE PLAN NO:	SPR12161
PROJECT TITLE:	WIENERSCHNITZEL & DRIVE THRU
DESCRIPTION:	NEW 1,200 SF WIENERSCHNITZEL WITH DRIVE THRU ON 44,466 SF AREA (CSO ZONED)
APPLICANT:	SALIM TAHIR (PREVIOUS APPLICANT)
PROP. OWNER:	GALANTE FREDDIE J JR
LOCATION:	NOBLE AVE E OF BEN MADDOX S OF 198
APN(S):	100-030-022

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

- No Comments
- See Previous Site Plan Comments
- Install **one** Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Study required.

Additional Comments:

- The intersection of Noble Avenue and Highway 198 on/off ramp does not provide for pedestrian access to the proposed site. The applicant will need to work with Caltrans to provide pedestrian access at the signalized intersection. This may require striping and modification to the traffic signal equipment.
- The east bound traffic on Noble Avenue is prohibited from making a U Turn at Noble and the Hwy 198 off ramp traffic signal. If a U-Turn movement is desired, the developer shall work with Caltrans to determine what the requirements are to allow for east bound U-Turns at this intersection


Eric Bons

QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 3 DATE: December 19, 2012
SITE PLAN NO: SPR12161 **RESUBMIT**
PROJECT TITLE: WIENERSCHNITZEL & DRIVE THRU
DESCRIPTION: NEW 1,200 SF WIENERSCHNITZEL WITH DRIVE
 THRU ON 44,466 SF AREA (CSO ZONED)
APPLICANT: SALIM TAHIR (PREVIOUS APPLICANT)
PROP OWNER: GALANTE FREDDIE J JR
LOCATION: NOBLE AVE E OF BEN MADDOX S OF 198
APN(S): 100-030-022

YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR - 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER - ¼ HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED - NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277



AUTHORIZED SIGNATURE

12-17-12

SP# 12161



CITY OF VISALIA NONSIGNIFICANT WASTEWATER DISCHARGE PERMIT APPLICATION

Agency Use:
Permit No: _____
Code No: _____
Data Entry By: _____

PLEASE PRINT OR TYPE

APPLICANT BUSINESS NAME: _____ PHONE: _____

BUSINESS ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

BUSINESS OWNER: _____ PHONE: _____

MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

CONTACT PERSON: _____ TITLE: _____

NATURE OF BUSINESS: (restaurant, market, convenience store, yogurt shop, walk-up, etc.)

NO. OF EMPLOYEES: _____ HOURS OPEN: _____ AM/PM TO _____ AM/PM

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

If yes, Name of trap: _____ Size of trap: _____ How often is trap cleaned: _____

I hereby affirm that all information furnished is true and correct to the best of my knowledge.

Signature Date

Public Works Department
Quality Assurance Division
7579 Ave 288
Visalia CA 93277
(559) 713-4487

**CITY OF VISALIA
ORDINANCE 13.08**

13.08.570 Traps required.

Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of the sewerage system from liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required for example, on discharges from all service stations, automotive repair garages, car washes, restaurants, eating establishments and food preparation establishments, and such other commercial or industrial establishments as the city may designate. (Prior code § 4254)

13.08.580 Construction of traps.

All traps shall be of a type and capacity approved by the city, and shall be so located as to be readily and easily accessible for cleaning and inspection. Restaurant traps shall be gas-tight, of a type approved for restaurant use by the division of building safety. Traps for all other facilities, including service stations and garages, shall be in accordance with the adopted plan of the city for such traps or shall be the approved equal thereof as determined by the director. (Prior code § 4255)

13.08.590 Maintenance of traps.

When installed, all grease, oil and sand traps shall be maintained by the owner, at owner's expense, in continuously efficient operation at all times. (Prior code § 4256)

Site Plan Review Comments For:


Visalia Fire Department
Kurtis Brown, Assistant Fire Marshal
707 W Acequia
Visalia, CA 93291
559-713-4261 *office*
559-713-4808 *fax*

ITEM NO: 3	DATE: <u>December 19, 2012</u>
SITE PLAN NO: SPR12161	RESUBMIT
PROJECT TITLE: WIENERSCHNITZEL & DRIVE THRU	
DESCRIPTION: NEW 1,200 SF WIENERSCHNITZEL WITH DRIVE THRU ON 44,466 SF AREA (CSO ZONED)	
APPLICANT: SALIM TAHIR (PREVIOUS APPLICANT)	
PROP OWNER: GALANTE FREDDIE J JR	
LOCATION: NOBLE AVE E OF BEN MADDOX S OF 198	
APN(S): 100-030-022	

The following comments are applicable when checked:

- Refer to previous comments dated .
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail.
- The Site Plan Review comments in this document are not all encompassing, but a general overview of the California Fire Code, and City of Visalia Municipal Codes. Additional requirements may come during the plan review process.
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire protection requirements.
- Address numbers must be placed on the exterior of the building in such a position as to clearly and plainly visible from the street. Numbers will be at least six inches (6") high and shall be of a color to contrast with their background. If multiple addresses served by a common driveway, the range of numbers shall be posted at the roadway/driveway.
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are 1 fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- The turning radius for emergency fire apparatus is 20 feet inside radius and 43 feet outside radius. Ensure that the turns identified to you during site plan comply with the requirements. An option is a hammer-head constructed to City standards.
- An access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction.
- Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with an approved fire apparatus access roads 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.

- A fire lane is required for this project. The location will be given to you during the site plan meeting.
- A Knox Box key lock system is required. Applications are available at the Fire Department Administrative Office. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- The security gates, if to be locked, shall be locked with a typical chain and lock that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system. Applications are available at the Fire Department Administrative Office.
- That portion of the building that is built upon a property line shall be constructed as to comply with Section 503.4 and Table 5-A of the California Building Code.
- 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.
- If you handle hazardous material in amounts that exceed the exempt amounts listed on Table 3-D of the California Building Code, you are required to submit an emergency response plan to the Tulare County Health Department. Prior to the building final inspection, we will want a copy of the plan and any Material Safety Data Sheets.
- An automatic fire sprinkler system will be required for this building. A fire hydrant is required within 50 feet of the fire department connection. The fire hydrant, fire department connection and the PIV valve should be located together and minimum 25' from the building, if possible. The caps on the FDC shall be Knox locking caps.
- All hardware on exit doors shall comply with Chapter 10 of the California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting though-out building.
- All Fire and Life Safety systems located within the building shall be maintained.
- An automatic fire extinguishing system for protection of the kitchen grease hood and ducts is required.
- Fire Department Impact Fee - \$1601.01 per acre.
- Fire Department Permit Fee - complete application during Building Department permit process.
- Special comments:


 Kurtis Brown, Assistant Fire Marshal

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

ITEM NO: 3 DATE: December 19, 2012
SITE PLAN NO: SPR12161 **RESUBMIT**
PROJECT TITLE: WIENERSCHNITZEL & DRIVE THRU
DESCRIPTION: NEW 1,200 SF WIENERSCHNITZEL WITH DRIVE
 THRU ON 44,466 SF AREA (CSO ZONED)
APPLICANT: SALIM TAHIR (PREVIOUS APPLICANT)
PROP OWNER: GALANTE FREDDIE J JR
LOCATION: NOBLE AVE E OF BEN MADDOX S OF 198
APN(S): 100-030-022

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:


- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:


Lieutenant Steven Phillips
Visalia Police Department

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7396
FAX (559) 488-4088
TTY (559) 488-4066

RECEIVED

DEC 27 2012

COMM. DEVELOP.
CITY OF VISALIA

*Flex your power!
Be energy efficient!*

December 19, 2012

2135-IGR/CEQA
6-TUL-198-10.80 +/-
SP 12-161
WIENERSCHNITZEL (3)
AGENDA 12/19/12

Ms. Sandra Cloyd
City of Visalia
Public Works Department Engineering Services
315 East Acequia Avenue
Visalia, CA 93291

Dear Ms. Cloyd:

Thank you for the opportunity to review the resubmitted Site Plan No. 12-161 proposing a new Wienerschnitzel drive-through restaurant. The project is located in the southeast quadrant of the SR 198/Ben Maddox Avenue Interchange, directly west adjacent to SR 198 eastbound (EB) off ramp at Noble Avenue.

Caltrans notes the site plan has changed per the elimination of the carwash. Caltrans has the following comments:

The previous comments of our letter dated November 27, 2012 (copy enclosed) continue to be valid.

If you have any questions, please call me at (559) 488-7396.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Deel".

DAVID DEEL
Associate Transportation Planner
District 6

Enclosure

copy via email: Paul Bernal – Visalia Planning Department
Caltrans Traffic Operations
Caltrans Permits Office

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7396
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

November 27, 2012

2135-IGR/CEQA
6-TUL-198-10.80 +/-
SP 12-161
CARWASH & WIENERSCHNITZEL (2)
AGENDA 11/14/12

Ms. Sandra Cloyd
City of Visalia
Public Works Department Engineering Services
315 East Acequia Avenue
Visalia, CA 93291

Dear Ms. Cloyd:

Thank you for the opportunity to review the resubmitted Site Plan No. 12-161 proposing a new Wienerschnitzel drive-through restaurant and carwash. The plans were originally submitted in July 2012 and have since been redesigned to accommodate both uses while complying with applicable codes and ordinances. The project is located in the southeast quadrant of the SR 198/Ben Maddox Avenue Interchange, directly west adjacent to SR 198 eastbound (EB) off ramp at Noble Avenue.

The previous comments of our letter dated August 10, 2012 (copy enclosed) continue to be valid. In addition, Caltrans has the following comments:

The project site is adjacent to Caltrans access control right of way. Access from the State right of way is prohibited. Caltrans access control extends along the frontage of the site, approximately 168 feet from the southeast corner. Based on the redesigned site plan, the proposed driveway appears to be outside the access control area. Caltrans will verify the distance from the corner of the EB off ramp to the edge of the proposed driveway on Noble Avenue.

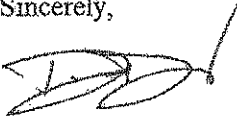
The design of the proposed driveway needs to meet the 2010 Caltrans Standard Plan A87A and the width specified in Section 205.3 of the Highway Design Manual. Caltrans will verify the driveway design meets these requirements during the encroachment permit application review process.

It appears internal circulation may be hindered by the two vacuum stalls on the westerly edge of the proposed driveway. Caltrans recommends removal of the vacuum stall adjacent to the western driveway edge in order to improve circulation and queuing of vehicles for customers exiting the proposed carwash.

Ms. Sandra Cloyd
November 27, 2012
Page 2 of 2

If you have any questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL
Associate Transportation Planner
District 6

Enclosure: Caltrans comment letter dated August 10, 2012

copy via email: Paul Bernal – Visalia Planning Department
Caltrans Traffic Operations
Caltrans Permits Office

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7396
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

August 10, 2012

2135-IGR/CEQA
6-TUL-198-10.80 +/-
SP 12-161
CARWASH & WIENERSCHNITZEL
AGENDA 7/25/12

Ms. Sandra Cloyd
City of Visalia
Public Works Department Engineering Services
315 East Acequia Avenue
Visalia, CA 93291

Dear Ms. Cloyd:

Thank you for the opportunity to review Site Plan No. 12-161 proposing a new 1,976 square foot carwash and 1,200 square foot Wienerschnitzel drive-through restaurant. The project is located in the southeast quadrant of the SR 198/Ben Maddox Avenue Interchange, directly west adjacent to SR 198 eastbound (EB) off ramp at Noble Avenue. Caltrans has the following comments:

Based on the information provided in the site plan (dated July 25, 2012), Caltrans anticipates that traffic generated by the proposed project would have a direct impact on the SR 198 EB on/off ramp and Noble Avenue during peak hour periods.

The project site is adjacent to Caltrans access control right of way. Caltrans access control extends along the frontage of the site, approximately 168 feet from the southeast corner. Access from the State right of way is prohibited. Based on the site plan, the easterly proposed driveway is within the access control area and *will need* to be relocated.

Additionally, the proposed easterly driveway is too close to the ramp intersection and would potentially impede/interfere with the flow of traffic from the EB off ramp during the peak hours. It is recommended this proposed drive way be *consolidated* with the proposed westerly driveway. The spacing of the proposed driveway shall also meet the minimum stopping sight distance as specified by Caltrans Highway Design Manual (HDM).

For a safe and efficient flow of traffic on Noble Avenue (especially for the right turn movement at the off ramp), a minimum of throat depth of 35 feet (as shown in the plan) shall be maintained for the project's proposed driveway.

*Ms. Sandra Cloyd
August 10, 2012
Page 2 of 3*

Any proposed landscaping (trees or bushes) shall be outside of the line of sight triangle at the driveway access.

The right of way fence along the SR 198 EB off ramp shall remain unmodified and undisturbed. An encroachment permit is required to repair the fence if damaged or modified. The fence shall be repaired in accordance with State standards.

Sidewalk, curb and gutter and street lighting may be constructed per City Standard. Existing or proposed curb, gutter, sidewalk, and access ramp rehabilitation shall be required to comply with current ADA requirements or other applicable State or Federal law. Existing concrete sidewalk that is damaged or broken (cracked) may need to be rehabilitated.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit.

Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way.

No water from the proposed project shall flow into the State right-of-way without approval from the District Hydraulic Engineer.

Stormwater is not allowed to be discharged to the State right-of-way. Since the proposed development/project involves one acre or more of ground disturbance, the applicant needs to be advised by the lead agency to contact the Central Valley Regional Water Quality Control Board office in Fresno at (559) 445-5116 to determine whether a Notice of Construction will be required. The applicant will be required to adhere to Caltrans construction stormwater requirements if there is proposed work within the State right-of-way. Additional information on Caltrans stormwater management requirements may be found on the Internet at www.dot.ca.gov/hq/env/stormwater/index.htm.

All proposed landscaping plans shall meet current standards as determined by the District Landscape Architect. The site plan indicates that the applicant is proposing to landscape the area along the front of the site. Proposed landscaping needs to be low growing, less than two feet in

*Ms. Sandra Cloyd
August 10, 2012
Page 3 of 3*

height, due to sight distance concerns. In addition, any landscaping proposed adjacent to the SR will need to be reviewed and approved by the Caltrans District Landscape Architect.

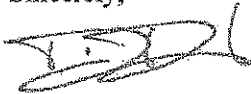
Any future site improvements should account for future utility placements whether underground or above ground.

Advertising signs within the immediate area outside the State right-of-way needs to be cleared through the Caltrans Right-of-Way Division, Office of Outdoor Advertising. The project proponent must construct and maintain the advertising signs without access to the State Routes. Contact *John Myers* at (916) 651-1254 for additional information or to obtain a sign permit application. Additional information on Caltrans Outdoor Advertising Permit requirements may also be found on the Internet at www.dot.ca.gov/hq/oda.

Please be advised that any future development in the vicinity of a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review.

Please send a response to our comments and a copy of the resolution related to the proposed project. If you have any questions, please call me at (559) 488-7396.

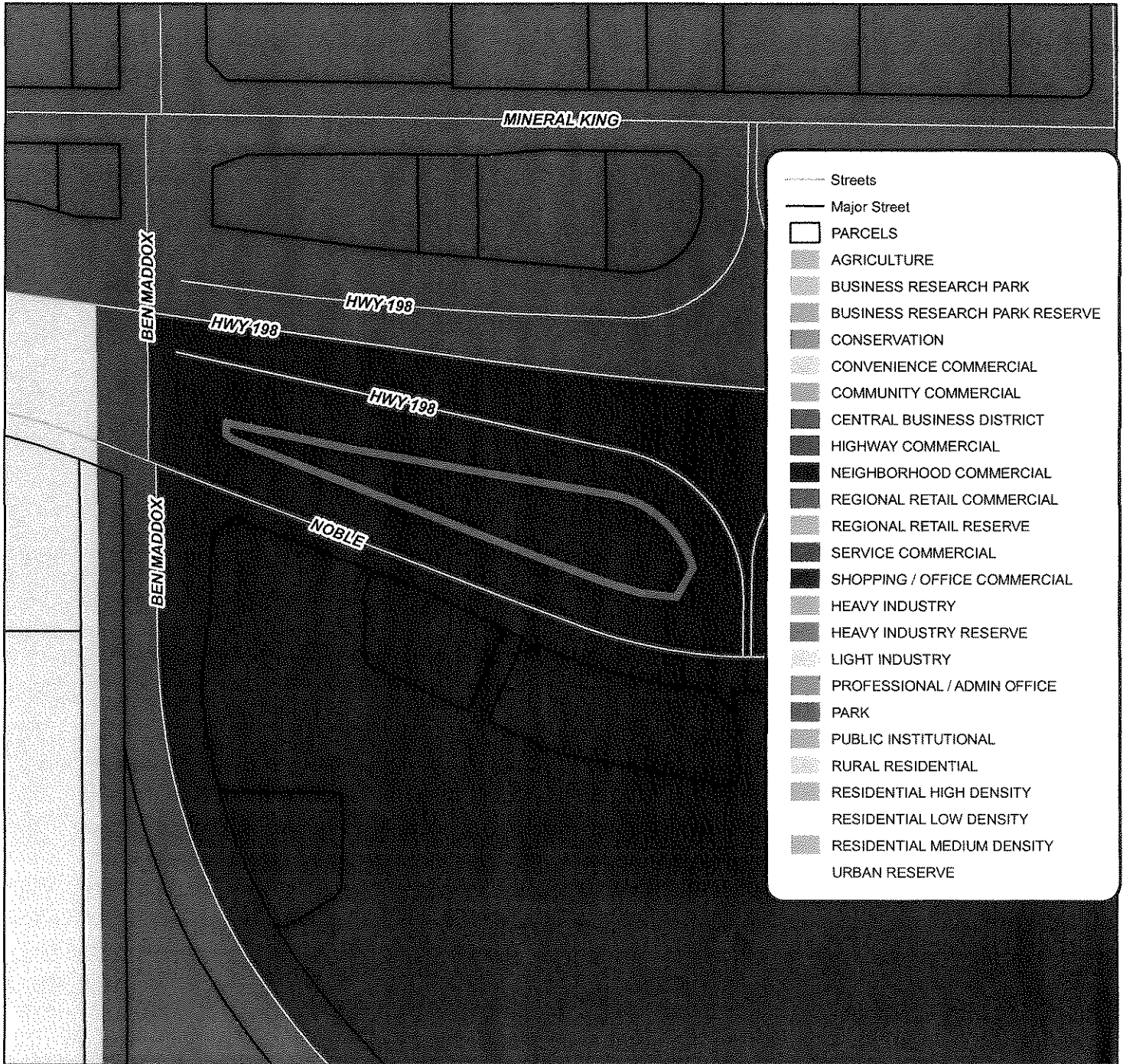
Sincerely,



DAVID DEEL
Associate Transportation Planner
District 6

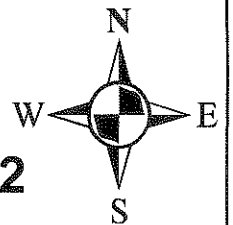
copy via email: Paul Bernal – Visalia Planning Department
Caltrans Traffic Operations
Caltrans Permits Office

General Plan Land Use Map

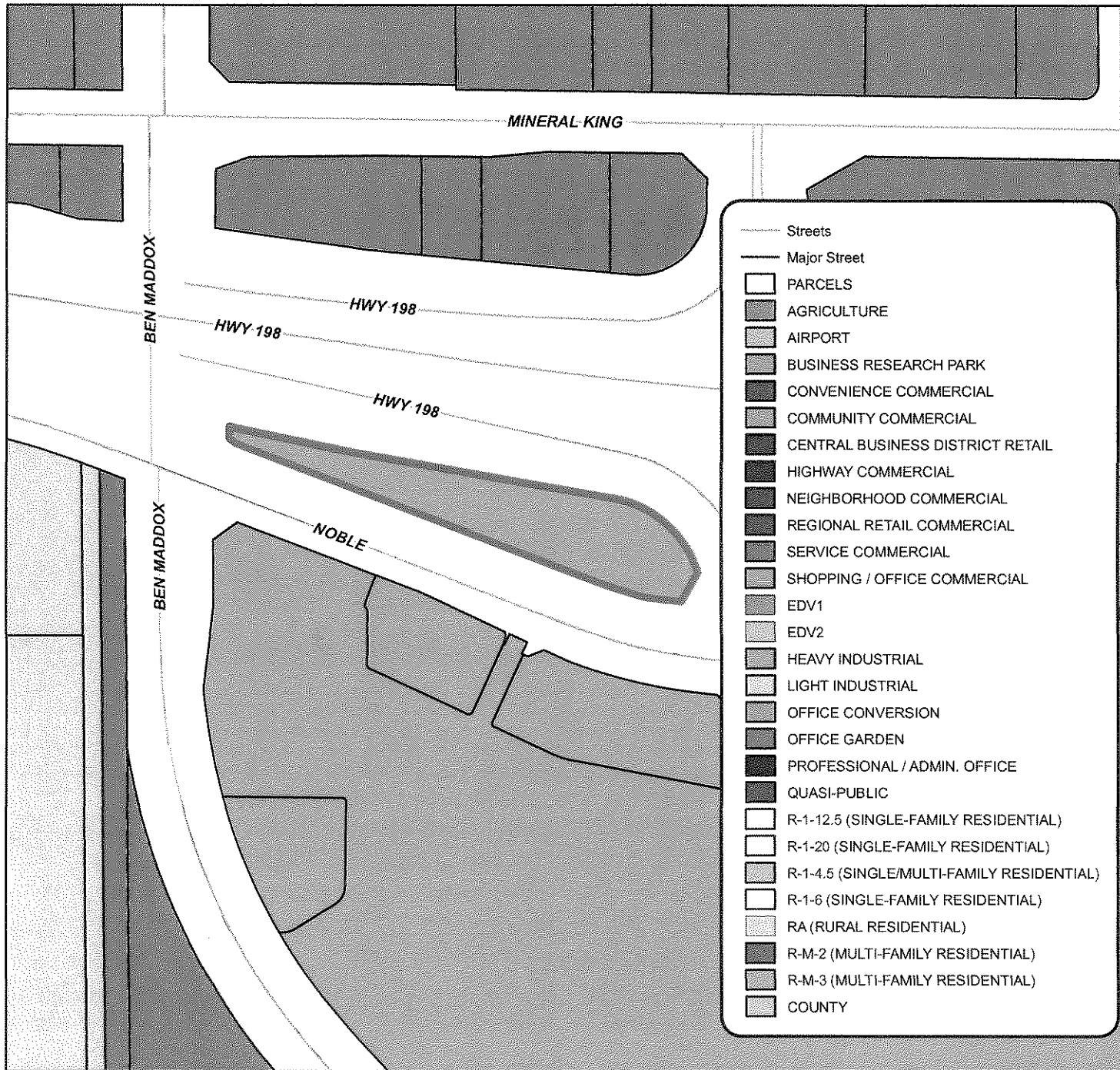


Conditional Use Permit No. 2013-23

APN:100-030-022



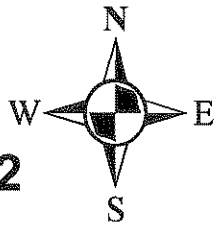
Zoning Map



Conditional Use Permit

No. 2013-23

APN:100-030-022

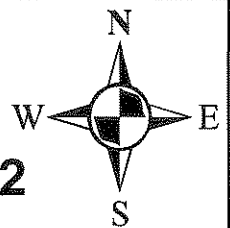


Aerial Photo

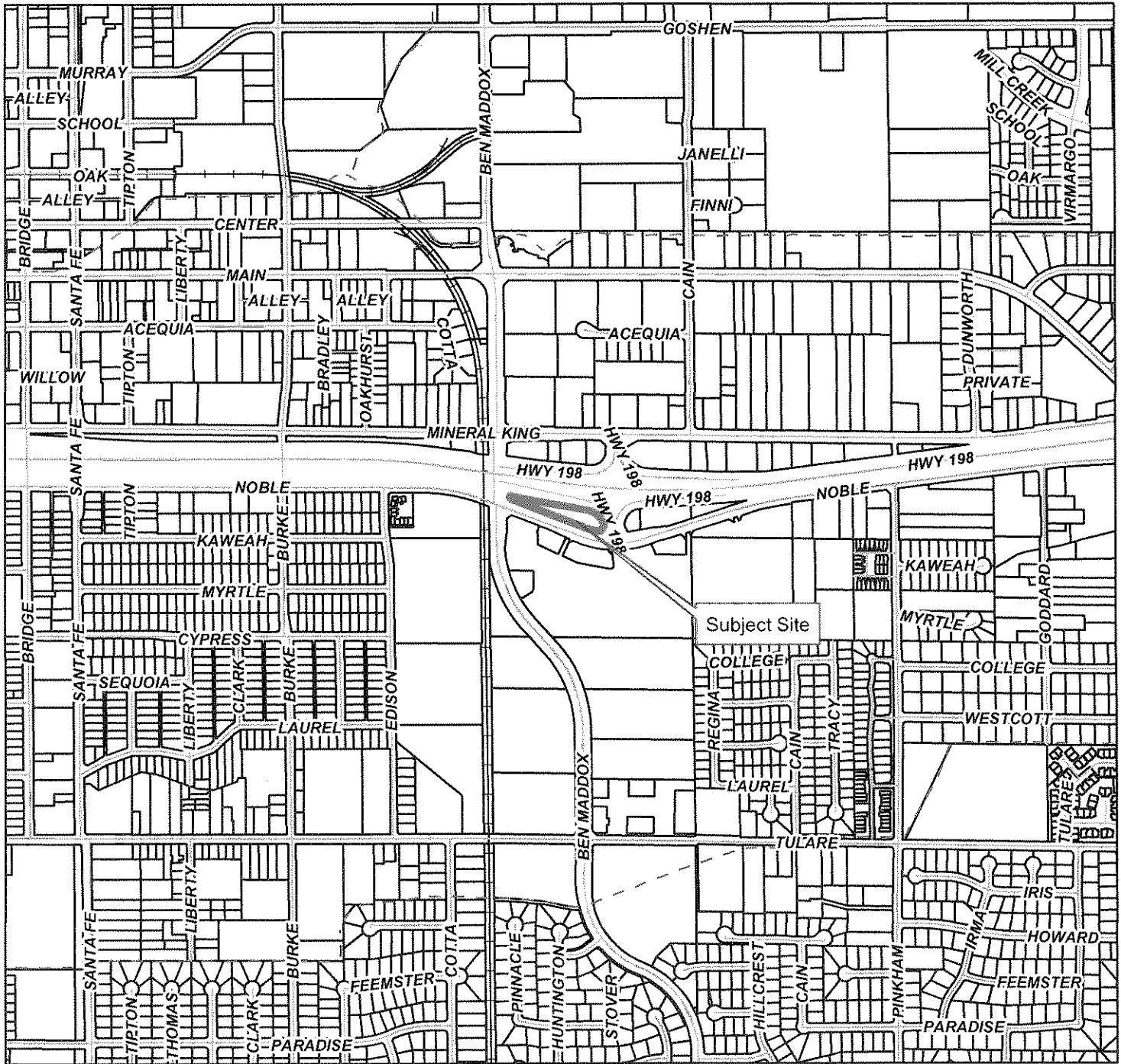


Conditional Use Permit No. 2013-23

APN:100-030-022

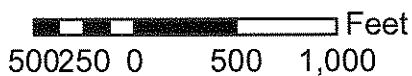
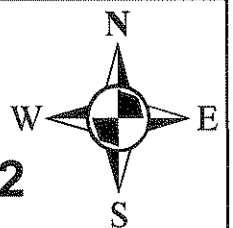


Vicinity Map



Conditional Use Permit No. 2013-23

APN:100-030-022





REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: August 12, 2013

PROJECT PLANNER: Andrew Chamberlain, Senior Planner
Phone No. (559) 713-4636

SUBJECT: Tentative Parcel Map No. 2013-02: A request by Jesus Gutierrez to subdivide an existing 0.81 acre parcel into four parcels in the R-M-2 (Medium Density Residential) Zone. The site is located at 2324 S. Linwood Street, on the southeast corner of Linwood Street and Mary Avenue (APN: 119-050-042)

STAFF RECOMMENDATION

Staff recommends approval of Tentative Parcel Map No. 2013-02, as conditioned, based upon the findings and conditions in Resolution No. 2013-35. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan, Zoning & Subdivision Ordinances.

RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2013-02, based on the findings and conditions in Resolution No. 2013-35.

PROJECT DESCRIPTION

Tentative Parcel Map No. 2013-02 is a request by Jesus Gutierrez to subdivide an existing 0.81 acre parcel into four parcels in the R-M-2 (Medium Density Residential) Zone. The site is located at 2324 S. Linwood Street, on the southeast corner of Linwood Street and Mary Avenue.

As illustrated in Exhibit "A", the proposed map would establish four parcels. Proposed Parcel No. One has an existing duplex, with proposed parcels Two through Four being vacant. Parcel No. Two would face Mary Avenue, with Parcels No. Three and Four facing Linwood Street.

The minimum site area per unit in the R-M-2 zone is one unit per 3,000 square feet. The proposed lot sizes on the vacant parcels have been set up to accommodate a duplex on Parcel No. Two and a triplex each on Parcels Three and Four.

BACKGROUND INFORMATION

General Plan Land Use Designation: Medium Density Residential
Zoning: R-M-2 (Medium Density Residential)
Surrounding Zoning and Land Use: North: R-M-2 (R-1-6 (Single Family Residence))
South: R-1-6 (Single Family Residence)
East: RA (Single Family Residence)
West: R-1-6 (COS Farm)
Environmental Review: Categorical Exemption No. 2013-57
Site Plan: Site Plan Review No. 2012-208

RELATED PLANS & POLICIES

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

RELATED PROJECTS

None.

PROJECT EVALUATION

Site Area and Configuration

The site is a 35,681 square foot parcel located on a corner with an existing duplex. The proposed map in Exhibit "A" would create four parcels with the duplex on proposed Parcel No. One, and three vacant parcels. The minimum lot area per unit in the R-M-2 zone is 3,000 square feet. Staff finds the proposed division of property to be consistent with the Medium Density Multiple Family zoning designation for site area and configuration for typical multiple family development.

Parcel No. One would be approximately 10,000 square feet, and contain the existing duplex. An existing shed would be removed due to its proximity to the new property lines with the resulting setbacks meeting R-M-2 standards for the existing development.

Parcel No. Two would face Mary Avenue and be approximately 6,800 square feet and provide for the future development of up to two units.

Parcels No. Three and Four would face Linwood Street and be approximately 9,000 square feet each providing for up to three units on each parcel.

Staff finds the proposed parcels to meet the general square foot requirements for the future development of multiple family units on the vacant parcels consistent with the requirements of the R-M-2 zoning designation.

This parcel was originally established by Tract Map No. 86 in 1947. The lots to the east of the subject site are larger RA (Rural Residential) zoned parcels. The corner lot to the north of this site is also zoned R-M-2 and has been split in half. The two corner lots at the east end of Mary Avenue at Chinowth Street have also been divided while remaining zoned for single family residential use.

Screening/Fencing/Walls

Staff recommends a condition of approval requiring that a seven-foot high block wall be installed prior to recordation of the map along the east and south property lines. The wall will provide a secure separation between the future multiple family units and the adjacent single family residential units to the east and south. The wall would stop at the front setback on both street frontages, which is currently 15 feet from the front property line.



Access / Circulation

All of the proposed parcels have public street frontage for access. There is curb, gutter and sidewalk on a portion of proposed Parcel No. One, and curb and gutter along the remaining parcel frontages on Linwood and Mary. Staff has included a condition that all frontage improvements (curb, gutter, and sidewalk) be included as a part of the building permit for proposed Parcels No. Two, Three, and Four.

Parking

The existing duplex developed on proposed Parcel No. One meets parking requirements, and the vacant parcels will be required to meet parking upon development.

Environmental Review

A property division resulting in four or fewer parcels is categorically exempt. The project is considered Categorically Exempt under Section 15315 (Minor Land Divisions) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2013-57)

RECOMMENDED FINDINGS

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning, and Subdivision Ordinances.
2. That the proposed tentative parcel map would be consistent with similar divisions of property in the Medium Density Residential zoning designation and compatible with adjacent residential land uses.
3. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2013-57).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2012-208.
2. That the site be subdivided in substantial compliance with the tentative parcel map shown in Exhibit "A".
3. That a seven-foot high block wall be installed prior to recordation of the final map along the east and south property lines. The wall shall stop at the front setback on both street frontages, which is currently 15 feet from the front property line.
4. That all frontage improvements along proposed Parcel No. One shall be installed prior to the recordation of the final map, including any sidewalk, corner radius/ramp and any other identified improvements.
5. That the shed structure on the southeast corner of proposed Parcel No. One be removed prior to recordation of the final map.
6. That all frontage improvements (curb, gutter, and sidewalk) be included as a part of the building permit for proposed Parcels No. Two, Three, and Four.

7. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
8. 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 Tentative Parcel Map No. 2013-02.

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 or from the city clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2013-35
- Exhibit "A" – Tentative Parcel Map
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

Section 16.28 Parcel Maps

16.28.070 Consideration of tentative parcel maps.

The commission shall review the tentative parcel map and approve, conditionally approve, or disapprove the map within thirty (30) days after the receipt of such map, or at such later date as may be required to concurrently process the appurtenant environmental impact require documents required by state law and local regulations adopted in implementation thereof. (Prior code § 9240)

16.28.080 Appeals.

If the applicant is dissatisfied with the decision of the planning commission, he may, within ten days after the decision of the planning commission, appeal in writing to the council for a hearing thereon. Such hearing need not be concluded on the day thus set but may be continued. (Prior code § 9245)

16.28.090 Time limit on tentative parcel map.

Failure to file a final parcel map with the county recorder within twenty four (24) months after the date of approval or conditional approval of the tentative parcel map shall automatically revoke said approval, and a final parcel map shall not be recorded until a new tentative parcel map has been filed and approved in accordance with the provisions of this chapter. However, upon application by the owner or his authorized agent, an extension of not more than an additional thirty-six (36) months may be granted by the planning commission. If the planning commission denies an application for an extension of time, the owner or his authorized agent may appeal the action to the city council in the manner set forth in Section 16.28.080. (Prior code § 9250)

16.04.040 Appeals.

A. Planning Commission Actions. The subdivider or any interested person adversely affected may 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 days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Hearing of Appeals. Upon the filing of such 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. Within ten days following the conclusion of the hearing, the city council shall render written decision on the appeal. (Prior code § 9015)

RESOLUTION NO 2013-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2013-02, A REQUEST BY JESUS GUTIERREZ TO SUBDIVIDE AN EXISTING 0.81 ACRE PARCEL INTO FOUR PARCELS IN THE R-M-2 (MEDIUM DENSITY RESIDENTIAL) ZONE FOR PROPERTY LOCATED AT 2324 S. LINWOOD STREET, ON THE SOUTHEAST CORNER OF LINWOOD STREET AND MARY AVENUE (APN: 119-050-042)

WHEREAS, Tentative Parcel Map No. 2013-02 is a request by Jesus Gutierrez to subdivide an existing 0.81 acre parcel into four parcels in the R-M-2 (Medium Density Residential) zone for property located at 2324 S. Linwood Street, on the southeast corner of Linwood Street and Mary Avenue (APN: 119-050-042); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 12, 2013; 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

NOW, THEREFORE, BE IT RESOLVED, that the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2013-57).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia approves the proposed tentative parcel map based on the following specific findings and based on the evidence presented:

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning, and Subdivision Ordinances.
2. That the proposed tentative parcel map would be consistent with similar divisions of property in the Medium Density Residential zoning designation and compatible with adjacent residential land uses.
3. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative parcel map on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 16.28.070 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. 2012-208.
2. That the site be subdivided in substantial compliance with the tentative parcel map shown in Exhibit "A".
3. That a seven-foot high block wall be installed prior to recordation of the final map along the east and south property lines. The wall shall stop at the front setback on both street frontages, which is currently 15 feet from the front property line.
4. That all frontage improvements along proposed Parcel No. One shall be installed prior to the recordation of the final map, including any sidewalk, corner radius/ramp and any other identified improvements.
5. That the shed structure on the southeast corner of proposed Parcel No. One be removed prior to recordation of the final map.
6. That all frontage improvements (curb, gutter, and sidewalk) be included as a part of the building permit for proposed Parcels No. Two, Three, and Four.
7. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
8. 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 Tentative Parcel Map No. 2013-02.

TENTATIVE PARCEL MAP

Being a portion of L.A. 36 of Tract No. 86, 1/4 Sec. 18, T. 118 N., R. 118 E., being a portion of the NW Quarter of the NW Quarter of Section 2, T. 118 N., R. 118 E., M.B. 18444, in the City of Visalia, in the County of Tulare, State of California.

July 2013

OWNERS:

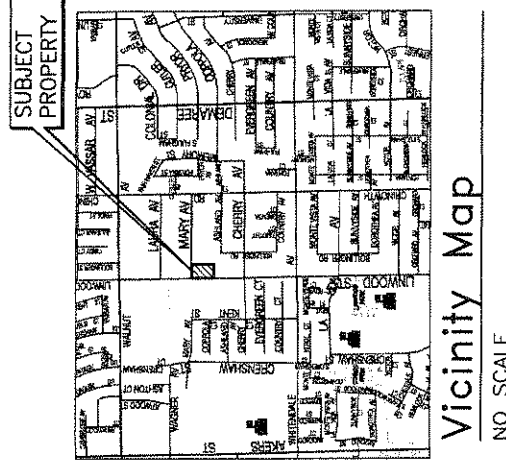
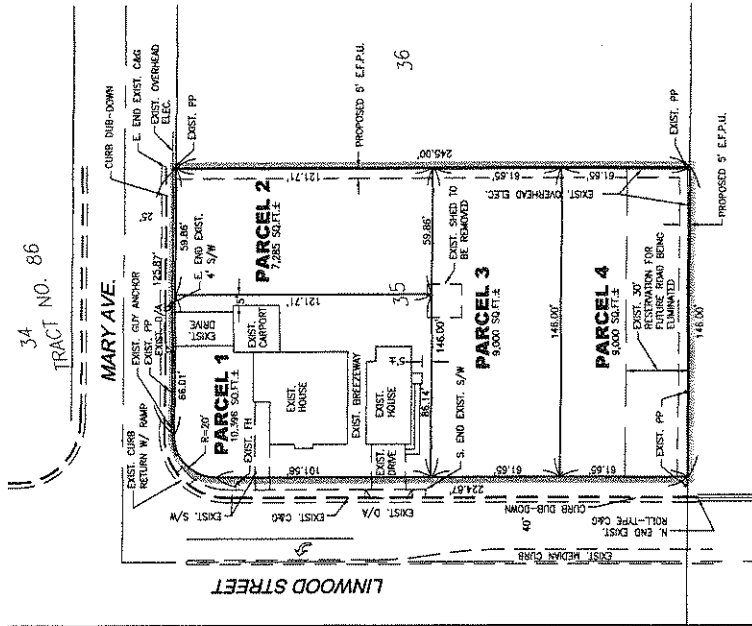
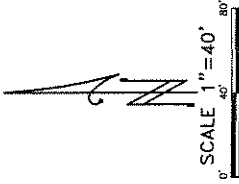
JESUS GUTIERREZ
1004 W. MAIN ST., SUITE A
VISALIA, CA. 93291

SURVEYOR:

FORESTER, WEBER & ASSOCIATES, LLC
1820 W. Mineral King Ave., Suite B
Visalia, CA 93291
(559) 732-0100
e-mail: fred@forester-weber.com

NOTES:

EXISTING PROPERTY USE: RESIDENTIAL
PROPOSED PROPERTY USE: SAME
A.P.N.: 119-050-042
ZONING: R-LP TULARE COUNTY WATER SERVICE
SEWERAGE: CITY OF VISALIA
FLOOD ZONE: X-SHADED
AREA: 0.82 AC.
VISALIA SITE PLAN NO. 12-208



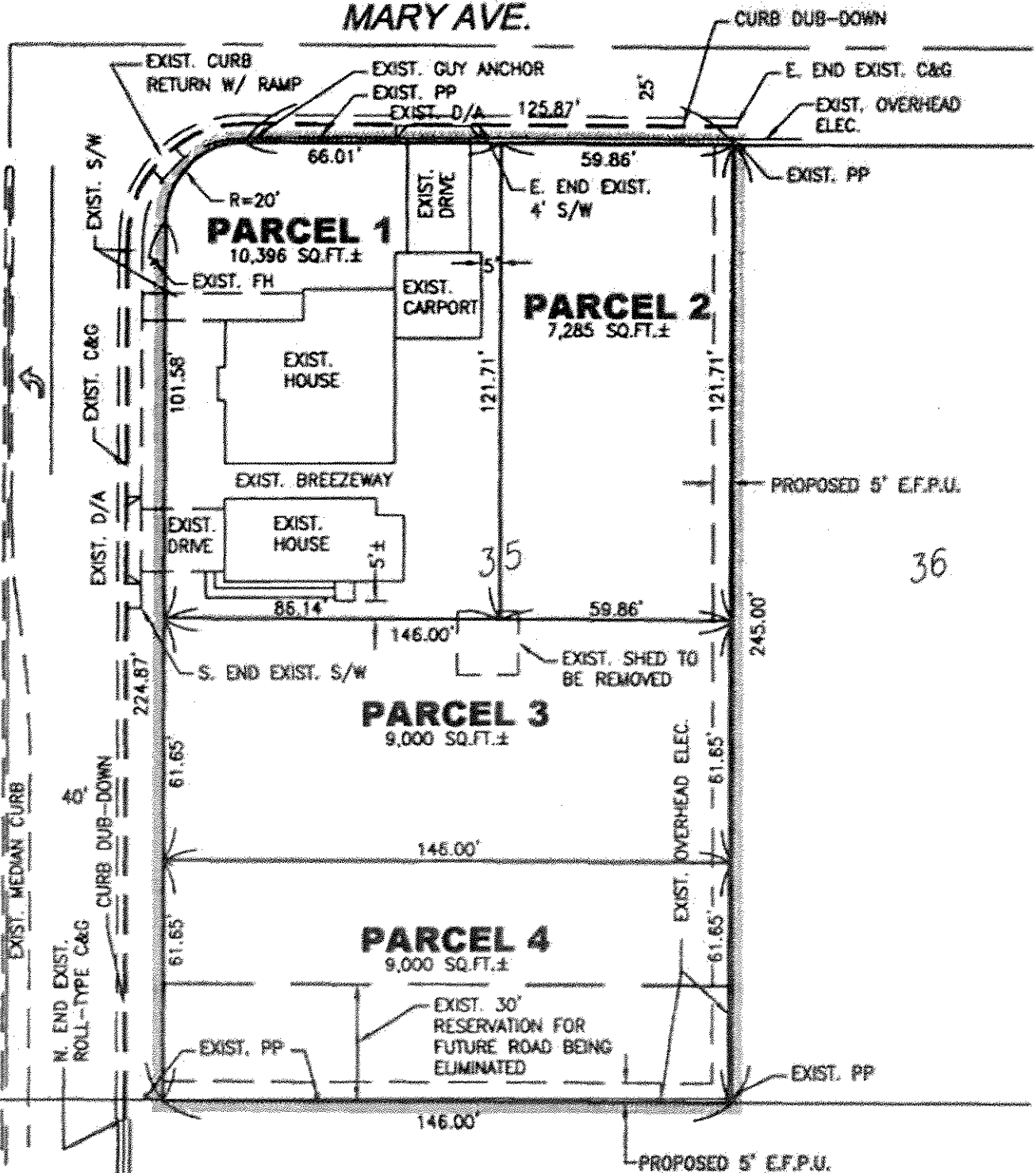
Vicinity Map
NO SCALE

Exhibit "A"

34
TRACT NO. 86

MARY AVE.

LINWOOD STREET



36

Linwood Parcel Map



MEETING DATE 10/17/2012
SITE PLAN NO. 12-208
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 8:30 a.m. and 4:30 p.m., Monday through Friday.
 - Your plans must be reviewed by:
 - CITY COUNCIL REDEVELOPMENT
 - PLANNING COMMISSION PARK/RECREATION
 - HISTORIC PRESERVATION OTHER _____

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

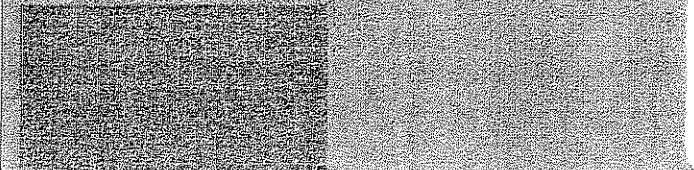
Site Plan Review Committee



1/13

Building: Site Plan

Review Comments



DATE: October 17, 2012

ITEM NO. 1

SITE PLAN NO: SPR121 **RESUBMIT**

PROJECT TITLE: TENTATIVE PARCEL MAP

DESCRIPTION: TENTATIVE PARCEL MAP TO CREATE 4 PARCELS ON 35,681 SF AREA (RM2 ZONED)

APPLICANT: GUTIERREZ JESUS

PROP OWNER: GUTIERREZ JESUS R (TR)

LOCATION: 2322 S LINWOOD ST

APN(S): 119-050-042

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.

- Business Tax certification is required. *For information call (559)713-4326*
 - A building permit will be required *For information call (559)713-4444*
 - Submit 3 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
 - Submit 5 sets of plans signed by an architect or engineer. Must comply with 2010 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets 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. *parcel 3 & 4*
 - 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 (559)230-6000*
 - Location of cashier must provide clear view of gas pump island
 - Treatment connection charge to be assessed based on use. Credits _____
 - 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. *For information call (559)713-4444* (Fee for inspection \$146.40)
 - School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
 - Park Development fee \$ _____, per unit collected with building permits.
 - Existing address must be changed to be consistent with city address p *For information call (559)713-4320*
 - Acceptable as submitted

Special comments: SEE PREVIOUS COMMENTS

JOHN MORENO Date: 10-17-12
Signature

Site Plan Review Comments For:

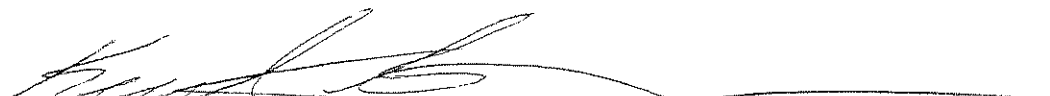
Visalia Fire Department
Kurtis Brown, Assistant Fire Marshal
707 W Acequia
Visalia, CA 93291
559-713-4261 *office*
559-713-4808 *fax*

ITEM NO: 1 DATE: October 17, 2012
SITE PLAN NO: SPR12208 **RESUBMIT**
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP TO CREATE 4 PARCELS
ON 35,681 SF AREA (RM2 ZONED)
APPLICANT: GUTIERREZ JESUS
PROP OWNER: GUTIERREZ JESUS R (TR)
LOCATION: 2322 S LINWOOD ST
APN(S): 119-050-042

The following comments are applicable when checked:

- Refer to previous comments dated
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail.
- The Site Plan Review comments in this document are not all encompassing, but a general overview of the California Fire Code, and City of Visalia Municipal Codes. Additional requirements may come during the plan review process.
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire protection requirements.
- Address numbers must be placed on the exterior of the building in such a position as to clearly and plainly visible from the street. Numbers will be at least six inches (6") high and shall be of a color to contrast with their background. If multiple addresses served by a common driveway, the range of numbers shall be posted at the roadway/driveway.
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- The turning radius for emergency fire apparatus is 20 feet inside radius and 43 feet outside radius. Ensure that the turns identified to you during site plan comply with the requirements. An option is a hammer-head constructed to City standards.
- An access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction.
- Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with an approved fire apparatus access roads 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.

- A fire lane is required for this project. The location will be given to you during the site plan meeting.
- A Knox Box key lock system is required. Applications are available at the Fire Department Administrative Office. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- The security gates, if to be locked, shall be locked with a typical chain and lock that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system. Applications are available at the Fire Department Administrative Office.
- That portion of the building that is built upon a property line shall be constructed as to comply with Section 503.4 and Table 5-A of the California Building Code.
- 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.
- If you handle hazardous material in amounts that exceed the exempt amounts listed on Table 3-D of the California Building Code, you are required to submit an emergency response plan to the Tulare County Health Department. Prior to the building final inspection, we will want a copy of the plan and any Material Safety Data Sheets.
- An automatic fire sprinkler system will be required for this building. A fire hydrant is required within 50 feet of the fire department connection. The fire hydrant, fire department connection and the PIV valve should be located together and minimum 25' from the building, if possible. The caps on the FDC shall be Knox locking caps. 13R
- All hardware on exit doors shall comply with Chapter 10 of the California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting though-out building.
- All Fire and Life Safety systems located within the building shall be maintained.
- An automatic fire extinguishing system for protection of the kitchen grease hood and ducts is required.
- Fire Department Impact Fee - \$1601.01 per acre.
- Fire Department Permit Fee - complete application during Building Department permit process.
- Special comments:


 Kurtis Brown, Assistant Fire Marshal

SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: October 17, 2012

SITE PLAN NO: 12-208 RESUBMITTAL
PROJECT TITLE: Tentative Parcel Map in R-M-2
DESCRIPTION: Tentative Parcel Map in R-M-2
APPLICANT TITLE: Jesus G.
PROP. OWNER: Jesus G.
LOCATION TITLE: 2322 S. Linwood Street
APN TITLE: 119-050-042

General Plan: R-M-2
Existing Zoning: R-M-2

Planning Division Recommendation:

- Revise and Proceed (off-agenda for density and easement)
 Resubmit

Project Requirements

- Development Plan for R-M-2 units
- Building Permits
- CUP for Single-Family Dwelling on Parcel 2
- Tentative Parcel Map

PROJECT SPECIFIC INFORMATION: 10/17/2012

1. Staff is reviewing the proposed density verifying that the project is consistent with the Residential Medium Density.
2. Staff may require that an additional unit be included on Parcel 2.
3. Staff does support the request to develop Parcel 2 with a Single-Family dwelling given that Parcel 2 is adjacent to a large lot single-family residential subdivision.
4. Depict all easements on the Tentative Parcel Map.

Previous Comments

PROJECT SPECIFIC INFORMATION: 09/05/2012

1. Provide a corresponding development plan which shows how the proposed map can be developed to R-M-2 standards.
2. A conditional use permit is required for single family residential units in the R-M-2 zone designation.
3. A block wall will be required between the R-1-6 and R-M-2 properties as a requirement of the parcel map and CUP.
4. Comply with the Standards for Developing/Constructing around Valley Oak Trees. The City Arborist has identified requirements regarding the construction of the garage near the Valley Oak Tree.

CITY GENERAL PLAN CONSISTENCY

Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan.

DEVELOPMENT STANDARDS

- R-M-2 [17.16]

Maximum Building Height: 35 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Side (per story)	5 Feet	5 Feet*
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	25 Feet	25 Feet

Minimum Site Area: 3,000 square feet per unit

- Common open space
- Screen 2nd story windows when adjacent to an R-1 Site, Single-Family Residential
- Conditional Use Permit for 12 or more units
- Alley exception for rear setback to parking structure, open space still needed
- Minimum site area 2 acres, unless CUP, zoning action, or Master Plan approved by SPR
- Screen all parking areas adjacent to public streets. Parking subject to Chapter 17.34.
- See Zoning Ordinance Section 17.16 for complete standards and requirements.

Parking:

1. Provide two covered parking spaces (see Zoning Ordinance Section 17.34.020).

Access

See Engineering Comments

Landscaping:

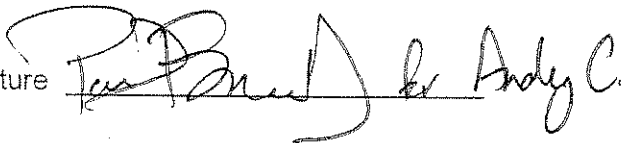
1. Provide landscaping along the Houston Avenue frontage to City Standards
2. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).

Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments.

The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature



**SUBDIVISION & PARCEL MAP
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
- Ken McSheehy 713-4447
- Adrian Rubalcaba 713-4164

ITEM NO: 1 DATE: OCTOBER 17, 2012

SITE PLAN NO.: 12-208 RESUBMITTAL
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP TO CREATE 4
PARCELS ON 35,681 SF AREA (RM2 ZONED)
APPLICANT: GUTIERREZ JESUS
PROP. OWNER: GUTIERREZ JESUS R (TR)
LOCATION: 2322 S LINWOOD ST
APN: 119-050-042

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (Indicated by checked boxes)
- Submit improvements plans detailing all proposed work; Subdivision Agreement will detail fees & bonding requirements
- Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- A preconstruction conference is required prior to the start of any construction.
- Right-of-way dedication required. A title report is required for verification of ownership. by map by deed
- City Encroachment Permit Required which shall include an approved traffic control plan.
- CalTrans Encroachment Permit Required. CalTrans comments required prior to tentative parcel map approval. CalTrans contacts: David Deel (planning) 488-4088
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Final Map & Improvements shall conform to the City's Waterways Policy. Access required on ditch bank, 12' minimum. Provide _____ wide riparian dedication from top of bank.
- Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system.
- 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.

- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements. A permit is required to remove oak trees. The City will evaluate Oak trees with removal permit applications. Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application. A pre-construction conference is required. Contact: David Pendergraft, City Arborist, 713-4295
- Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Provide "R" value tests: each at
- Traffic indexes per city standards:
- 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.
- All lots shall have separate drive approaches constructed to City Standards.
- Install street striping as required by the City Engineer.
- Install sidewalk: 6' ft. wide, with ft. wide parkway on
- Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Abandon existing wells per City of Visalia Code. A building permit is required.
- Remove existing irrigation lines & dispose off-site. Remove existing leach fields and septic tanks.
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments Resubmit with additional information Redesign required

Additional Comments:

- 1. Impact fees apply to undeveloped parcels.**
- 2. Street frontage improvements are required at time of development for Parcels 2,3, & 4. 5' sidewalks are required.**
- 3. Separate sewer laterals are required for each parcel.**
- 4. Plan check and inspection fees apply for each parcel development.**
- 5. The curb return on Parcel 1 is required to comply with current ADA & City standards. Remove and replace as necessary.**
- 6. Parcel 1 improvements to be completed as part of parcel map recordation. Improvements include, but not limited to, new curb return and 4' sidewalk for pedestrian path of travel around existing drive approaches.**
- 7. The proposed shared drive approach for Parcels 3 & 4 shall meet City Std. Detail C-19 specifications.**
- 8. A concrete apron is required in front of refuse enclosure. Refer to City Stds.**

9. The shared access, parking, utilities, etc. for Parcels 3 & 4 shall be addressed on map and/or CCR's prior to map recordation.

10. An additional fire hydrant on Linwood may be necessary to comply with City Std's and Codes for Parcels 3 & 4. Refer to Fire Dept. comments.

* 11. Tract No. 86 Subdivision depicts a 30' road reservation on the south 30' of the parcel to be subdivided. A utility easement for existing power poles may also be present. Said areas will need to be addressed and shown on Site Plan.

J 12. A pedestrian access easement shall be recorded with Parcel Map for section of future sidewalk encroaching across Parcels 3 & 4.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 12-208 RESUBMITTAL

Date: 10/17/2012

Summary of applicable Development Impact Fees to be collected at the time of final/parcel map recordation:

(Preliminary estimate only! Final fees will be based on approved subdivision map & improvements plans and the fee schedule in effect at the time of recordation.)

(Fee Schedule Date:8/17/2012)

(Project type for fee rates:MEDIUM DENSITY)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$386.30/UNIT
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$37.03/LF X 184 (LINWOOD & MARY, PARCELS 2-4)
<input checked="" type="checkbox"/> Storm Drainage Acquisition Fee	\$4,609.00/AC
<input checked="" type="checkbox"/> Park Acquisition Fee	\$1,182.90/AC
<input type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$3,603.10/AC

Additional Development Impact Fees will be collected at the time of issuance of building permits.

City Reimbursement:

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



Jason Huckleberry

QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 1 DATE: October 17, 2012
SITE PLAN NO: SPR12208 *RESUBMIT*
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP TO CREATE 4 PARCELS
 ON 35,681 SF AREA (RM2 ZONED)
APPLICANT: GUTIERREZ JESUS
PROP OWNER: GUTIERREZ JESUS R (TR)
LOCATION: 2322 S LINWOOD ST
APN(S): 119-050-042

YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR - 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER - ¼ HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED - NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277



AUTHORIZED SIGNATURE

10-12-12

DATE

ITEM NO: 1 DATE: June 17, 2012
 SITE PLAN NO: SPR12208 **RESUBMIT**
 PROJECT TITLE: TENTATIVE PARCEL MAP
 DESCRIPTION: TENTATIVE PARCEL MAP TO CREATE 4 PARCELS
 ON 35,681 SF AREA (RM2 ZONED)
 APPLICANT: GUTIERREZ JESUS
 PROP OWNER: GUTIERREZ JESUS R (TR)
 LOCATION: 2322 S LINWOOD ST
 APN(S): 119-050-042

City of Visalia
Police Department
 303 S. Johnson St.
 Visalia, Ca. 93292
 (559) 713-4573

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:

- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:


 Visalia Police Department

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

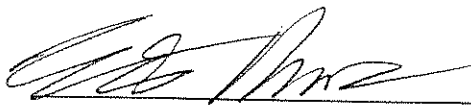
October 17, 2012

ITEM NO: <u>1</u>	RESUBMTL
SITE PLAN NO:	SPR12208
PROJECT TITLE:	TENTATIVE PARCEL MAP
DESCRIPTION:	TENTATIVE PARCEL MAP TO CREATE 4 PARCELS ON 35,681 SF AREA (RM2 ZONED)
APPLICANT:	GUTIERREZ JESUS
PROP. OWNER:	GUTIERREZ JESUS R (TR)
LOCATION:	2322 S LINWOOD ST
APN(S):	119-050-042

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Study required.
-

Additional Comments:



Eric Bons

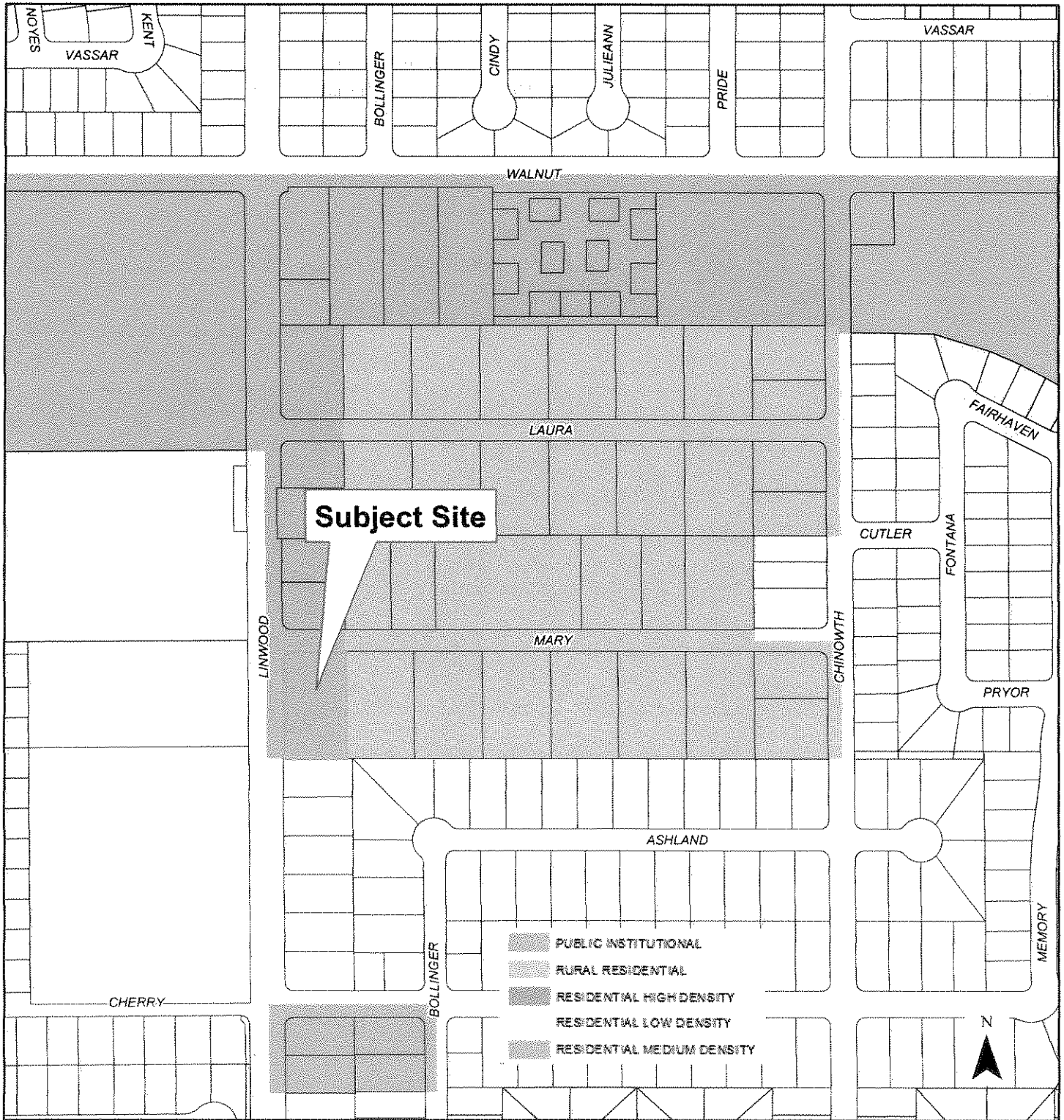
City of Visalia



Aerial Photo

TPM No. 2013-02

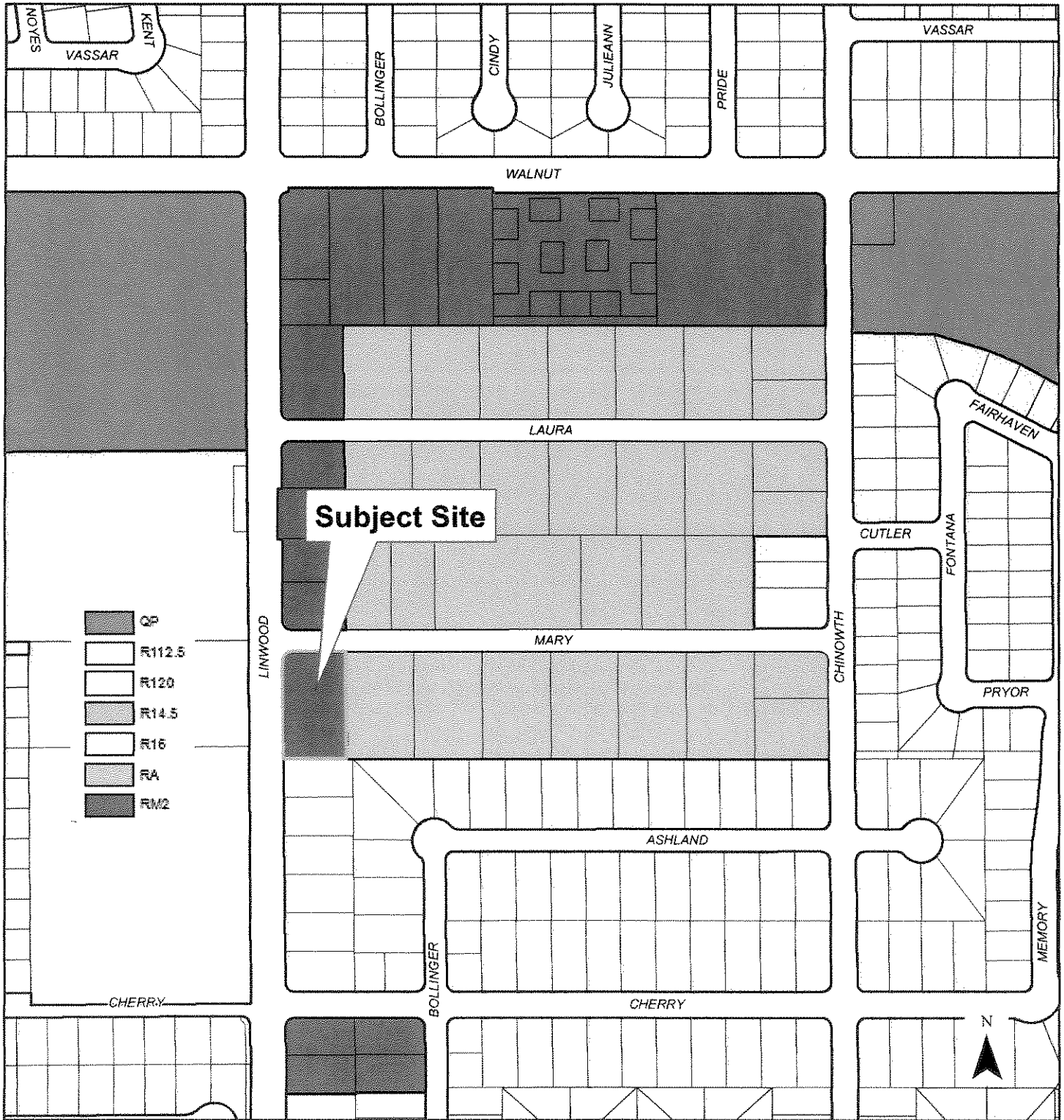
City of Visalia



Land Use Designations

TPM No. 2013-02

City of Visalia



Zoning Designations

TPM No. 2013-02

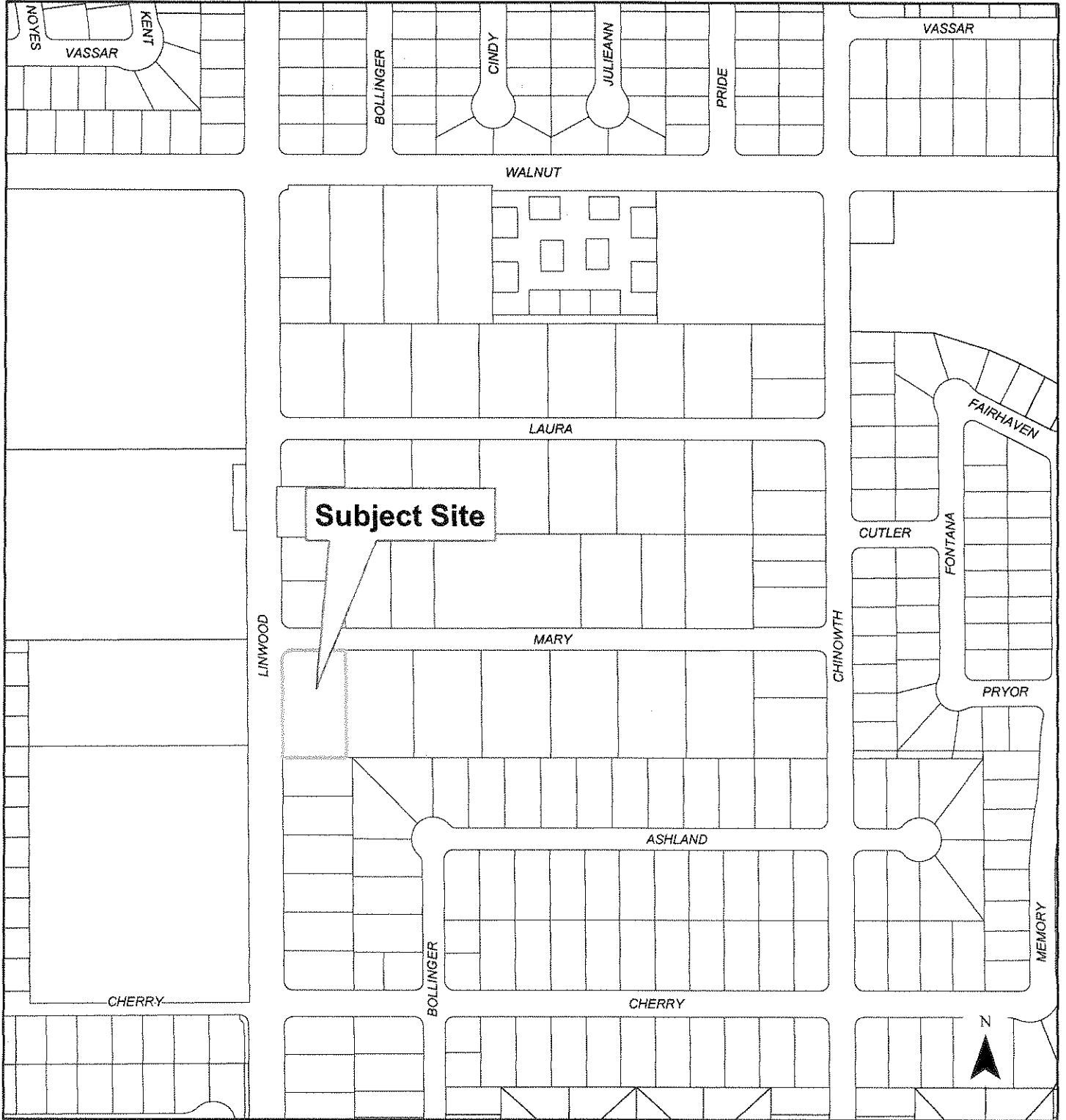
City of Visalia



Aerial Photo

TPM No. 2013-02

City of Visalia



Location Map

TPM No. 2013-02