



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** August 12, 2013

**PROJECT PLANNER:** Brandon Smith, AICP, Senior Planner  
713-4636

**SUBJECT:** **Conditional Use Permit No. 2013-25:** a request to allow a master-planned commercial development on 9.8 acres, consisting of 55,701 sq. ft. of commercial and office uses in the Planned Shopping / Office Commercial (C-SO) Zone. The first phase of the development will consist of a 4,524 sq. ft. gasoline service station, 1,038 sq. ft. automated car wash, 3,061 sq. ft. convenience store, and 3,302 sq. ft. fast food restaurant with drive-thru service.

**Tentative Parcel Map No. 2013-01:** a request to divide 16.47 acres into three parcels, one lettered lot held in common, and two remainder parcels.

**General Plan Amendment No. 2011-14:** a request to change the General Plan land use designation from Residential Low Density to Shopping/Office Commercial on 9.8 acres.

**Change of Zone No. 2011-15:** a request to change the Zoning Designation from Single-family Residential (R-1-6) to Planned Shopping / Office Commercial (C-SO) on 9.8 acres.

**Applicant:** Bridgecourt Homes Limited Partnership

**Location:** The project is located on the southeast corner of Dinuba Boulevard (State Route 63) and Riggan Avenue, situated within the City limits of Visalia, County of Tulare, State of California. (APN: 091-010-040)

## STAFF RECOMMENDATION

Staff recommends approval of Tentative Parcel Map No. 2013-01 and Conditional Use Permit No. 2013-25, based upon the findings and conditions in Resolution Nos. 2013-33 and 2013-34.

Staff also recommends that the Planning Commission uphold their previous recommendation of approval of General Plan Amendment No. 2011-14 and Change of Zone No. 2011-15, based upon the findings in Resolution Nos. 2013-40 and 2013-41.

## RECOMMENDED MOTION

I move to adopt Resolution Nos. 2013-33 and 2013-34, approving Tentative Parcel Map No. 2013-01 and Conditional Use Permit No. 2013-25.

I also move to adopt Resolution Nos. 2013-40 and 2013-41, recommending approval of General Plan Amendment No. 2011-14 and Change of Zone No. 2011-15.

## PROJECT DESCRIPTION

The applicant, Bridgecourt Homes Limited Partnership, is requesting approval of a master plan document (entitled the Riverbend Village Design Guidelines and Engineering Standards) that will allow and guide the development of a ten-acre commercial center containing retail, restaurant, and office uses. The center will be located on the southeast corner of Dinuba Boulevard and Riggan Avenue. The master plan document provides a set of regulations and standards for the planned commercial center that, while being constructed over multiple

phases, will result in a cohesive and consistent commercial center. Developers and end users located in the center will be required to comply with the specifications of the master plan, including building design, pedestrian elements, signage, landscaping, and street improvements.

Phase one of the commercial development will consist of a 4,524 sq. ft. gasoline service station (Arco) with 1,038 sq. ft. automated car wash and 3,061 sq. ft. convenience store (Am/Pm Mini Mart), a 3,302 sq. ft. fast food restaurant with drive-thru service (Wendy's), and a 2,500 sq. ft. office building, all fronting on Dinuba Blvd. The Phase One Plan of the Design Guidelines states that in addition to these buildings, improvements associated with the initial phase will include the extension of Court Street from the terminus at the project's south end to Riggins Avenue, an internal access drive connecting the initial develop to Court Street, a center median in Dinuba Blvd., and streetscape improvements along Riggins and Court.

The future phase of the commercial center includes buildout of the site, consisting of approximately 46,000 sq. ft. of retail, restaurant, and office uses. On the remaining six acres of the project site east of the Court Street alignment, the property is planned to develop with residential uses in accordance with the previously-approved Riverbend Village Units 6 Thru 11 Tentative Subdivision Map.

A companion site plan (Exhibits "A" and "B" of this report) illustrates in detail the development and site improvements associated with the proposed initial and future development phases of the commercial center, and illustrates the residential subdivision east of Court Street.

The proposed Tentative Parcel Map, included in the Design Guidelines document and as Exhibit "C" of this report, subdivides the project into separate parcels corresponding to the initial and future commercial phases and the residential development, and will create separate parcels for the three development pads and access drive associated with the initial phase of commercial development.

The proposed General Plan Amendment and Change of Zone will change the land use and zoning designations currently associated with the portion of the site proposed by the master plan for commercial uses. Currently the entire site has a General Plan Land Use designation of Low Density Residential and a Zoning designation of R-1-6 (Single-family Residential, 6,000 square feet minimum lot size). The GPA and COZ would re-designate 9.80 acres on the west side of the site – west of the Court Street alignment – to Shopping / Office Commercial land use designation and Planned Shopping / Office Commercial (C-SO) zone. The portion of the subject site east of Court Street, which will develop as residential uses, would retain its current land use / zoning designation as single-family residential (R-1-6).

South of the project site, a local residential street - Encina Street - is constructed to the property line. The proposed development would place commercial development adjacent to this street stub, and the 100-foot street stub between the property line and Dove Avenue would be abandoned and deeded to adjacent property owners.

The proposed Conditional Use Permit for adoption of the Master Plan document will also include approval of the conditionally-allowed uses within Phase One of the development – the gas station, convenience store, car wash, and restaurant with drive-thru service. Detailed site plans, floor plans, and elevation plans for these uses are included as Exhibits "D" through "T" attached to this report.

## **BACKGROUND INFORMATION**

General Plan Land Use Designation: Residential Low Density

Zoning: R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot

size)

Surrounding Zoning and Land Use: North: Riggin Avenue; C-CM (Community Commercial) zone / Developed commercial retail center; R-M-2 zone (Multi-Family Residential) / Vacant land with approved application for 122-unit apartment housing development

South: R-1-6 (Single-Family Residential) zone / Riverbend Village Unit No. 3 single-family tract subdivision

East: R-1-6 (Single-Family Residential) zone / Vacant land with approved entitlement for single-family tract subdivision

West: Dinuba Boulevard (State Route 63); R-1-6 (Single Family Residential) zone / Fairview Village Unit No. 5

Environmental Review: Mitigated Negative Declaration No. 2013-54

Special Districts: None

Site Plan: 2013-031 & 091 / CUP & Master Plan Document  
2013-032 / Tentative Parcel Map

## **RELATED PROJECTS**

### **Riverbend Commercial Center (CUP 2011-30 & TPM 2011-04)**

On October 22, 2012, the Planning Commission considered Conditional Use Permit 2011-30 for a former version of a planned commercial development on the site containing all of the same land uses along with Tentative Parcel Map 2011-04. The Planning Commission approved the CUP and Parcel Map with modifications, although the entitlements were subsequently appealed to the City Council. The appeal hearing was held by the City Council on November 19, 2012, along with the public hearing for the affiliated GPA 2011-14 and COZ 2011-15.

The City Council voted to uphold the appeal without prejudice and deny the CUP and Parcel Map. Also as part of the motion, the City Council tabled the project's General Plan Amendment and Change of Zone, providing an opportunity for these entitlements to be reconsidered with a new Conditional Use Permit and Parcel Map.

### **Riverbend Village (Units 6 Thru 11) Tentative Subdivision Map**

On July 10, 2000, the Planning Commission approved Riverbend Village, Units 2 thru 11 Tentative Subdivision Map, a request by Riverbend Investments to divide 66 acres into 239 residential lots on the southeast corner of Dinuba and Riggin. Units 2 through 5 of the subdivision were recorded before the map expired in 2005. Units 10 and 11 on the map were located on the subject site.

On June 13, 2005, the Planning Commission approved Riverbend Village, Units 6 thru 11 Subdivision Map, a request by Hughes Homes Inc. to divide 36 acres into 128 residential lots on the southeast corner of Dinuba and Riggin. The tentative subdivision map is currently active through June 13, 2016. To date, Units 6 and 7 of the maps have been recorded. Units 10 and 11 on the map are located on the subject site.

## Commercial Land Use Designations on Dinuba Blvd.

On June 18, 2007, the City Council reviewed and adopted the Orchard Walk Specific Plan, a request by Donahue Schriber to guide development of a planned Community Center on the northeast and northwest corners of Dinuba Blvd. and Riggan Avenue (north and northwest of the subject site). The Specific Plan called for a 23.3-acre East Commercial Center and 17.3-acre West Commercial Center in the C-CM zone, and a 15.7-acre Multi-family Residential development in the R-M-2 zone. The Commercial Centers were designed to provide community-scale shopping for north Visalia. To date, only the Target-anchored East Center has been built. An entitlement to develop 8.5 acres of the multi-family residential site was approved by the Planning Commission on April 9, 2012.

On December 8, 2008, the Planning Commission recommended that the City Council not approve General Plan Amendment No. 2008-08, a City-initiated request to change the land use designation from Residential Low Density to Shopping / Office Commercial on 31.2 acres, located on the east side of Dinuba Blvd. between Shannon Pkwy. and the St. Johns River. The Planning Commission received public and written testimony from principal landowner R.J. Hill opposing the Amendment. Considering the opposition and concerns of an over-saturation of commercial land, the Planning Commission adopted a resolution recommending denial of the GPA. The City subsequently withdrew the City-initiated GPA based on the Planning Commission's recommendation.

On December 19, 2011, the City Council reviewed a request by Pacific Union Homes to initiate a General Plan Amendment and Change of Zone that would result in approximately seven acres of Shopping / Office Commercial designation being created on property fronting Dinuba Blvd. between Sedona Ave. and Shannon Pkwy. The City Council voted to authorize proceeding to Planning Commission for their discretionary review. Applications were formally filed with the City in April 2012, and following review of the traffic study and other technical studies, the applications were deemed complete in July 2013. The applications are anticipated to come before the Planning Commission in August 2013.

## **PROJECT EVALUATION**

Staff recommends approval of the General Plan Amendment, Change of Zone, Conditional Use Permit and Tentative Parcel Map based upon the findings and conditions in the attached resolutions.

### **Project Background – Changes from October 22, 2012 Submittal**

The applicant has prepared a Master Plan document for the site's proposed commercial development, and in doing so has addressed comments made by the Planning Commission and City Council during the 2012 review of the project. Concerns shared by the Planning Commissioners during the previous review included lack of renderings illustrating a consistent architecture theme for the Arco, Wendy's, and future commercial buildings, the inconsistent themes on the freestanding signage, and the required block wall between the commercial and residential uses to the south.

### **Future Commercial Development**

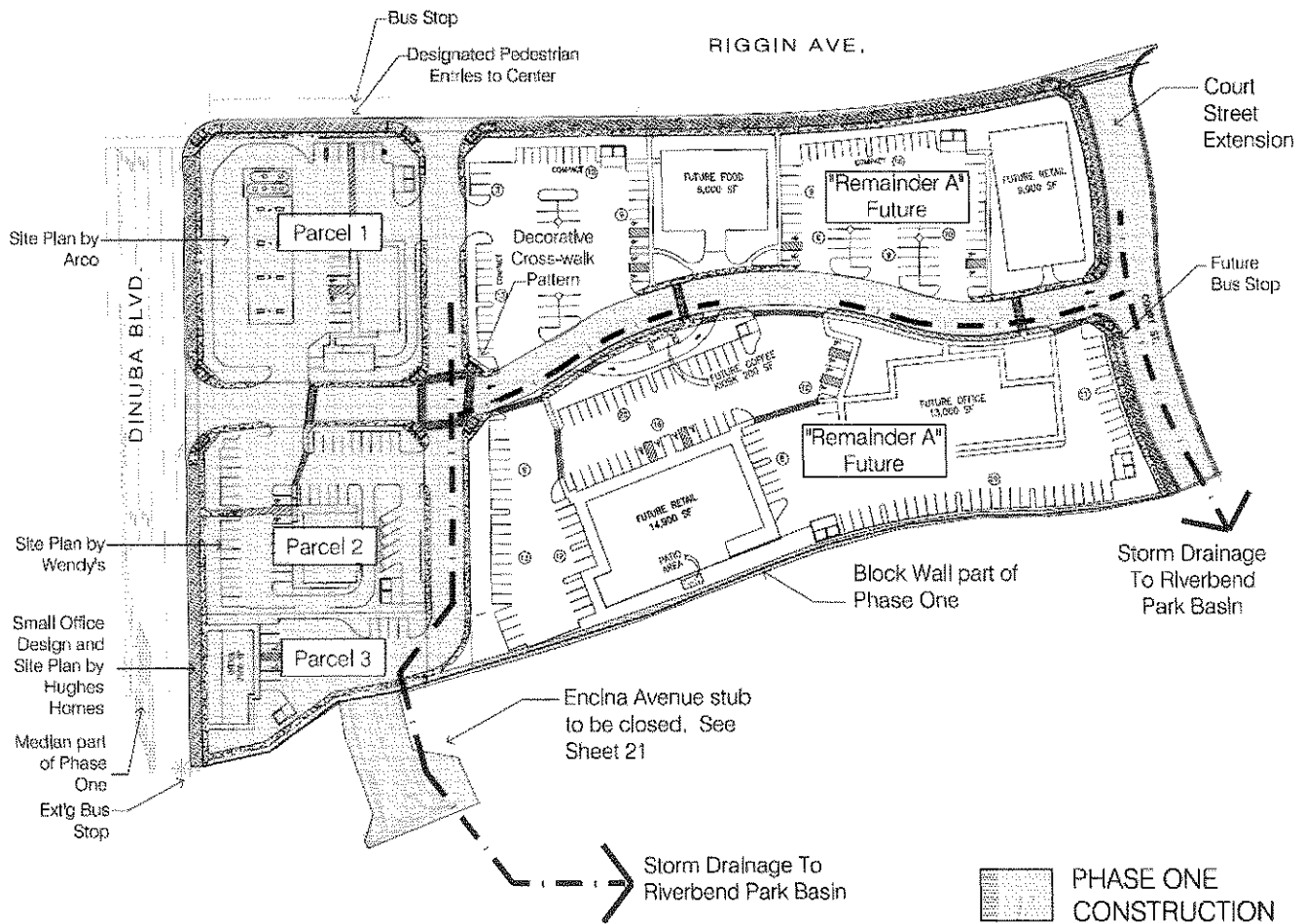
Whereas the October 2012 site plan submittal labeled the commercial development east of Parcels 1 thru 3 (Phase One) as "conceptual", the site plan and the Master Plan document illustrates this area in more detail and labels each building as "future". The Master Plan indicates that this area will consist of a mix of retail, restaurant, and office uses to be developed at a later time.

Content inside the Master Plan indicates that the entire commercial development ("Riverbend Village") will be unified with a distinctive architecture theme, pedestrian connections, consistent landscape palette, and site furnishings.

Phase 1 Improvements

The Master Plan has identified certain infrastructure and site improvements that will be developed in the initial phase alongside with the development of the three pads fronting Dinuba Blvd. containing the Arco, Wendy's and small office. The improvements are summarized as follows:

- Court Street – consisting of vehicular travel lanes and a pedestrian sidewalk – will be constructed on the project site connecting existing segments to the north and south.
- A curvilinear east-west access drive adapting to the layout in the future development plan will also be constructed between the initial development and Court Street. This would provide neighborhood access to these services via Court Street.
- A 7-foot tall CMU block wall with vine planting will be placed along the entire southern boundary of the commercial development abutting the existing residential neighborhood.
- A raised median will be installed in Dinuba Blvd. to prevent left-turn access to and from the center. (See further discussion under Transportation and Median Improvements.)
- Underground storm drainage to the Riverbend Park Basin.
- Sidewalks and street trees along the entire Dinuba Blvd. and Riggan Ave. frontages adjacent to the site.

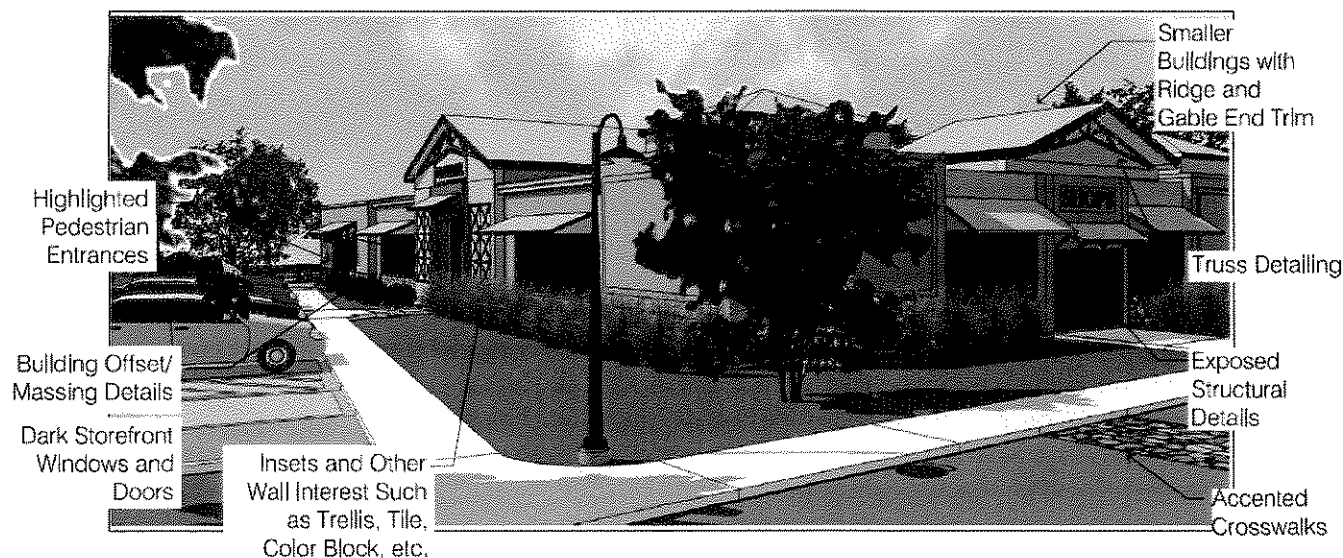


### Architecture Theme & Details

An architecture theme, including color and material palette, has been developed for use with all buildings within the commercial center. In the original submittal, building elevations were submitted for the Arco and Wendy's pads. In the absence of elevations for buildings on the remainder of the site, Condition No. 17 of the former CUP required a consistent architecture theme to be maintained on all buildings in the future commercial center.

The Master Plan provides visual details to be incorporated into the commercial center's building designs, which will carry a "valley heritage" theme complimentary to the theme at the neighboring Orchard Walk and Riverway Sports Park complexes. Several illustrations in the Master Plan also provide visual representations of the center's future design theme.

Elevation plans have also been prepared specifically for the gas station and the drive-thru restaurant, since these are both conditionally-allowed uses and would normally require elevation plans specific to the use. The plans for both uses incorporate some of the visual elements associated with the "valley heritage" theme planned for other commercial center buildings.



### Signage

Similar to the architecture theme, a monument sign program has been developed for the whole commercial center. In the original submittal, the Planning Commission approved the CUP with an added Condition No. 26 that a singular theme shall be carried out and maintained on all multi-tenant commercial center signs and individual tenant monument signs.

The Master Plan proposes monument signs that complements the center's architectural theme and will be placed at three locations in the commercial center. Design elements of the monument sign will also be carried over into the gas station pricing sign.

### Sign Program / Monument Signs

Monument signs within the commercial development will be based upon the sign program in the Master Plan document, which proposed three identical multi-tenant signs for the commercial development and a freestanding sign for the gas station to display pricing. The elevation for the monument sign associated with the gas station on Parcel 1 is shown in Exhibit "G". In the original project approved last year, the commercial center was permitted two identical multi-tenant signs and a single-tenant sign for both the gas station and restaurant pads.

The proposed sign program for the identical multi-tenant signs associated with the commercial development is illustrated in page 18 of the Master Plan document. The sign program proposes three commercial center monument signs – one along each arterial frontage (Dinuba and Riggin) and one at the corner of Riggin & Court – and the gas station sign on the corner of Dinuba & Riggin. The plan indicates that the sign height will be approximately 11 feet in height (one foot higher than the Design District “B” standard). The amount of sign copy area is unspecified but appears to be over 35 square feet on both sides. The Sign Ordinance limits monument signs in Design District B to 35 square feet of sign copy and 70 square feet of sign area on up to two faces.

Shopping centers with two or more major street frontages have traditionally been granted approval of two monument signs through a CUP or Variance. Such entitlements may also restrict the size or height of the signs in exchange for allowing multiple signs. In considering the sign program for the proposed commercial center, staff has analyzed programs at other shopping centers in the vicinity and recently approved neighborhood shopping centers.

Staff finds that the granting of two multi-tenant signs with this center instead of three would be most consistent with past approvals and with the project site’s setting. The project has frontage along two major arterial streets – Dinuba and Riggin. Court Street, while being a collector street, primarily serves local residential traffic and will have residential uses on one side. The Orchard Walk Shopping Center, located across the street, was also approved with one multi-tenant sign on Riggin Avenue and none on Court Street.

Staff further recommends that the multi-tenant signs and gas station sign be allowed at 11 feet height and with a maximum of 25 square feet of sign copy per side. The extra foot in height beyond the Design District “B” standard of 10 feet can be justified by the Orchard Walk signs which are also 11 feet in height with the extra foot used as a decorative feature. The 25 square feet in copy area is consistent with approvals for several centers with two or more monument signs, such as Orchard Walk, Shannon Village Market, and Country Club Estates.

Staff further recommends in CUP Condition No. 25 that the proposed monument sign located along Riggin Avenue not be permitted until the development of the future phase.

### **GPA / COZ – Consistency with Land Use Element Policies**

The proposed change in land use and zoning and the commercial development associated with the request are consistent with existing General Plan policies that pertain to Shopping / Office Centers. The land use and zoning designations are suitable for this location based on the site’s proximity to two arterial streets and a collector street, along with other neighborhood and community-level commercial uses.

City of Visalia Land Use Element Policy No. 3.5.7 states that the designation is intended “for a range of neighborhood and community-level commercial and office uses” and is “generally characterized as strip or linear in nature and serving a non-regional market area.” The Shopping / Office Commercial designation and zoning currently exists along Dinuba Boulevard beginning one-quarter mile south of the site, and provides community-level services that are needed for the area. Because of the site’s proximity to two principal transportation corridors and adjacent residential development, the allowance of neighborhood and community-level commercial and office uses is suitable for this location. In addition, the site’s configuration is linear along Riggin Avenue.

### **Land Use Designation – Community Commercial vs. Shopping / Office Commercial**

Property on the northeast and northwest corners of Dinuba & Riggin is designated as Community Commercial on the General Plan land use and zoning maps. It would therefore be

reasonable for the Community Commercial land use and zoning designation to also be contemplated for the subject site.

A review of the City's Land Use Element finds that either the Community Commercial or Shopping / Office Commercial designations could be considered for this site consistent with the Element's policies. The southeast corner of Riggin and Dinuba is called out as a general location for a community center in the General Plan, and shopping / office commercial is presently located on other parts of Dinuba Blvd.

Staff is recommending in favor of the Shopping / Office Commercial designation for this site. This recommendation is based on the size of the site which, at ten acres, is smaller than either adjacent Community Commercial site. The C-SO designation is also favorable since the commercial development proposed by the applicant shows a limited amount of commercial goods and services, and includes office uses.

### **Commercial Interface with Adjacent Residences / Block Wall Requirement**

The commercial project site will be adjacent to residential uses on the south, west, and east sides. The residential land uses will be separated by the existing Dinuba Boulevard on the west and the future Court Street on the east, and will directly adjoin the commercial development on the south. The Zoning Ordinance's existing development standards for commercial land uses emphasize compatibility with the existing residential land uses to the south.

Development standards for Design District "B", recommended for the commercial zoning, require a 15-foot setback where the side of a commercial building abuts residential property and a 20-foot setback where the rear of a commercial building abuts residential property.

Where commercial land use abuts residential zoning, a concrete block masonry (CMU) wall not less than seven feet in height is required on the property line per the Zoning Ordinance. Currently a six-foot wood fence is constructed along the property line adjacent to the existing residences to the south.

The applicant has indicated in the Master Plan document that a CMU block wall will be constructed along the entire south boundary of the commercial development abutting existing residential uses. The wall will be constructed as part of the Phase One improvements.

In addition to a block wall, future plans for the commercial center show a landscape setback of varying depth with parking or drive aisles behind a five-foot landscape buffer.

### **Design District / Setbacks**

A Design District must be assigned for the commercial-designated property to apply development standards. The Master Plan assigns Design District "B" to the proposed commercial designation. Per the Visalia Zoning Ordinance, Section 17.30.170, Design District B standards are as follows:

**Maximum Building Height:** 50 Feet

**Minimum Setbacks:**

	<b>Building</b>	<b>Landscaping</b>
➤ Front	15 Feet	15 Feet
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	10 Feet	10 Feet
➤ Side abutting residential zone	15 Feet	5 Feet
➤ Rear	0 Feet	5 Feet*
➤ Rear abutting residential zone	20 Feet	5 Feet

\*(Except where building is on property line)

Staff concurs with this designation. The placement of Design District B at this this location is compatible with commercial uses along Dinuba Boulevard south of the site, which are also in



Design District B. In addition, the minimum setbacks are in keeping with the Orchard Walk Specific Plan development standards that apply to the C-CM zoned properties north of the site. The Specific Plan requires a minimum 12-foot building and landscape setback along Dinuba Boulevard and minimum 15-foot building / 12-foot landscape setback along Riggan Avenue

The proposed development on Parcels 1 and 2 are shown with 15 to 20 foot landscape setbacks along the Dinuba Boulevard frontage. Parcel 1 will have a 10 foot landscape setback along the Riggan Avenue frontage. Buildings and canopies on the parcels are located 50 feet or more from the street frontages, except for Parcel 3 which is shown with a 20 foot building setback. Staff finds that the setbacks are consistent with the recommended Design District B and similar commercial developments.

### **Conditional Uses / Gas Station and Drive-Thru Restaurant**

The proposal includes a 4,524 square foot 8-pump Arco fuel island with canopy with 3,061 square foot AM/PM convenience store and a 1,038 square feet automated carwash as shown in Exhibit "D". There is also a 3,302 square foot Wendy's fast food restaurant with a drive-thru proposed to the south of the gas station as shown in Exhibit "Q".

The Operational Statement in Exhibit "P" indicates that the fuel island, convenience store, and car wash would operate 24 hours a day. There are no prohibitions to operating 24 hours a day as long as Community Noise Standards are maintained, as specified in Chapter 8.36 of the Visalia Municipal Code. Because the high noise levels associated with the car wash and vacuum cleaners may be incompatible with residential uses during nighttime hours, staff recommends CUP Condition No. 10 - that the hours of operation for these uses be limited to between 6:00 am and 7:00 pm. The fast food restaurant proposes to operate from 5:00 am to 2:00 am.

The Master Plan document and the elevations of the uses (see Exhibits "J" through "N" and Exhibit "S") demonstrate that the building architecture will utilize elements of the overall architecture theme for the commercial center. The elevations note the use of low roof slopes and corrugated metal on tower elements, corrugated metal awnings river rock column bases, and accent banding – all features noted as part of the architecture theme in the Master Plan.

The gas station monument sign will also utilize elements of the commercial center monument signs – river rock base, timber details, and top-mounted exterior-illuminated lighting.

Staff finds that the use of these architecture features and elements are evident in these conditional uses that are intended to be built in the initial phase, and that they contribute to the overall theme of the commercial center. Notwithstanding the architecture theme, the buildings will have the ability to integrate corporate signage on the elevations. The architectural consistency among the uses is further compulsory by a condition of the CUP.

### **Parking**

The required parking for the convenience store is 10 stalls, based upon one stall per 300 square feet for retail (3,091 square feet / 300). There are 17 stalls provided on site, which exceeds the requirement. The automated carwash does not require any parking, though the two proposed vacuum machines located north of the car wash each have a dedicated parking stall.

The required parking for the fast food restaurant is 33 stalls, based upon one stall per 100 square feet for restaurants (3,302 square feet / 100). There are 41 stalls provided on site, which exceeds the requirement.

Future development on the remaining commercial area will be required to meet parking requirements as the area is developed. The overall site plan provides a summary of the

required and provided parking based on the land uses shown in the future development, wherein the required amount of parking is exceeded by nine stalls.

### **Noise Analysis for Restaurant Drive-Thru Lane**

The drive-thru lane for the proposed restaurant is located on the building's south and east sides. The noise from the external order station which will be located on the south side has been addressed in the project's Initial Study. A Noise Analysis prepared for the drive-thru indicates that as proposed, the operation of the order station will meet Community Noise Standards as described in Visalia Municipal Code Chapter 8.36 and that no noise mitigation is required. The analysis indicates that noise generated with activity during the nighttime hours of 7:00pm to 6:00am may exceed noise standards in Categories 1 and 2 by up to five decibels if peak activity were to occur during these hours. Furthermore, the project would comply with these categories if Noise Ordinance standards are adjusted for existing noise levels from traffic on Dinuba Boulevard during likely periods of peak project activities. Staff recommends CUP Condition No. 11 - that the restaurant's order boards meet Community Noise Standards. In addition, CUP Condition No. 12 prohibits the use of an outdoor public address system (PA system) on the gas station and restaurant sites.

### **Illuminated Signage & Gas Station Canopy – Impacts to Residential**

The project site is adjacent to existing residential development to the south and west and future residential to the east. The applicant has provided lighting photometric diagrams for the gas station site which show that there would be little or no light or glare from the proposed site lighting. Staff has determined that the studies provided by the applicant demonstrate compliance with the City's standards wherein no more than 0.5 lumens are exceeded beyond the boundaries of the commercial center. The development would be further required to shield or prevent significant light or glare from falling upon adjacent residential properties.

Staff recommends several conditions related to sight lighting and signage to reduce light impacts to the adjacent residential properties. CUP Condition No. 13 requires that the fuel island canopy lighting be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent residential properties.

In addition, CUP Condition No. 14 requires that there shall be no internally illuminated signage on the exterior fascia of the canopy including any type of light strips or LED/neon banding. This elimination of canopy lighting is due to the fact that the canopy signage is approximately 16 to 18 feet in height, and could be clearly visible from residences over the block wall west of Dinuba Boulevard. The sign program submitted and attached as Exhibit "L" currently shows use of a lighted decal and band on the canopy elevations.

To reduce the potential glare from high intensity light sources such as neon and LED lights, CUP Condition No.15 prohibits their use as accent lighting on the buildings and limiting their use in signs to indirect lighting.

Conditions have also been added to address illuminated building signage near the tops of buildings that may be clearly visible from adjacent residential properties and potentially produce glare. Elevations for the Arco and Wendy's currently show building signage mounted up to about 23 feet in height. CUP Condition No. 26 states that illuminated building signage on the west, east, and south frontages of the site be placed so as to not allow direct or indirect light or glare from falling upon the adjacent residential properties. CUP Condition No. 27 states that there shall be no illuminated signage on the south side of the restaurant on Parcel 2 which could be visible from the adjacent residential neighborhood.

### **On-Site Circulation / Cross-Access**

Vehicular access for Parcels 1, 2, and 3 in the Tentative Parcel Map will necessitate the use of common Lot "A", as the site plans do not show any direct access between the parcels and public streets. Parcel Map Condition No. 5 and CUP Condition No. 8 address the requirement for a restrictive covenant for vehicular access, landscaping and common areas on the map.

The Planning Commission originally approved the project with a condition that a 25-foot cross access easement be established between Parcels 2 and 3 on the map for emergency and public service vehicles only. Staff has included the easement for emergency and public service vehicles as a condition of approval on the Parcel Map and the CUP - Parcel Map Condition No. 6 and CUP Condition No. 9.

While the current parking lot configurations of Parcels 2 and 3 do not provide the ability for direct traffic access between the parcels, the enlarged site plan map in Exhibit "B" notes that the ultimate usage of Parcel 3 will determine the traffic access configuration between the two sites.

### **Off-Site Circulation / Median Improvements**

The adjacent roadways along the project site are improved to their ultimate width. Riggin Avenue is an arterial roadway with two through lanes in each direction, dedicated left turn lanes at Dinuba Boulevard and Court Street, and a raised median. The median will only allow right in and out movements from the Riggin Avenue access point.

Dinuba Boulevard, signed as State Route 63, is an arterial roadway with two through lanes in each direction and dedicated left and right turn lanes at Riggin Avenue. Prior to where the dedicated right turn lane begins, the through lane retains an extended width along the entire project frontage. Dinuba Boulevard does not have a median island in the roadway adjacent to the proposed project. The project's access point on Dinuba Boulevard is planned to allow right in and out movements only. The access point on Court Street will allow left and right turning maneuvers into and from this access point and will provide the neighborhood with the ability to access the site without having to use Riggin or Dinuba.

The change in use from residential to commercial is expected to result in a greater amount of traffic than what was previously anticipated with residential uses. A Traffic Impact Analysis was conducted for the project which studied impacts to roadways and intersections in the vicinity of the project site. The analysis considered existing roadway conditions and year 2035 base conditions, with and without the project conditions. The analysis identified recommended roadway and intersection improvements to the vicinity of the project to ensure that the project will operate at acceptable LOS "D" conditions or better through 2035.

Based on recommendations from the Analysis and formal correspondence received by CalTrans, a raised median will be constructed along Dinuba Boulevard from Riggin Avenue to the southern boundary of the project site. The median is to be constructed with the initial phase of the project that includes the service station and restaurant, and would impede left-turn movements into and out of the project site.

### **Encina Street Abandonment**

Encina Street is a local street in the developed residential subdivision to the south. The street is currently stubbed at the property line and was planned to be extended with the approved residential subdivision, where the commercial development is now proposed. If the commercial development is approved, Encina Street will cease to become a through street and its 56-foot wide right-of-way will be abandoned. The existing road and street improvements will be removed since the 100-foot long street stub contains no drive approaches. A 10-foot storm drain easement would remain in place.

The applicants originally proposed an abandonment plan with pedestrian-level access between the residential and commercial areas, to be maintained by a Landscape & Lighting Assessment District associated with the Tentative Parcel Map. This plan was later revised to omit the pedestrian-level access in favor of relinquishing the entire right-of-way evenly among the adjacent property owners. The current proposal is included as page 21 of the Master Plan document.

Staff recommends the latter plan included in the Master Plan as the preferred abandonment plan, per Parcel Map Condition No. 4 and CUP Condition No. 7. The latter plan addresses concerns related to loitering and neighborhood safety on the pedestrian access, overriding the convenience of a direct connection between the two land uses. An existing pedestrian access at the Dove Court cul-de-sac, approximately 100 feet to the west, retains a short indirect connection between the two uses. The applicant has also indicated to staff that the property owners on both sides of the abandonment have voiced preference for this option.

### **Environmental Review**

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that a significant, adverse environmental impact related to traffic may occur with regard to the proximity of the project driveways to the Dinuba / Riggins intersection. The Mitigated Negative Declaration circulated for this project (see attachment) contains a Mitigation Monitoring Program that includes the construction of a raised median on Dinuba Boulevard as mitigation for the traffic impact referenced above.

In addition, an adverse environmental impact related to greenhouse gases may occur from the incremental and cumulative increase from the project operations. The Mitigation Monitoring Program includes five measures as mitigation for the greenhouse gas impact. Other measures intended to reduce emissions are either already incorporated into the project or are required as state and local regulations, such as the compliance with the City's water efficient landscape standards.

The mitigations contained in the Mitigation Monitoring Program will effectively reduce the environmental impact of traffic and greenhouse gases to a level that is less than significant. Therefore, staff recommends that Mitigated Negative Declaration No. 2013-054 and the Mitigation Monitoring Program contained within be adopted for this project.

## **RECOMMENDED FINDINGS**

### **General Plan Amendment No. 2011-14**

1. That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed land use designation of Shopping / Office Commercial would be compatible with existing land uses and land use designations in the surrounding vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.

### **Change of Zone No. 2011-15**

1. That the Planning Commission considered the Change of Zone in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the

staff reports and testimony presented at the public hearing, and finds that the change achieves the objectives of the Zoning Ordinance prescribed in Section 17.02.020.

2. That the Change of Zone is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed zoning designation of P-C-SO (Planned Shopping / Office Commercial) would be compatible with existing land uses and land use designations in the surrounding vicinity.
4. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
5. That the development standards of Design District "B" be applied to the Shopping / Office Commercial portion of the site which is compatible with established development patterns and setbacks on similar properties.

**Conditional Use Permit No. 2013-25**

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**Tentative Parcel Map No. 2013-01**

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the tentative parcel map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

<b>RECOMMENDED CONDITIONS</b>
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**Conditional Use Permit No. 2013-25**

1. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibits "B", "D", and "Q" unless otherwise specified in the conditions of approval.
2. That the project shall be developed and maintained in substantial compliance with the floor plans in Exhibits "I", "M", and "R" unless otherwise specified in the conditions of approval.
3. That the project shall be developed and maintained in substantial compliance with the elevation plans in Exhibits "J", "K", "L" and "S" unless otherwise specified in the conditions of approval.
4. That the project and site landscaping shall be developed and maintained in substantial compliance with Exhibits "E" and "Q" unless otherwise specified in the conditions of approval.
5. That the project be developed in full conformance with the "Riverbend Village Design Guidelines and Engineering Standards" document, incorporated herein by reference. The final site layout for buildings labeled as "future" and surrounding parking areas may differ, provided that the changes are consistent with the guidelines and standards in the document.
6. That the project be developed in substantial compliance with Site Plan Review No. 2013-031 and 091.
7. That the abandonment of the Encina Street segment between Dove Avenue and its terminus at property line be carried out in accordance with the plan contained in the "Riverbend Village Design Guidelines and Engineering Standards" document. A request and filing fee for the abandonment shall be submitted with the first building permit associated with the project.
8. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.
9. That a 25-foot cross access easement be required between the parcel containing the restaurant with drive-through lane and the adjoining parcel to the south for emergency and public service vehicles.
10. That the hours of operation for the car wash and vacuum cleaners shall be between the hours of 6:00 am to 7:00 pm, and that Community Noise Standards be maintained during these times.
11. That the operation of the restaurant drive-thru order board maintain Community Noise Standards.
12. That any outdoor public address system (PA system) be prohibited on the gas station and restaurant site. Only personal intercom systems are allowed with speakers in close proximity to the pump and drive-thru lanes for communication between the customer and cashier/attendant.
13. That the fuel island canopy lighting be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent residential properties.

14. That there be no internally illuminated signage on the exterior fascia of the fuel island canopy including any type of light strips or neon / light-emitting diode (LED) banding.
15. That neon, LED, and similar intensive light sources shall not be used as accent or illumination on building exteriors. These light sources may be used as indirect illumination for signs where it can be demonstrated that they will not create significant glare or illumination off of the site.
16. That the commercial center be allowed two identical multi-tenant signs for the commercial development – one along the Dinuba Blvd. frontage and one along the Riggan Ave. frontage – and be allowed one gas station and fuel pricing sign on Parcel 1. Sign height is limited to 11 feet and sign copy area is limited to 25 feet of sign copy per side.
17. That a consistent architecture theme shall be maintained on all buildings in the commercial center as depicted in the “Riverbend Village Design Guidelines and Engineering Standards” document, and that the center’s gas station, convenience store, car wash, and restaurant with drive-thru lane shall adapt to the architecture theme.
18. That a concrete block masonry wall not less than seven feet in height shall be constructed on the property line where the site adjoins Residential-zoned property. Said wall shall be constructed with the first building permit associated with the project.
19. That a separate Conditional Use Permit shall be obtained for any conditionally-allowed uses that subsequently locate on the site, including future development on Parcel 3 if applicable.
20. That all applicable federal, state, regional, and city policies and ordinances be met.
21. That all of the conditions and responsibilities of Conditional Use Permit No. 2013-25 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
22. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-25.
23. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-054 are hereby incorporated as conditions of this Conditional Use Permit.
24. That this Conditional Use Permit become null and void unless General Plan Amendment No. 2011-14 and Change of Zone No. 2011-15 are approved, and that the effective date of this Conditional Use Permit will begin thirty days after approval of the second reading of the ordinance for Change of Zone No. 2011-15.
25. The monument sign located on Riggan Avenue shall be permitted only upon the construction of Phase 2.
26. That illuminated building signage on the west, south, and east sides of the buildings be placed so as to not allow direct or indirect light of glare from falling upon the adjacent residential properties.
27. That there be no illuminated signage on the south side of the restaurant on Parcel 2 which could be visible from the adjacent residential neighborhood.

**Tentative Parcel Map No. 2013-01**

1. That the tentative parcel map be prepared in substantial compliance with Exhibit “C”.
2. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-032.

3. That Conditional Use Permit No. 2013-25 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That the abandonment of the Encina Street segment between Dove Avenue and its terminus at property line be carried out in accordance with the plan contained in the "Riverbend Village Design Guidelines and Engineering Standards" document. A request and filing fee for the abandonment shall be submitted with the first building permit associated with the project.
5. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.
6. That a 25-foot cross access easement be established between Parcels 2 and 3 on the map for emergency and public service vehicles.
7. That all applicable federal, state, regional, and city policies 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. 2013-01.
9. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-054 are hereby incorporated as conditions of this Tentative Parcel Map.
10. That this Tentative Parcel Map become null and void unless General Plan Amendment No. 2011-14 and Change of Zone No. 2011-15 are approved, and that the effective date of this Tentative Parcel Map will begin thirty days after approval of the second reading of the ordinance for Change of Zone No. 2011-15.
11. That the approved Riverbend Village, Units 6 through 11 Tentative Subdivision Map shall remain effective for the area of the parcel map labeled as Remainder-B, and that the approved Riverbend Village, Units 6 through 11 Tentative Subdivision Map shall become null and void for the areas of the parcel map labeled as Parcels 1, 2, 3, Lot "A", and Remainder-A.

#### **APPEAL INFORMATION**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.ci.visalia.ca.us](http://www.ci.visalia.ca.us) or from the City Clerk.



Attachments:

- Related Plans and Policies
- Ownership Disclosure Statement

Commercial Center

- Exhibit "A" – Overall Site Plan
- Exhibit "B" – Phase One Site Plan
- Exhibit "C" – Tentative Parcel Map

Gas Station

- Exhibit "D" – Gas Station Site Plan
- Exhibit "E" – Gas Station Landscape Plan
- Exhibit "F" – Gas Station Photometric Site Plan
- Exhibit "G" – Gas Station Sign Site Plan and Elevations
- Exhibit "H" – Gas Station Signage Details
- Exhibit "I" – Convenience Store Floor Plan
- Exhibit "J" – Convenience Store Elevations
- Exhibit "K" – Convenience Store Elevations
- Exhibit "L" – Fuel Island Canopy Elevations
- Exhibit "M" – Car Wash Floor Plan
- Exhibit "N" – Car Wash Elevations
- Exhibit "O" – Gas Station Trash Enclosure
- Exhibit "P" – Gas Station Operation Statement

Fast Food Restaurant

- Exhibit "Q" – Restaurant Site Plan & Landscape Plan
- Exhibit "R" – Restaurant Floor Plan
- Exhibit "S" – Restaurant Elevations
- Exhibit "T" – Restaurant Operation Statement

- Mitigated Negative Declaration No. 2013-54
- Transportation Impact Analysis Report
- Acoustical Analysis
- Site Plan Review Comments
- General Plan Land Use Map; Zoning Map; Aerial Map; Location Sketch

## RELATED PLANS AND POLICIES

### LAND USE ELEMENT OF THE GENERAL PLAN

#### 3.5 COMMERCIAL LAND DEVELOPMENT AND LAND USE

##### Objectives

- A. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties.
- B. Ensure the continued viability of Visalia's existing commercial areas.
- C. Promote comprehensively planned, concentric commercial areas to meet the needs of Visalia residents and its market area.
- D. Create and maintain a commercial land use classification system (including location and development criteria) which is responsive to the needs of shoppers, maximizing accessibility and minimizing trip length.
- E. Designate appropriate and sufficient commercial land for Visalia's needs to the year 2020 with appropriate phasing.

##### Implementing Policies

- 3.5.1 Ensure that future commercial development is concentrated in shopping districts and nodes to discourage expansion of new strip commercial development.
- 3.5.2 Ensure that commercial development in residential areas serves the needs of the area and includes site development standards which minimize negative impacts on abutting properties.
- 3.5.7 Shopping/Office Centers for a range of neighborhood and community-level commercial and office uses. Consists of areas previously designated for local retail (C-2.5), neighborhood, community and regional commercial uses. Generally characterized as strip or linear in nature and serving a non-regional market area. General locations are:
  - 1. Dinuba Highway, between Ferguson and Houston.
  - 2. East side of Ben Maddox Way, between Main Street and Houston.
  - 3. Murray Street corridor between Divisadero to Conyer.
  - 4. Houston corridor, between Divisadero and Turner.
  - 5. Noble Avenue corridor between Ben Maddox and Pinkham. Also, land locked or infill parcels may be added to this designation when they are merged with adjacent properties to obtain Noble Avenue frontage.
  - 6. Mineral King Plaza (south of SH 198 between Linwood and Chinowth).

7. Cain Street and Goshen Avenue.
8. Other locations that may be found to be appropriate by the City Council and in conformity with the intent of the Land Use District.

3.5.14 In order to provide for integration of convenience level and neighborhood level commercial uses into neighborhoods, require design measures which encourage pedestrian traffic, and de-emphasize use of walls as buffers which create barriers to pedestrian access and which are not visually pleasing.

## VISALIA MUNICIPAL CODE

### **Chapter 17.18: PLANNED COMMERCIAL ZONES**

#### **Section 17.18.010 Purposes.**

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

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons which they serve in a manner consistent with the general plan;
2. Maintain the central business district (CBD - Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as Visalia's traditional, medical, professional, retail, government and cultural center;
3. Maintain Visalia's role as the regional commercial center for Tulare, Kings and southern Fresno counties;
4. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
5. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
6. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
7. Maintain commercial land uses which are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
8. Ensure compatibility with adjacent land uses.

B. The purpose of the individual commercial land use zones are as follows:

3. Planned Shopping/Office Zone--(P-C-SO). The purpose and intent of the planned shopping/ office zone district is to provide areas for a wide range of neighborhood and community level retail commercial and office uses. This district is intended to provide for the transition from service and heavy commercial uses where they exist in this district to retail and office and to provide areas for neighborhood goods and services where shopping centers may not be available.

### **Chapter 17.30: MODIFYING ZONES**

#### **Section 17.30.170 Development standards--Design district B.**

The following development standards shall apply to property located in district B;

- A. Building height: fifty (50) feet maximum.
- B. Required yards:
  1. Front: fifteen (15) feet minimum;
  2. Side: zero;

3. Street side on corner lot: ten feet minimum;
4. Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;
5. Rear: zero;
6. Rear yards abutting an R-A, R-1 or R-M district: twenty (20) feet minimum.
- C. Parking as prescribed in Chapter 17.34.
- D. Site area: five acre minimum.
- E. Landscaping:
  1. Front: fifteen (15) feet minimum;
  2. Side: five feet minimum (except where a structure is located on a side property line);
  3. Street side on corner lot: ten feet minimum;
  4. Rear: five feet minimum. (Prior code § 7467)

## **Chapter 17.38: CONDITIONAL USE PERMITS**

### **Section 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)

## **Chapter 17.44: AMENDMENTS**

### **Section 17.44.070 Action of city planning commission.**

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission. (Ord. 2001-13 § 4 (part), 2001: prior code § 7586)

## **Chapter 17.54: GENERAL PLAN AMENDMENTS**

### **Section 17.54.070 Action of city planning commission.**

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff. (Prior code § 7656)

05/31/2013 09:16 FAX 559 732 8479

FORESTER WEBER

002



# CITY OF VISALIA Ownership Disclosure

EACH PARTNERSHIP, CORPORATION, OR LLC MUST FILL OUT A SEPARATE DISCLOSURE STATEMENT. INCOMPLETE DISCLOSURE STATEMENTS COULD RESULT IN A PROJECT CONTINUANCE OR DELAY.

### SITE:

Address or APN(s) 091-010-040  
Short Title or Name of proposed project PARCEL MAP (THREE PARCELS & REMAINDERS A & B)  
Summary description of the proposed project DIVISION OF LAND TO ACCOMPANY CONDITIONAL USE PERMIT AND ZONE CHANGE APPLICATION

### PROPERTY OWNER(S):

If more than two owners, please provide information and signature(s) on a separate sheet.

Name (print) BRIDGECOURT HOMES, LP Name (print) \_\_\_\_\_  
Mailing Address 2001 FINANCIAL WAY, STE. 103 Mailing Address \_\_\_\_\_  
Phone GLENDORA CA 91741 Phone (626) 852-7616

Statement: I/We declare under penalty of perjury that I am/we are the legal owner(s) of the property involved in this application. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

May 31, 2013  
Date

THOMAS HUGHES SR.

*Thomas M. Hughes*  
Property Owner Signature

Thomas M. Hughes, President  
Print Name & Title  
Hughes Homes Inc., Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Print Name & Title

### OTHER INVOLVED PARTIES:

Fill in all that apply.

It is planned that the property will be sold to (PARCEL 1 ARCO) (PARCEL 2 WENDY'S)  
(Write "none" if property owner(s) do not plan to sell property.)

Developer/Builder HUGHES HOMES INC. BUILDER N/A  
Mailing Address 2001 FINANCIAL WAY STE. 103 GLENDORA CA 91741  
Phone (626) 852-7616 Fax (626) 852-7620

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:**

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder is a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

JOHN R. WATSON

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CONSTANCE L. WATSON

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THE WATSON FAMILY TRUST

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LIMITED PARTNERS OF BRIDGECOURT HOMES L.P.

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RESOLUTION NO. 2013-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2011-14: A REQUEST BY BRIDGECOURT HOMES LIMITED PARTNERSHIP TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RESIDENTIAL LOW DENSITY TO SHOPPING/OFFICE COMMERCIAL ON 9.8 ACRES. THE PROJECT IS LOCATED ON THE SOUTHEAST CORNER OF DINUBA BOULEVARD (STATE ROUTE 63) AND RIGGIN AVENUE, SITUATED WITHIN THE CITY LIMITS OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA. (APN: 091-010-040)

**WHEREAS**, General Plan Amendment No. 2011-14 is a request by Bridgecourt Homes Limited Partnership to change the General Plan land use designation from Residential Low Density to Shopping/Office Commercial on 9.8 acres. The project is located on the southeast corner of Dinuba Boulevard (State Route 63) and Riggins Avenue, situated within the City limits of Visalia, County of Tulare, State of California. (APN: 091-010-040); and

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

**WHEREAS**, the Planning Commission of the City of Visalia considered the General Plan Amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on 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, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council concur that no significant environmental impacts would result from this project and, certify that Mitigated Negative Declaration No. 2013-54 was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2011-14, based on the following specific findings and based on the evidence presented:

1. That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed land use designation of Shopping / Office Commercial would be compatible with existing land uses and land use designations in the surrounding vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.

RESOLUTION NO. 2013-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA  
RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2011-15:  
A REQUEST BY BRIDGECOURT HOMES LIMITED PARTNERSHIP  
TO CHANGE THE ZONING DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL  
(R-1-6) TO PLANNED SHOPPING / OFFICE COMMERCIAL (C-SO) ON 9.8 ACRES.  
THE PROJECT IS LOCATED ON THE SOUTHEAST CORNER OF DINUBA  
BOULEVARD (STATE ROUTE 63) AND RIGGIN AVENUE, SITUATED WITHIN THE  
CITY LIMITS OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA. (APN:  
091-010-040)

**WHEREAS**, Change of Zone No. 2011-15 is a request by Bridgecourt Homes Limited Partnership to change the Zoning Designation from Single-family Residential (R-1-6) to Planned Shopping / Office Commercial (C-SO) on 9.8 acres. The project is located on the southeast corner of Dinuba Boulevard (State Route 63) and Riggins Avenue, situated within the City limits of Visalia, County of Tulare, State of California. (APN: 091-010-040); and

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

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

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council concur that no significant environmental impacts would result from this project and, certify that Mitigated Negative Declaration No. 2013-54 was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2011-14, based on the following specific findings and based on the evidence presented:

1. The Visalia Planning Commission considered the Change of Zone in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing, and finds that the change achieves the objectives of the Zoning Ordinance prescribed in Section 17.02.020.
2. That the Change of Zone is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.



3. That the proposed zoning designation of P-C-SO (Planned Shopping / Office Commercial) would be compatible with existing land uses and land use designations in the surrounding vicinity.
4. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
5. That the development standards of Design District "B" be applied to the Shopping / Office Commercial portion of the site which is compatible with established development patterns and setbacks on similar properties.

RESOLUTION NO 2013-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA  
APPROVING TENTATIVE PARCEL MAP NO. 2013-01:  
A REQUEST BY BRIDGECOURT HOMES LIMITED PARTNERSHIP  
TO DIVIDE 16.47 ACRES INTO THREE PARCELS, ONE LETTERED LOT HELD IN  
COMMON, AND TWO REMAINDER PARCELS.  
THE PROJECT IS LOCATED ON THE SOUTHEAST CORNER OF DINUBA  
BOULEVARD (STATE ROUTE 63) AND RIGGIN AVENUE, SITUATED WITHIN THE  
CITY LIMITS OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA. (APN:  
091-010-040)

**WHEREAS**, Tentative Parcel Map No. 2013-01 is a request by Bridgecourt Homes Limited Partnership to divide 16.47 acres into three parcels, one lettered lot held in common, and two remainder parcels. The project is located on the southeast corner of Dinuba Boulevard (State Route 63) and Riffin Avenue, situated within the City limits of Visalia, County of Tulare, State of California. (APN: 091-010-040); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held 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

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED**, that a Mitigated Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia approves the proposed tentative 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 Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which

disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.

4. That the tentative parcel map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**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 tentative parcel map be prepared in substantial compliance with Exhibit "C".
2. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-032.
3. That Conditional Use Permit No. 2013-25 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That the abandonment of the Encina Street segment between Dove Avenue and its terminus at property line be carried out in accordance with the plan contained in the "Riverbend Village Design Guidelines and Engineering Standards" document. A request and filing fee for the abandonment shall be submitted with the first building permit associated with the project.
5. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.
6. That a 25-foot cross access easement be established between Parcels 2 and 3 on the map for emergency and public service vehicles.
7. That all applicable federal, state, regional, and city policies 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. 2013-01.
9. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-054 are hereby incorporated as conditions of this Tentative Parcel Map.
10. That this Tentative Parcel Map become null and void unless General Plan Amendment No. 2011-14 and Change of Zone No. 2011-15 are approved, and that the effective date of this Tentative Parcel Map will begin thirty days after approval of the second reading of the ordinance for Change of Zone No. 2011-15.
11. That the approved Riverbend Village, Units 6 through 11 Tentative Subdivision Map shall remain effective for the area of the parcel map labeled as Remainder-B, and that the approved Riverbend Village, Units 6 through 11 Tentative Subdivision Map shall become null and void for the areas of the parcel map labeled as Parcels 1, 2, 3, Lot "A", and Remainder-A.

RESOLUTION NO 2013-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA  
APPROVING CONDITIONAL USE PERMIT NO. 2013-25:

A REQUEST BY BRIDGECOURT HOMES LIMITED PARTNERSHIP  
TO ALLOW A MASTER-PLANNED COMMERCIAL DEVELOPMENT ON 9.8 ACRES,  
CONSISTING OF 55,701 SQ. FT. OF COMMERCIAL AND OFFICE USES IN THE  
PLANNED SHOPPING / OFFICE COMMERCIAL (C-SO) ZONE. THE FIRST PHASE  
OF THE DEVELOPMENT WILL CONSIST OF A 4,524 SQ. FT. GASOLINE SERVICE  
STATION, 1,038 SQ. FT. AUTOMATED CAR WASH, 3,061 SQ. FT. CONVENIENCE  
STORE, AND 3,302 SQ. FT. FAST FOOD RESTAURANT WITH DRIVE-THRU  
SERVICE. THE PROJECT IS LOCATED ON THE SOUTHEAST CORNER OF  
DINUBA BOULEVARD (STATE ROUTE 63) AND RIGGIN AVENUE, SITUATED  
WITHIN THE CITY LIMITS OF VISALIA, COUNTY OF TULARE, STATE OF  
CALIFORNIA. (APN: 091-010-040)

**WHEREAS**, Conditional Use Permit No. 2013-25 is a request by Bridgecourt Homes Limited Partnership to allow a master-planned commercial development on 9.8 acres, consisting of 55,701 sq. ft. of commercial and office uses in the Planned Shopping / Office Commercial (C-SO) Zone. The first phase of the development will consist of a 4,524 sq. ft. gasoline service station, 1,038 sq. ft. automated car wash, 3,061 sq. ft. convenience store, and 3,302 sq. ft. fast food restaurant with drive-thru service.. The project is located on the southeast corner of Dinuba Boulevard (State Route 63) and Riffin Avenue, situated within the City limits of Visalia, County of Tulare, State of California. (APN: 091-010-040); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held 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 Section 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED**, that a Mitigated Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia approves the proposed conditional use permit based on the following specific findings and based on the evidence presented:

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-054, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**BE IT FURTHER RESOLVED** that the Planning Commission approves the conditional use permit on the real property herein described in accordance with the terms of this resolution under the provisions of Chapter 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibits "B", "D", and "Q" unless otherwise specified in the conditions of approval.
2. That the project shall be developed and maintained in substantial compliance with the floor plans in Exhibits "I", "M", and "R" unless otherwise specified in the conditions of approval.
3. That the project shall be developed and maintained in substantial compliance with the elevation plans in Exhibits "J", "K", "L" and "S" unless otherwise specified in the conditions of approval.
4. That the project and site landscaping shall be developed and maintained in substantial compliance with Exhibits "E" and "Q" unless otherwise specified in the conditions of approval.
5. That the project be developed in full conformance with the "Riverbend Village Design Guidelines and Engineering Standards" document, incorporated herein by reference. The final site layout for buildings labeled as "future" and surrounding parking areas may differ, provided that the changes are consistent with the guidelines and standards in the document.
6. That the project be developed in substantial compliance with Site Plan Review No. 2013-031 and 091.

7. That the abandonment of the Encina Street segment between Dove Avenue and its terminus at property line be carried out in accordance with the plan contained in the "Riverbend Village Design Guidelines and Engineering Standards" document. A request and filing fee for the abandonment shall be submitted with the first building permit associated with the project.
8. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.
9. That a 25-foot cross access easement be required between the parcel containing the restaurant with drive-through lane and the adjoining parcel to the south for emergency and public service vehicles.
10. That the hours of operation for the car wash and vacuum cleaners shall be between the hours of 6:00 am to 7:00 pm, and that Community Noise Standards be maintained during these times.
11. That the operation of the restaurant drive-thru order board maintain Community Noise Standards.
12. That any outdoor public address system (PA system) be prohibited on the gas station and restaurant site. Only personal intercom systems are allowed with speakers in close proximity to the pump and drive-thru lanes for communication between the customer and cashier/attendant.
13. That the fuel island canopy lighting be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent residential properties.
14. That there be no internally illuminated signage on the exterior fascia of the fuel island canopy including any type of light strips or neon / light-emitting diode (LED) banding.
15. That neon, LED, and similar intensive light sources shall not be used as accent or illumination on building exteriors. These light sources may be used as indirect illumination for signs where it can be demonstrated that they will not create significant glare or illumination off of the site.
16. That the commercial center be allowed two identical multi-tenant signs for the commercial development – one along the Dinuba Blvd. frontage and one along

the Riggins Ave. frontage – and be allowed one gas station and fuel pricing sign on Parcel 1. Sign height is limited to 11 feet and sign copy area is limited to 25 feet of sign copy per side.

17. That a consistent architecture theme shall be maintained on all buildings in the commercial center as depicted in the “Riverbend Village Design Guidelines and Engineering Standards” document, and that the center’s gas station, convenience store, car wash, and restaurant with drive-thru lane shall adapt to the architecture theme.
18. That a concrete block masonry wall not less than seven feet in height shall be constructed on the property line where the site adjoins Residential-zoned property. Said wall shall be constructed with the first building permit associated with the project.
19. That a separate Conditional Use Permit shall be obtained for any conditionally-allowed uses that subsequently locate on the site, including future development on Parcel 3 if applicable.
20. That all applicable federal, state, regional, and city policies and ordinances be met.
21. That all of the conditions and responsibilities of Conditional Use Permit No. 2013-25 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
22. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-25.
23. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-054 are hereby incorporated as conditions of this Conditional Use Permit.
24. That this Conditional Use Permit become null and void unless General Plan Amendment No. 2011-14 and Change of Zone No. 2011-15 are approved, and that the effective date of this Conditional Use Permit will begin thirty days after approval of the second reading of the ordinance for Change of Zone No. 2011-15.
25. The monument sign located on Riggins Avenue shall be permitted only upon the construction of Phase 2.
26. That illuminated building signage on the west, south, and east sides of the buildings be placed so as to not allow direct or indirect light of glare from falling upon the adjacent residential properties.
27. That there be no illuminated signage on the south side of the restaurant on Parcel 2 which could be visible from the adjacent residential neighborhood.



Sheet 1 of 2

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80

# RIVERBEND VILLAGE COMMERCIAL CENTER

## SITE PLAN FOR CPA & COZ

GPA 2011-14 COZ 2011-15 SITE PLAN 13-091

Being a portion of the subdivision of District No. 16 of the City of St. Louis, Missouri, known as the River Bend Village Commercial Center, being more particularly described as follows:

City of St. Louis, Missouri  
District No. 16, Subdiv. No. 13-091

OWNER: BRIDGECOURT HOMES L.P.

DEVELOPER: RICHES HOMES INC.  
2011 Bridgeway Blvd., Ste. 103  
Columbia, Missouri 65217

SURVEYOR: FORESTER, WEBER & ASSOCIATES L.L.C.  
1403 N. Grand Blvd.  
St. Louis, Missouri 63104

**NOTES:**

1. ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

2. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

3. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

4. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

5. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

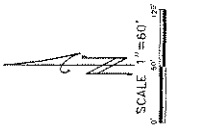
6. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

7. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

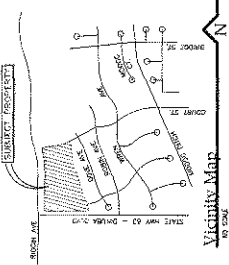
8. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

9. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.

10. ALL DIMENSIONS SHOWN ON THIS PLAN ARE THE CENTERLINE DIMENSIONS UNLESS OTHERWISE SPECIFIED.



- LEGEND**
- PROPOSED BUILDING FOOTPRINT
  - PROPOSED DRIVEWAY
  - PROPOSED PARKING
  - PROPOSED STORM SEWER
  - PROPOSED SANITARY SEWER
  - PROPOSED WATER MAIN
  - PROPOSED GAS MAIN
  - PROPOSED ELECTRIC MAIN
  - PROPOSED CABLE MAIN



SEE SHEET 2

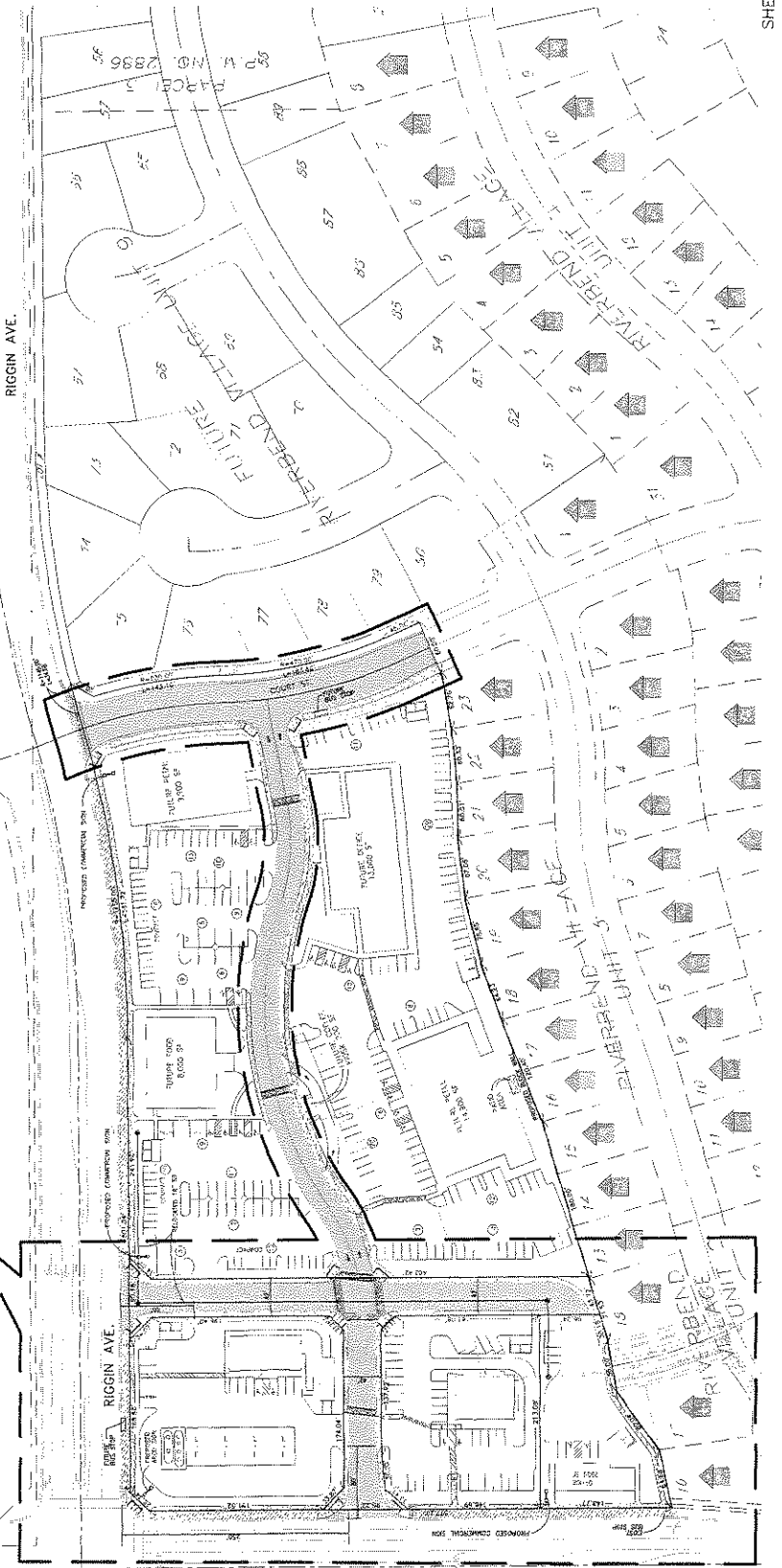


Exhibit "A"

# RIVERBEND VILLAGE COMMERCIAL CENTER SITE PLAN FOR GPA & COZ

GPA 2011-14 COZ 2011-15 SITE PLAN 13-091

## NOTES:

EXISTING CONDITIONS USE:  
 1. 10' WIDE SIDEWALK  
 2. 4' WIDE SIDEWALK  
 3. 8' WIDE SIDEWALK  
 4. 12' WIDE SIDEWALK  
 5. 16' WIDE SIDEWALK  
 6. 20' WIDE SIDEWALK  
 7. 24' WIDE SIDEWALK  
 8. 28' WIDE SIDEWALK  
 9. 32' WIDE SIDEWALK  
 10. 36' WIDE SIDEWALK  
 11. 40' WIDE SIDEWALK  
 12. 44' WIDE SIDEWALK  
 13. 48' WIDE SIDEWALK  
 14. 52' WIDE SIDEWALK  
 15. 56' WIDE SIDEWALK  
 16. 60' WIDE SIDEWALK  
 17. 64' WIDE SIDEWALK  
 18. 68' WIDE SIDEWALK  
 19. 72' WIDE SIDEWALK  
 20. 76' WIDE SIDEWALK  
 21. 80' WIDE SIDEWALK  
 22. 84' WIDE SIDEWALK  
 23. 88' WIDE SIDEWALK  
 24. 92' WIDE SIDEWALK  
 25. 96' WIDE SIDEWALK  
 26. 100' WIDE SIDEWALK

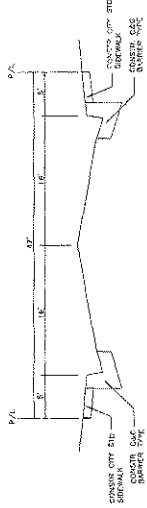
PROPOSED CONDITIONS USE:  
 1. 10' WIDE SIDEWALK  
 2. 4' WIDE SIDEWALK  
 3. 8' WIDE SIDEWALK  
 4. 12' WIDE SIDEWALK  
 5. 16' WIDE SIDEWALK  
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 23. 88' WIDE SIDEWALK  
 24. 92' WIDE SIDEWALK  
 25. 96' WIDE SIDEWALK  
 26. 100' WIDE SIDEWALK

LEGEND:  
 1. 10' WIDE SIDEWALK  
 2. 4' WIDE SIDEWALK  
 3. 8' WIDE SIDEWALK  
 4. 12' WIDE SIDEWALK  
 5. 16' WIDE SIDEWALK  
 6. 20' WIDE SIDEWALK  
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 23. 88' WIDE SIDEWALK  
 24. 92' WIDE SIDEWALK  
 25. 96' WIDE SIDEWALK  
 26. 100' WIDE SIDEWALK

PARCELS:  
 PARCEL 1: 100' WIDE X 100' DEEP  
 PARCEL 2: 100' WIDE X 100' DEEP  
 PARCEL 3: 100' WIDE X 100' DEEP  
 PARCEL 4: 100' WIDE X 100' DEEP  
 PARCEL 5: 100' WIDE X 100' DEEP  
 PARCEL 6: 100' WIDE X 100' DEEP  
 PARCEL 7: 100' WIDE X 100' DEEP  
 PARCEL 8: 100' WIDE X 100' DEEP  
 PARCEL 9: 100' WIDE X 100' DEEP  
 PARCEL 10: 100' WIDE X 100' DEEP  
 PARCEL 11: 100' WIDE X 100' DEEP  
 PARCEL 12: 100' WIDE X 100' DEEP  
 PARCEL 13: 100' WIDE X 100' DEEP  
 PARCEL 14: 100' WIDE X 100' DEEP  
 PARCEL 15: 100' WIDE X 100' DEEP  
 PARCEL 16: 100' WIDE X 100' DEEP  
 PARCEL 17: 100' WIDE X 100' DEEP  
 PARCEL 18: 100' WIDE X 100' DEEP  
 PARCEL 19: 100' WIDE X 100' DEEP  
 PARCEL 20: 100' WIDE X 100' DEEP

NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS NOTED OTHERWISE.

SCALE: 1" = 40'  
 NORTH



X-SECTION INTERIOR DRIVES (TYP)

LEGEND	DESCRIPTION
	10' WIDE SIDEWALK
	4' WIDE SIDEWALK
	8' WIDE SIDEWALK
	12' WIDE SIDEWALK
	16' WIDE SIDEWALK
	20' WIDE SIDEWALK
	24' WIDE SIDEWALK
	28' WIDE SIDEWALK
	32' WIDE SIDEWALK
	36' WIDE SIDEWALK
	40' WIDE SIDEWALK
	44' WIDE SIDEWALK
	48' WIDE SIDEWALK
	52' WIDE SIDEWALK
	56' WIDE SIDEWALK
	60' WIDE SIDEWALK
	64' WIDE SIDEWALK
	68' WIDE SIDEWALK
	72' WIDE SIDEWALK
	76' WIDE SIDEWALK
	80' WIDE SIDEWALK
	84' WIDE SIDEWALK
	88' WIDE SIDEWALK
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	100' WIDE SIDEWALK

DINUBA BLVD - ST. HWY 63

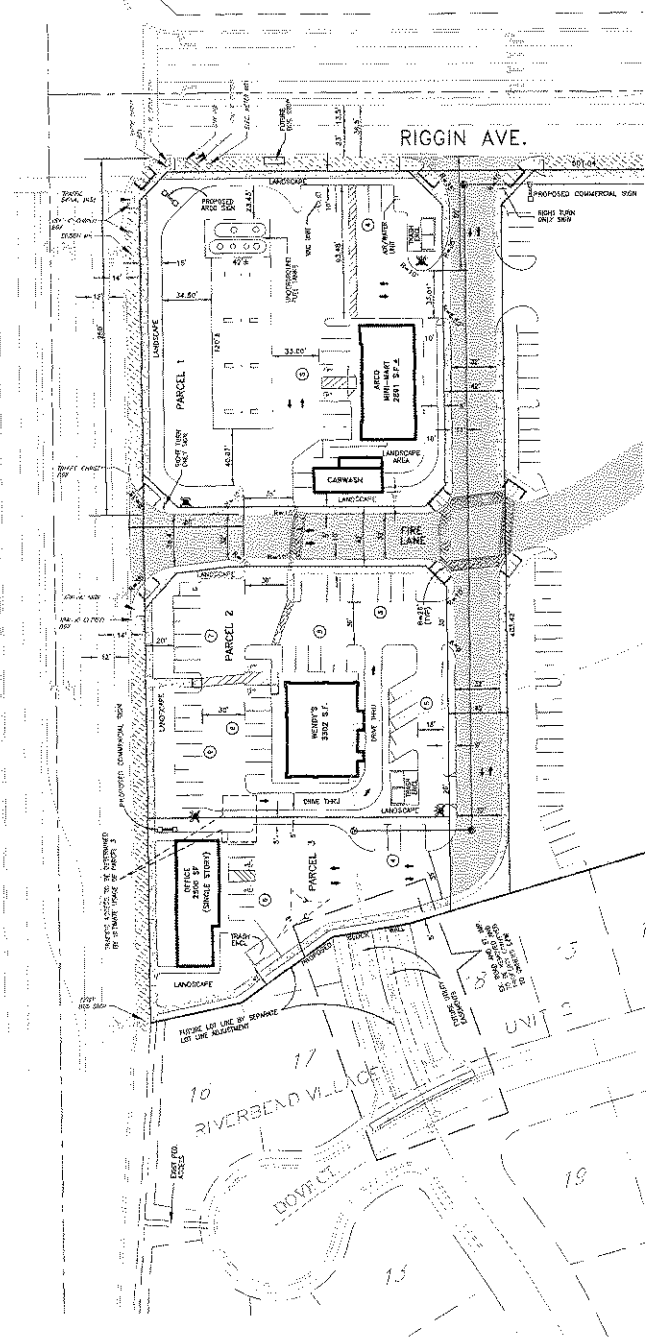


Exhibit "B"

# TENTATIVE PARCEL MAP

Being a portion of the Remainder parcel of Riverhead Village Unit 3 as per Parcel Map No. 2885, P.M. No. 2885, M.B. 244, in the City of Visalia, County of Tulare, State of California.

January, 2013

**OWNER:** BRIDGECOURT HOMES L.P.

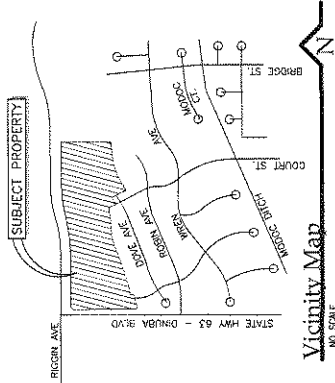
**DEVELOPER:** HUGHES HOMES INC.  
2001 Financial Way, Ste. 103  
Glendora, California, 91741

**SURVEYOR:** FORESTER, WEBER & ASSOCIATES L.L.C.  
1620 W. Main Street, Suite B  
Visalia, California 93291  
(559) 732-0102

**NOTES:**  
1. EXISTING PROPERTY USE: COMMERCIAL/C-OH OR C-SO/PROPOSED DESIGN DISTRICT B  
2. PROPOSED PROPERTY USE: COMMERCIAL/C-OH OR C-SO/PROPOSED DESIGN DISTRICT B

**ZONING:** R-1-B  
**WATER:** CALIFORNIA WATER SERVICE  
**SEWER:** CITY OF VISALIA  
**STORM DRAIN:** CITY OF VISALIA  
**ELECTRICITY:** SO. CAL EDISON  
**GAS:** SO. CAL GAS  
**FLOOD ZONE:** X

**AREAS:**  
PARCEL 1 - 1.13 AC.±  
PARCEL 2 - 0.85 AC.±  
PARCEL 3 - 0.54 AC.±  
REMANINDER-A - 6.01 AC.±  
REMANINDER-B - 6.67 AC.±  
**TOTAL - 18.47 AC.±**



**Vicinity Map**  
NO SCALE

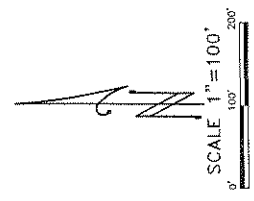
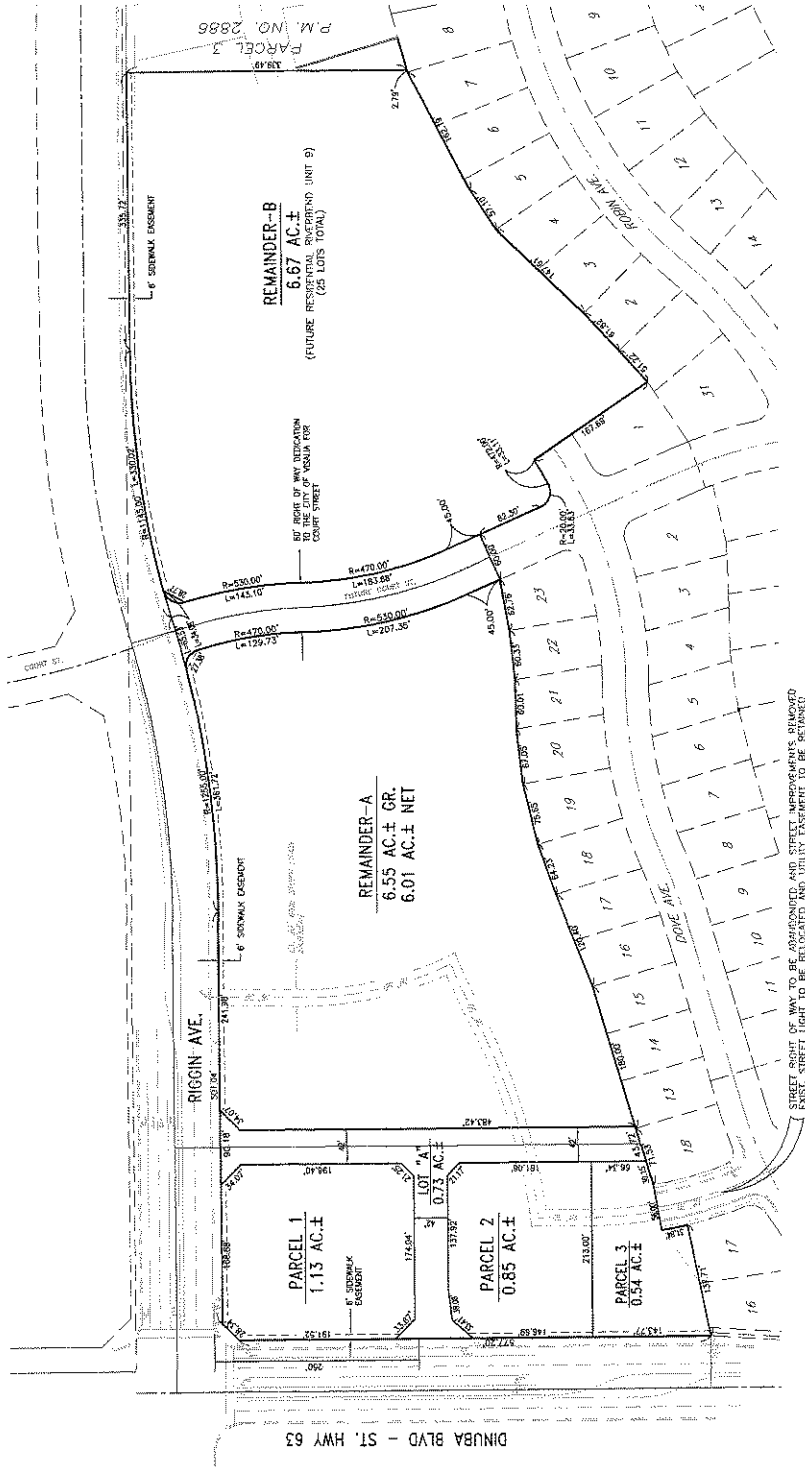


Exhibit "C"

**bp** **ARCO** **BAGHAUSEN & SON ENGINEERING CORP.**

2000 MDC  
2000 ANTIWASH CLOSTRE  
8 MPD CANOPY  
2XWB CAR WASH

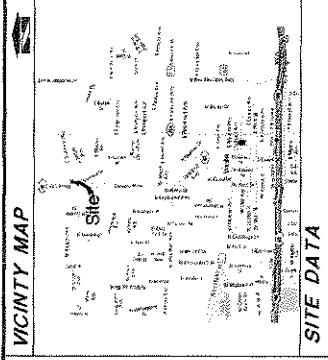
DINUBA BLVD. @  
NORTH BRIDGE  
MILL LANE

NTI

MDC 15094

PRELIMINARY  
SITE PLAN

**SP.1**



**SITE DATA**

**ZONING**  
INDUSTRIAL USE  
SINGLE-FAMILY RESIDENTIAL

NEW TO INDUSTRY, CANOPY AND CLOSTRE 15.12.00  
48,379 S.F. (1.12 ACRES)  
CONTROLLED DISTRICT  
50' FRONT SETBACK  
10' SIDE SETBACK  
10' REAR SETBACK  
5' SIDE SETBACK  
5' REAR SETBACK

**PARKING DATA**  
REQUIREMENTS:  
1. 1.5 SPACES PER 1,000 S.F.  
2. 1.5 SPACES PER 1,000 S.F.  
3. 1.5 SPACES PER 1,000 S.F.

**BUILDING DATA**  
TOTAL BUILDING AREA: 1,000 S.F.  
TOTAL CANOPY AREA: 1,000 S.F.  
TOTAL CAR WASH AREA: 1,000 S.F.  
TOTAL SITE AREA: 1,000 S.F.

**CONTACT INFORMATION**  
PROJECT ENGINEER: [Name]  
ARCHITECT: [Name]  
ENGINEER: [Name]

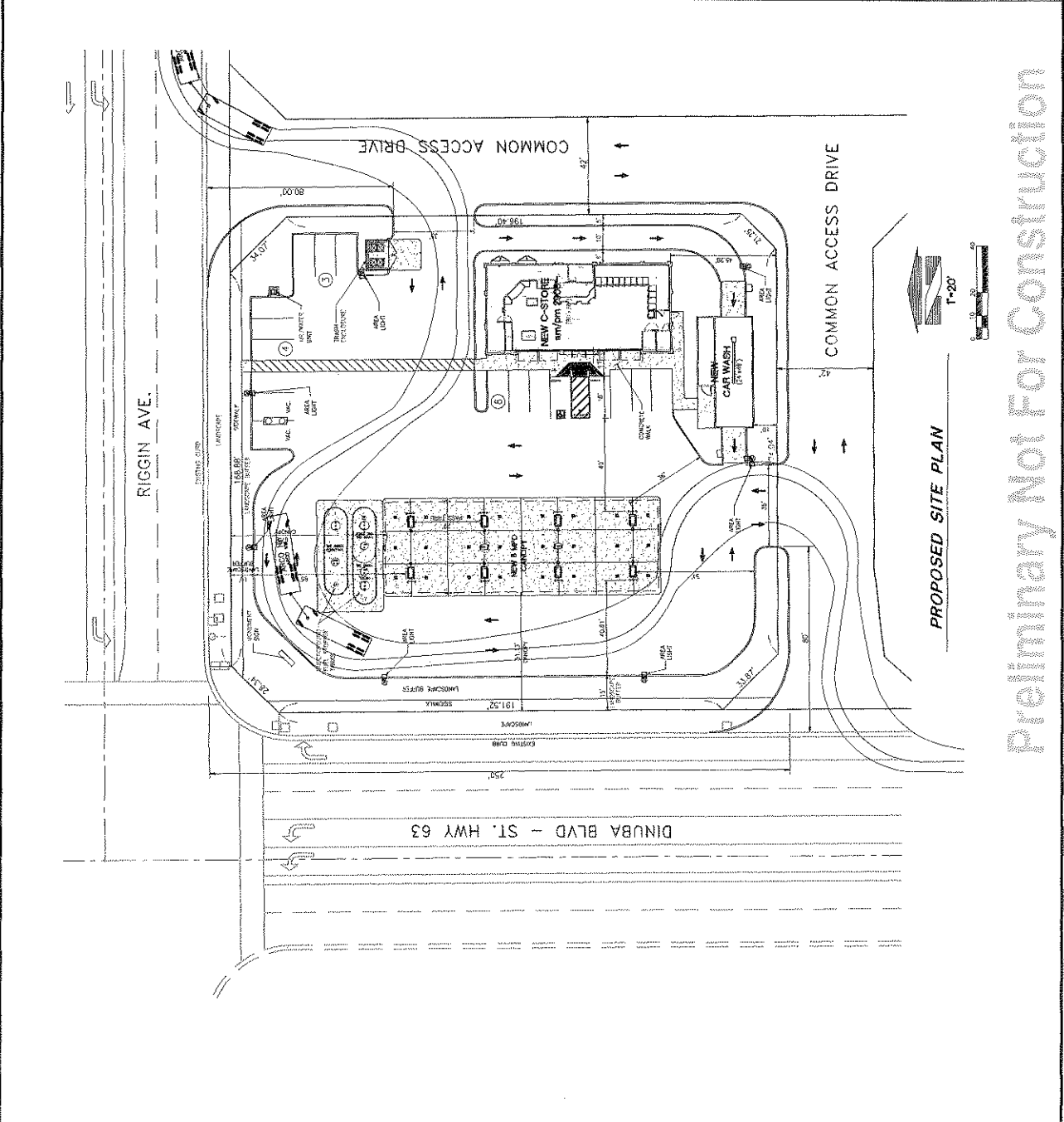
**SHEET INDEX**

1.0 SITE PLAN  
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50.0 SITE PLAN

**ARCD005'**  
1.00' 1.50' 2.00' 2.50' 3.00' 3.50' 4.00' 4.50' 5.00' 5.50' 6.00' 6.50' 7.00' 7.50' 8.00' 8.50' 9.00' 9.50' 10.00'

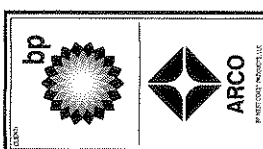
THIS PLAN AS SHOWN HAS BEEN APPROVED BY THE TRANSPORTATION DIVISION OF THE CALIFORNIA HIGHWAYS DEPARTMENT ON DATE: JULY 20, 2001

THE INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN AUTHORIZATION OF THE ENGINEER.



**EXHIBIT D**

Preliminary Not For Construction



CLIENT: 2000 MDC  
 2000 AMTRAC STORE  
 8 INFO CANOPY  
 24MB CAR WASH

PROJECT LOCATION: 15000 W. DOWNEY AVENUE, DENVER, CO 80244

DATE: 10/15/03

SCALE: 1/8" = 1'-0"

PROJECT NO: 10044

DATE: 10/15/03

DESIGNED BY: [Name]

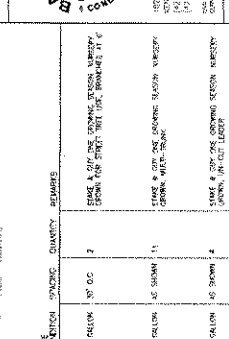
CHECKED BY: [Name]

APPROVED BY: [Name]

**THIS SHEET IS FOR INFORMATION ONLY**

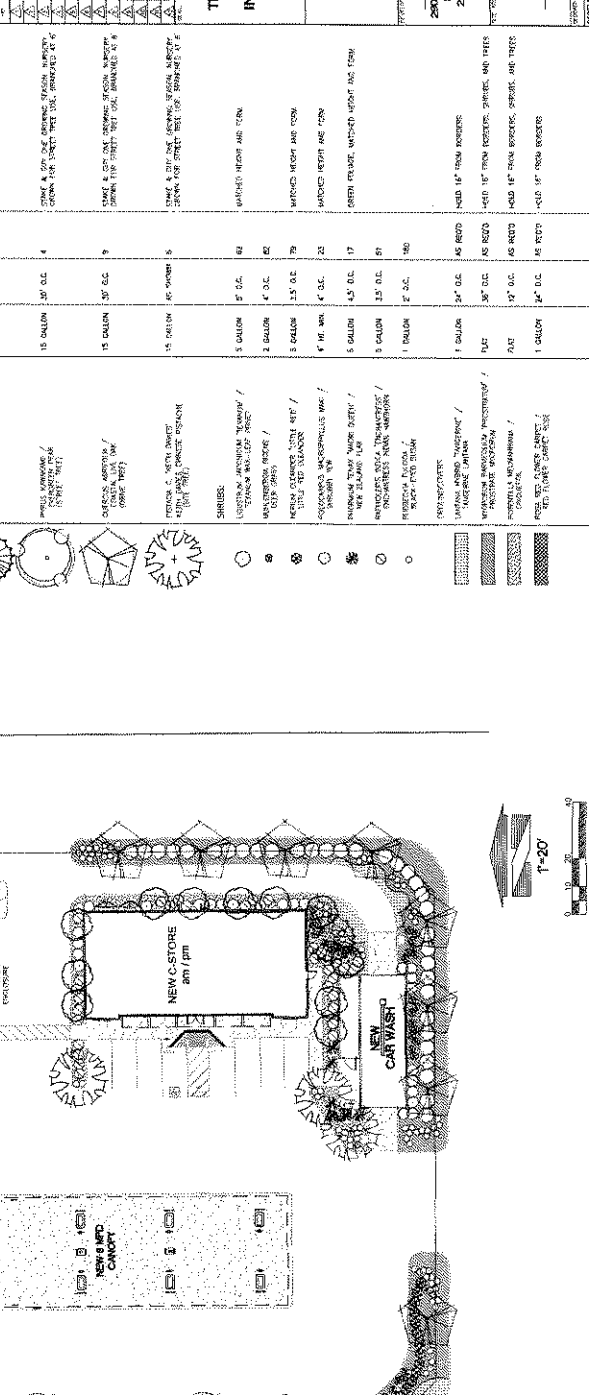
**PRELIMINARY LANDSCAPE PLAN**

**L.1**



**LANDSCAPE PLANT MATERIAL LEGEND**

SYMBOL	SCIENTIFIC / COMMON NAME	HEIGHT	SPACING	QUANTITY	REMARKS
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	7	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	11	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	4	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	4	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	9	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	5	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	81	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	82	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	79	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	23	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	17	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	51	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	80	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	86	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	88	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	89	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	90	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	91	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	92	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	93	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	94	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	95	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	96	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	97	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	98	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	99	PLANT FOR PERM. TRAIL USE, BURNING BUSH
[Symbol]	SPRING BURNING BUSH / SPRING BURNING BUSH	15' GALOON	10' O.C.	100	PLANT FOR PERM. TRAIL USE, BURNING BUSH



**PROPOSED LANDSCAPE PLAN**

**Preliminary Not For Construction**

Exhibit "E"



**BARGHAUSEN**  
 CONTRACTORS  
 10000 18th Avenue SW  
 Everett, WA 98203-4433  
 (425) 352-5100  
 FAX: (425) 352-5101  
 WWW.BARGHAUSEN.COM

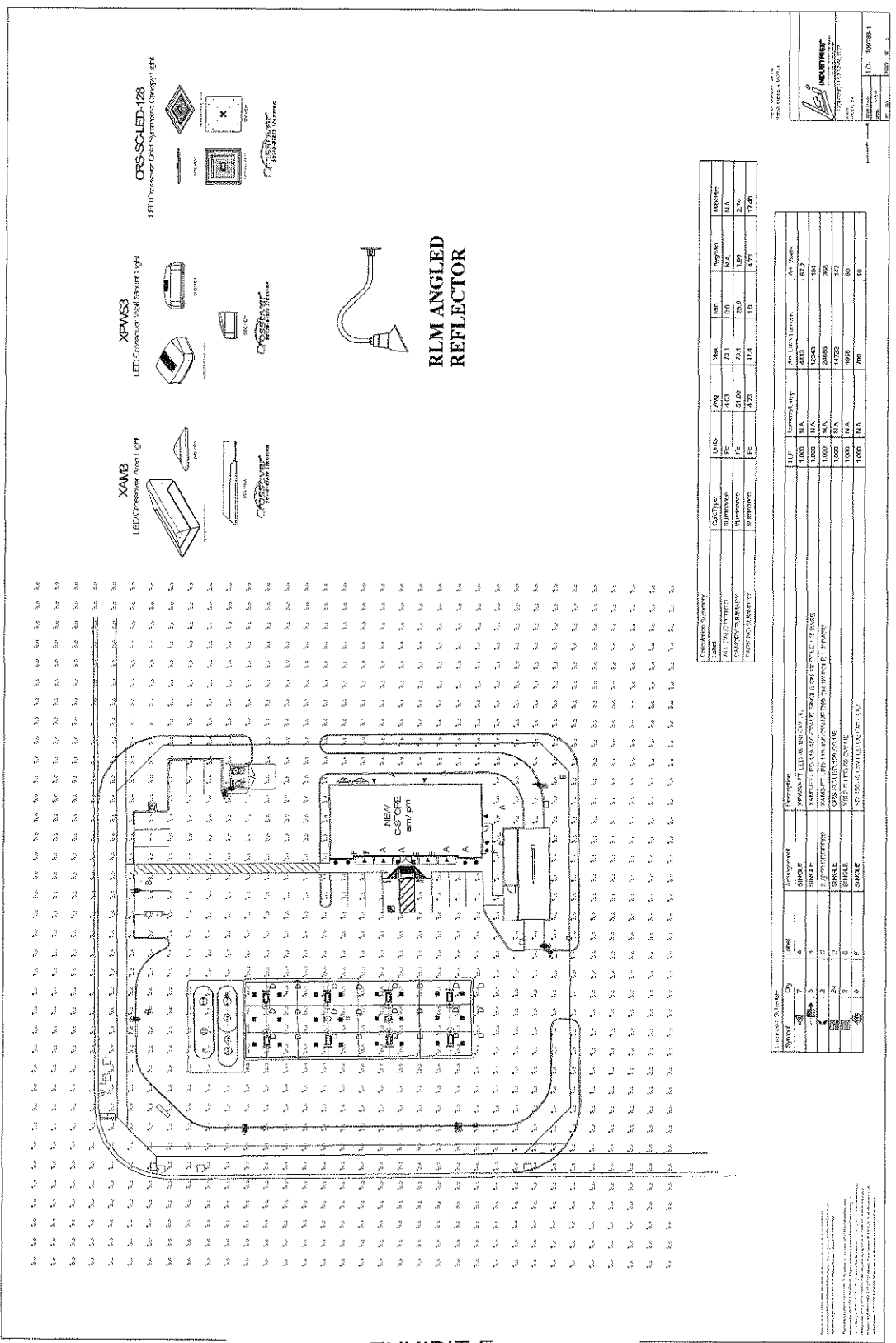
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2	REVISED FOR PERMITS	10/20/10	...	...
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4	REVISED FOR PERMITS	10/20/10	...	...
5	REVISED FOR PERMITS	10/20/10	...	...
6	REVISED FOR PERMITS	10/20/10	...	...
7	REVISED FOR PERMITS	10/20/10	...	...
8	REVISED FOR PERMITS	10/20/10	...	...
9	REVISED FOR PERMITS	10/20/10	...	...
10	REVISED FOR PERMITS	10/20/10	...	...

**THIS SHEET IS FOR INFORMATION ONLY**

**2000 BDC 2500 JAWIT STORE 20008 CAR WASH**

PROJECT NO.	100001010
DATE	10/20/10
SCALE	AS SHOWN
DATE	10/20/10
DATE	10/20/10
DATE	10/20/10
DATE	10/20/10
DATE	10/20/10
DATE	10/20/10
DATE	10/20/10
DATE	10/20/10

**PH1.0**



**CPS-SCLED-128**  
 LED Concrete Cast Systematic Ceiling Light

**XPWS3**  
 LED Concrete Wall Mount Light

**XAMB**  
 LED Concrete Mount Light

**RLM ANGLED REFLECTOR**

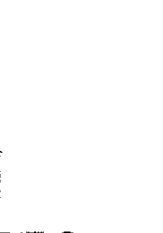
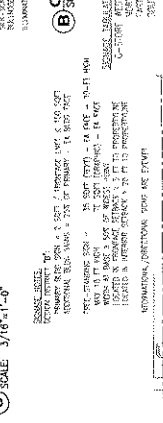
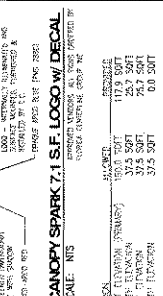
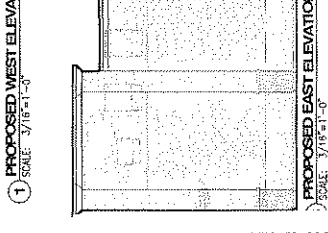
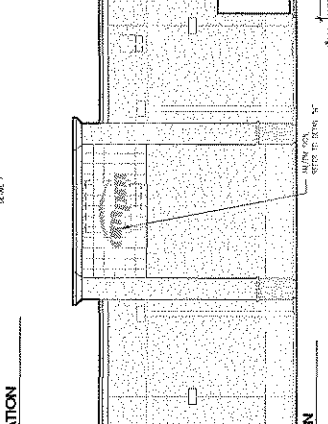
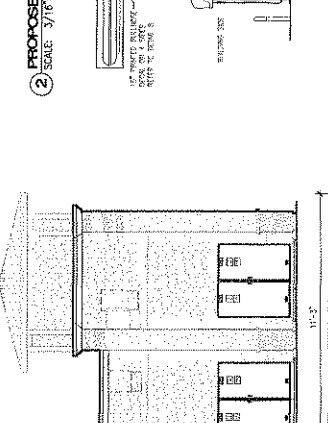
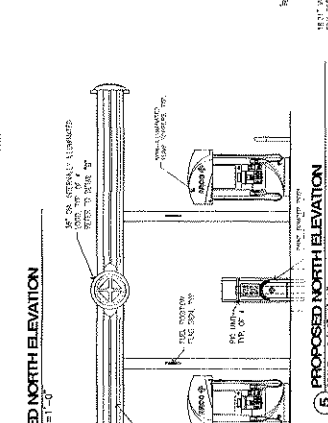
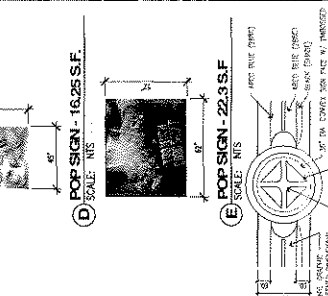
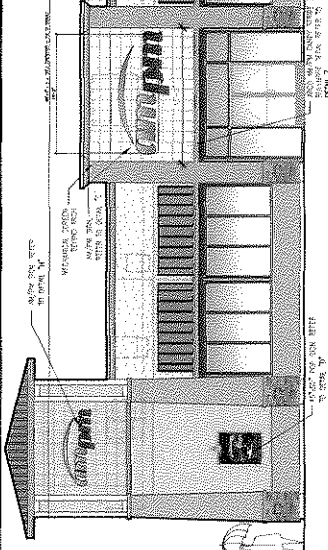
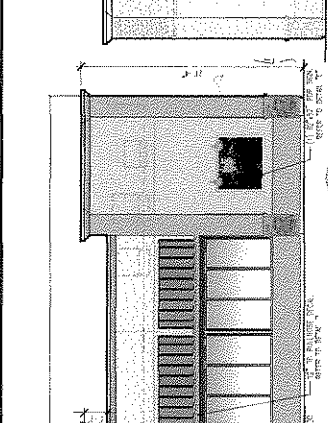
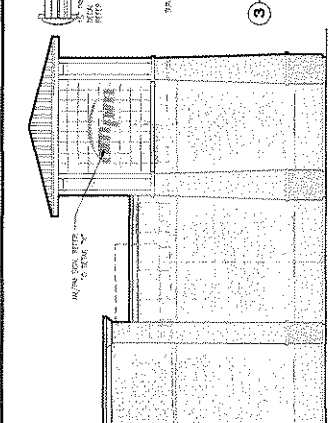
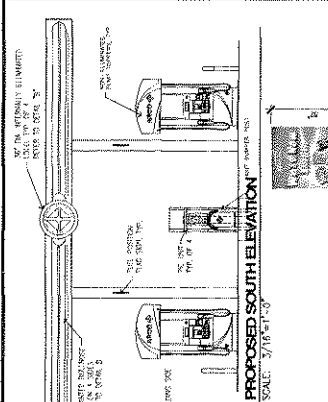
TYPE	QTY	AVG	FIN	APPLY	REMARKS
PERMITS	1.00	70.1	0.0	N/A	
PERMITS	1.00	21.1	25.6	1.00	2.74
PERMITS	1.00	17.4	1.0	4.75	17.40

CONCRETE	AVG	FIN	APPLY	REMARKS
PERMITS	1.00	70.1	0.0	N/A
PERMITS	1.00	21.1	25.6	1.00
PERMITS	1.00	17.4	1.0	4.75

LEVEL	AREA	PERMITS	FIN	APPLY	REMARKS
1	1000	1.00	70.1	0.0	N/A
2	1000	1.00	21.1	25.6	1.00
3	1000	1.00	17.4	1.0	4.75

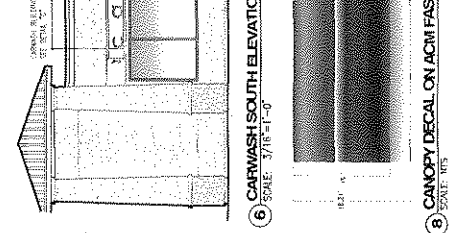
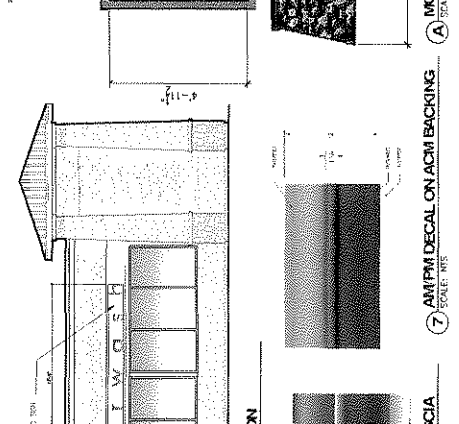
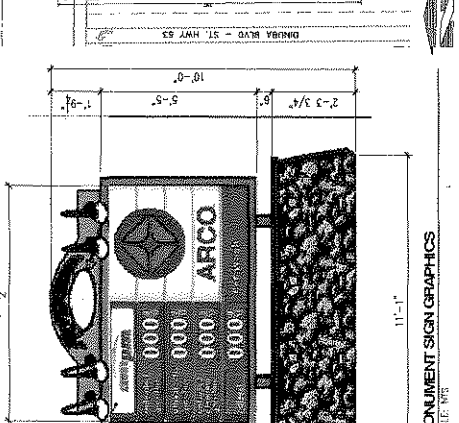
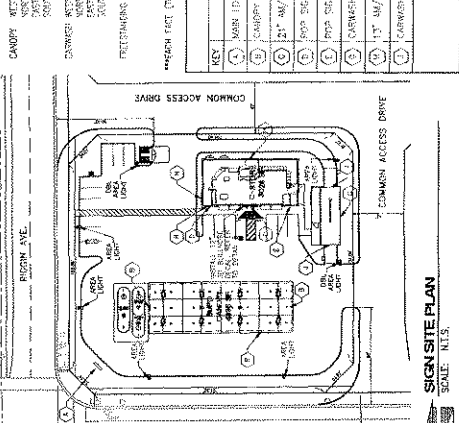
**Preliminary Not For Construction**

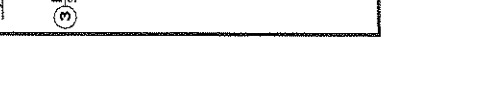
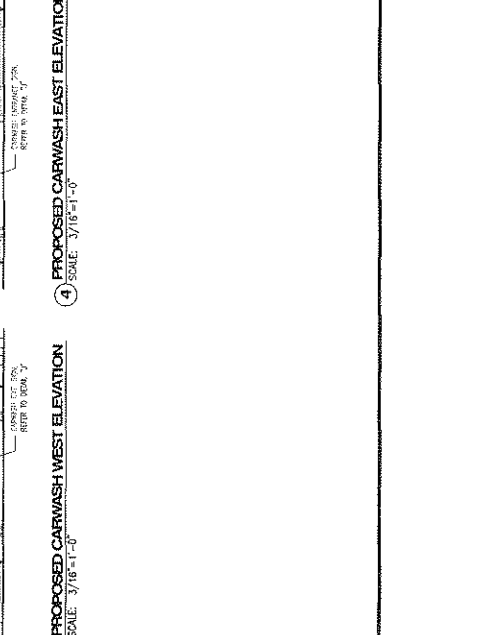
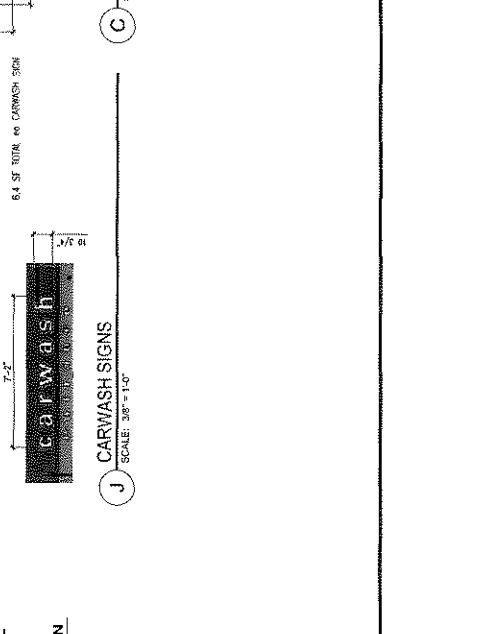
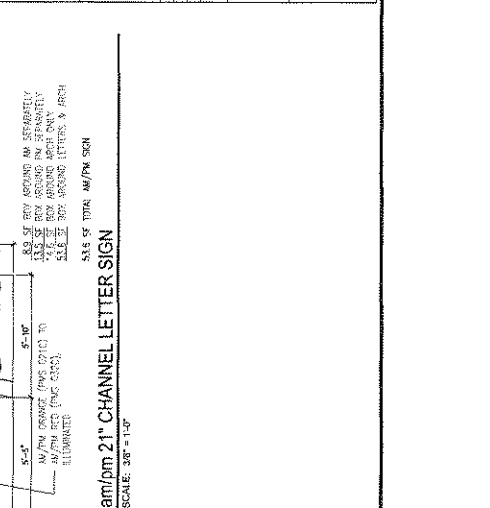
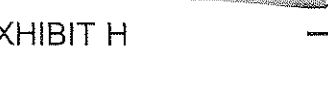
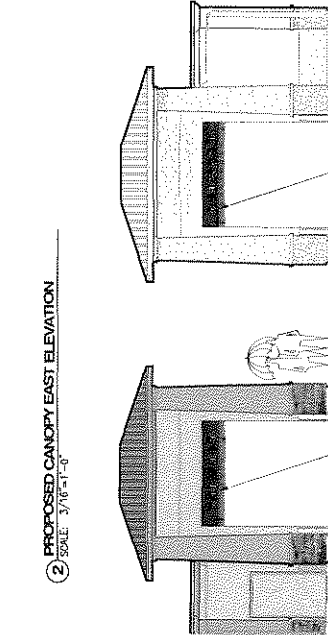
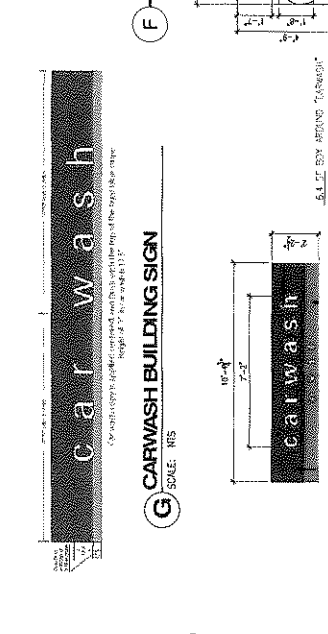
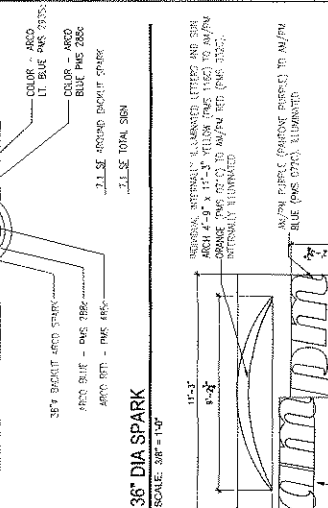
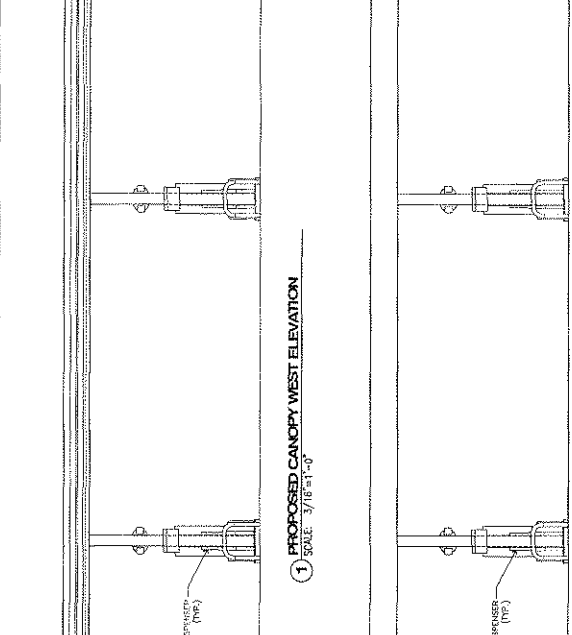
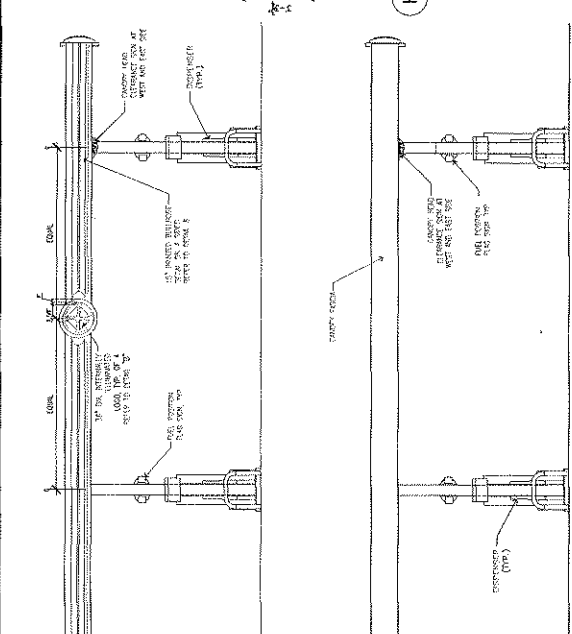
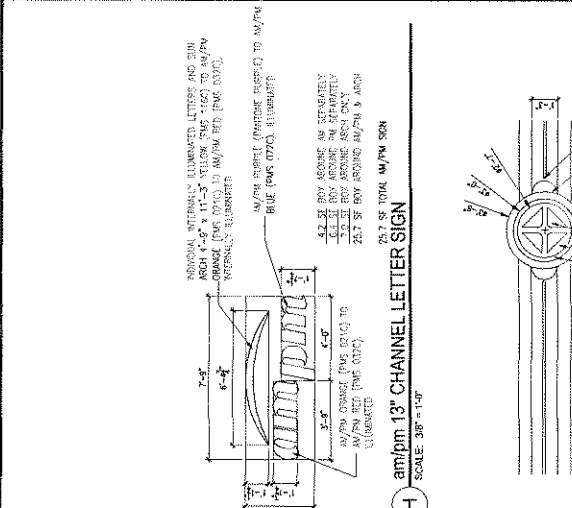
EXHIBIT F



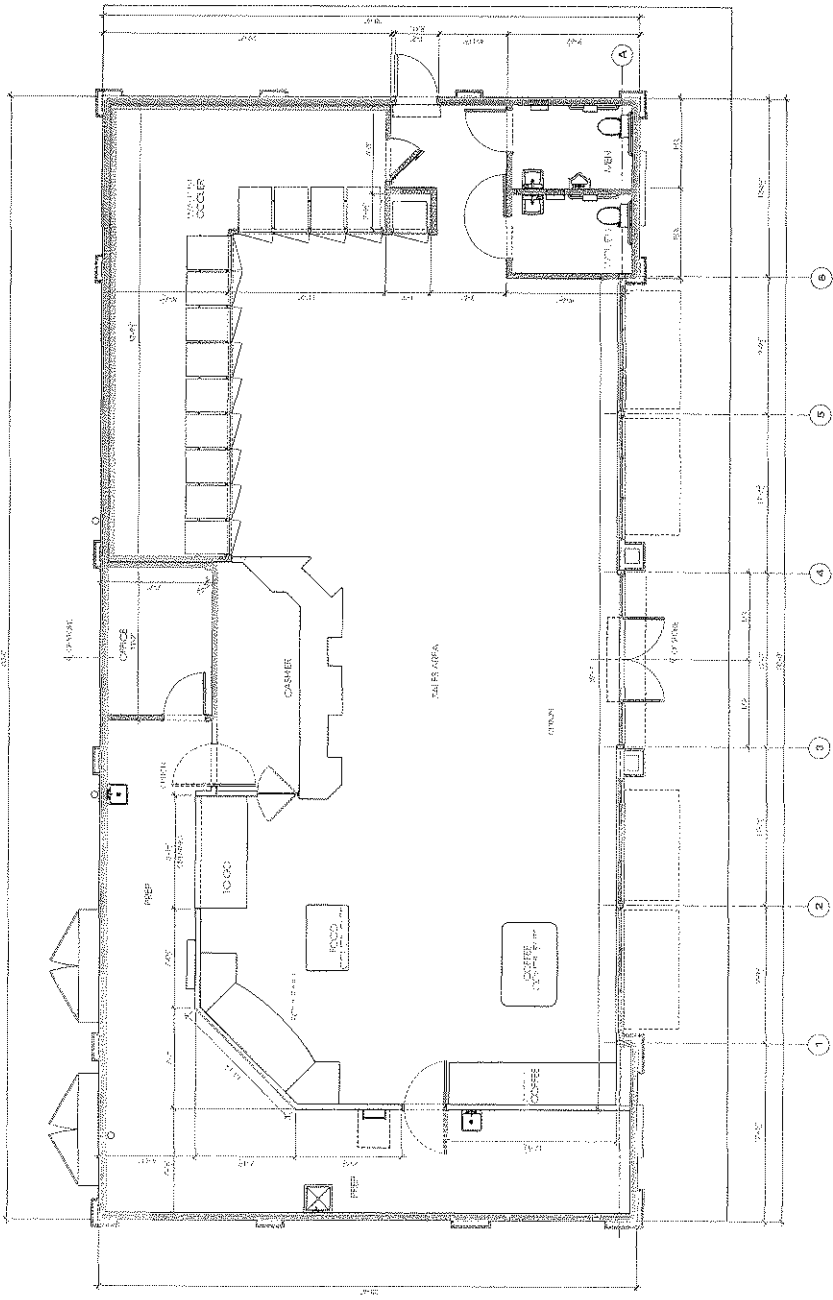
**SITE SIGNAGE TABLE**

KEY	SIGN	QTY	AREA
(A)	MONUMENT SIGN GRAPHICS	1	83.0 SF
(B)	CANOPY SPARK (7.1 SF LOGO)	3	21.3 SF
(C)	21" AM/FM CHANNEL LETTERS (43.6 SF ea.)	1	43.6 SF
(D)	POP SIGN (16.25 SF)	1	16.3 SF
(E)	POP SIGN (22.3 SF)	1	22.3 SF
(F)	CANOPY SIGNAGE (25.2 SF ea.)	3	75.6 SF
(G)	CANOPY DECAL ON ACM FASCIA	2	12.8 SF
<b>TOTAL</b>			<b>311.5 SF</b>







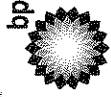


USE	SQ. FT.	FACTOR	OCCUPANCY LOAD
SALES AREA	1,282	30	42.7
OFFICE	87	30	2.9
RESTROOM	98	30	3.3
COFFEE	452	30	15.1
FOOD	20	30	0.7
CASHIER	20	30	0.7
<b>TOTAL OCCUPANCY</b>			<b>66.4</b>

DESIGNER: [Name]  
DATE: [Date]

1 DESIGN FLOOR PLAN  
1/4"=1'-0"

Preliminary Not For Construction



10714 PINE GROVE RD  
 27474, NC 27022  
 336-221-4333  
 FAX: 336-221-4333  
 WWW.BAGHAUSEN.COM

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50
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**THIS SHEET IS FOR INFORMATION ONLY**

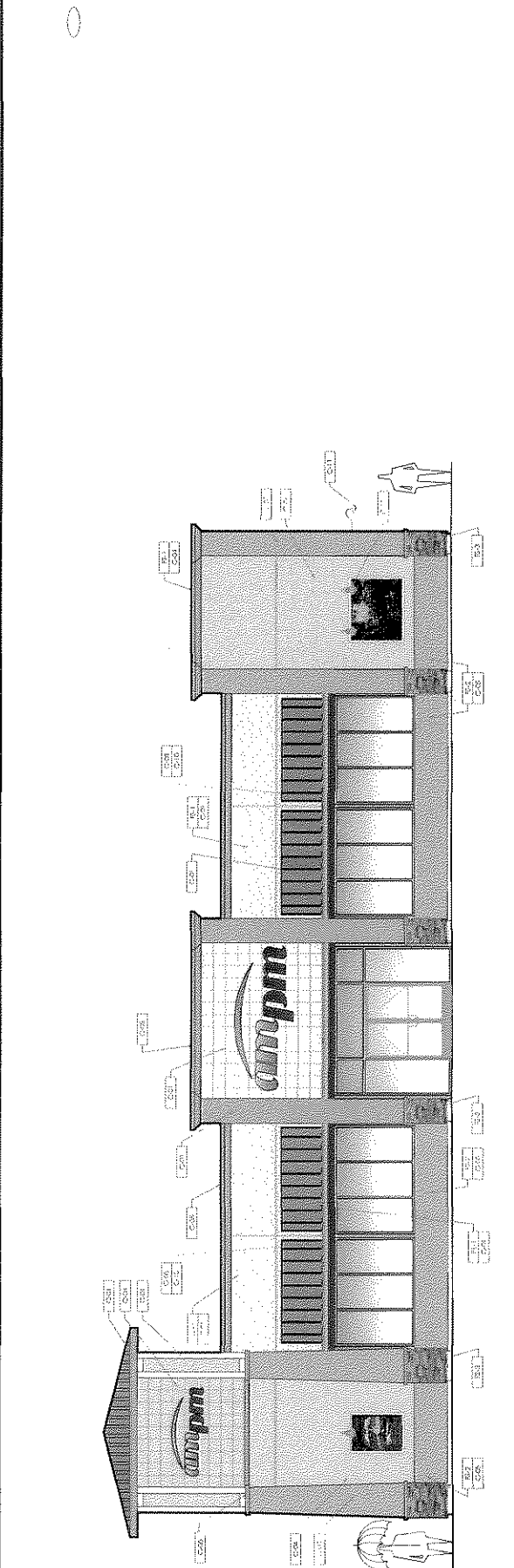
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 2800 AMFM STORE  
 8 MFD CANOPY  
 28481 CAR WASH

2800 MDC  
 2800 AMFM STORE  
 8 MFD CANOPY  
 28481 CAR WASH

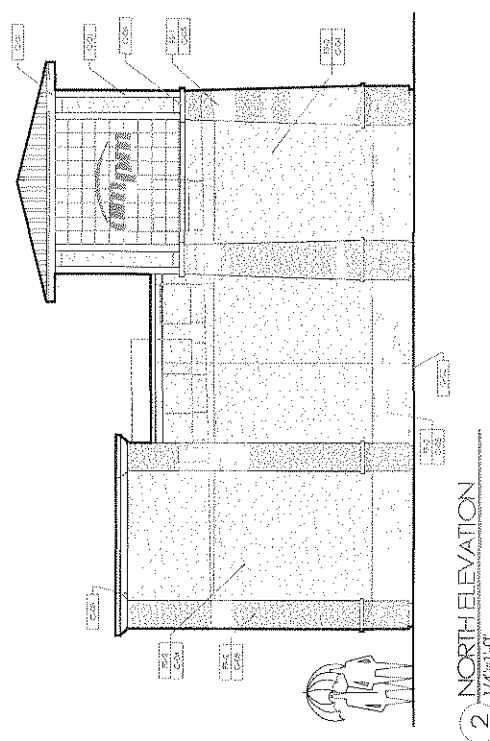
2800 MDC  
 2800 AMFM STORE  
 8 MFD CANOPY  
 28481 CAR WASH

2800 MDC  
 2800 AMFM STORE  
 8 MFD CANOPY  
 28481 CAR WASH

2800 MDC  
 2800 AMFM STORE  
 8 MFD CANOPY  
 28481 CAR WASH



1 WEST ELEVATION  
 1/4\"/>



2 NORTH ELEVATION  
 1/4\"/>

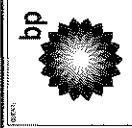
**EXTERIOR FINISHES:**

- E-1. CONCRETE
- E-2. BRICK
- E-3. STUCCO
- E-4. METAL PANELING
- E-5. GLASS
- E-6. WOOD
- E-7. VINYL
- E-8. OTHER

**EXTERIOR PAINTS:**

- P-1. BROWN
- P-2. TAN
- P-3. GREY
- P-4. WHITE
- P-5. BLACK
- P-6. RED
- P-7. BLUE
- P-8. GREEN
- P-9. PURPLE
- P-10. YELLOW
- P-11. ORANGE
- P-12. PINK
- P-13. SILVER
- P-14. GOLD
- P-15. COPPER
- P-16. BRASS
- P-17. ALUMINUM
- P-18. CHROME
- P-19. ENAMEL
- P-20. EPOXY
- P-21. POLYURETHANE
- P-22. SILICONE
- P-23. FLUOROPOLYMER
- P-24. OTHER

Preliminary Not For Construction



18745 PINE RIDGE DRIVE  
 KENNESAW, WA 98148  
 (206) 334-8222  
 (206) 334-8555 FAX  
 WWW.BAGHAUSEN.COM

NO. 1	SECTION	DATE
1	SECTION	DATE
2	SECTION	DATE
3	SECTION	DATE
4	SECTION	DATE
5	SECTION	DATE
6	SECTION	DATE
7	SECTION	DATE
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27	SECTION	DATE
28	SECTION	DATE
29	SECTION	DATE
30	SECTION	DATE

THIS SHEET IS FOR INFORMATION ONLY

2500 NDC  
 2600 AMTRM CUSTCR  
 8 MPD CANKOY  
 20485 CAP WASH

DINUBA BLDG @  
 18000 AMTRM  
 18000 AMTRM

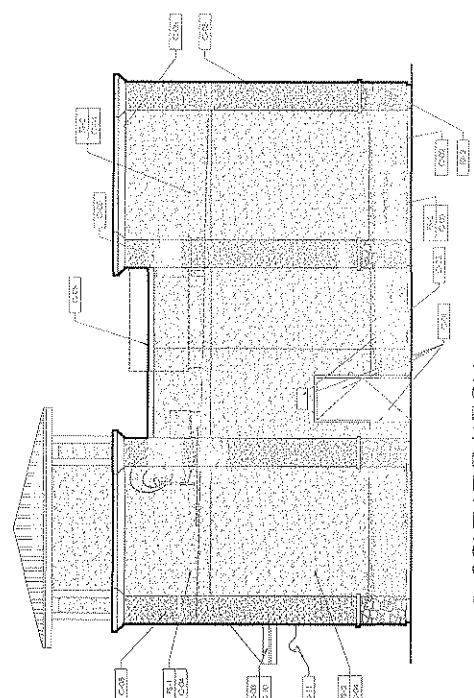
NTI

NDC 18544  
 EAST & SOUTH ELEVATIONS

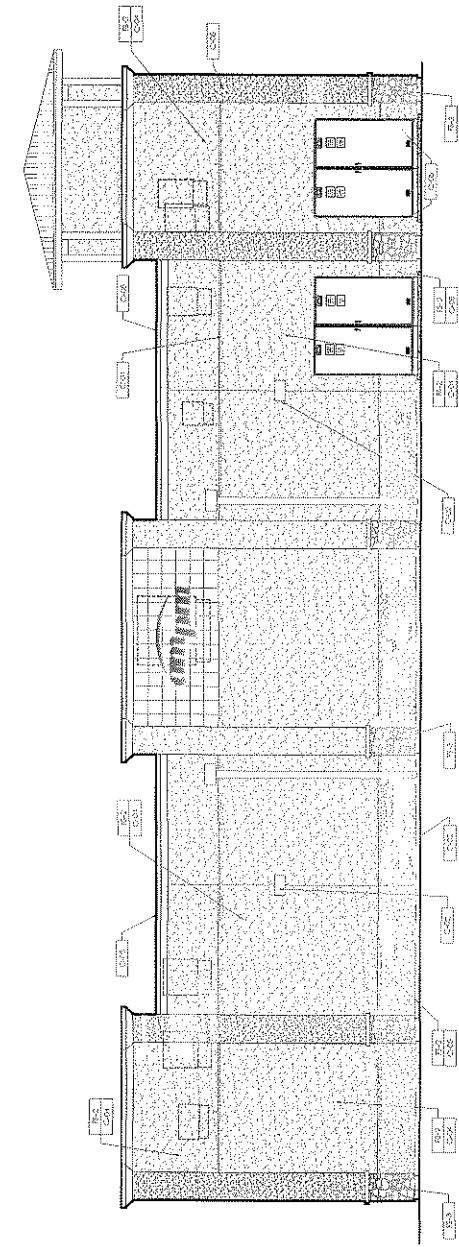
A2.2

EXTERIOR FINISHES:  
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 [R2] 1/2" POLYURETHANE  
 [R3] 1/2" POLYURETHANE  
 [R4] 1/2" POLYURETHANE  
 [R5] 1/2" POLYURETHANE  
 [R6] 1/2" POLYURETHANE  
 [R7] 1/2" POLYURETHANE  
 [R8] 1/2" POLYURETHANE  
 [R9] 1/2" POLYURETHANE  
 [R10] 1/2" POLYURETHANE  
 [R11] 1/2" POLYURETHANE  
 [R12] 1/2" POLYURETHANE  
 [R13] 1/2" POLYURETHANE  
 [R14] 1/2" POLYURETHANE  
 [R15] 1/2" POLYURETHANE  
 [R16] 1/2" POLYURETHANE  
 [R17] 1/2" POLYURETHANE  
 [R18] 1/2" POLYURETHANE  
 [R19] 1/2" POLYURETHANE  
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 [R25] 1/2" POLYURETHANE  
 [R26] 1/2" POLYURETHANE  
 [R27] 1/2" POLYURETHANE  
 [R28] 1/2" POLYURETHANE  
 [R29] 1/2" POLYURETHANE  
 [R30] 1/2" POLYURETHANE

EXTERIOR PAINTS:  
 [C1] 1/2" POLYURETHANE  
 [C2] 1/2" POLYURETHANE  
 [C3] 1/2" POLYURETHANE  
 [C4] 1/2" POLYURETHANE  
 [C5] 1/2" POLYURETHANE  
 [C6] 1/2" POLYURETHANE  
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 [C9] 1/2" POLYURETHANE  
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 [C26] 1/2" POLYURETHANE  
 [C27] 1/2" POLYURETHANE  
 [C28] 1/2" POLYURETHANE  
 [C29] 1/2" POLYURETHANE  
 [C30] 1/2" POLYURETHANE



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

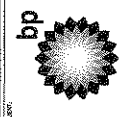


2 EAST ELEVATION  
 1/4"=1'-0"

Preliminary Not For Construction







19915 20th Street, Suite 2000  
 Venice, CA 90291  
 (310) 321-8333  
 (310) 321-8334  
 FAX: (310) 321-8335  
 www.baghausen.com

1	1/4" = 1'-0"
2	1/4" = 1'-0"
3	1/4" = 1'-0"
4	1/4" = 1'-0"

THIS SHEET IS FOR INFORMATION ONLY

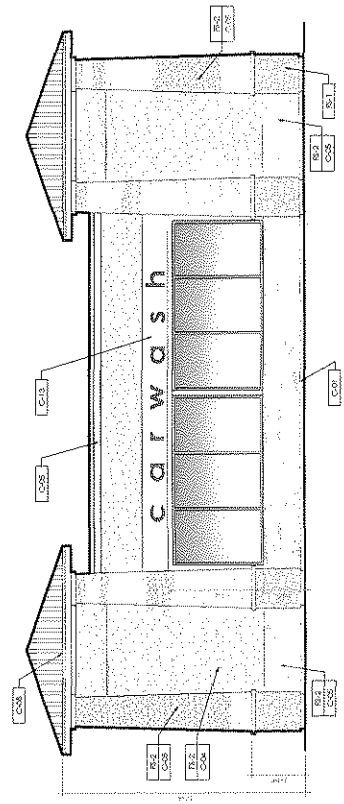
2800 MDC  
 2800 AM/FM STORE  
 8 MPD CANOPY  
 24HR CAR WASH

BY: [Signature]  
 DATE: 11/11/11

PROJECT: 2800 MDC  
 SHEET: MDC-18344

EXTERIOR ELEVATIONS

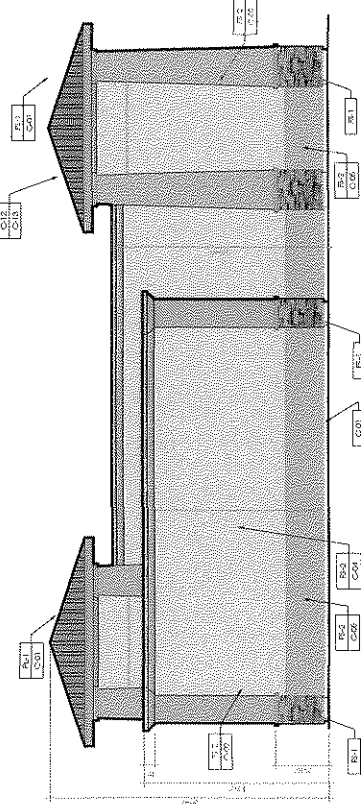
CW2.1



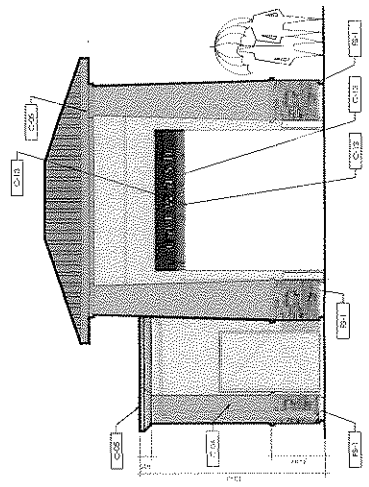
2 SOUTH ELEVATION - CARWASH  
 1/4" = 1'-0"

- EXTERIOR FINISHES:**
- R-1. 1/2" GYPSUM BOARD
  - R-2. 1/2" GYPSUM BOARD
  - R-3. 1/2" GYPSUM BOARD

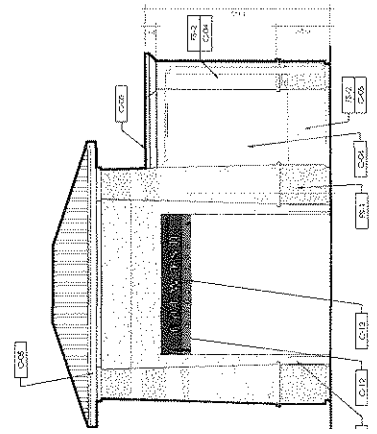
- EXTERIOR PAINTS:**
- C-1. [Color Name]
  - C-2. [Color Name]
  - C-3. [Color Name]
  - C-4. [Color Name]



4 NORTH ELEVATION - EQUIPMENT ROOM  
 1/4" = 1'-0"



1 WEST (EXIT) ELEVATION  
 1/4" = 1'-0"



3 EAST (ENTRANCE) ELEVATION  
 1/4" = 1'-0"

EXHIBIT N

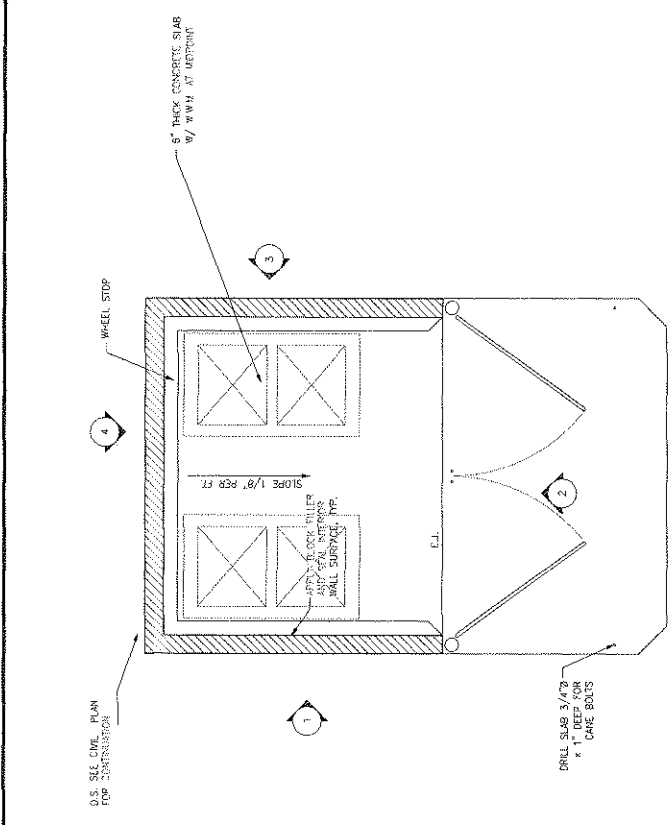
Preliminary Not For Construction

3000 MDC  
2000 AMTRM C/STOPE  
8 MFD CANOPY  
2400R CAR WASH

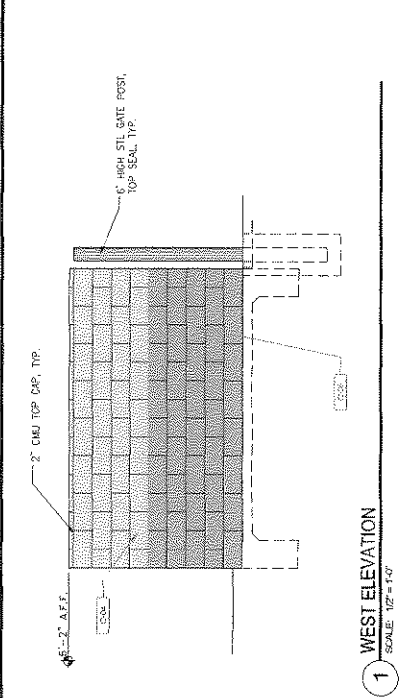
2000 MDC  
2000 AMTRM C/STOPE  
8 MFD CANOPY  
2400R CAR WASH

2000 MDC  
2000 AMTRM C/STOPE  
8 MFD CANOPY  
2400R CAR WASH

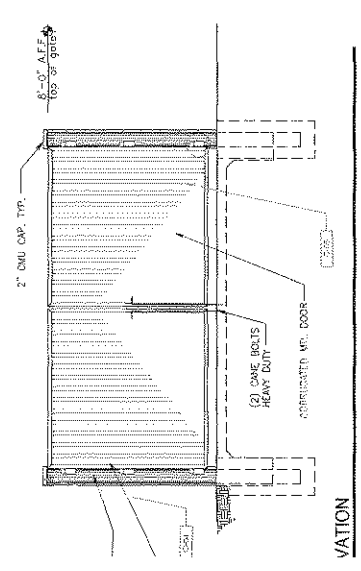
**THIS SHEET IS FOR INFORMATION ONLY**



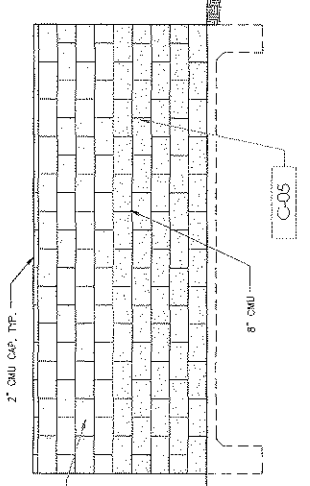
**5 TRASH ENCLOSURE PLAN**  
SCALE: 1/2" = 1'-0"



**1 WEST ELEVATION**  
SCALE: 1/2" = 1'-0"



**4 NORTH ELEVATION**  
SCALE: 1/2" = 1'-0"



**3 EAST ELEVATION**  
SCALE: 1/2" = 1'-0"

**EXTERIOR PAINTS:**  
 1. EXTERIOR WALLS  
 2. EXTERIOR ROOF  
 3. EXTERIOR FLOOR

EXHIBIT O

Primary Not For Construction  
 TRASH ENCLOSURE  
**TE1**

## OPERATIONAL STATEMENT FOR ARCO AM/PM

The Arco am/pm convenience store along with the gasoline dispensers will be operating 24 hours. In addition, the proposed car wash facility will also be open for 24 hours.





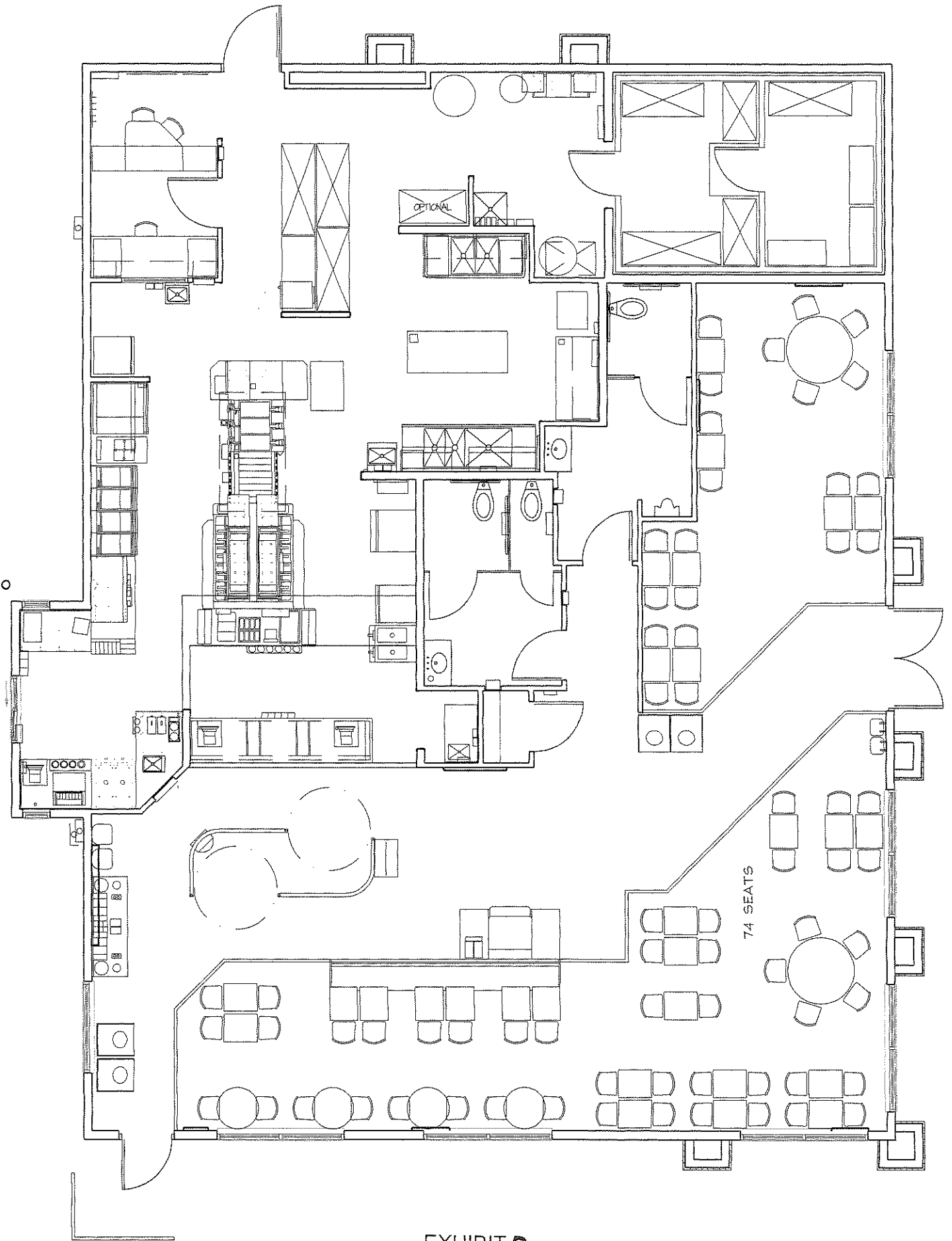


EXHIBIT R

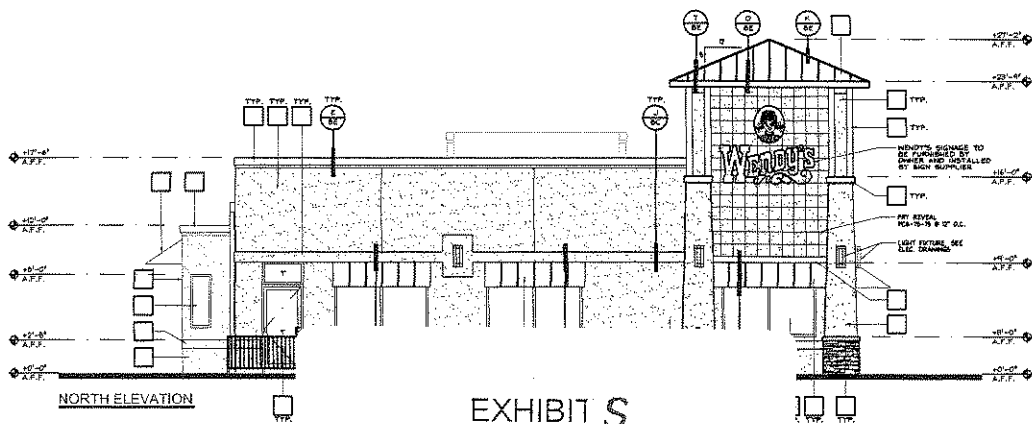
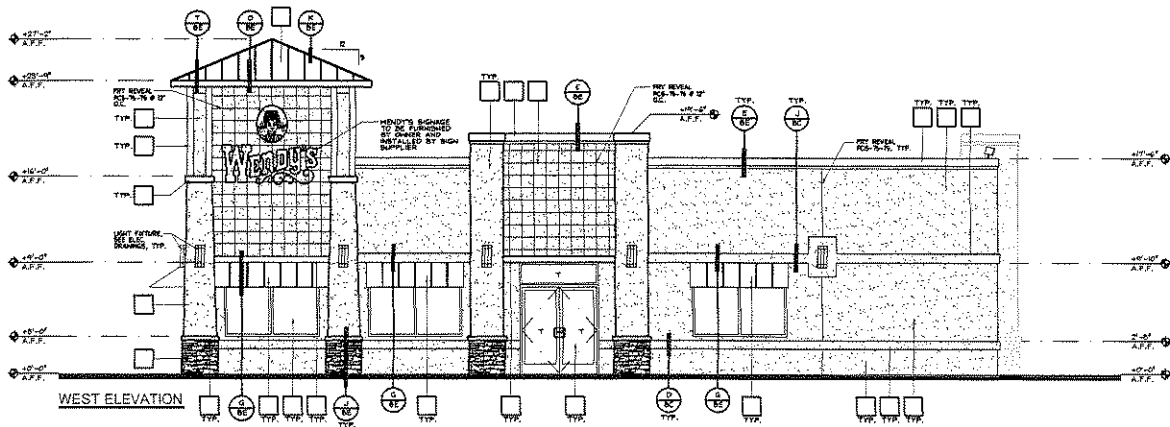
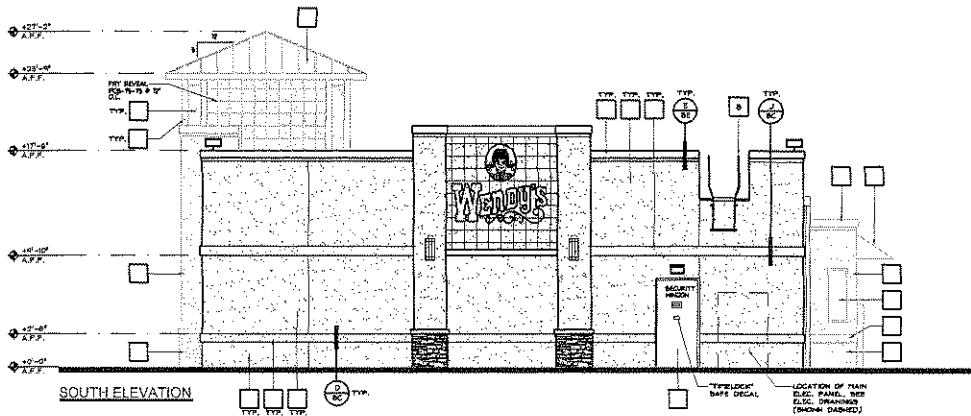
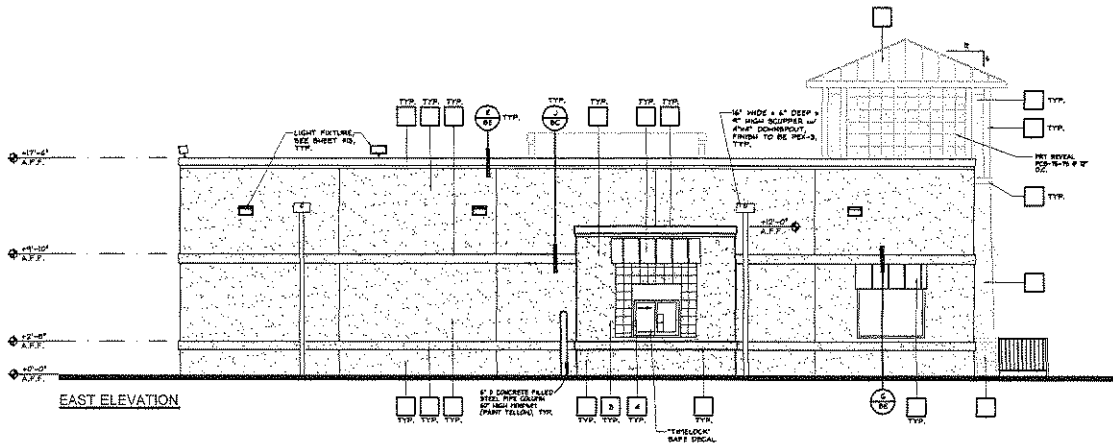
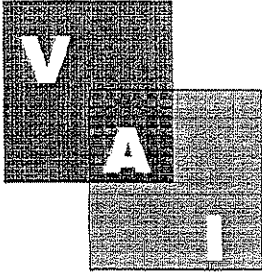


EXHIBIT S



Vermeltfoort Architects Inc.  
Architecture and Planning

**MEMORANDUM**

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DATE: January 18, 2012  
TO: City of Visalia  
FROM: Robert Vermeltfoort  
RE: Operational Statement  
PROJECT #: 10068

---

At the Riverbend Commercial Center (the Southeast corner of Dinuba Blvd. and Riggins Ave.), we are proposing a new Wendy's restaurant - 3,302 square foot drive-thru building.

The approximate hours of operation will be 5am to 2am, seven days a week, 12 months a year, and will employ approximately 40 employees divided into shifts with the shifts not exceeding 12 people. The approximate expected number of daily visitors is between 400 and 500 people per day, drive-thru visitors included.

Deliveries will be by a large delivery truck to the rear loading door of the building, and will be approximately twice a week, with the deliveries being after the hours of operation. Noise generating activities will not exceed that of the other buildings in the shopping center.

If you have any questions, please do not hesitate to contact this office.

Thank You,  
Robert Vermeltfoort

## MITIGATED NEGATIVE DECLARATION

**Project Title:** Development and subdivision of the Riverbend Commercial Center, consisting of General Plan Amendment No. 2011-14, Change of Zone No. 2011-15, Tentative Parcel Map No. 2013-01, and Conditional Use Permit No. 2013-25

**Project Description:**

**General Plan Amendment No. 2011-14** is a request to change the General Plan land use designation from Residential Low Density to Shopping/Office Commercial on 9.8 acres.

**Change of Zone No. 2011-15** is a request to change the Zoning Designation from Single-family Residential (R-1-6) to Planned Shopping / Office Commercial (C-SO) on 9.8 acres.

**Tentative Parcel Map No. 2013-01** is a request to divide 16.47 acres into three parcels, one lettered lot held in common, and two remainder parcels.

**Conditional Use Permit No. 2013-25** is a request to allow a master-planned commercial development on 9.8 acres, consisting of 55,701 sq. ft. of commercial and office uses in the Planned Shopping / Office Commercial (C-SO) Zone. The first phase of the development will consist of a 4,524 sq. ft. gasoline service station, 1,038 sq. ft. automated car wash, 3,061 sq. ft. convenience store, and 3,302 sq. ft. fast food restaurant with drive-thru service.

This environmental document is also intended to address environmental impacts associated with:

- Acquisition and development of rights-of-way for Dinuba Blvd. (State Highway 63), Riggins Avenue, and Court Street within and adjacent to the subject area;
- Abandonment of right-of-way for a portion of Encina Street adjacent to the subject area.

The project is a request by Bridgecourt Homes Limited Partnership.

**Project Location:** The project is located on the southeast corner of Dinuba Boulevard (State Route 63) and Riggins Avenue, situated within the City limits of Visalia, County of Tulare, State of California. (APN: 091-010-040)

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

**Attachments:**

Initial Study	(X)
Environmental Checklist	(X)
Maps	(X)
Mitigation Measures	(X)
Letters	( )

**DECLARATION OF NO SIGNIFICANT EFFECT:**

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

- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

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

APPROVED  
Paul Scheibel, AICP  
Environmental Coordinator

By: 

Date Approved: July 17, 2013

Review Period: 20 days

## INITIAL STUDY

### I. GENERAL

**A. Description of the Project:** The project consists of the development and subdivision of the Riverbend Commercial Center, consisting of General Plan Amendment No. 2011-14, Change of Zone No. 2011-15, Tentative Parcel Map No. 2013-01, and Conditional Use Permit No. 2013-25

**General Plan Amendment No. 2011-14** is a request to change the General Plan land use designation from Residential Low Density to Shopping/Office Commercial on 9.8 acres.

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### **B. Identification of the Environmental Setting:**

The project is located on the southeast corner of two improved arterial roadways. The east boundary of the site is defined by a property line and not by a natural or manmade feature. The south boundary of the site is defined by existing single-family residential homes. Riggin Avenue, a four-lane arterial status road, defines the north side of the site. Dinuba Boulevard, a four-lane arterial status road designated as State Route 63 at this location, defines the west side of the site. Court Street is a future two-lane collector status road that is planned by the Visalia Circulation Element to be constructed through the site, connecting the two existing segments of Court Street to the north and south. The site currently is and has been fallow vacant land for at least ten years.

The surrounding zoning and land uses are as follows:

North:	Riggin Avenue; C-CM (Community Commercial) zone / Developed commercial retail center; R-M-2 zone (Multi-Family Residential) / Vacant land with pending application for 122-unit apartment housing development
South:	R-1-6 (Single-Family Residential) zone / Riverbend Village Unit No. 3 single-family tract subdivision
East:	R-1-6 (Single-Family Residential) zone / Vacant land with approved entitlement for single-family tract subdivision
West:	Dinuba Boulevard (State Route 63); R-1-6 (Single Family Residential) zone /

## Fairview Village Unit No. 5

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 redevelopment of the area.

**C. Plans and Policies:** The 9.8-acre project site currently has a Land Use Designation of Residential Low Density and a Zoning Designation of R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

The site's proposed Land Use Designation is Commercial Shopping Office, and the proposed Zoning Designation is C-SO (Shopping Office Commercial). This zoning allows for commercial / retail center shown in the proposed project by right in the zone. The specific uses of a gas station, convenience store, car wash, and restaurant with drive-through service are allowed subject to the approval of a conditional use permit.

The proposed change in land use and zoning from Single-Family Residential to Shopping / Office Commercial can be considered at this location based on the site's proximity to arterial-designated streets and other neighborhood and community-level commercial uses. The proposed designation would be consistent with the community-level commercial uses that are located at adjacent corner intersections north of the site. At the same time, the proposed change would be consistent with similarly-designated areas located further south on Dinuba Boulevard, and would provide for services that serve existing and future residential neighborhoods adjacent to the site. The City of Visalia's existing plans and policies specifically address the allowance of concentrated commercial development provided that it is developed consistent with and has minimal impacts upon adjacent land uses (City of Visalia Land Use Element Policies 3.5.1, 3.5.2).

City of Visalia Land Use Element Policy No. 3.5.7 states the following in regards to the proposed Land Use Designation:

Shopping/Office Centers for a range of neighborhood and community-level commercial and office uses. Consists of areas previously designated for local retail (C-2.5), neighborhood, community and regional commercial uses. Generally characterized as strip or linear in nature and serving a non-regional market area.

City of Visalia Zoning Ordinance, Section 17.18.010(B)(3), states the following in regards to the proposed Zoning Designation:

The purpose of the Planned Shopping/Office Zone district is to provide areas for a wide range of neighborhood and community level retail commercial and office uses. This district is intended to provide for the transition from service and heavy commercial uses where they exist in this district to retail and office and to provide areas for neighborhood goods and services where shopping centers may not be available.

The proposed project is consistent with the intent of being able to reclassify land use designations on properties where the proposed designation does not conflict with the intent and standards of the Zoning Ordinance or the policies of the Land Use Element of the General Plan. Furthermore, the uses to be developed under the proposed project would be consistent with the Zoning Ordinance and the Land Use Element of the General Plan for this location.

## **II. ENVIRONMENTAL IMPACTS**

No significant adverse environmental impacts after mitigation 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. Additionally, the project design and conditions include mitigation measures that will reduce potentially significant impacts to a level that is less than significant.



### **III. MITIGATION MEASURES**

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

- **Greenhouse Gas Emissions** – The proposed project will result in the generation of Greenhouse Gas emissions causing an incremental impact on the environment in the long term. In response to this, a combination of measures approved by the San Joaquin Valley Air Pollution Control District (SJVAPCD) will be incorporated into the proposed project that will reduce the significance of the impact of Greenhouse Gas emissions. These measures are in addition to existing State, Regional, and City regulations already in effect which reduce the cumulative impact of these emissions.

Therefore, to ensure that there will not be significant impacts to Greenhouse Gases in association with the project, the project shall be developed with Mitigation Measures 1.1 through 1.5. The mitigation is included as an attachment to the Mitigated Negative Declaration.

- **Transportation / Traffic** – A Transportation Impact Analysis prepared for the proposed project (ref.: Riverbend Commercial Center Transportation Impact Analysis Report in the City of Visalia, Final Report. August 2012, Omni-Means, LTD.) has concluded that roadway operating conditions for intersections and roadways in the vicinity of the project area either are or will be significantly impacted with the addition of the proposed project. To ensure that intersections and roadways will operate at acceptable LOS “D” or better through the year 2035, the Analysis Report recommends mitigation to be incorporated into the project.

Therefore, to ensure that there will not be significant impacts to transportation / traffic in association with the project, the project shall be developed with the Mitigation Measure 2.1 as described in the “Recommended Mitigation Measures” section (page 29) of the above-referenced Transportation Impact Analysis. The mitigation is included as an attachment to the Mitigated Negative Declaration.

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

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

**IV. MITIGATION MONITORING PROGRAM**

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<b>Greenhouse Gas Emissions Mitigation Measure 1.1:</b> An on-site pedestrian access network that internally links all buildings / uses and connects to existing and planned public sidewalks shall be developed on the commercial-zoned site.	Project Applicant	Mitigation shall be enforced and carried out as part of the project's design and construction. Pedestrian paths shall be extended to join any new building or land use as it is constructed on the project site. The pedestrian network shall be completed among finished uses prior to operation of the finished uses on the project site.
<b>Greenhouse Gas Emissions Mitigation Measure 1.2:</b> Pedestrian barriers which impede pedestrian and bicycle access and inter-connectivity shall be minimized.	Project Applicant	Mitigation shall be enforced and carried out as part of the project's design and construction.
<b>Greenhouse Gas Emissions Mitigation Measure 1.3:</b> Shade and/or light-colored materials shall be provided on at least 30% of the site's non-roof impervious surfaces including parking lots.	Project Applicant	Mitigation shall be enforced and carried out as part of the project's design and construction. The relief measures shall be completed among finished uses prior to operation of the finished uses on the project site.
<b>Greenhouse Gas Emissions Mitigation Measure 1.4:</b> Exceed Title 24 requirements affiliated with all buildings / uses on the project site by at least 20%.	Project Applicant	Mitigation shall be enforced and carried out as part of the project's design and construction.
<b>Greenhouse Gas Emissions Mitigation Measure 1.5:</b> Any off-road diesel vehicles used during construction of the project shall comply with with Title 13, CCR, Section 2449.	Project Applicant	Mitigation shall be enforced and carried out as part of the project's construction.
<b>Traffic Impact Mitigation Measure 2.1:</b> A raised median shall be installed on Dinuba Boulevard (State Route 63) between Riggan Avenue and approximately 450 feet south of Riggan Avenue to restrict access on the project driveways. The raised median shall allow for right turn only into and out of the project site.	Project Applicant	Mitigation shall be enforced and carried out during the project's construction, and shall be completed prior to operation of any commercial business on the project site with frontage on Dinuba Boulevard.

**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.

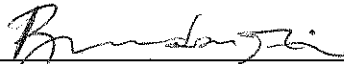
**VI. SUPPORTING DOCUMENTATION**


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.
- Acoustical Analysis for Proposed Wendy's at Riverbend Center, Dinuba Boulevard and Riggan Avenue, Visalia, California. July 25, 2011, Brown-Buntin Associates, Inc.
- Riverbend Commercial Center Transportation Impact Analysis Report in the City of Visalia, Final Report. October 2012, Omni-Means, LTD.
- Letter of correspondence from David Deel, Department of Transportation (CalTrans), District 6. March 13, 2012 and August 1, 2012.
- California Emissions Estimator Model (CalEEMod) Report, Riverbend Commercial Center, Visalia, California, Phases 1 and 2. July 11, 2012. Forester, Weber & Associates.
- Lighting Proposal for Arco. January 26, 2012, LSI Industries.
- Lighting Proposal for Wendy's. <No date or author information available>

**VII. NAME OF PERSON WHO PREPARED INITIAL STUDY**

  
\_\_\_\_\_  
Brandon Smith, AICP  
Senior Planner

  
\_\_\_\_\_  
Paul Scheibel, AICP  
Environmental Coordinator

**INITIAL STUDY  
 ENVIRONMENTAL CHECKLIST**

<b>Name of Proposal</b>	Development and subdivision of the Riverbend Commercial Center, consisting of General Plan Amendment No. 2011-14, Change of Zone No. 2011-15, Tentative Parcel Map No. 2013-01, and Conditional Use Permit No. 2013-25		
<b>NAME OF PROPONENT:</b>	Bridgecourt Homes L.P.	<b>NAME OF AGENT:</b>	Forester, Weber & Associates, LLC
<b>Address of Proponent:</b>	P.O. Box 336 Glendora, CA 91740	<b>Address of Agent:</b>	1620 W. Mineral King Avenue Visalia, CA 93291
<b>Telephone Number:</b>	(626) 852-7616	<b>Telephone Number:</b>	(559) 732-0102
<b>Date of Review</b>	July 17, 2013	<b>Lead Agency:</b>	City of Visalia

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

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

**I. AESTHETICS**

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 c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

**III. AIR QUALITY**

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

- 2 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 2 b) 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)?
- 2 d) Expose sensitive receptors to substantial pollutant concentrations?
- 2 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?
- 2 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:

- 3 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?

- 2 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)?
- 1 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?
- 1 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?
- 1 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?
- 2 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?
- 2 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:

- 1 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?
- 1 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:

- 2 a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- 3 b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 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:

- 2 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)?
- 3 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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

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## DISCUSSION OF ENVIRONMENTAL EVALUATION

### I. AESTHETICS

- a. The proposed project is new commercial and office 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 which the project will not adversely impact the view of.

- b. There are no scenic resources on the site.
- c. The proposed project includes commercial buildings 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 some new sources of light that is typical of urban development. The City has development standards that require that light be directed and/or shielded so it does not fall upon adjacent properties.

In addition, photometric light studies have been provided for the two land uses that have been designed for the site – the gas station / convenience store / car wash and the drive-through restaurant. The studies illustrate that based on the lighting schedule associated with each use, the number of lumens associated with the on-site lighting for these uses will not exceed 0.5 lumens beyond property lines into adjacent residential uses. This standard has been determined by the City to be the threshold for an acceptable amount of light at property line.

Enforcement of the City's development standards, which are in part demonstrated in the light studies provided with the project, reduce potential impacts to a level that is less than significant. No further mitigation is required.

### II. AGRICULTURAL RESOURCES

- a. The project site was previously considered as converted agricultural land being a remnant of the division and development of the adjacent residential subdivisions. The site has not been in agricultural production for the past ten years.
- 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. Properties within the project area already contain an urban land use designation. Properties which are vacant and currently do not contain urban land uses are already able to develop 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. The project in itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact. The short-term construction emissions are considered less than significant by the SJVAPCD based on compliance with the District's mandatory dust control measures. Development of the project will be subject to the SJVAPCD's Indirect Source Review (Rule 9510) procedures that became effective on March 1, 2006. The Applicant will be required to obtain permits demonstrating compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD.

- 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.

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

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

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

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



compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD.

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

#### IV. BIOLOGICAL RESOURCES

- a. As described in the Identification of the Environmental Setting contained within the Initial Study, the project site has been vacant for over ten years and has not been cultivated during this time. The site is located on the southeast corner of two improved arterial roadways. The site is bound by vacant land to the east and an existing single-family residential subdivision to the south. The site is bound on the west by Dinuba Boulevard, and beyond that an existing single-family residential subdivision. The site is bound on the north by Riggan Avenue, and beyond that an existing commercial retail center.

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

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

- 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 has not however identified any existing oak trees on the site.
- 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 generally 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 construction emissions and in the long-term as a result of mobile and other sources of operational emissions. Estimated GHG emissions calculations are contained within the California Emissions Estimator Model (CalEEMod) report prepared for the project by Forester Weber & Associates, July 11, 2012.

According to the report, Phase 1 of the project consisting of development on the proposed Parcels 1 through 3 is expected to generate a total of 135.27 metric tons of carbon dioxide equivalent emissions (CO<sub>2</sub>E) associated with construction, and a total of 2,130.54 metric tons of CO<sub>2</sub>E associated with operation.

The report further reveals that a strong majority of the CO<sub>2</sub>E emissions associated with annual operations

(2,020.67 metric tons) will result from mobile sources or vehicle trips associated with the uses. A majority of the Vehicle Miles Traveled (VMT) associated with the convenience market and fast food restaurant should be considered as passer-by trips rather than destination / end of a trip based on the nature of these uses and their location in the context of the City. As a result, the VMT associated with these uses will be less than reported, and the emissions associated with these excess trips can be largely disregarded.

Phase 2 of the project represents future development of the project's Remainder parcel. For the purposes of the GHG emissions associated with future development on the site, land uses and square footages corresponding to the conceptual future development shown on the project site plan were utilized in the CalEEMod report prepared for the project. Phase 2 of the project with conceptual land uses is expected to generate a total of 591.07 metric tons of CO<sub>2</sub>E associated with construction, and a total of 2,617.57 metric tons of CO<sub>2</sub>E associated with operation. The calculations are intended to represent emission estimations based on a theoretical development of the site with land uses in accordance with the proposed zoning designation of Shopping-Office Commercial (C-SO). Thus, it should be noted that the types and amounts of specific land uses on the remainder parcel are likely to vary from the conceptual development shown on the site plan, and that emissions will change based on actual uses developed in accordance with the C-SO zoning.

The project will result in the generation of GreenHouse Gas emissions that will result in an incremental impact on the environment. The impact is considered marginal based on ongoing Federal and State-wide efforts to minimize emissions and the project-specific regulations discussed below.

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

GreenHouse Gas emissions associated with new projects are found to have a cumulative effect rather than a direct impact on climate change. Because climate change is a global phenomenon, a direct impact cannot be associated for an individual land development project.

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

- Using any combination of District approved GHG emission reduction measures to meet Best Performance Standards,
- Complying with an approved GHG plan or mitigation program, or

- Reducing GHG emissions by 29% from Business-As-Usual levels.

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

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

- Compliance with the California Building Code of 2010 including Title 24 requirements,
- Compliance with the City of Visalia's water efficient landscape standards,
- Applicability of the SJVAPCD's Indirect Source Rule 9510 to the project,
- Compliance with the City of Visalia Development Standards (Chapter 17.30 of the Municipal Code), which requires the placement of parking lot shade trees and street trees along public streets;
- Change in use from residential to horizontal mixed use.

The project will also be in compliance with certain measures approved by the SJVAPCD that are designated as an effective means of reducing the project's GHG emissions to meet Best Performance Standards and would provide an approximately 8.63% reduction of GHG emissions.

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

- Proximity to existing Class I and Class II bicycle lanes located on Dinuba Blvd., Ferguson Ave., and the St. Johns River shared use path;
- Transit service within ¼ mile of project on Dinuba Boulevard;
- Proximity of suburban mixed uses (residential development, retail development, park and open space) within ¼ mile.

The following SJVAPCD-approved measures are being required as project mitigation, further described in the Mitigation Measures section of the Initial Study:

- An on-site pedestrian access network that internally links all uses and connects to existing and planned streets;
- Minimization of pedestrian barriers which impede pedestrian and bicycle access and inter-connectivity;
- Providing of shade and/or light-colored materials on at least 30% of the site's non-roof impervious surfaces including parking lots;
- Commitment to exceed Title 24 requirements by 20%;
- Utilization of off-road diesel vehicles in compliance with Title 13, CCR, Section 2449 during project construction.

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

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

#### VIII. HAZARDS AND HAZARDOUS MATERIALS

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

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

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

#### IX. HYDROLOGY AND WATER QUALITY

- a. The project will not violate any water quality standards of waste discharge requirements. The site is a proposed 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.
- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, which will contribute to the lack of impacts by mudflow occurrence.

#### X. LAND USE AND PLANNING

- a. The project will not physically divide an established community.
- b. The site is within the current Urban Development Boundary (129,000 Population) of the City of Visalia. The City of Visalia designates the area for urban development. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted urban development boundaries as mitigation measures for conversion to urban development.

The project site is currently designated for residential uses according to the General Plan land use map and the Zoning map of the City of Visalia. The project entails changing the designations toward Shopping and Office Commercial, which requires a General Plan Amendment and Change of Zone. The project's request to change the land use and zoning designations does not conflict with the intent and standards of the Zoning Ordinance or the policies of the Land Use Element of the General Plan. Furthermore, the land uses planned for the site would be consistent with the Zoning Ordinance and the Land Use Element of the General Plan for this location. Changes to noise, traffic, and light in association with this project are addressed elsewhere in the initial study.

- c. The project does not conflict with any applicable conservation plan.

#### 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 Dinuba Boulevard and Riggin Avenue, existing fully-improved arterial roadways which run along the frontages of the site. The City's standards for setbacks and/or construction of walls along major streets will reduce noise levels to a level that is less than significant. Noise levels will also increase temporarily during the construction of the project but shall remain within the noise limits and restricted to the allowed hours of construction defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.

A noise analysis was prepared for the proposed restaurant with drive-through service which shows that the City of Visalia Community Noise Standards will be met, and that no additional mitigation measures are identified for the restaurant with drive-through service beyond what is shown for development on the site plan.

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

#### **XIII. POPULATION AND HOUSING**

- 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 54 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.
- b. Development of the site will result in increased traffic in the area, but will not cause a substantial increase in traffic on the city's existing circulation pattern. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for urban use.

A Traffic Impact Analysis Report was conducted for the project, dated August 2012, which studied key roadways and intersections in the vicinity of the project site. The analysis considered existing roadway conditions and year 2035 base conditions, with and without the project conditions. The analysis identified recommended roadway and intersection improvements to the vicinity of the project to ensure that the project will operate at acceptable LOS "D" conditions or better through 2035.

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

The intersection of Riggin Avenue and Giddings Street, located one-half mile to the west of the project site, is recommended for the installation of a traffic signal with

northbound and southbound left turn channelization. This intersection is already identified for future improvements by the City of Visalia Circulation Element, specifically for controlled movements at the intersection.

The intersection of Robin Avenue and Dinuba Boulevard, located 350 feet to the south of the project site, is noted by the Report to currently operate at LOS "E" conditions during the PM peak hour. However, the intersection does not meet the peak hour warrant.

The City has determined that the development and operation of the proposed project in itself does not warrant immediate improvements to these intersections at this time. The City of Visalia will therefore continue to monitor and evaluate these intersections and carry out improvements for controlled movements when such measures are critically necessary.

The City of Visalia will also continue to monitor and evaluate the Ferguson Avenue and Dinuba Boulevard intersection located one-half mile to the south of the project site, which according to the Report may exceed the queuing capacity for the eastbound left turning movements and would therefore need to be restriped to accommodate additional queuing. Following monitoring and evaluation, the City will carry out improvements for queuing when such measures are critically necessary.

A recommended mitigation of the Analysis proposes placing a raised median on Dinuba Boulevard adjacent to the project site. The raised median will be a required mitigation with the construction of Phase 1 of the project that includes the service station and restaurant, and is further described in the Mitigation Measures section of the Initial Study. This mitigation will assist in lessening congestion levels and improving safety at the major project driveway on Dinuba Boulevard, and will prevent any left-turn movements into or out of the site.

The Riggin Avenue and Court Street intersection, located at the northeast corner of the development project, has been identified for the installation of stop signs at the eastbound and westbound approaches in order to meet acceptable operating conditions under year 2035 base conditions. The City of Visalia will therefore continue to monitor and evaluate this intersection and carry out improvements for controlled movements when such measures are critically necessary.

Court Street between Dove Avenue and Riggin Avenue, is currently unconstructed on the project site but will be constructed with or prior to buildout of the project site. The City's Circulation Element policies and development regulations will ensure that Court Street, a designated Collector street, will be extended to accommodate through traffic where it abuts the project site.

- 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.

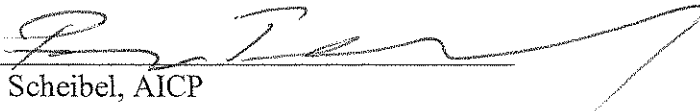
#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- 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 urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- b. This site was inherently 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.**

  
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Paul Scheibel, AICP  
Environmental Coordinator

July 17, 2013  
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Date