

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

COMMISSIONERS: Adam Peck, Roland Soltesz, Lawrence Segrue, Vincent Salinas, Brett Taylor

MONDAY, SEPTEMBER 23, 2013; 7:00 P.M., CITY OF VISALIA COMMUNITY DEVELOPMENT  
DEPARTMENT 315 E. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
  - No items
5. PUBLIC HEARING – Paul Bernal
  - a) Consideration of Mitigated Negative Declaration No. 2013-59
  - b) **Diamond Oaks Vesting Tentative Subdivision Map 5547:** A request by Diamond Oaks, LP to subdivide 55.9 gross acres into a 180 lot Planned Unit Development Subdivision with 168 lots in the R-1-6 (Single-Family Residential 6,000 square foot minimum site area) zone and 12 lots in the in the R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zones.
  - c) **Conditional Use Permit No. 2013-17:** A request by Diamond Oaks, LP to create a Planned Residential Development for the Diamond Oaks Subdivision with modified lot sizes, setbacks, and the redistribution of R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zoned property adjacent to Caldwell Avenue.  
**Location:** The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012)
6. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

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

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting. Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

### **APPEAL PROCEDURE**

**THE LAST DAY TO FILE AN APPEAL IS OCTOBER 4, 2013 BEFORE 5 PM.**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 425 E. 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.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, OCTOBER 28, 2013**

# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** September 23, 2013

**PROJECT PLANNER:** Paul Bernal, Senior Planner  
(559) 713-4025

**SUBJECT: Diamond Oaks Vesting Tentative Subdivision Map 5547:** A request by Diamond Oaks, LP to subdivide 55.9 gross acres into a 180 lot Planned Unit Development Subdivision with 168 lots in the R-1-6 (Single-Family Residential 6,000 square foot minimum site area) zone and 12 lots in the in the R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zones.

**Conditional Use Permit No. 2013-17:** A request by Diamond Oaks, LP to create a Planned Residential Development for the Diamond Oaks Subdivision with modified lot sizes, setbacks, and the redistribution of R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zoned property adjacent to Caldwell Avenue.

**Location:** The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012).

## STAFF RECOMMENDATION

### Diamond Oaks Vesting Tentative Subdivision Map No. 5547

Staff recommends approval of Diamond Oaks Vesting Tentative Subdivision Map No. 5547, as conditioned, based on the findings and conditions in Resolution No. 2013-45. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances.

### Conditional Use Permit No. 2013-17

Staff recommends approval of Conditional Use Permit No. 2013-17, as conditioned, based upon the findings and conditions in Resolution No. 2013-44. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

## RECOMMENDED MOTION

I move to adopt Resolution No. 2013-45, approving Diamond Oaks Vesting Tentative Subdivision No. 5547.

I move to adopt Resolution No. 2013-44, approving Conditional Use Permit No. 2013-17.

## PROJECT DESCRIPTION

Diamond Oaks LP is requesting to subdivide 55.9 acres into a 180 lot Planned Residential Development (PRD). The PRD consists of 168 single-family residential lots, 12 multi-family lots and six out-lots for the purpose of Landscaping and Lighting Lots. The project will include the construction of 168 single-family residential homes, the construction of eight triplex units (24 total units) on eight lots, and the future construction of a large multi-family development on the remaining four lots abutting Caldwell Avenue (see Exhibit "A"). The six outlots are intended for

landscaping lots along the major streets (Caldwell and Ben Maddox), and a landscaping barrier located along the north side of the Tulare Irrigation District canal, immediately adjacent to the future Reese Avenue street alignment.

The entire project will be constructed over four phases as depicted on Exhibit "C". The entire 55.9 acres has three zoning designations on the property, which include R-1-6 (Single-Family Residential, 6,000 square foot minimum site area per lot), R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zoning. The proposed project is in South East Area Plan (SEAP). A detailed discussion on the City's current direction regarding the SEAMP and the General Plan Update is analyzed in detail in the body of this report.

The development of a PRD subdivision is a request by the developer to add flexibility in lot design rather than creating a standard R-1-6 subdivision. The PRD is requesting to subdivide lots by providing varying lot sizes and modified rear yard setbacks. The applicant is proposing lots that are less than the minimum 6,000 square feet for R-1-6 lots. As depicted on Exhibit "A", single-family lots range in size from 5,150 square feet to 10,736 square feet while the multi-family residential lots range in size from 14,924 square feet to 124,405 square feet. In addition to modified lot sizes, the applicant is requesting deviations for rear yard setbacks for both the single-family residential and triplex lots (i.e., Lots 1 through 176), as depicted on Exhibit "B". The rear yard setbacks range from 23-feet to 19-feet for the single-family residential lots, and 18-feet to 16-feet for five of the triplex lots.

The site will require grading and removal of some Valley Oak Trees. The applicant has identified the removal of six valley oak trees. The removal of the valley oak trees is discussed in detail in the "Valley Oak Tree" section of this report. The project also includes construction of streets, extension of sewer lines and sewer laterals, connection to the storm drainage system and extension of other utilities and services (e.g. electricity, gas, water, etc.).

Additional major street improvements include the signalization of the Caldwell / Burke intersection and the construction of the median island in Caldwell Avenue. Curb, gutter, sidewalk and a bus turnout will be constructed along Caldwell Avenue with the first phase of development. The developer will also construct improvements to the future Ben Maddox Way alignment south of Caldwell Avenue. These improvements include curb, gutter, sidewalk, a park strip, and dedication for the future roadway.

To facilitate storm water discharge, a temporary storm drainage basin will be installed along the southeast corner of the project area.

## **BACKGROUND INFORMATION**

General Plan Land Use Designation:	Residential Low Density, Residential Medium Density & Residential High Density
Zoning:	R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size), R-M-2 (Multi-Family Residential 3,000 sq. ft. min. site area per dwelling) & R-M-3 (Multi-Family Residential 1,500 sq. ft. min. site area per dwelling)
Surrounding Zoning and Land Use:	North: Caldwell Avenue / R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) / Residential Low Density – Single-family subdivision and undeveloped property South: County – Agricultural Crops

East: County – Agricultural Crops  
West: County – Agricultural Crops  
Environmental Review: Mitigated Negative Declaration No. 2013-59  
Special Districts: None  
Site Plan Review: SPR No. 2012-025

## **RELATED PROJECTS**

### **Southeast Area Plan**

#### **2004-2005 Formation of Task Force and Award Contract**

A task force was formed in October 2004, which led to the award of a consultant contract to prepare a master plan and EIR. On July 16, 2005, The City Council awarded a contract to a consulting firm to prepare the Southeast Area Plan. The Southeast Area Plan (SEAP) affects an 857-acre bounded by East Caldwell Avenue, Ave. 272, Santa Fe St. and Lovers Lane.

#### **2006 Upgrade Master Plan to Specific Plan**

The contract for preparation of a master plan and EIR was upgraded to preparation of a Specific Plan in July 2006.

#### **2010 Revise Specific Plan Work Program**

The decision to revise the Specific Plan work program was authorized by the City Council in June 2010. Revisions to the Plan were determined after coordination with the 12 property owners who objected to the prescriptive nature of the Specific Plan, favoring the more flexible provision of a Master Plan document, including the option to develop under the 1991 Land Use designations, which this project is pursuing.

#### **Pre-Annexation Agreement for Annexation No. 2004-11 and Amendment**

Diamond Oaks LLC., requested that the City amend the pre-annexation agreement for the subject property. The pre-annexation agreement included a condition requiring development of the 55.9-acre site to adhere to the development standards adopted for the SEAP. The Planning Commission on June 27, 2011, recommended to the City Council that the pre-annexation condition should be removed relieving the property owner from developing their property in accordance with SEAP due to delays in the SEAP adoption and the likelihood that the plan would not be adopted in the near future. On August 1, 2011, the City Council unanimously approved the request to allow the property owner to proceed with independent plans on developing their property.

## **PROJECT EVALUATION**

Staff recommends approval of the Vesting Tentative Subdivision Map and Conditional Use Permit (CUP) based on the project's consistency with the Land Use Element of the General Plan and the Zoning and Subdivision Ordinance policies for approval of the tentative subdivision map.

### **Current General Plan Consistency**

Staff supports the proposed subdivision map and conditional use permit based on consistency with the intent of the Land Use Element of the General Plan and the City's Zoning and Subdivision Ordinances. The 1991 General Plan (GP) designates the southeast area of the City as a growth area that would accommodate development through the General Plan's horizon date of 2020. Balanced growth among Visalia's four quadrants is a principle of the 1991 GP.

Based on adopted land use policies, this project complies with the General Plan. One such policy, Policy 4.1.4 of the Land Use Element, encourages the City to allow flexible design standards while Policy 4.2.3 promotes the distribution of low and moderate-income housing throughout the community on smaller lots, which this project proposes to accomplish. Staff supports the project because the project meets the overall intent of these policies.

The General Plan also emphasizes compatibility with surrounding areas. Properties abutting the project site are in active agricultural production and staff recognizes the importance of protecting farmlands from urban development. Therefore, staff has included Condition No. 12 for both the subdivision map and CUP, which requires the developer to have future home owners in the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.

### **Caldwell Avenue Improvements / Intersection Signalization**

The adjacent roadways along the project site will be improved to accommodate the new residential development. Caldwell Avenue is an arterial roadway that is designed for two through lanes in each direction and a raised median west of Santa Fe Avenue. However, Caldwell Avenue east of Santa Fe, and across the project site's frontage, is not fully developed given the unique characteristics of this area including a majority of the property south of Caldwell Avenue being located in the County.

To address traffic concerns, a Traffic Impact Study (see Mitigated Negative Declaration No. 2013-059) was conducted for the project by Omni-Means, dated August 9, 2013. The TIS studied key roadways and intersections near 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 in the vicinity of the project to ensure that the project and roadways near the subdivision operate at acceptable Level of Service (LOS) "D" conditions or better through year 2035.

Based on recommendations from the Analysis, staff concludes that the raised median shall be constructed in Caldwell Avenue from Ben Maddox Way to Burke Street with the initial phase of the project. The construction of the median island will prohibit left turn movements from Edison Street out onto Caldwell Avenue. The median island requirement has been included as Condition No. 7 for both the subdivision map and the CUP.

In addition, the Analysis identified the requirement to signalize the Caldwell / Burke intersection. The installation of traffic signals is required for all northbound / southbound and eastbound / westbound traffic. This intersection is noted by the Traffic Impact Report to operate at LOS "E" conditions during the PM peak hour. The improvements required at this intersection are vital to the project given it is the only controlled intersection that would facilitate left turn movements onto Caldwell Avenue from the subdivision. Based on the Analysis, staff is recommending the Planning Commission approve Condition No. 6 requiring the Caldwell / Burke intersection be signalized and designed to accommodate the ultimate widening of the intersection.

The Analysis also identified that future intersections of Russell Avenue at Burke Street, and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements. The stop sign requirements are also included as Condition No.11 of the Conditions of Project Approval for both the subdivision map and CUP.

The installation of traffic signals and stop signs at the local streets identified in the report are also required as mitigation measures for this project. The mitigation measures will assist in improving safety at the intersection, by providing safe left-turn movements from the subdivision onto Caldwell Avenue.

### **Infrastructure Improvements (Storm Drainage & Sanitary Sewer)**

#### **Storm Drainage**

Currently, there is no storm drainage and sewer infrastructure south of Caldwell Avenue. The applicant has identified improvements to address storm-drainage infrastructure improvements. The plan is to require the use of temporary onsite retention facilities. The temporary retention basin is depicted in southeast corner of the subdivision (see Exhibit "D"). The onsite basin is required because there is no regional basin designed and/or installed for the southeast area.

The conceptual master stormwater plans for the southeast area indicate the need for a series of regional detention basins that would outlet into Cameron Creek, and the Tulare Ditch. However, it is unlikely that such a stormwater management system could be constructed prior to this development due to the cost associated with developing the system for the entire southeast area. However, over time, it is anticipated that most if not all of the regional stormwater management system for the future southeast area will be constructed with combinations of capital improvement projects and incremental facilities construction.

#### **Sanitary Sewer**

During the Site Plan Review process, the applicant indicated their intent to connect sanitary sewer to the Caldwell line. Engineering staff required a study detailing the capacity in the Caldwell line upon full build-out of the service area. If capacity were available for this project, then the project would be allowed to connect to the Caldwell line. The applicant provided the necessary calculations demonstrating capacity is available in the Caldwell line for this project. Engineering staff agrees with the sewer capacity analysis and concludes there is sufficient capacity in the Caldwell line to accommodate this development (see Exhibit "E").

#### **Valley Oak Trees**

The City has a municipal ordinance in place to protect valley oak trees. All existing valley oak trees on the project site will be under the jurisdiction of this ordinance. Any oak trees to be removed from the site are subject to the jurisdiction of the municipal ordinance. The applicant provided an Oak Tree evaluation of 16-valley oak trees that exist along the project site along the south and west property lines. The Oak Tree evaluation was reviewed by the City's Arborist and concluded that six of the valley oak trees should be removed due to the trees being dead or in very poor health.

Per Section 12.24 of the Visalia Oak Tree ordinance, trees determined to be dead or in poor health, may be removed if they are deemed detrimental to the public's safety and welfare. The removal of dead or unhealthy valley oak trees is a less than significant impact and reduces the exposure of unhealthy and unstable trees that can be a deterrent to the public's safety and welfare. The remaining 10 valley oak trees are to be protected and cared for as stated in the Oak Tree evaluation. Staff recommends Condition Nos. 8 and 9 for both the subdivision map and CUP be adopted requiring the developer to comply with the recommendations identified in the Oak Tree evaluation dated August 1, 2012 (see Exhibit "F").

## **Multi-Family Development (Lots 177, 178, 179 & 180)**

The applicant has depicted the conceptual development of the large multi-family development adjacent to Caldwell Avenue with 168 units (see Exhibit "B"). However, because the applicant did not provide operational plans, including precise site and elevation plans for the multi-family development along Lots 177 through 180, an amendment to this conditional use permit would need to be submitted and approved by the Planning Commission prior to the development of the multi-family units. Staff recommends the Planning Commission approve Condition No. 10, requiring the multi-family development on Lots 177 through 180 be subject to a CUP amendment. This condition, if adopted, provides staff and the Planning Commission the opportunity to ensure that the multi-family development maintains compatibility and proper interface standards with the single-family neighborhood.

### **Phase 1 Improvements**

Exhibit "C" has identified frontage improvements that will be developed in the initial phase of this subdivision. Staff has included additional improvements with the initial phase of the project as follows:

- Caldwell Avenue – curb, gutter, park strip, street trees, sidewalk, bus turn-out, travel lanes with Phase 1.
- Caldwell Avenue – signalization of the Burke / Caldwell intersection with the development of Phase 1
- Caldwell Avenue – construction of the raised median island in Caldwell Avenue with the development of Phase 1.
- Construction of Burke and Edison Streets and portions of Bradley, Cameron, Loyola, Packwood, and Russell Avenues.
- Installation of storm drainage lines and construction of temporary retention basin.
- Removal of diseased / dead valley oak trees along the Burke Street alignment.
- Development of the triplex lots.

### **Setbacks**

The applicant, through the PRD, is requesting deviations to the required 25-foot rear yard setback for the single-family residential lots and triplex lots. The front, interior side, and street side yard setbacks for both the single-family residential lots and triplex lots meet the R-1-6 and R-M-2 standards. The rear yards for two of the residential plans depict the following rear yard setbacks:

- House Plan 1580 – 19-feet
- House Plan 1358 – 23-feet

The remaining house plans, as depicted on Exhibit "B", meet the minimum 25-foot rear yard setback. In addition, the rear yard setbacks for four of the triplex multi-family lots (Lots 173 – 176) in the Diamond Oaks subdivision are proposed with the following setbacks:

- Lot 173: Rear Yard – 17-feet
- Lot 174: Rear Yard – 16-feet
- Lot 175: Rear Yard – 18-feet
- Lot 176: Rear Yard – 18-feet



Staff supports the reduced rear yard setbacks because the reduction will not detract from the overall appearance of the subdivision, and still provides useable rear yard areas for passive recreation to future residents.

### **Landscape and Lighting Assessment District**

All lots identified by an alphanumeric letter on this proposed subdivision are designated for landscaping. The formation of a Landscape and Lighting Assessment District will be required for the long-term maintenance of the local streets, streetlights, landscaping and block walls.

### **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 conditions for intersections and roadways near the project area either are or will be significantly impacted with the addition of the proposed project. The Mitigated Negative Declaration circulated for this project (see attachment) contains a Mitigation Monitoring Program that includes the signalization of the Caldwell/Burke intersection as mitigation for the traffic impact referenced above.

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 to a level that is less than significant. Therefore, staff recommends that Mitigated Negative Declaration No. 2013-059 and the Mitigation Monitoring Program contained within be adopted for this project.

## **RECOMMENDED FINDINGS**

### **Diamond Oaks Vesting Tentative Subdivision Map No. 5547**

1. That the proposed vesting tentative subdivision map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed vesting tentative subdivision 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. 2013-059, 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.

### **Conditional Use Permit No. 2013-17**

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. 2013-059, 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.

## **RECOMMENDED CONDITIONS**

### **Diamond Oaks Vesting Tentative Subdivision Map No. 5547**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the vesting tentative subdivision map be prepared in substantial compliance with Exhibit "A".
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C".
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "B" are as follows:
  - House Plan 1580 – 19-feet
  - House Plan 1358 – 23-feet
  - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standards
5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision be established per Exhibit "B" with the following exceptions:
  - Lot 173: Rear Yard – 17-feet
  - Lot 174: Rear Yard – 16-feet, 9-inches
  - Lot 175: Rear Yard – 18-feet, 6-inches
  - Lot 176: Rear Yard – 18-feet, 6-inches
6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.
7. That the raised median in Caldwell Avenue shall be constructed with Phase 1 of the Diamond Oaks Subdivision development.
8. That the six Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit "F", as "Very Poor/Dead" shall be removed subject to the issuance of a Valley Oak Tree Removal Permit.
9. That the remaining 10 Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit "F", shall be properly maintained, trimmed and watered as stated in the evaluation. Development around the Valley Oak Trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit.

10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amended conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That Conditional Use Permit No. 2013-17 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
15. That this Vesting Tentative Subdivision Map become null and void unless Conditional Use Permit No. 2013-17 is approved.
16. That all applicable federal, state, regional, and city policies and ordinances be met.
17. 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 Vesting Tentative Subdivision Map No. 5547.

#### **Conditional Use Permit No. 2013-17**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibit "B", unless otherwise specified in the conditions of approval.
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C".
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "B" are as follows:
  - House Plan 1580 – 19-feet
  - House Plan 1358 – 23-feet
  - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standard.

5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision shall be established per Exhibit “B” with the following exceptions:
  - Lot 173: Rear Yard – 17-feet
  - Lot 174: Rear Yard – 16-feet, 9-inches
  - Lot 175: Rear Yard – 18-feet, 6-inches
  - Lot 176: Rear Yard – 18-feet, 6-inches
6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.
7. That the raised median in Caldwell Avenue shall be constructed with Phase 1 of the Diamond Oaks Subdivision development.
8. That the six Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit “F”, as “Very Poor/Dead” shall be removed subject to the issuance of a Valley Oak Tree Removal Permit.
9. That the remaining 10 Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit “F”, shall be properly maintained, trimmed and watered as stated in the evaluation. Development around the Valley Oak Trees is subject to the City’s Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit.
10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amended conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the “Right to Farm” Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 shall be approved, and that requirements of the subdivision map which relate to this CUP shall be fulfilled.
15. That this Conditional Use Permit No. 2013-17 become null and void unless the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 is approved.
16. That all applicable federal, state, regional, and city policies and ordinances be met.
17. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-17.

## **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**
- **Resolution No. 2013-45 – Diamond Oaks Subdivision Map No. 5547**
- **Resolution No. 2013-44 – Conditional Use Permit No. 2013-17**
- **Exhibit "A" – Diamond Oaks Vesting Tentative Subdivision Map**
- **Exhibit "B" – Planned Unit Development Site Plan**
- **Exhibit "C" – Phasing Plan**
- **Exhibit "D" – Storm Drain Piping Plan & Retention Basin**
- **Exhibit "E" – Sanitary Sewer Line Plan**
- **Exhibit "F" – Oak Tree Evaluation dated August 1, 2012**
- **Mitigated Negative Declaration No. 2013-059**
- **Transportation Impact Analysis Report dated August 9, 2013**
- **Greenhouse Gas Analysis dated July 19, 2013**
- **Site Plan Review Comments**
- **General Plan Land Use Map**
- **Zoning Map**
- **Aerial Maps**
- **Location Sketch**

## RELATED PLANS AND POLICIES

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

**General Plan Land Use Policy:**

4.1.18 Continue to encourage comprehensively planned Low Density Residential development (up to 21 persons/acre - 2 to 10 dwelling units net acre). Low density developments in excess of 7 units per acre shall only be permitted in the Northeast Specific Plan Area, for selected infill parcels as may be designated by the City Council upon recommendation of the Planning Commission, and in other specific plan areas where standards are established for lot coverage, where it will promote the fulfillment of unmet housing needs for low or moderate income households according to the Housing Element. Usage of duplex or halfplex units shall be encouraged to increase overall densities where they area made to be compatible with the overall residential development.

The Zoning Ordinance shall be amended to permit the use of 5,000 square foot lots, and include development criteria and a review process for them to be integrated with 6,000 square foot lots. The criteria shall include development standards which may include provisions for minimum lot width, setbacks, lot coverage, building mass and other development standards.

The Zoning Ordinance shall be amended to include a definition of "infill parcels" and a process and criteria to permit the use of 5,000 square foot lots on these designated parcels.

### Zoning Ordinance Section for R-1-6 Zone

#### Chapter 17.12

#### R-1 SINGLE-FAMILY RESIDENTIAL ZONE

##### 17.12.010 Purpose and intent.

In the R-1 single-family residential zone, the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions which require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use. (Ord. 9717 § 2 (part), 1997: prior code § 7270)

##### 17.12.020 Permitted uses.

In the R-1 single-family residential zone, permitted uses include:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48,
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Second dwelling units as specified in Sections 17.12.140 through 17.12.200;

- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Single-family residential subdivisions with mixed lot size, subject to the provisions of Sections 17.12.210 through 17.12.240;
- N. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070. (Ord. 9717 § 2 (part), 1997; Ord. 9605 § 30 (part), 1996; prior code § 7271).

**17.12.030 Accessory uses.**

In the R-1 single-family residential zone, accessory uses include:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.12.100B. (Ord. 2001-13 § 4 (part), 2001; Ord. 9717 § 2 (part), 1997; prior code § 7272)

**17.12.040 Conditional uses.**

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

- A. Planned unit development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. Developments with modified residential standards in the R-1-6 zone in conformance with Chapter 17.30, Article 6;
- M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner. (Ord. 2001-13 § 4 (part), 2001; Ord. 2000-02 § 1 (part), 2000; amended during 10/97 supplement; Ord. 9717 § 2 (part), 1997; Ord. 9605 § 30 (part), 1996; prior code § 7273)

**17.12.050 Site area.**

In the R-1 single-family residential zone, the minimum site area shall be as follows:

Zone	Permitted or Conditional Use
R-1-6	6,000 square feet
R-1-12.5	12,500 square feet



R-1-20            20,000 square feet

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

Zone	Interior Lot	Corner Lot
R-1-6	60 feet	70 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

- B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet. (Ord. 9717 § 2 (part), 1997: prior code § 7274)

**17.12.060 One dwelling unit per site.**

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site. (Ord. 9717 § 2 (part), 1997: prior code § 7275)

**17.12.070 Replacement and expansion of legally existing multiple family units.**

In the R-1 single-family residential zone, in accordance with Sections 17.10.020, 17.12.020 and 17.14.030, legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

- A. A planned development permit as provided in Chapter 17.28 is required for all expansions or replacements.
- B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.32, Article 5.
- C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.
- D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.
- E. The number of multiple family units on the site shall not be increased.
- F. All rights established under Sections 17.10.020, 17.12.020, 17.12.070 and 17.14.030 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a planned development permit does not constitute compliance with this requirement. (Ord. 9717 § 2 (part), 1997: prior code § 7276)

**17.12.080 Front yard.**

**In the R-1 single-family residential zone:**

- A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-6	25 feet
R-1-12.5	30 feet
R-1-20	35 feet

- B. On a be no less than twenty (20) feet, with an average of twenty-five (25) foot setback. (Ord. 2001-13 site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.
- C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7277)

### **17.12.090 Side yards.**

In the R-1 single-family residential zone:

- A. The minimum side yard shall be five feet in the R-1-6 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.
- B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.
- C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.
- D. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.
- E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.
- F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7278)

### **17.12.100 Rear yard.**

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

- A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.
- B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.
- C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7279)

### **17.12.110 Height of structures.**

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty (30) feet, with the exception of structures specified in Section 17.12100B. (Ord. 9717 § 2 (part), 1997: prior code § 7280)

### **17.12.120 Off-street parking.**

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34. (Ord. 9717 § 2 (part), 1997: prior code § 7281)

### **17.12.130 Fences, walls and hedges.**

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030. (Ord. 9717 § 2 (part), 1997: prior code § 7282)

## **Conditional Use Permits**

(Section 17.38)

### **17.38.010 Purposes and powers**

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

### **17.38.020 Application procedures.**

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

### **17.38.030 Lapse of conditional use permit.**

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

### **17.38.040 Revocation.**

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

**17.38.050 New application.**

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

**17.38.060 Conditional uses permit to run with the land.**

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

**17.38.065 Abandonment of conditional use permit.**

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

**17.38.070 Temporary uses or structures.**

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

**17.38.080 Public hearing--Notice.**

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

**17.38.090 Investigation and report.**

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

**17.38.100 Public hearing--Procedure.**

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

**17.38.110 Action by planning commission.**

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

**17.38.120 Appeal to city council.**

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

**17.38.130 Effective date of conditional use permit.**

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

## RESOLUTION NO 2013-45

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING DIAMOND OAKS VESTING TENTATIVE SUBDIVISION MAP NO. 5547 IS A REQUEST BY DIAMOND OAKS, LP, TO SUBDIVIDE 55.9 GROSS ACRES INTO 180 LOTS FOR RESIDENTIAL USE, WITH 168 LOTS IN THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONE AND 12 LOTS IN THE IN THE R-M-2 AND R-M-3 (MEDIUM AND MEDIUM HIGH DENSITY RESIDENTIAL) ZONE. THE SITE IS LOCATED ON THE SOUTH SIDE OF EAST CALDWELL AVENUE BETWEEN SOUTH BURKE STREET AND SOUTH BEN MADDOX WAY (APN: 126-100-012)

**WHEREAS**, Diamond Oaks Vesting Tentative Subdivision Map No. 5547 is a request by Diamond Oaks, LP to subdivide 55.9 gross acres into 180 lots for residential use, with 168 lots in the R-1-6 (Single-Family Residential) zone and 12 lots in the in the R-M-2 and R-M-3 (Medium and Medium High Density Residential) zone. The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on September 23, 2013; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the vesting tentative subdivision map in accordance with Section 16.16 of the Subdivision Ordinance of the City of Visalia, and with Section 17.26 of the Zoning 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 No. 2013-059 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 vesting tentative subdivision 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. 2013-059, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the vesting tentative subdivision 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 16.04.040 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the vesting tentative subdivision map be prepared in substantial compliance with Exhibit "A".
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C".
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "B" are as follows:
  - House Plan 1580 – 19-feet
  - House Plan 1358 – 23-feet
  - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standards
5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision be established per Exhibit "B" with the following exceptions:
  - Lot 173: Rear Yard – 17-feet
  - Lot 174: Rear Yard – 16-feet, 9-inches
  - Lot 175: Rear Yard – 18-feet, 6-inches
  - Lot 176: Rear Yard – 18-feet, 6-inches
6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.

7. That the raised median in Caldwell Avenue shall be constructed with Phase 1 of the Diamond Oaks Subdivision development.
8. That the six Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit "F", as "Very Poor/Dead" shall be removed subject to the issuance of a Valley Oak Tree Removal Permit.
9. That the remaining 10 Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit "F", shall be properly maintained, trimmed and watered as stated in the evaluation. Development around the Valley Oak Trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit.
10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amended conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That Conditional Use Permit No. 2013-17 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
15. That this Vesting Tentative Subdivision Map become null and void unless Conditional Use Permit No. 2013-17 is approved.
16. That all applicable federal, state, regional, and city policies and ordinances be met.
17. 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 Vesting Tentative Subdivision Map No. 5547.



RESOLUTION NO 2013-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA  
APPROVING CONDITIONAL USE PERMIT NO. 2013-17:

A REQUEST BY DIAMOND OAKS, LP TO ALLOW A PLANNED RESIDENTIAL  
DEVELOPMENT, WITH RELOCATION OF APPROXIMATELY 13.8 GROSS ACRES  
OF R-M-2 (MULTI-FAMILY RESIDENTIAL 3,000 SQUARE FEET PER DWELLING  
UNIT) AND R-M-3 (MULTI-FAMILY RESIDENTIAL 1,500 SQUARE FEET PER  
DWELLING UNIT) ZONED PROPERTY AND MODIFIED DEVELOPMENT  
STANDARDS. THE SITE IS LOCATED ON THE SOUTH SIDE OF EAST CALDWELL  
AVENUE BETWEEN SOUTH BURKE STREET AND SOUTH BEN MADDOX WAY  
(APN: 126-100-012)

**WHEREAS**, Conditional Use Permit No. 2013-17 is a request by Diamond Oaks, LP to allow a Planned Residential Development, with relocation of approximately 13.8 gross acres of R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zoned property and modified development standards. The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on September 23, 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 and Section 17.26 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 No. 2013-059 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. 2013-059, 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 be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibit "B", unless otherwise specified in the conditions of approval.
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C".
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "B" are as follows:
  - House Plan 1580 – 19-feet
  - House Plan 1358 – 23-feet
  - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standard.
5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision shall be established per Exhibit "B" with the following exceptions:
  - Lot 173: Rear Yard – 17-feet
  - Lot 174: Rear Yard – 16-feet, 9-inches
  - Lot 175: Rear Yard – 18-feet, 6-inches
  - Lot 176: Rear Yard – 18-feet, 6-inches

6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.
7. That the raised median in Caldwell Avenue shall be constructed with Phase 1 of the Diamond Oaks Subdivision development.
8. That the six Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit "F", as "Very Poor/Dead" shall be removed subject to the issuance of a Valley Oak Tree Removal Permit.
9. That the remaining 10 Valley Oak Trees identified in the Valley Oak Tree Evaluation, Exhibit "F", shall be properly maintained, trimmed and watered as stated in the evaluation. Development around the Valley Oak Trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit.
10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amended conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 shall be approved, and that requirements of the subdivision map which relate to this CUP shall be fulfilled.
15. That this Conditional Use Permit No. 2013-17 become null and void unless the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 is approved.
16. That all applicable federal, state, regional, and city policies and ordinances be met.

17. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-17.

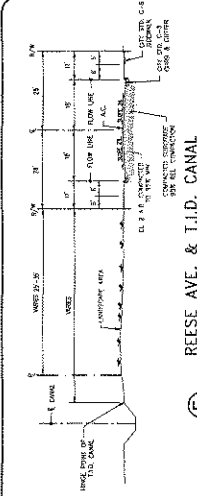
NO.	DATE	REVISIONS



**LANE ENGINEERS INC.**  
 CIVIL STRUCTURAL & SURVEYING  
 979 N. Blackstone Street  
 Tulare, California 93274  
 (559) 609-5253

**DIAMOND OAKS, LP**  
 VENTURA TENTATIVE SUBDIVISION MAP FOR  
 CALIFORNIA

DATE: 1-18-13  
 SHEET: 1 OF 1  
 SHEET NO.: 10132  
 PROJECT: TM11



**LEGAL DESCRIPTION**  
 THE PART OF THE SUBDIVISION MAP...  
**OWNER/DEVELOPER**  
 DIAMOND OAKS, LP  
 979 N. BLACKSTONE STREET  
 TULARE, CALIFORNIA 93274

**SITE DATA**

AREA OF SITE	108.333 AC.
AREA OF LOT 1	1.000 AC.
AREA OF LOT 2	1.000 AC.
AREA OF LOT 3	1.000 AC.
AREA OF LOT 4	1.000 AC.
AREA OF LOT 5	1.000 AC.
AREA OF LOT 6	1.000 AC.
AREA OF LOT 7	1.000 AC.
AREA OF LOT 8	1.000 AC.
AREA OF LOT 9	1.000 AC.
AREA OF LOT 10	1.000 AC.
AREA OF LOT 11	1.000 AC.
AREA OF LOT 12	1.000 AC.
AREA OF LOT 13	1.000 AC.
AREA OF LOT 14	1.000 AC.
AREA OF LOT 15	1.000 AC.
AREA OF LOT 16	1.000 AC.
AREA OF LOT 17	1.000 AC.
AREA OF LOT 18	1.000 AC.
AREA OF LOT 19	1.000 AC.
AREA OF LOT 20	1.000 AC.
AREA OF LOT 21	1.000 AC.
AREA OF LOT 22	1.000 AC.
AREA OF LOT 23	1.000 AC.
AREA OF LOT 24	1.000 AC.
AREA OF LOT 25	1.000 AC.
AREA OF LOT 26	1.000 AC.
AREA OF LOT 27	1.000 AC.
AREA OF LOT 28	1.000 AC.
AREA OF LOT 29	1.000 AC.
AREA OF LOT 30	1.000 AC.
AREA OF LOT 31	1.000 AC.
AREA OF LOT 32	1.000 AC.
AREA OF LOT 33	1.000 AC.
AREA OF LOT 34	1.000 AC.
AREA OF LOT 35	1.000 AC.
AREA OF LOT 36	1.000 AC.
AREA OF LOT 37	1.000 AC.
AREA OF LOT 38	1.000 AC.
AREA OF LOT 39	1.000 AC.
AREA OF LOT 40	1.000 AC.
AREA OF LOT 41	1.000 AC.
AREA OF LOT 42	1.000 AC.
AREA OF LOT 43	1.000 AC.
AREA OF LOT 44	1.000 AC.
AREA OF LOT 45	1.000 AC.
AREA OF LOT 46	1.000 AC.
AREA OF LOT 47	1.000 AC.
AREA OF LOT 48	1.000 AC.
AREA OF LOT 49	1.000 AC.
AREA OF LOT 50	1.000 AC.
AREA OF LOT 51	1.000 AC.
AREA OF LOT 52	1.000 AC.
AREA OF LOT 53	1.000 AC.
AREA OF LOT 54	1.000 AC.
AREA OF LOT 55	1.000 AC.
AREA OF LOT 56	1.000 AC.
AREA OF LOT 57	1.000 AC.
AREA OF LOT 58	1.000 AC.
AREA OF LOT 59	1.000 AC.
AREA OF LOT 60	1.000 AC.
AREA OF LOT 61	1.000 AC.
AREA OF LOT 62	1.000 AC.
AREA OF LOT 63	1.000 AC.
AREA OF LOT 64	1.000 AC.
AREA OF LOT 65	1.000 AC.
AREA OF LOT 66	1.000 AC.
AREA OF LOT 67	1.000 AC.
AREA OF LOT 68	1.000 AC.
AREA OF LOT 69	1.000 AC.
AREA OF LOT 70	1.000 AC.
AREA OF LOT 71	1.000 AC.
AREA OF LOT 72	1.000 AC.
AREA OF LOT 73	1.000 AC.
AREA OF LOT 74	1.000 AC.
AREA OF LOT 75	1.000 AC.
AREA OF LOT 76	1.000 AC.
AREA OF LOT 77	1.000 AC.
AREA OF LOT 78	1.000 AC.
AREA OF LOT 79	1.000 AC.
AREA OF LOT 80	1.000 AC.
AREA OF LOT 81	1.000 AC.
AREA OF LOT 82	1.000 AC.
AREA OF LOT 83	1.000 AC.
AREA OF LOT 84	1.000 AC.
AREA OF LOT 85	1.000 AC.
AREA OF LOT 86	1.000 AC.
AREA OF LOT 87	1.000 AC.
AREA OF LOT 88	1.000 AC.
AREA OF LOT 89	1.000 AC.
AREA OF LOT 90	1.000 AC.
AREA OF LOT 91	1.000 AC.
AREA OF LOT 92	1.000 AC.
AREA OF LOT 93	1.000 AC.
AREA OF LOT 94	1.000 AC.
AREA OF LOT 95	1.000 AC.
AREA OF LOT 96	1.000 AC.
AREA OF LOT 97	1.000 AC.
AREA OF LOT 98	1.000 AC.
AREA OF LOT 99	1.000 AC.
AREA OF LOT 100	1.000 AC.

**LEGEND**  
 X REFER TO SEE TO BE PROVIDED PER SUBMITTAL REQUIREMENTS.

**TEMPORARY STORM DRAINAGE RETENTION BASIN**  
 1.000 AC. RET. CAPACITY  
 108.333 SF. TOTAL AREA  
 24.52 ACRES. NET  
 18721.52+8.83 DU/AC.  
 18721.52+8.83 DU/AC.

**SITE SUMMARY**

**OVERALL SIZE**  
 GROSS SITE (PLANNED) AREA: 108.333 ACRES

**Block 1**  
 TOTAL NUMBER OF LOTS: 100  
 TOTAL AREA: 108.333 SF.  
 TOTAL SITE LOT AREA: 108.333 ACRES

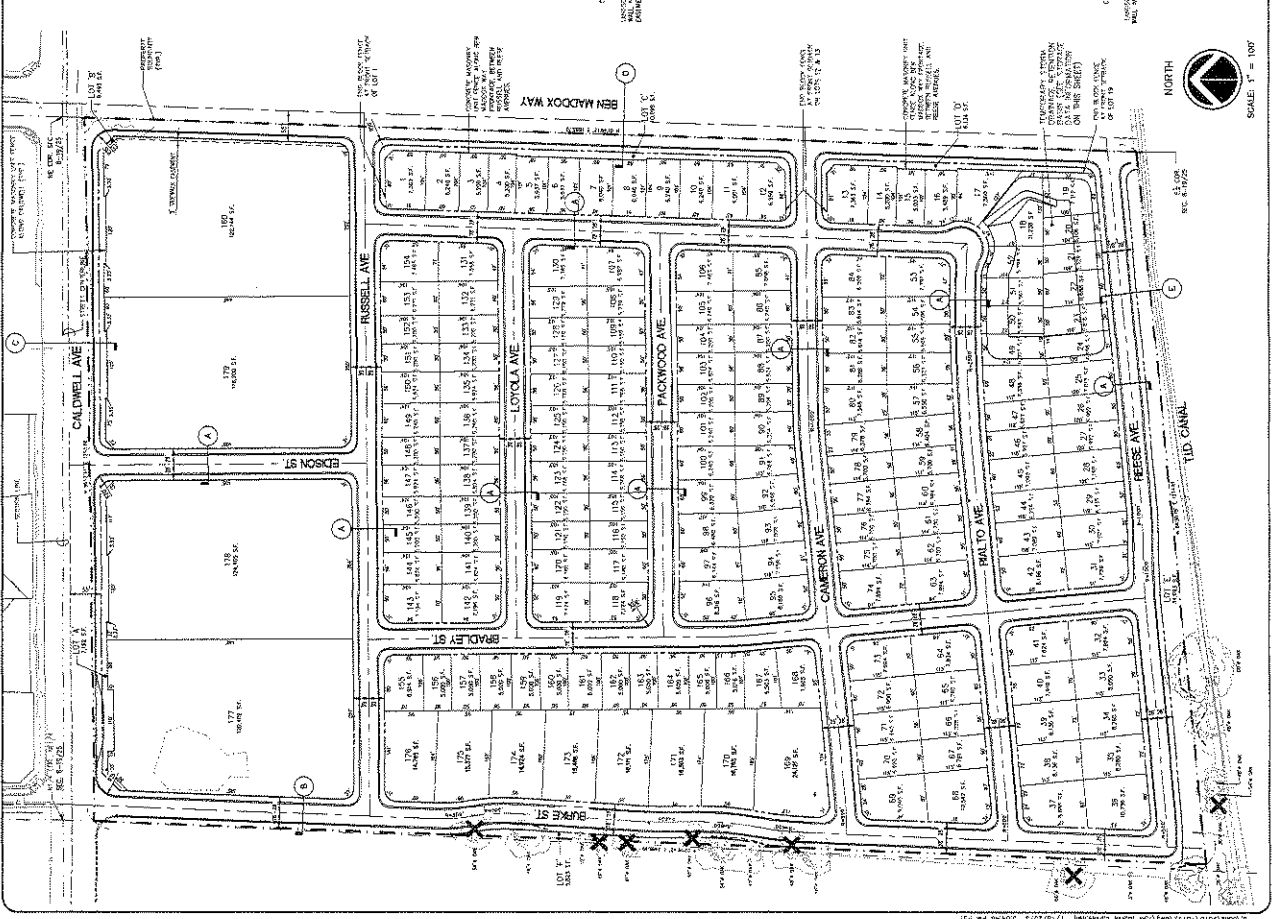
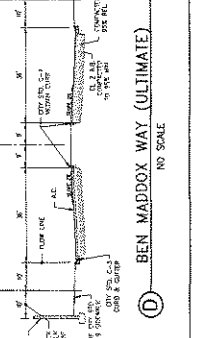
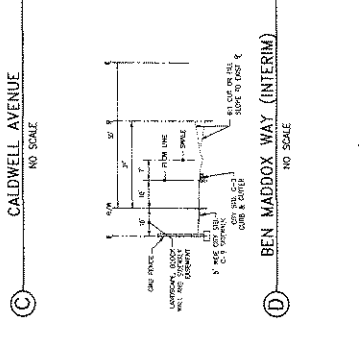
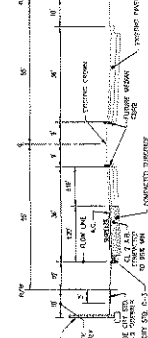
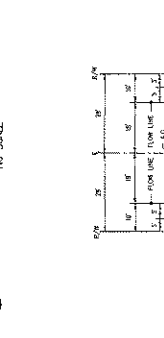
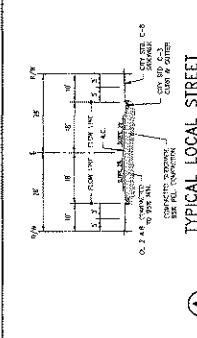
**Block 2**  
 R-1-4 RES. DENSITY: 10.000 LOTS PER AC.  
 TOTAL NUMBER OF LOTS: 100 (100+100)  
 TOTAL TRIPLES LOT AREA: 108.333 SF.  
 TOTAL SITE LOT AREA: 108.333 ACRES

**Block 3**  
 TOTAL NUMBER OF LOTS: 100 (100+100)  
 TOTAL TRIPLES LOT AREA: 108.333 SF.  
 TOTAL SITE LOT AREA: 108.333 ACRES

**Block 4**  
 TOTAL NUMBER OF LOTS: 100 (100+100)  
 TOTAL TRIPLES LOT AREA: 108.333 SF.  
 TOTAL SITE LOT AREA: 108.333 ACRES

**OUTLETS (LANDSCAPE & LOGGING LOTS)**  
 TOTAL NUMBER OF OUTLETS: 100  
 TOTAL SITE LOT AREA: 108.333 ACRES

**NOTE:**  
 IT IS THE INTENTION OF THE SUBDIVIDER THAT THE SUBDIVISION MAPS ON THIS TENTATIVE MAP.



NO.	DATE	REVISIONS

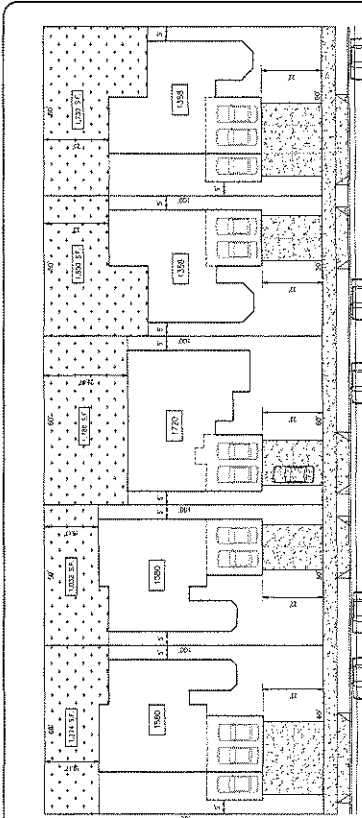


**LANE ENGINEERS INC.**  
 CIVIL, SURVEYING & SURVEYING  
 979 N. Blackstone Street  
 Tulare, California 93274  
 (559) 808-5663

**DIAMOND OAKS, LP**  
 CALIFORNIA  
 VISALIA  
 A CONCEPTUAL PD0 PLAN FOR

**PRD11**  
 SHEET 1 OF 1  
 SHEETS 3018 001 - 3018 002

DATE: 1-18-13  
 SCALE: AS SHOWN  
 DRAWN BY: LJS  
 CHECKED BY: LJS



**REPRESENTATIVE SINGLE FAMILY STREET SCENE**  
 SCALE: 1" = 20'

EXISTING AND PROPOSED IMPROVEMENTS  
 1. IMPROVEMENTS TO EXISTING AND NEW DRIVEWAY  
 2. IMPROVEMENTS TO EXISTING AND NEW DRIVEWAY  
 3. IMPROVEMENTS TO EXISTING AND NEW DRIVEWAY  
 4. IMPROVEMENTS TO EXISTING AND NEW DRIVEWAY  
 5. IMPROVEMENTS TO EXISTING AND NEW DRIVEWAY

**LEGAL DESCRIPTION**

Block 2, Section 26 of Township 41 North, Range 8, Township 79 North, Range 2 East, Merced County, California  
 More or Less Acres and Fraction, "as they may be divided, divided by Survey of the State of California"

**OWNER/DEVELOPER**

DIAMOND OAKS, LP  
 1000 G STREET, SUITE 100  
 VISALIA, CALIFORNIA 93278

**SITE DATA**

STATE	CALIFORNIA
COUNTY	MERCED
CITY	VISALIA
PROJECT NAME	DIAMOND OAKS, LP
DATE	1-18-13
SCALE	AS SHOWN
DRAWN BY	LJS
CHECKED BY	LJS

**SITE SUMMARY**

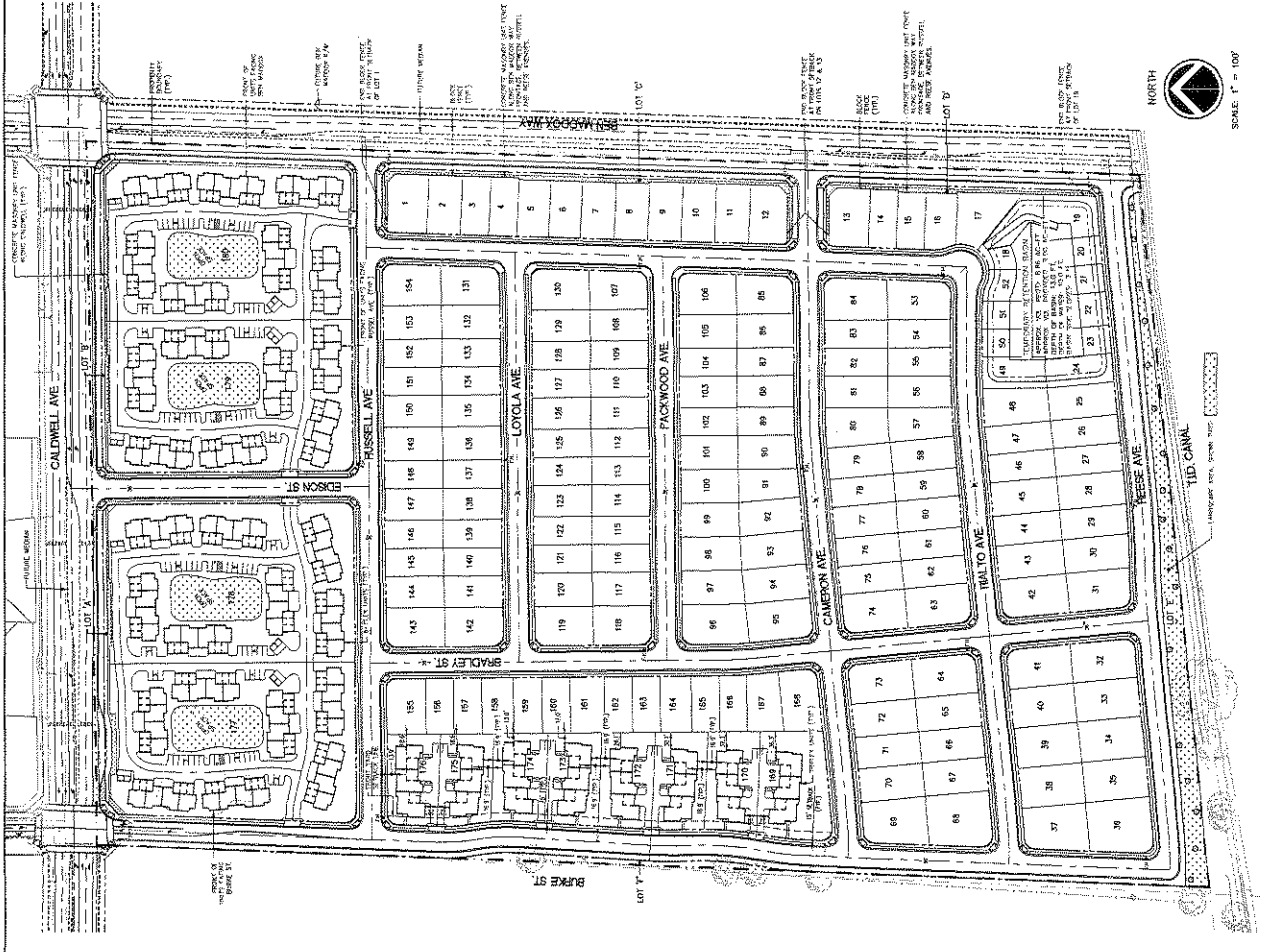
**OVERALL SITE**  
 GROSS SITE (PERMITTED) AREA: 33.8 ACRES  
 TOTAL NUMBER OF SFR UNITS (1-160): 160  
 TOTAL SFR LOT AREA: 2,432 ACRES (NET)  
 TOTAL NUMBER OF DUPLEX UNITS (161-176): 16  
 TOTAL DUPLEX LOT AREA: 330 ACRES (NET)  
 TOTAL NUMBER OF SFR UNITS (177-187): 11  
 TOTAL SFR LOT AREA: 483.50 AC (NET)  
 TOTAL NUMBER OF DUPLEX UNITS (188-198): 10  
 TOTAL DUPLEX LOT AREA: 114 ACRES (NET)  
**OUTLOTS**  
 TOTAL NUMBER OF OUTLOTS (A-F): 6  
 TOTAL OUTLOT AREA: 5,478 SQ FT  
**TOTAL DWELLING UNITS**  
 TOTAL DWELLING UNITS: 182 UNITS

**ALLOWABLE D.U. PER EXISTING ZONING**

**R-1.5-A ZONING:**  
 NET SFR ACREAGE: 15.84 ACRES  
 NET DUPLEX ACREAGE: 28.96 ACRES  
 TOTAL DWELLING UNITS BASED ON R-1.5-A ZONING: 200 UNITS

**R-1.5-B ZONING:**  
 GROSS SFR ACREAGE: 7.88 ACRES  
 NET SFR ACREAGE: 7.48 ACRES  
 NET DUPLEX ACREAGE: 114 ACRES  
 TOTAL DWELLING UNITS BASED ON R-1.5-B ZONING: 182 UNITS

**R-1.5-C ZONING:**  
 TOTAL ALLOWABLE DWELLING UNITS PER MAP: 182 UNITS  
 CURRENT ZONING AND GENERAL PLAN:



**NORTH**

SCALE: 1" = 100'

DATE	4/27/14	REV	1 & 2	DESCRIPTION
DATE		REV		



**LANE ENGINEERS INC.**  
 CIVIL, STRUCTURAL, SURVEYING  
 979 N. Blackstone Street  
 Tulare, California 93274  
 (559) 688-0263

**DIAMOND OAKS, LP**  
 CALIFORNIA

**PH11**  
 SHEET NO. 11  
 PROJECT NO. 14-0001  
 SUBMITTAL NO. 2  
 DATE 4/27/14



**LEGAL DESCRIPTION**  
 That a portion of the southeast corner of Section 9, Township 20 North, Range 21 East, Merced County, California, as shown on the map of "Map 1" of the County of Merced, California, is hereby described as follows:

**OWNER/DEVELOPER**  
 DIAMOND OAKS, LP  
 1000 BROADWAY, SUITE 200  
 SAN FRANCISCO, CA 94111

**SITE DATA**  
 7.5 ACRES MORE OR LESS  
 ZONING: M-15  
 COUNTY: MERCEDES  
 TOWNSHIP: 20 NORTH  
 RANGE: 21 EAST  
 SECTION: 9  
 MERCEDES COUNTY, CALIFORNIA  
 THE SAN JOSE COUNTY RECORD CO.  
 11111 11TH AVENUE  
 SAN JOSE, CA 95128

**PHASING PLAN SUMMARY**

PHASE	PHASE NAME	ACRES	UNITS
1	PHASE 1 (LOTS 1-12)	12.00	120
2	PHASE 2 (LOTS 13-24)	12.00	120
3	PHASE 3 (LOTS 25-36)	12.00	120
4	PHASE 4 (LOTS 37-48)	12.00	120
5	PHASE 5 (LOTS 49-60)	12.00	120
<b>GRAND TOTAL</b>		<b>60.00</b>	<b>600</b>

Exhibit "C"

**DIAMOND OAKS**  
 CONCEPTUAL PHASING PLAN



NORTH  
 SCALE: 1" = 100'

NO.	DATE	REVISIONS



**LANE ENGINEERS INC.**  
 CIVIL • STRUCTURAL • SURVEYING  
 929 N. Blackstone Street  
 Tulare, California 93274  
 (889) 689-5289

A STORM DRAIN INFRASTRUCTURE EXHIBIT FOR:  
**DIAMOND OAKS, LP**  
 VISALIA, CALIFORNIA

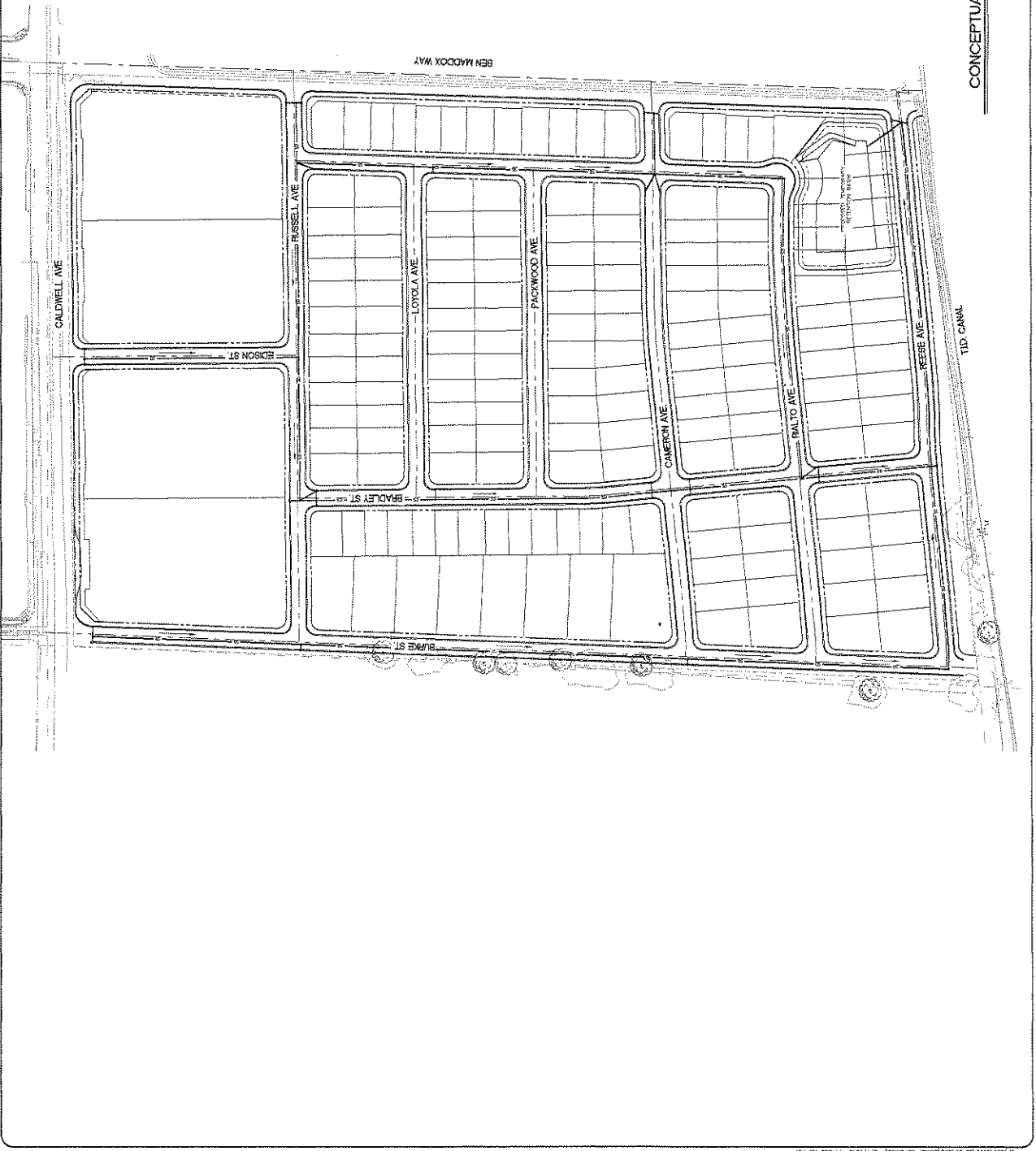
NAME: SD11  
 DATE: 10-18-11  
 SCALE: AS SHOWN  
 PROJECT: US  
 SHEET: 1 OF 1  
 DATE: 10-18-11

Exhibit "D"



CONCEPTUAL STORM DRAIN PIPING

SCALE: 1" = 100'





NO.	DATE	REVISIONS



LANE ENGINEERS INC.  
 CIVIL, STRUCTURAL • SURVEYING  
 979 N. Blackstone Street  
 Tujunga, California 92774  
 (669) 888-5283

DIAMOND OAKS, LP  
 VISALIA, CALIFORNIA  
 A SEWER INFRASTRUCTURE EXHIBIT FOR.

NAME: RFO  
 DATE: 1-16-13  
 SCALE:  
 NOTED:  
 CHECKED: LJS  
 DRAWN:  
 SHEET: S511  
 OF: 1 SHEETS  
 JOB NO: 09552

Exhibit "E"



SANITARY SEWER MASTER PLAN

SCALE: 1" = 100'

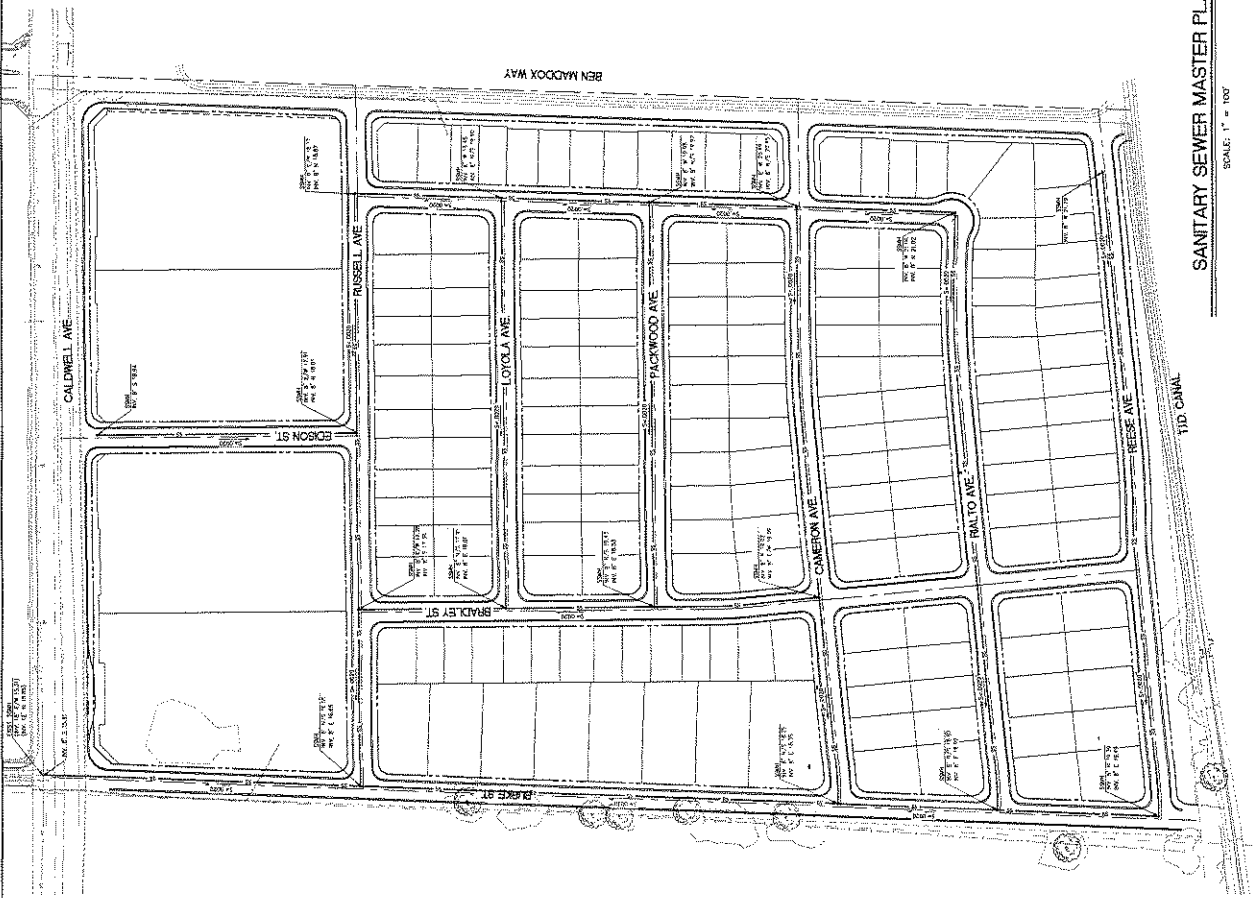


Exhibit "F"

## HALSEYS TREE SERVICE

*"Quality Isn't Expensive... It's Priceless"*

31048 Rd 160 Visalia, Ca. 93292 \*License #778845 \*Insured PL&PD/Workers Comp.  
Certified Arborist #WE-5787A Phone (559) 733-8713

August 1, 2012

Halseys Tree Service  
31048 Rd 160  
Visalia, Ca. 93292  
(559) 733-8713  
[connicathalseys@gmail.com](mailto:connicathalseys@gmail.com)

**TO:**

Fistolera Construction  
210 S. Mooney Blvd. Suite F  
Visalia, Ca. 93291

**Attention:** Kevin Fistolera  
**RE:** Valley Oak evaluations

Dear Kevin,

Enclosed are the 16 evaluations Steve Halsey performed on the 16 Valley Oak trees located at or near the S/W corner of Ben Maddox Way and Caldwell Ave. in Visalia.

We have numbered the trees 1-16, starting with the closest tree to Caldwell Ave. and going south along the western property line to the back and then moving from west to east along the southern border.

**Summary:**

\*The trees are each numbered on their reports.

Tree #	Condition	Recommendation(s)
1	FAIR - POOR	2 options - REMOVE or TRIM *see report for explanation
2	FAIR	TRIM
3	DEAD	REMOVE
4	VERY POOR	REMOVE
5	VERY POOR	REMOVE
6	FAIR	TRIM & Treat for borers
7	FAIR	TRIM
8	DEAD	REMOVE
9	FAIR - POOR	2 options - REMOVE or TRIM & take out vines and treat for borers
10	FAIR - POOR	REMOVE
11	FAIR	JUST NEEDS WATER
12	POOR	2 options - REMOVE or TRIM & treat for borers *see report
13	FAIR	TRIM, Dead-wood and treat for borers

14	POOR	REMOVE
15	FAIR	TRIM
16	FAIR - POOR	2 options - REMOVE or TRIM *(Tree is dying) *see report

As you can see from the summary above, Steve is recommending REMOVAL for 6 of the trees and TRIMMING for 5 of the trees.

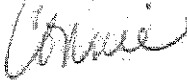
One tree (#11) just needs water.

For the remaining 4 trees, he has given the option of either REMOVAL or TRIMMING, with varying reasons \*(see the reports).

On each of these 4 trees, he does feel that REMOVAL is indeed a viable option. The decision will be up to you on how you would like to proceed.

If you have any questions, please call Connie @ (559) 733-8713.

Thank you,  
Connie



Halseys Tree Service