

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

COMMISSIONERS: Lawrence Segrue, Adam Peck, Roland Soltesz, Brett Taylor, Liz Wynn

MONDAY, FEBRUARY 9, 2015; 7:00 P.M., COUNCIL CHAMBERS, 707 W. 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
5. PUBLIC HEARING - Brandon Smith  
Conditional Use Permit No. 2014-33: a request by Paloma Development to allow for the development of a 168-unit multi-family apartment development on 12.89 acres in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per unit) zone. The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 089-030-031, 032, 033). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant and therefore no project mitigation measures are required for the project. Staff recommends that Negative Declaration No. 2014-81 be adopted for the project.
6. PUBLIC HEARING- Andy Chamberlain  
Conditional Use Permit No. 2014-34: A request by Phillip and Maureen Bianco to allow a church facility in a 2,200 square foot building in the CDT (Commercial Downtown) zone. The site is located at 112 E. Oak Avenue. (APN: 094-281-009)  
This project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-87)

7. PUBLIC HEARING-Paul Bernal  
Zoning Text Amendment No. 2015-02: A request by the City of Visalia to amend several provisions in Chapter 17 of the City of Visalia Zoning Ordinance that regulate Telecommunication Tower development standards and zone locations and incorporating language to comply with new FCC (Federal Communications Commissions) rule making. The project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15305 (Minor modifications in land use limitations).
8. PUBLIC HEARING- Paul Scheibel  
Subdivision and Zoning Text Amendments No. 2015-01; Revising the Appeal Process for Certain Planning Commission Actions. This project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-04), as a minor modification to a land use limitation which does not affect land use or density.
9. 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 THURSDAY, February 19, 2015 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, FEBRUARY 23, 2015**



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** February 9, 2015

**PROJECT PLANNER:** Brandon Smith, AICP, Senior Planner  
Phone No.: (559) 713-4636

**SUBJECT: Conditional Use Permit No. 2014-33:** a request by Paloma Development to allow for the development of a 168-unit multi-family apartment development on 12.89 acres in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per unit) zone. The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 089-030-031, 032, 033).

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-33, as conditioned, based upon the findings and conditions in Resolution No. 2014-55. Staff's recommendation is based on the conclusion that the request is consistent with the City General Plan and Zoning Ordinance.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-24 based on the findings and conditions in Resolution No. 2014-55.

## PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow development of a 168-unit apartment multi-family complex in the R-M-2 zone. The development will be located on three separate parcels fronting the west side of Woodland Street south of Houston Avenue. The proposed density at 13.0 units per acre is within the density range of Residential Medium Density (10 to 15 units per acre).

The proposed site plan (attached as Exhibit "A") shows that the complex will consist of 21 two-story buildings (see elevations attached as Exhibit "B") containing eight units each and surrounded by landscaping. The applicant has indicated that the unit types will range from one to three bedrooms. The complex will include enclosed garage structures to accommodate one vehicle per dwelling unit (168 stalls total) plus 138 additional surface parking stalls for an average of 1.82 stalls per unit. The complex will also include a 4,750 sq. ft. club house building with attached covered patio, arbors, picnic/BBQ areas, and open space. A swimming pool is also being considered for inclusion.

The complex will be surrounded by perimeter fencing and, where the project is adjacent to other properties, masonry block walls. Gated entries are shown into the vehicular access points throughout the development. Each of the three parcels will have one primary vehicle entrance and one vehicle exit.

This project will include construction of street frontage improvements (curb, gutter, sidewalk, and street pave-out) along Houston Avenue and Woodland Street. Two local streets – Stewart Avenue and Allen Avenue – will be constructed on-site with future connectivity to the west upon

completion of The Country Club subdivision. A project description statement attached as Exhibit "C" further describes aspects of the complex.

The project site is currently vacant and has been out of agriculture production for several decades. To the west the site is adjacent to the third and final phase of The Country Club Subdivision, which has a recorded map but has not yet been developed. The site is surrounded on all sides by urban development.

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Medium Density Residential
Zoning:	R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per unit)
Surrounding Zoning and Land Use	North: R-1-6/ Houston Avenue, Low density residential tract subdivision (The Oaks at Country Club Estates) South: QP / Public multi-purpose trail, railroad line, Goshen Avenue, golf course East: QP / Woodland Street & / School district bus yard West: R-1-6 / Low density residential tract subdivision (The Country Club)
Environmental Review:	Negative Declaration No. 2014-81
Special Districts:	N/A
Site Plan:	2014-152

## RELATED PLANS & POLICIES

See separate Municipal Ordinance chapters pertaining to Conditional Use Permits.

## RELATED PROJECTS

The following permits were previously approved on the subject site on December 13, 2004, and are still active.

- **Renaissance Town Homes Vesting Tentative Subdivision Map** is a request by Renaissance Town Homes to divide 14.12 acres into 148 lots with common area parcels.
- **Conditional Use Permit No. 2004-49** is a request by Renaissance Town Homes to allow a multi-family residential development of 148 units in the R-M-2 zone. The development has a mix of one and two-story units with each unit having an attached two car garage. The units are attached as four-plexes, triplexes, and duplexes.

## PROJECT EVALUATION

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

## Land Use Compatibility / Density

The site is planned for Residential Medium Density development, which provides for a density range of 10 to 15 dwelling units per acre. Development of the site with 168 multi-family units will yield an overall density of 13.0 units per acre. This project meets the density requirements as established by the Residential Medium Density land use designation in the current Land Use Element (reference Policy LU-P-56) and helps support the City's policy to facilitate high-quality building and site design for multi-family developments without compromising good site design and compatibility (reference Policy LU-P-52). The unit count and density are an increase over that of the unbuilt project previously approved for this location having 148 units and a density of 11.5 units per acre.

The project supports expanding circulation connectivity by making through-connections at existing street stubs on adjacent properties (reference Policy T-P-14) and by providing a pedestrian connection with the Goshen Avenue multi-use trail to the south of the property (reference Policy T-P-41).

The project has been designed with block walls and mostly garage buildings along single-family residential property for the purpose of buffering noise and living space.

The City's Housing Element supports efforts to establish higher-density, well-designed multi-family development. The quality of life in a community is closely tied to the quality of its neighborhoods in both established and developing areas. The importance of housing and neighborhood quality is illustrated in numerous planning efforts where multi-family housing has been developed near single-family and commercial developments. Examples of this include Cameron Crossing Apartments (Court & Cameron) and Parks Grove Apartments (Lovers Lane & Sunnyside). By encouraging high density "quality" developments that create a sense of place and include safe, well maintained sites, structures with a high degree of architectural appearance and on-site amenities for residents, the City will continue to provide a wide range of housing that fits the needs of this community.

## Setbacks

The project represents a comprehensively planned multi-family residential complex with extra detail given toward the interface with the adjacent single-family residential property. The project is also unique because it consists of three non-adjoining parcels with each having street frontage on two or three sides.

The project proposes to modify the 25-foot rear yard setback required for the R-M-2 zone. Where the project adjoins other properties (primarily the adjacent R-1 property), the rear yard setback standard will be substituted with the standard of five feet per story (similar to a side yard setback requirement). Wherein rear yard setbacks are typically intended to serve as open usable space and as a buffer against rear yards of adjacent properties, the applicant has addressed these issues through alternative means that result in a superior site design. Consideration was also given to the unique configuration and orientation of the parcels which results in the parcels not having clearly defined rear yards. With regard to front yard and street side setbacks, a 15-foot setback will be used throughout the project consistent with standard regulations for the R-M zone.

Staff has included Condition of Approval No. 2, requiring that the site be developed consistent with the site plan shown in Exhibit "B". Staff has also included Condition No. 3 requiring that a setback of five feet per story be applied where the project adjoins private property and the southern boundary adjacent to the trail.



## Good Neighbor Policies and Management and Maintenance Standards

The project is subject to the City's Good Neighbor Policies (GNP's) for multi-family residential development. The GNP's are a set of management and maintenance requirements that address the common maintenance of buildings and grounds. The GNP's prohibit the storage of boats, trailers, and recreational vehicles over one ton outside of carports, and require all buildings, mechanical equipment, and grounds to be maintained in good working order and in a neat and orderly fashion.

To ensure that these requirements are addressed and are consistent with the conditions placed on the subject multi-family project; staff recommends that management and maintenance conditions be included as a part of the conditional use permit. Among the recommended conditions is 24-hour availability for Visalia Police Department to Maintenance and/or Management staff. Maintenance and Management staff shall either be on-site or available by telephone at all times, with phone numbers to be provided to the Police Department dispatch center and kept.

## Street Improvements

Ingress and egress to the site will be from Woodland Street and the adjoining local residential streets. There will be no vehicle access directly from Houston Avenue. The applicant is required to construct curb, gutter, sidewalk, and street paving along the west side of Woodland Street and full street improvements for Stewart Avenue and Allen Avenue as part of this project. Currently Woodland Street is two-thirds built with curb and gutter improvements on the east side (School District property). A sidewalk along Houston Avenue will also be completed with the development of this project.

## Building Elevations

Exhibit "B" provides typical building elevations proposed for the multi-family development. The elevations depict cement plaster finish on the walls, stone veneer trim, arched entryways, and pitched tile roofs. Staff has included Condition of Approval No. 2, requiring that the building elevations be developed consistent with those provided in Exhibit "B".

The apartment buildings incorporate limited visibility of the second story units to the adjacent R-1 property to the west. All buildings faces adjacent to the R-1- properties will have only high ventilation bathroom windows and shielded balconies. The site plan shows that two apartment buildings are set back approximately 10 to 30 feet from property line adjoining the R-1 property, while all remaining buildings are set back at least 75 feet from property line.

## Parking

The parking requirement for multi-family residential units is 1.5 parking stalls per unit, and the Planning Commission has the ability to require an additional .25 parking spaces per unit if on-street parking is not available, or if more than 50% of the units within the development are three or four bedroom units (Zoning Ordinance Section 17.34.020.A).

Based on a 1.50 stall per unit requirement, 252 stalls would be required. The project has 168 enclosed parking spaces – one for each unit - and 132 spaces uncovered for a total of 306 parking spaces, which equals 1.82 spaces per unit. Also, handicap parking is provided on interior spaces as shown on the site plan and as tenant needs arise.

## Walls / Fences

The project will construct a six-foot block wall along all property lines that adjoin other properties. Specifically the block wall will act as a barrier to the future single-family residential

development to the west, School District property to the east, and the existing rail line & Goshen Avenue to the south.

A six-foot wrought iron fence will be erected along all street frontages, similar to other multi-family residential developments found throughout Visalia. The fences will be recessed at the gated entry points. A wrought iron fence up to seven feet in height may be permitted along the front or side property lines or within the front or street side setback areas of multi-family uses per Section 17.36.040.B of the Zoning Ordinance.

#### Environmental Review

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant and therefore no project mitigation measures are required for the project. Staff recommends that Negative Declaration No. 2014-81 be adopted for the project.

### **RECOMMENDED FINDINGS**

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2014-081 is hereby adopted.

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2014-152.
2. That the planned residential development be prepared in substantial compliance with the site plan shown in Exhibit "A" and elevations shown in Exhibit "B".
3. That a minimum setback of five feet per story be applied where the project adjoins private property and applied at the southern boundary of the project adjacent to the trail. A minimum setback of 15 feet shall be applied along all street frontages.
4. That the multi-family development shall maintain a density of 10 to 15 dwelling units per acre in accordance with the Medium Density Residential land use designation.
5. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance (MWELO), shall be included in the construction document plans submitted for either grading or building construction permits. Prior to the

project receiving final approved permits, a signed Certificate of Compliance stating that the project meets MWELo standards shall be submitted to the City.

6. That the owner/operator(s) of all multiple family residential units shall be subject to the following conditions:

**A. Maintenance and Operations**

- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
- b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
- d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
- e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
- f. Remove graffiti within 24 hours of it having been observed.
- g. Recreation facilities shall be for tenant use only.
- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

**B. Landscape Care and Maintenance**

- a. Automatic irrigation systems shall be maintained.
- b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
- c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.



- d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

**C. Parking** - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.

**D. Tenant Agreement** - The tenant agreement for the complex must contain the following:

- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
  - b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
  - c. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
  - d. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
  - e. Standards of behavior for tenants that could lead to eviction.
  - f. All tenants shall read and receive a copy of the Tenant Agreement.
7. That a six-foot masonry block wall be constructed along the west, south, and east property lines (not including along street frontages) as depicted on Exhibit "A".
  8. That the exterior of the buildings and garages as well as all parking surfaces be illuminated during hours of darkness. In addition, the units' addresses shall be contrasting to their background, and also be illuminated during all hours of darkness
  9. Provide street trees per the City's Street Tree Ordinance.
  10. That all applicable federal, state, regional, and city policies and ordinances be met.
  11. 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. 2014-33.

## APPEAL INFORMATION

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

### Attachments:

- Related Plans and Policies
- Resolution
- Exhibit "A" – Site Plan
- Exhibit "B" – Elevation Plan
- Exhibit "C" – Project Description
- Negative Declaration No. 2014-081
- Traffic Impact Statement, 4Creeks Inc., dated November 18, 2014
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Location Map

## Related Plans & Policies

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

### **General Plan Land Use & Transportation Policy:**

**LU-P-52** Facilitate high-quality building and site design for multi-family developments by updating development standards in the zoning ordinance and providing clear rules for development review and approval and by creating and adopting design guidelines to be used in the development review and approval process.

*Characteristics of high-quality site and building design include connectivity to the public realm; compatibility with surrounding development; small-scale buildings with variation in architecture and massing; usable open space and recreation facilities; orientation to natural features; and solar orientation.*

**LU-P-56** Update the Zoning Ordinance to reflect the Medium Density Residential designation on the Land Use Diagram for development at 10 to 15 dwelling units per gross acre.

*This designation can accommodate a mix of housing types including small-lot single family, townhouses, two- and four-plexes, and garden apartments, on infill lots or new development areas within walking distance of neighborhood nodes and corridors. Medium Density Residential development may also be permitted on corner lots in single-family zones and in infill areas where it can be made to be consistent with adjacent properties through the conditional use process. Development standards will ensure that new development contributes positively to the larger community environment. Projects on sites larger than five acres or involving more than 60 units will require discretionary review.*

**T-P-14** Require residential communities on undeveloped land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development should connect to them.

**T-P-41** Integrate the bicycle transportation system into new development and infill redevelopment. Development shall provide short term bicycle parking and long term bicycle storage facilities, such as bicycle racks, stocks, and rental bicycle lockers. Development also shall provide safe and convenient bicycle and pedestrian access to high activity land uses such as schools, parks, shopping, employment, and entertainment centers.

### **Zoning Ordinance Section for R-M Zone**

#### **Chapter 17.16**

#### **R-M Multi-Family Residential Zone**

##### **17.16.010 Purpose and intent.**

In the P(R-M) multi-family residential zone, the purpose and intent is to provide living areas within the two multi-family residential zones (one medium density and one high density) with housing facilities where development is permitted with a relatively high concentration of dwelling units, and still preserve the desirable characteristics and

##### **17.16.050 Site area and configuration.**

A. In the P(R-M) multi-family residential zone, the minimum site area shall be two acres unless a smaller site is approved as part of a conditional use permit, zoning action or upon approval of an acceptable master plan by the site plan review committee. (Ord. 9717 § 2 (part), 1997: prior code § 7294)

**17.16.060 Site area per dwelling unit and per structure.**

In the P(R-M) multi-family residential zone, the minimum site area per dwelling unit shall be three thousand (3,000) square feet in the R-M-2 zone and one thousand five hundred (1,500) square feet in the R-M-3 zone. (Ord. 9717 § 2 (part), 1997: prior code § 7295)

**17.16.070 Front yard.**

A. The minimum front yard shall be as follows:

<b>Zone</b>	<b>Minimum Front Yard</b>
R-M-2	15 feet
R-M-3	15 feet

B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. All garage doors facing the front property line shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

(Ord. 2004-20 (part), 2004: Ord. 9717 § 2 (part), 1997: prior code § 7297)

**17.16.080 Side yards.**

In the P(R-M) multi-family residential zone:

A. The minimum side yard for a permitted or conditional use shall be five feet per story subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.

C. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7298)

**17.16.090 Rear yard.**

In the P(R-M) multi-family residential zone, the minimum rear yard for a permitted use shall be fifteen (15) feet in the R-M-3 zone and twenty-five (25) feet in the R-M-2 zone, subject to the following exceptions:

A. On a corner or reverse corner lot in R-M-2 zone 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.

B. Accessory structures not exceeding twelve (12) feet in height may be located in the required rear yard, but not closer than three feet to any lot line; provided, that on a reversed corner lot an accessory structure shall be located not closer to the rear property line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot. In placing accessory structures in a required rear yard a usable, open, rear yard area of at least one thousand two hundred (1,200) square feet shall be maintained.

C. Exceptions to the rear yard setback can be granted for multiple family units which have their rear yard abutting an alley. The exception may be granted if the rear yard area is to be used for parking. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7299)

**17.16.100 Height of structures.**

In the P(R-M) multi-family residential zone, the maximum height of structures shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-2 zone. The maximum height shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-3 zone. Where an R-M-2 or R-M-3 site adjoins an R-1 site, the second story shall be designed to limit visibility from the second story to the R-1 site. Structures specified under Section 17.16.090B shall be exempt. (Ord. 2012-02, 2012: Ord. 2006-07 § 2 (part), 2006; Ord. 9717 § 2 (part), 1997: prior code § 7300)

**17.16.110 Off-street parking.**

In the P(R-M) multi-family residential zone, off-street parking is subject to the provisions of Chapter 17.34. (Ord. 9717 § 2 (part), 1997: prior code § 7301)

**17.16.120 Fences, walls and hedges.**

In the P(R-M) multi-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.040. (Ord. 9717 § 2 (part), 1997: prior code § 7302)

**17.16.130 Trash enclosures.**

In the P(R-M) multi-family residential zone, enclosures for trash receptacles are permitted which comply with the specifications and requirements of Section 17.32.010 and which are approved by the site plan review committee. Enclosures within the front yard setback are permitted for multiple family dwelling units when deemed necessary by city staff because no other appropriate location for an enclosure exists on the property. (Ord. 9717 § 2 (part), 1997: prior code § 7303)

**17.16.140 Planned development.**

In the P(R-M) multi-family residential zone, a planned development permit must be obtained for all developments other than a single-family residence in R-M zones, subject to the requirements and procedures of Chapter 17.28. (Ord. 9717 § 2 (part), 1997: prior code § 7304)

**17.16.150 Open space and recreational areas.**

In the P(R-M) multi-family residential zone, any multiple family project approved under a conditional use permit shall include open, common, usable space and/or recreational facilities for use by tenants as a part of that plan. The specific size, location and use shall be approved as a part of the conditional use permit. (Ord. 9717 § 2 (part), 1997: prior code § 7305)

**17.16.160 Screening.**

In the P(R-M) multi-family residential zone, all parking areas adjacent to public streets and R-1 sites shall be screened from view subject to the requirements and procedures of Chapter 17.28. (Ord. 9717 § 2 (part), 1997: prior code § 7306)

**17.16.170 Screening fence.**

In the P(R-M) multi-family residential zone, where a multiple family site adjoins an R-A or R-1 site, a screening fence not less than six feet in height shall be located along the property line; except in a required front yard, or the street side of a corner lot and suitably maintained. (Ord. 9717 § 2 (part), 1997: prior code § 7307)

**17.16.180 Landscaping.**

In the P(R-M) multi-family residential zone, all multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained. (Ord. 9717 § 2 (part), 1997: prior code § 7308)

**17.16.190 Model Good Neighbor Policies.**

Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution. A statement referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department shall be recorded with the Tulare County Recorder. This Section shall be enforceable on a continuous basis pursuant to Chapter 17.46. (Ord. 2006-11 § 1, 2006)

**Chapter 17.38**

## Conditional Use Permits

### **17.38.010 Purposes and powers**

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

### **17.38.030 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.

### **17.38.110 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 2014-55

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-33: A REQUEST BY PALOMA DEVELOPMENT TO ALLOW FOR THE DEVELOPMENT OF A 168-UNIT MULTI-FAMILY APARTMENT DEVELOPMENT ON 12.89 ACRES IN THE R-M-2 (MULTI-FAMILY RESIDENTIAL, 3,000 SQ. FT. MINIMUM SITE AREA PER UNIT) ZONE. THE SITE IS LOCATED AT 3360 S. FAIRWAY STREET (APN: 122-300-042, 043).

**WHEREAS**, Conditional Use Permit No. 2014-33 is a request by Paloma Development to allow for the development of a 168-unit multi-family apartment development on 12.89 acres in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per unit) zone. The site is located at 3360 S. Fairway Street (APN: 122-300-042, 043); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on February 9, 2015; and,

**WHEREAS**, the Planning Commission of the City of Visalia finds the conditional use permit in accordance with Section 17.38.110 of the Zoning Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and,

**WHEREAS**, an Initial Study, was prepared which disclosed that no significant environmental impacts would result from this project, and mitigation measures would not be required.

**NOW, THEREFORE, BE IT RESOLVED**, that Negative Declaration No. 2014-081 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2014-081 is hereby adopted.

**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, and subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2014-152.
2. That the planned residential development be prepared in substantial compliance with the site plan shown in Exhibit "A" and elevations shown in Exhibit "B".
3. That a minimum setback of five feet per story be applied where the project adjoins private property and applied at the southern boundary of the project adjacent to the trail. A minimum setback of 15 feet shall be applied along all street frontages.
4. That the multi-family development shall maintain a density of 10 to 15 dwelling units per acre in accordance with the Medium Density Residential land use designation.
5. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance (MWELo), shall be included in the construction document plans submitted for either grading or building construction permits. Prior to the project receiving final approved permits, a signed Certificate of Compliance stating that the project meets MWELo standards shall be submitted to the City.
6. That the owner/operator(s) of all multiple family residential units shall be subject to the following conditions:

**A. Maintenance and Operations**

- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
- b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
- d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
- e. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
- f. Remove graffiti within 24 hours of it having been observed.
- g. Recreation facilities shall be for tenant use only.

- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

**B. Landscape Care and Maintenance**

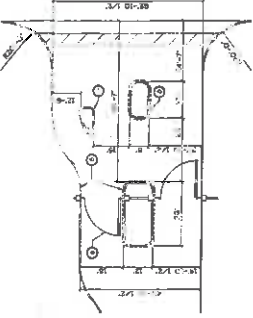
- a. Automatic irrigation systems shall be maintained.
- b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
- c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
- d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

**C. Parking** - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.

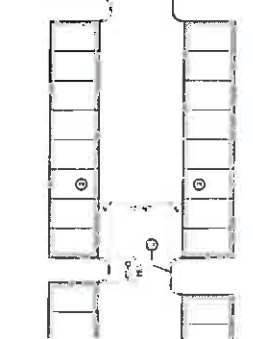
**D. Tenant Agreement** - The tenant agreement for the complex must contain the following:

- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
- b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
- c. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
- d. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
- e. Standards of behavior for tenants that could lead to eviction.
- f. All tenants shall read and receive a copy of the Tenant Agreement.

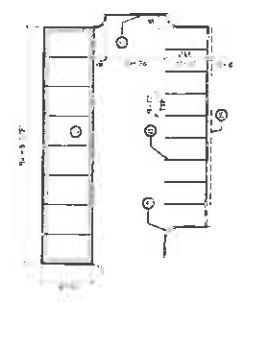
7. That a six-foot masonry block wall be constructed along the west, south, and east property lines (not including along street frontages) as depicted on Exhibit "A".
8. That the exterior of the buildings and garages as well as all parking surfaces be illuminated during hours of darkness. In addition, the units' addresses shall be contrasting to their background, and also be illuminated during all hours of darkness
9. Provide street trees per the City's Street Tree Ordinance.
10. That all applicable federal, state, regional, and city policies and ordinances be met.
11. 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. 2014-33.



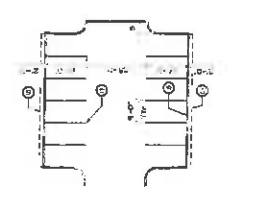
GATED ENTRY LAYOUT



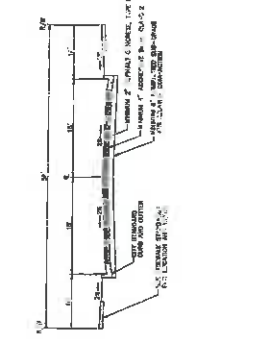
TYP. GARAGE TO GARAGE LAYOUT



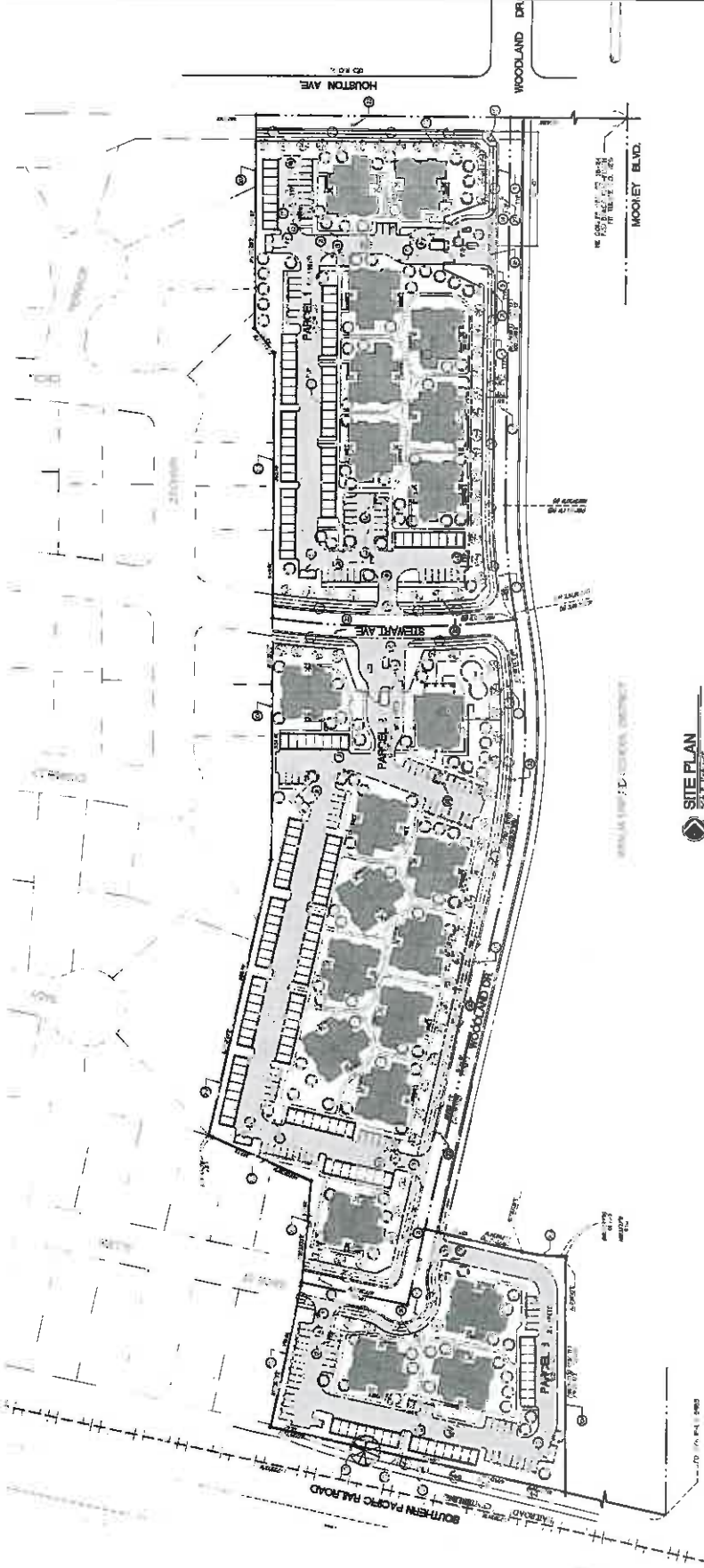
TYP. PARKING TO GARAGE LAYOUT



TYPICAL PARKING LAYOUT



TYPICAL STREET SECTION



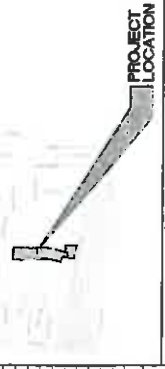
**SITE PLAN**

**Site Area Breakdown**

USE	AREA (SQ. FT.)	PERCENTAGE
TOTAL SITE AREA	1,111,111	100%
APARTMENT UNITS	1,000,000	90%
PARKING SPACES	100,000	9%
LANDSCAPING	10,000	1%
STREETS	1,111	0.1%

- Keyed Notes**
- SEE SHEET A0.1 FOR GENERAL NOTES AND SPECIFICATIONS.
  - SEE SHEET A0.2 FOR ARCHITECTURAL ELEVATIONS AND SECTION.
  - SEE SHEET A0.3 FOR MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) PLAN.
  - SEE SHEET A0.4 FOR LANDSCAPE ARCHITECTURE PLAN.
  - SEE SHEET A0.5 FOR CIVIL ENGINEERING PLAN.
  - SEE SHEET A0.6 FOR STRUCTURAL ENGINEERING PLAN.
  - SEE SHEET A0.7 FOR ENVIRONMENTAL IMPACT STATEMENT (EIS).
  - SEE SHEET A0.8 FOR COMMUNITY IMPACT STATEMENT (CIS).
  - SEE SHEET A0.9 FOR HISTORIC PRESERVATION PLAN.
  - SEE SHEET A0.10 FOR TRAFFIC IMPACT STATEMENT (TIS).
  - SEE SHEET A0.11 FOR AIR QUALITY IMPACT STATEMENT (AQIS).
  - SEE SHEET A0.12 FOR NOISE IMPACT STATEMENT (NIS).
  - SEE SHEET A0.13 FOR CULTURAL IMPACT STATEMENT (CIS).
  - SEE SHEET A0.14 FOR VISUAL QUALITY IMPACT STATEMENT (VQIS).
  - SEE SHEET A0.15 FOR OTHER IMPACT STATEMENTS.

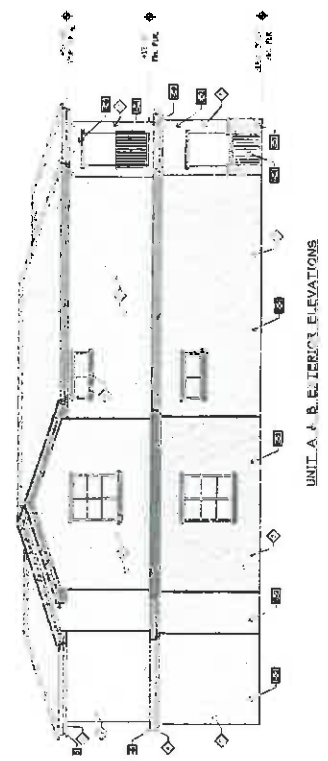
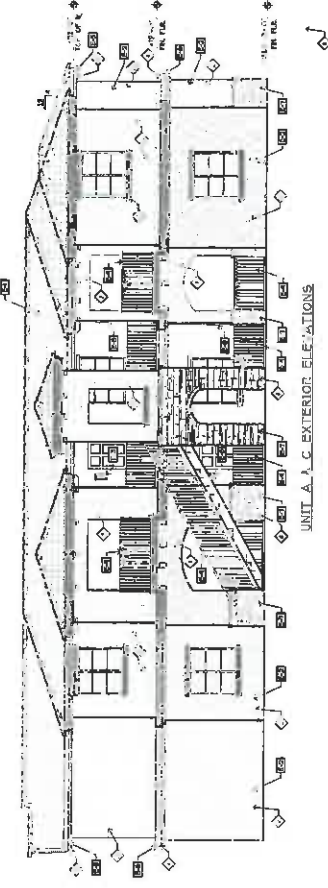
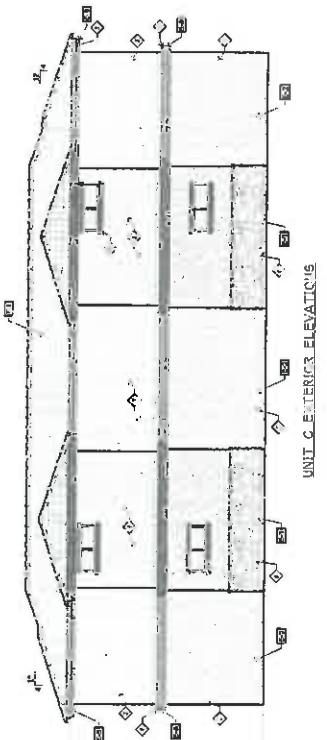
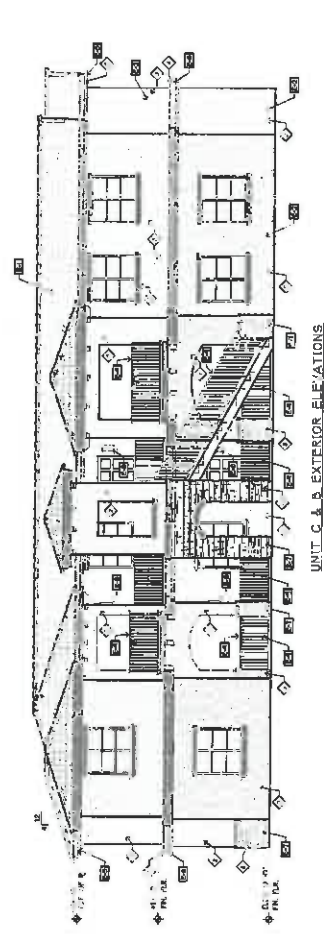
- Site Plan Notes**
- ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
  - ALL DISTANCES ARE MEASURED FROM THE CENTERLINE OF THE ROAD.
  - ALL UTILITIES ARE SHOWN AS LOCATED ON THE RECORD DRAWINGS.
  - ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
  - ALL UTILITIES SHALL BE PROTECTED BY CONCRETE OR METAL CASING.
  - ALL UTILITIES SHALL BE MARKED WITH PULVERIZED RED GLASS BEADS.
  - ALL UTILITIES SHALL BE MARKED WITH REFLECTOR PINS.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE MARKERS.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE PAINT.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE SIGNS.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE LIGHTS.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE SOUNDS.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE VIBRATIONS.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE TASTES.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE SMELLS.
  - ALL UTILITIES SHALL BE MARKED WITH SURFACE TOUCHES.



VICINITY MAP

Exhibit "A"





- EXTERIOR ELEVATIONS KEYNOTES**
- 1. SEE NOTES TO ARCHITECTURE FOR MATERIALS, FINISHES, AND CONSTRUCTION.
  - 2. SEE NOTES TO ARCHITECTURE FOR WINDOW AND DOOR SCHEDULES.
  - 3. SEE NOTES TO ARCHITECTURE FOR LIGHTING FIXTURES AND SCHEDULES.
  - 4. SEE NOTES TO ARCHITECTURE FOR ROOFING MATERIALS AND SCHEDULES.
  - 5. SEE NOTES TO ARCHITECTURE FOR PAINTS AND SCHEDULES.
  - 6. SEE NOTES TO ARCHITECTURE FOR FLOORING MATERIALS AND SCHEDULES.
  - 7. SEE NOTES TO ARCHITECTURE FOR CEILING MATERIALS AND SCHEDULES.
  - 8. SEE NOTES TO ARCHITECTURE FOR WALL MATERIALS AND SCHEDULES.
  - 9. SEE NOTES TO ARCHITECTURE FOR STAIR MATERIALS AND SCHEDULES.
  - 10. SEE NOTES TO ARCHITECTURE FOR BALCONY MATERIALS AND SCHEDULES.
  - 11. SEE NOTES TO ARCHITECTURE FOR SIGNAGE MATERIALS AND SCHEDULES.
  - 12. SEE NOTES TO ARCHITECTURE FOR LANDSCAPE MATERIALS AND SCHEDULES.
  - 13. SEE NOTES TO ARCHITECTURE FOR FURNITURE MATERIALS AND SCHEDULES.
  - 14. SEE NOTES TO ARCHITECTURE FOR APPLIANCES MATERIALS AND SCHEDULES.
  - 15. SEE NOTES TO ARCHITECTURE FOR FIXTURES MATERIALS AND SCHEDULES.
  - 16. SEE NOTES TO ARCHITECTURE FOR ACCESSORIES MATERIALS AND SCHEDULES.
  - 17. SEE NOTES TO ARCHITECTURE FOR FINISHES MATERIALS AND SCHEDULES.
  - 18. SEE NOTES TO ARCHITECTURE FOR COLORED MATERIALS - COLORS TO MATCH.
- EXTERIOR COLOR KEYNOTES**
- 1. SEE NOTES TO ARCHITECTURE FOR COLOR KEYNOTES.
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  - 100. SEE NOTES TO ARCHITECTURE FOR COLOR KEYNOTES.
- EXTERIOR ELEVATIONS**

Exhibit "B"



JEFF CAZALY  
ARCHITECT

735 WEST ALLUVIAL AVE, SUITE 104  
FRESNO, CALIFORNIA 93711  
TEL: 559.291.1889 ♦ FAX 559.291.1882

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County Club Estate Apts.  
Project Description

**General:** The proposed project consists of approximately 168 units with 168 garages and 132 additional parking stalls for a total of not less than 1:8 stalls/unit. The project will be served by a centrally located recreation building with large covered patio areas, arbors, picnic/BBQ areas and open space. A pool is also proposed, but we reserve the right to eliminate it if liability becomes an issue.

**Entries:** Gated controlled entries are proposed and will be of decorative iron and masonry with an appropriate stacking capability as well as a separate lane for visitors/delivery traffic. We reserve the right to eliminate the secured entry gates if operational/maintenance concerns become an issue.

**Perimeter Fencing:** Fencing which occurs between subject property and single family lots to the west will be as determined by the city of Visalia. Fencing at street frontages will be utilized even if secure gates are eliminated to promote foot traffic street crossings at designated/safe locations. Street frontage fencing will be decorative and include ornamental iron/masonry pilaster elements.

**Sound/View Mitigation:** Although more open perimeter fencing along frontages is desired, solid masonry will be used along Houston Ave. and at the train tracks/Goshen Ave to mitigate sound issues. In addition, non-sensitive elements such as garage buildings were placed along the tracks to further buffer living space from sound sources. Garage buildings were also utilized to mitigate view concerns with adjacent single family development to the west.

**Misc.:** Elements such as street lights, fire hydrants and trash enclosures are shown for general location purposes and can be adjusted to meet city requirements and/or already approved patterns along the streets extending into the single family development.

If you have any questions, please contact me.

Thank you,

Jeff Cazaly.

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MA120400

Exhibit "C"

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

**NOTICE OF A PROPOSED  
NEGATIVE DECLARATION**

Project Title: Conditional Use Permit No. 2014-33

Project Description: Conditional Use Permit No. 2014-33 is a request by Paloma Development to allow for the development of a 168-unit multi-family apartment development on 12.89 acres in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per unit) zone.

The multi-family apartment development consists of two-story buildings containing eight units each surrounded by on-site landscaping. It will include enclosed garage structures to accommodate one vehicle per dwelling unit (168 stalls total) plus 132 additional surface parking stalls. The project will include a 4,750 sq. ft. club house building with attached covered patio, arbors, picnic/BBQ areas, open space, and swimming pool. The project will be surrounded by perimeter fencing and, where the project is adjacent of other properties, masonry block walls. Gated entries are incorporated into the vehicular access points throughout the development.

This project includes construction of street frontage improvements (curb, gutter, sidewalk, and street pave-out) along Houston Avenue and Woodland Street. Two local streets – Stewart Avenue and Allen Avenue – will be constructed on-site with future connectivity to the west upon completion of The Country Club subdivision. There are existing sanitary sewer and storm drain main lines that will be utilized for the project, located along Houston Avenue and Woodland Street. Laterals will be extended on-site to connect the project with the existing mains. Other utility services (electricity, gas, phone/cable, and water) will be extended on-site from existing services available in the project vicinity.

There is one Valley Oak tree off-site although its canopy protrudes on-site. This tree will be protected during construction and a permeable surface will remain underneath the canopy.

Project Location: The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 089-030-031, 032, 033).

Contact Person: Brandon Smith, Senior Planner      Phone: (559) 713-4636

Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on February 9, 2015 at 7:00 p.m. in the City Hall Council Chambers located at 707 W. Acequia Avenue, Visalia, California.

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

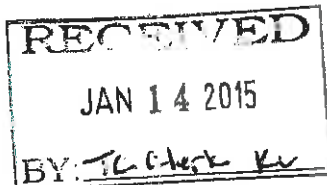
Reasons for Negative Declaration: Initial Study No. 2014-81 has not identified any significant, adverse environmental impact(s) that may occur because of the project. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA.

Comments on this proposed Negative Declaration will be accepted from January 15, 2015 to February 4, 2015.

Date: 1-7-15

Signed: [Signature]

Paul Scheibel, AICP  
Environmental Coordinator  
City of Visalia



## NEGATIVE DECLARATION

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There is one Valley Oak tree off-site although its canopy protrudes on-site. This tree will be protected during construction and a permeable surface will remain underneath the canopy.

**Project Location:** The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 089-030-031, 032, 033).

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

**Attachments:**

Initial Study	(X)
Environmental Checklist	(X)
Maps	(X)
Mitigation Measures	(X)
Traffic Impact Study	(X)

### DECLARATION OF NO SIGNIFICANT EFFECT:

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

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

(d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

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

APPROVED  
Paul Scheibel, AICP  
Environmental Coordinator

By: 

Date Approved: 1-9-14

Review Period: ~~21~~ days

## INITIAL STUDY

### I. GENERAL

**A. Conditional Use Permit No. 2014-33** is a request by Paloma Development to allow for the development of a 168-unit multi-family apartment development on 12.89 acres in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per unit) zone.

The multi-family apartment development consists of two-story buildings containing eight units each surrounded by on-site landscaping. It will include enclosed garage structures to accommodate one vehicle per dwelling unit (168 stalls total) plus 132 additional surface parking stalls. The project will include a 4,750 sq. ft. club house building with attached covered patio, arbors, picnic/BBQ areas, open space, and swimming pool. The project will be surrounded by perimeter fencing and, where the project is adjacent of other properties, masonry block walls. Gated entries are incorporated into the vehicular access points throughout the development.

This project includes construction of street frontage improvements (curb, gutter, sidewalk, and street pave-out) along Houston Avenue and Woodland Street. Two local streets – Stewart Avenue and Allen Avenue – will be constructed on-site with future connectivity to the west upon completion of The Country Club subdivision. There are existing sanitary sewer and storm drain main lines that will be utilized for the project, located along Houston Avenue and Woodland Street. Laterals will be extended on-site to connect the project with the existing mains. Other utility services (electricity, gas, phone/cable, and water) will be extended on-site from existing services available in the project vicinity.

There is one Valley Oak tree off-site although its canopy protrudes on-site. This tree will be protected during construction and a permeable surface will remain underneath the canopy.

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

The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 089-030-031, 032, 033). It is surrounded on all sides by urban development. The project site is currently vacant and has been out of agriculture production for several decades.

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

	General Plan (2014 Land Use)	Zoning (1993)	Existing uses
North:	Low Density Residential	R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area)	Houston Avenue, Low density residential tract subdivision (The Oaks at Country Club Estates)
South:	Parks/ Recreation	QP (Quasi-Public)	Public multi-purpose trail, railroad line, Goshen Avenue, golf course
East:	Public/ Institutional	QP (Quasi-Public)	Woodland Street & / School district bus yard
West:	Low Density Residential	R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area)	Low density residential tract subdivision (The Country Club)

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

**C. Plans and Policies:** The General Plan Land Use Diagram, adopted October 14, 2014, designates the site as Medium Density Residential. The Zoning Map, adopted in 1993, designates the site as R-M-2 (Multi-family Residential, one unit per 3,000 square feet). The proposed project is consistent with the Land Use Element of



the General Plan, including Policy LU-P-56 for Medium Density Residential Development, and consistent with the standards for multi-family residential development pursuant to the Visalia Municipal Code Title 17 (Zoning Ordinance) Chapter 17.16.

## **II. ENVIRONMENTAL IMPACTS**

No significant adverse environmental impacts have been identified for this project. The City of Visalia Land Use Element and Zoning Ordinance contain policies and regulations that are designed to mitigate impacts to a level of non-significance.

## **III. MITIGATION MEASURES**

There are no mitigation measures for this project. 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.

## **IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS**

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


## **V. SUPPORTING DOCUMENTATION**

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

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan), passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.
- Traffic Impact Statement for Country Club Estates Apartments. 4Creeks, Inc., November 18, 2014.
- Revised Specific Plan for Country Club Estates South of Houston Avenue. Quad Knopf, Inc., February 2003.

## **VI. NAME OF PERSON WHO PREPARED INITIAL STUDY**

  
\_\_\_\_\_  
Brandon Smith  
Senior Planner

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

INITIAL STUDY  
ENVIRONMENTAL CHECKLIST

<b>Name of Proposal</b>	Conditional Use Permit No. 2014-33	
<b>NAME OF PROPONENT:</b>	Paloma Development	<b>NAME OF AGENT:</b> Paloma Development
<b>Address of Proponent:</b>	222 N. Garden Street, Suite 200 Visalia, CA 93291	<b>Address of Agent:</b> 222 N. Garden Street, Suite 200 Visalia, CA 93291
<b>Telephone Number:</b>	(559) 713-0202	<b>Telephone Number:</b> (559) 713-0202
<b>Date of Review</b>	January 7, 2015	<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:

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

**III AIR QUALITY**

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

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

**IV BIOLOGICAL RESOURCES**

Would the project:

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

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

**V CULTURAL RESOURCES**

Would the project:

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

**VI GEOLOGY AND SOILS**

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
  - 1 ii) Strong seismic ground shaking?
  - 1 iii) Seismic-related ground failure, including liquefaction?
  - 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**VII GREENHOUSE GAS EMISSIONS**

Would the project:

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

**VIII HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- 1 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- 1 f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**IX HYDROLOGY AND WATER QUALITY**

Would the project:

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

**X. LAND USE AND PLANNING**

Would the project:

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

**XI. MINERAL RESOURCES**

Would the project:

- 1 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 1 b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**XII. NOISE**

Would the project:

- 2 a) Cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 1 b) Cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 2 c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- 1 f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**XIII. POPULATION AND HOUSING**

Would the project:

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

**XIV. PUBLIC SERVICES**

Would the project:

- 1 a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically

altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- 1 i) Fire protection?
- 1 ii) Police protection?
- 2 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

**XV. RECREATION**

Would the project:

- 1 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**XVI. TRANSPORTATION / TRAFFIC**

Would the project:

- 1 a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- 2 b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 1 c) 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)?
- 2 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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

Revised 2009

## DISCUSSION OF ENVIRONMENTAL EVALUATION

### I. AESTHETICS

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

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

- b. There are no scenic resources on the site.
- c. The proposed project includes residential development that will be aesthetically consistent with surrounding development and with General Plan policies. Furthermore, the City has development standards related to landscaping and other amenities that will ensure that the visual character of the area is enhanced and not degraded. Thus, the project would not substantially degrade the existing visual character of the site and its surroundings.
- d. The project will create new sources of light that are typical of residential development. The City has development standards that require that light be directed and/or shielded so it does not fall upon adjacent properties.

### II. AGRICULTURAL RESOURCES

- a. The project is located on property that is identified as Prime Farmland on maps prepared by the California Resources, and will involve the conversion of the property to non-agricultural use.

The Visalia General Plan Update Environmental Impact Report (EIR) has already considered the environmental impacts of the conversion of properties within the Planning Area, which includes the subject property, into non-agriculture uses. Overall, the General Plan results in the conversion of over 14,000 acres of important Farmland to urban uses, which is considered significant and unavoidable. Aside from preventing development altogether the conversion of important Farmland to urban uses cannot be directly mitigated. However, the General Plan contains multiple policies that together work to limit conversion only to the extent needed to accommodate long-term growth. The General Plan policies identified under Impact 3.5-1 of the EIR serve as the mitigation which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area. These policies include the implementation of a three-tier growth boundary system that assists in protecting open space around the City fringe and maintaining compact development within the City limits.

- b. The project site is not zoned for agricultural use. All agricultural related uses have ceased on the property. The project is bordered by urban development or non-producing vacant land on all sides. There are no known

Williamson Act contracts on any properties within the project area.

- c. There is no forest or timber land currently located on the site.
- d. There is no forest or timber land currently located on the site.
- e. The project will not involve any changes that would promote or result in the conversion of farmland to non-agriculture use. The property within the project area is currently designated for an urban, rather than agricultural, land use. Properties that are vacant may develop in a way that is consistent with their zoning and land use designated at any time.

### III. AIR QUALITY

- a. The project site is located in an area that is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project in itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.
- b. Development under the Visalia General Plan will result in emissions that will exceed thresholds established by the SJVAPCD for PM10 and PM2.5. The project will contribute to a net increase of criteria pollutants and will therefore contribute to exceeding the thresholds. Also the project could result in short-term air quality impacts related to dust generation and exhaust due to construction and grading activities. This site was evaluated in the Visalia General Plan Update EIR for conversion into urban development. Development under the General Plan will result in increases of construction and operation-related criteria pollutant impacts, which are considered significant and unavoidable. General Plan policies identified under Impacts 3.3-1 and 3.3-2 serve as the mitigation which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

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

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

- c. Tulare County is designated non-attainment for certain federal ozone and state ozone levels. The project will result in a net increase of criteria pollutants. This site was



evaluated in the Visalia General Plan Update EIR for conversion into urban development. Development under the General Plan will result in increases of construction and operation-related criteria pollutant impacts, which are considered significant and unavoidable. General Plan policies identified under Impacts 3.3-1, 3.3-2, and 3.3-3 serve as the mitigation which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

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

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

- 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. City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR) for conversion to urban use. In addition, staff had conducted an on-site visit to the site in January 2015 to observe biological conditions and did not observe any evidence or symptoms that would suggest the presence of a sensitive, candidate, or special species.

Based on the above, 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 Visalia General Plan Update EIR for conversion to urban use.
- e. The City has a municipal ordinance in place to protect valley oak trees. All existing valley oak trees on the project site will be under the jurisdiction of this ordinance. Any oak

trees to be removed from the site are subject to the jurisdiction of the municipal ordinance.

There is one Valley Oak tree off-site although its canopy protrudes on-site. This tree will be protected during construction and a permeable surface will remain underneath the canopy, consistent with the City's municipal ordinance.

- f. There are no local or regional habitat conservation plans for the area.

#### V. CULTURAL RESOURCES

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

#### VI. GEOLOGY AND SOILS

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

#### VII. GREENHOUSE GAS EMISSIONS

- a. The project is expected to generate Greenhouse Gas (GHG) emissions in the short-term as a result of the

construction of residences and long-term as a result of day-to-day operation of the proposed residences.

The City has prepared and adopted a Climate Action Plan (CAP) which includes a baseline GHG emissions inventories, reduction measures, and reduction targets consistent with local and State goals. The CAP was prepared concurrently with the proposed General Plan and its impacts are also evaluated in the Visalia General Plan Update EIR.

The Visalia General Plan and the CAP both include policies that aim to reduce the level of GHG emissions emitted in association with buildout conditions under the General Plan. Although emissions will be generated as a result of the project, implementation of the General Plan and CAP policies will result in fewer emissions than would be associated with a continuation of baseline conditions. Thus, the impact to GHG emissions will be less than significant.

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

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

#### VIII. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. Construction activities associated with development of the project may include maintenance of on-site construction equipment which could lead to minor fuel and oil spills. The use and handling of any hazardous materials during construction activities would occur in accordance with applicable federal, state, regional, and local laws. Therefore, impacts are considered to be less than significant.
- c. There are two schools located within one-quarter mile from the project site (Green Acres Middle School and Sequoia High School). 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. A remedial action order was issued January 1989 for the cleanup of an area on the site affected by toxic waste residues, and remediation of the area was completed in May 2002.
- 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 residential 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 residential 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. A portion of the project area is located within Zone AE, which indicates an area that is within a 100-year floodplain. The future residences within the project area will be constructed in accordance with building codes applicable for new construction in flood hazard areas, which require that finished floor elevations be constructed at a minimum base level. Therefore, the project's location within the 100-year floodplain has a less than significant impact.
- h. A portion of the project area is located within Zone AE, which indicates an area that is within a 100-year flood hazard area. Any future structures in the project area will be constructed in accordance with building codes applicable for new construction in flood hazard areas, which require that finished floor elevations be constructed at a minimum base level. Based on the project's compliance with these adopted standards, the project itself and any future development in the project area will not involve the placement of structures that would impede or redirect flood flows.
- i. The project would not expose people or structures to risks from failure of levee or dam. The project is located downstream from the Terminus Dam; in the case of dam failure, there will be 4 hours of warning to evacuate the site.

- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, which will contribute to the lack of impacts by mudflow occurrence.

**X. LAND USE AND PLANNING**

- a. The project will not physically divide an established community. The proposed project is to be developed on land designated for residential development. The project site is surrounded on all sides by urban development and is bordered by two major arterial roadways, Houston Avenue and Goshen Avenue. The project is part of the Country Club Estates Specific Plan area which continues to the west.
- b. The project does not conflict with any land use plan, policy or regulation of the City of Visalia. The project will also be developed to meet the density requirements as outlined in the General Plan.
- c. The project does not conflict with any applicable habitat conservation plan or natural community conservation plan as it is located on a vacant dirt lot with no significant natural habitat present.

**XI. MINERAL RESOURCES**

- a. No mineral areas of regional or statewide importance exist within the Visalia area.
- b. There are no mineral resource recovery sites delineated in the Visalia area.

**XII. NOISE**

- a. The project will result in noise generation typical of urban development, but not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. Traffic and related noise impacts from the proposed project will occur along Houston Avenue and Goshen Avenue on the north and south, both existing arterial roadways, and the existing San Joaquin Valley Railroad line to the south. The City's standards for setbacks and/or construction of walls along major routes 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.
- 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 51 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 generate new students for which existing schools in the area may accommodate. In addition, to address direct impacts, the project will be required to pay residential impact fees. These fees are considered to be conclusive mitigation for direct impacts. The project includes residential units that will create a need for park facilities.
  - iv. Other public facilities can adequately serve the site without a need for alteration.

**XV. RECREATION**

- a. The project will directly generate new residents and will therefore 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 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 Visalia General Plan Update Environmental Impact Report (EIR) for urban use.

A Traffic Impact Statement was conducted for the project by 4Creeks, Inc., dated November 18, 2014, which studied key roadways and intersections in the vicinity of the project site. The analysis considered existing roadway condition, sight distance, traffic generation, access point number and spacing, access queuing evaluation, and on-site circulation evaluation. The analysis concludes that the project will not have a significant detrimental effect on traffic and circulation patterns in the immediate vicinity of the project.

- 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 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. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37 adopted on October 14, 2014. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**

  
Paul Scheibel, AICP  
Environmental Coordinator

January 7, 2015  
Date





November 18, 2014  
 Ms. Leslie Blair  
 City of Visalia  
 315 E. Acequia Avenue  
 Visalia, CA 93291

Subject: Traffic Impact Statement for Country Club Estates Apartments

Dear Ms. Blair,

This analysis is prepared for the proposed Country Club Estates Apartments. The proposed Project consists of 168 apartments arranged in 21 8-unit 2-story apartment clusters and a club house. The Project will include on-site parking with gates and key-pads at all entrances to restrict access. The Project is located on the west side of Woodland Drive, between Houston Avenue and the Southern Pacific Railroad. In addition to direct connections to Woodland Avenue, the Project will also have city street connections to the planned (currently construction) residential neighborhood to the west via Stewart Avenue and Race Street.

**Project Trip Generation**

Trip generation for the Project is prepared using the ITE Trip Generation Manual, 9th Edition and is shown below in Table 1.

**Table 1: Country Club Estates Apartments Project Trip Generation**

	Daily <sup>1</sup>	AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
<b>Low-Rise Apartments<sup>2</sup></b>	<b>1,107</b>	<b>16</b>	<b>61</b>	<b>79</b>	<b>63</b>	<b>34</b>	<b>97</b>

<sup>1</sup> Two-directional trips occurring daily  
<sup>2</sup> ITE Land Use Code 221 best fits the description of the proposed Project

**Scope of Analysis**

As shown in Table 1, the Project does not exceed 100 peak hour trips during either the AM or PM peak hour time period. As such, the Project meets the City of Visalia's criteria for a Category I analysis, or a Traffic Impact Statement. Based on the City's criteria, qualitative analysis is presented in this Traffic Impact Statement for:

- Existing conditions
- Sight distance evaluation
- Traffic generation
- Access point number and spacing
- Access queuing evaluation
- On-site circulation evaluation

Each of these evaluations are presented below.

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 Porterville, California 93257  
 P: (559) 781. 0102  
 F: (559) 781.6840

**www.4-creeks.com**



### **Existing Conditions**

Based on the low level of traffic generated by the Project, only the immediately adjacent intersections are reviewed in this report.

#### **1. *Houston Avenue at Woodland Drive***

The intersection of Houston Avenue at Woodland Drive will serve as the primary access between the Project and the rest of the City street system. The intersection is currently constructed to its ultimate configuration. Woodland Drive has stop signs for both north and south approaches, while Houston Avenue is free-flowing. Houston Avenue is an east-west arterial roadway through the north side of Visalia, almost entirely fronted by residential developments. Currently there is no development along Woodland Drive to the south of Houston Avenue. Woodland Drive, north of Houston Avenue, is the only southern outlet for ¼ square mile of residential development north of Houston. As such, current traffic patterns through the intersection are largely east-west through traffic with some moderate turning movements during peak hours. The addition of the Project traffic on the south leg of Woodland Drive will never reach the volume of traffic to/from the north leg due to the land use and area of development.

Current traffic levels at the intersection, based on peak hour observations, do not indicate an existing level of service issue. Should a future LOS issue exist, this intersection is located halfway between the ½ mile north-south arterials (County Center Street and Mooney Blvd) and may one day warrant a traffic signal. Since the southern leg will always have lower traffic volumes than the northern leg (based on development capture area), the addition of the Project traffic will not factor into the determination of traffic signal warrants for the intersection (based on the MUTCD methodology that utilizes the higher of the minor street volumes). Additionally, the City of Visalia has included this intersection in its annual count program and will evaluate it during 4 separate peak hour periods (morning, mid-day, afternoon, and evening).

#### **2. *Stewart Avenue at Woodland Drive***

This intersection will not be completed until the Country Club Estates Apartments project is completed. Additionally, once the residential development to the west of the Project is completed, Stewart Avenue will connect from Woodland Drive to County Center Street. A portion of the adjacent development, approximately 30-40 homes, will fall within the tributary area which is most likely to travel along Stewart Avenue to Woodland Drive. Also, approximately half of the Country Club Estates Apartments will utilize driveways on Stewart Avenue to access Woodland Drive. With the anticipated levels of traffic from these developments, this intersection is anticipated to operate acceptably as a stop controlled intersection with stops on Stewart Avenue.

#### **3. *Race Street at Woodland Drive***

See Stewart Avenue at Woodland Drive discussion above for general operation. Traffic volumes are anticipated to be lower than at the Stewart Avenue at Woodland Drive intersection due to the lower level of development accessing Race Street.

### Sight Distance Evaluation

A sight distance evaluation was performed for Woodland Drive and Houston Avenue at the intersection of these two streets. Due to the fact that both streets are straight, level, and relatively undeveloped, sight distance is acceptable for corner and stopping sight distance based on Highway Design Manual criteria. Care should be taken in the development of the frontage of Houston Avenue to ensure that landscaping or sidewalk amenities do not restrict sight distance.

### Traffic Generation

See Table 1 above. Project trip distribution is anticipated to be largely directed to/from the intersection of Demaree Street at Goshen Avenue as the primary means of accessing the rest of the City of Visalia as well as State Route 198 for regional travel. The remaining traffic will be directed locally to retail, jobs, schools, and other activities in the local area (to the north or east to Downtown).

### Access Points

The Country Club Estates Apartments is split into 3 separate "neighborhoods", bisected by Stewart Avenue and Race Street. Each neighborhood has a primary access point and a second exit point to the City streets.

- The North neighborhood has its primary access point located on Woodland Drive, approximately 157' south of the Houston Avenue southern curb line. The entrance includes an extra wide throat to accommodate 2 lanes of vehicles at the gate, with room for 4-6 vehicles to wait, outside the Woodland Drive right-of-way. Based on the anticipated peak hour entering volume (PM is highest), the number of units in this neighborhood and the City's preferred methodology for queuing, the North driveway will require:
  - Storage =  $63 \text{ veh/hr} * (64 \text{ units} / 168 \text{ units}) * (1 \text{ hr} / 60 \text{ min}) * 2 \text{ min} = 0.8 \text{ vehicles}$ 
    - Storage provided for 4-6 vehicles > 0.8 vehicles
- The Middle neighborhood has a similar access point setup as the North, with the main access on Stewart, approximately 160 feet west of Woodland Drive and the secondary exit located on Woodland Avenue. The Middle neighborhood has the following storage requirements:
  - Storage =  $63 \text{ veh/hr} * (80 \text{ units} / 168 \text{ units}) * (1 \text{ hr} / 60 \text{ min}) * 2 \text{ min} = 1.0 \text{ vehicles}$ 
    - Storage provided for 4-6 vehicles > 1.0 vehicles
- The South neighborhood has the main access on Woodland Drive and the secondary on Race Street. The main access only has one entrance lane, however only 24 apartments are located in the South neighborhood. Based on the above analysis, only 1 vehicle length of storage must be provided and the site is designed to accommodate this requirement.

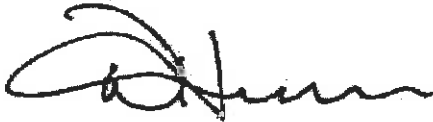
**On-Site Circulation**

As previously discussed, each of the three neighborhoods has a primary entrance/exit point and a secondary exit point. On-site circulation is available between these access points, connecting the garage and open parking within the development. Resident vehicular access on-site is relatively unrestricted, with few dead-ends. Circulation to garbage enclosures is un-restricted and easily accessed by garbage trucks with head-on approaches at the end of drive aisles. Emergency vehicle access to buildings is also similarly un-restricted on-site due to the circulation design.

**Conclusion**

As shown above, the Country Club Estates Apartments Project is not anticipated to have a significant detrimental effect on traffic and circulation patterns in the immediate vicinity of the Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wally Hutcheson', written in a cursive style.

Wally Hutcheson, TE



November 18, 2014

Ms. Leslie Blair  
 City of Visalia  
 315 E. Acequia Avenue  
 Visalia, CA 93291

Subject: Traffic Impact Statement for Country Club Estates Apartments

Dear Ms. Blair,

This analysis is prepared for the proposed Country Club Estates Apartments. The proposed Project consists of 168 apartments arranged in 21 8-unit 2-story apartment clusters and a club house. The Project will include on-site parking with gates and key-pads at all entrances to restrict access. The Project is located on the west side of Woodland Drive, between Houston Avenue and the Southern Pacific Railroad. In addition to direct connections to Woodland Avenue, the Project will also have city street connections to the planned (currently construction) residential neighborhood to the west via Stewart Avenue and Race Street.

**Project Trip Generation**

Trip generation for the Project is prepared using the ITE *Trip Generation Manual, 9th Edition* and is shown below in Table 1.

**Table 1: Country Club Estates Apartments Project Trip Generation**

	Daily <sup>1</sup>	AM Peak Hour			PM Peak Hour		
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<sup>1</sup> Two-directional trips occurring daily

<sup>2</sup> ITE Land Use Code 221 best fits the description of the proposed Project

**Scope of Analysis**

As shown in Table 1, the Project does not exceed 100 peak hour trips during either the AM or PM peak hour time period. As such, the Project meets the City of Visalia's criteria for a Category I analysis, or a Traffic Impact Statement. Based on the City's criteria, qualitative analysis is presented in this Traffic Impact Statement for:

- Existing conditions
- Sight distance evaluation
- Traffic generation
- Access point number and spacing
- Access queuing evaluation
- On-site circulation evaluation

Each of these evaluations are presented below.

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### **Existing Conditions**

Based on the low level of traffic generated by the Project, only the immediately adjacent intersections are reviewed in this report.

#### **1. *Houston Avenue at Woodland Drive***

The intersection of Houston Avenue at Woodland Drive will serve as the primary access between the Project and the rest of the City street system. The intersection is currently constructed to its ultimate configuration. Woodland Drive has stop signs for both north and south approaches, while Houston Avenue is free-flowing. Houston Avenue is an east-west arterial roadway through the north side of Visalia, almost entirely fronted by residential developments. Currently there is no development along Woodland Drive to the south of Houston Avenue. Woodland Drive, north of Houston Avenue, is the only southern outlet for ¼ square mile of residential development north of Houston. As such, current traffic patterns through the intersection are largely east-west through traffic with some moderate turning movements during peak hours. The addition of the Project traffic on the south leg of Woodland Drive will never reach the volume of traffic to/from the north leg due to the land use and area of development.

Current traffic levels at the intersection, based on peak hour observations, do not indicate an existing level of service issue. Should a future LOS issue exist, this intersection is located halfway between the ½ mile north-south arterials (County Center Street and Mooney Blvd) and may one day warrant a traffic signal. Since the southern leg will always have lower traffic volumes than the northern leg (based on development capture area), the addition of the Project traffic will not factor into the determination of traffic signal warrants for the intersection (based on the MUTCD methodology that utilizes the higher of the minor street volumes). Additionally, the City of Visalia has included this intersection in its annual count program and will evaluate it during 4 separate peak hour periods (morning, mid-day, afternoon, and evening).

#### **2. *Stewart Avenue at Woodland Drive***

This intersection will not be completed until the Country Club Estates Apartments project is completed. Additionally, once the residential development to the west of the Project is completed, Stewart Avenue will connect from Woodland Drive to County Center Street. A portion of the adjacent development, approximately 30-40 homes, will fall within the tributary area which is most likely to travel along Stewart Avenue to Woodland Drive. Also, approximately half of the Country Club Estates Apartments will utilize driveways on Stewart Avenue to access Woodland Drive. With the anticipated levels of traffic from these developments, this intersection is anticipated to operate acceptably as a stop controlled intersection with stops on Stewart Avenue.

#### **3. *Race Street at Woodland Drive***

See Stewart Avenue at Woodland Drive discussion above for general operation. Traffic volumes are anticipated to be lower than at the Stewart Avenue at Woodland Drive intersection due to the lower level of development accessing Race Street.

### Sight Distance Evaluation

A sight distance evaluation was performed for Woodland Drive and Houston Avenue at the intersection of these two streets. Due to the fact that both streets are straight, level, and relatively undeveloped, sight distance is acceptable for corner and stopping sight distance based on Highway Design Manual criteria. Care should be taken in the development of the frontage of Houston Avenue to ensure that landscaping or sidewalk amenities do not restrict sight distance.

### Traffic Generation

See Table 1 above. Project trip distribution is anticipated to be largely directed to/from the intersection of Demaree Street at Goshen Avenue as the primary means of accessing the rest of the City of Visalia as well as State Route 198 for regional travel. The remaining traffic will be directed locally to retail, jobs, schools, and other activities in the local area (to the north or east to Downtown).

### Access Points

The Country Club Estates Apartments is split into 3 separate "neighborhoods", bisected by Stewart Avenue and Race Street. Each neighborhood has a primary access point and a second exit point to the City streets.

- The North neighborhood has its primary access point located on Woodland Drive, approximately 157' south of the Houston Avenue southern curb line. The entrance includes an extra wide throat to accommodate 2 lanes of vehicles at the gate, with room for 4-6 vehicles to wait, outside the Woodland Drive right-of-way. Based on the anticipated peak hour entering volume (PM is highest), the number of units in this neighborhood and the City's preferred methodology for queuing, the North driveway will require:
  - $\text{Storage} = 63 \text{ veh/hr} * ( 64 \text{ units} / 168 \text{ units} ) * ( 1 \text{ hr} / 60 \text{ min} ) * 2 \text{ min} = \mathbf{0.8 \text{ vehicles}}$ 
    - Storage provided for 4-6 vehicles > 0.8 vehicles
- The Middle neighborhood has a similar access point setup as the North, with the main access on Stewart, approximately 160 feet west of Woodland Drive and the secondary exit located on Woodland Avenue. The Middle neighborhood has the following storage requirements:
  - $\text{Storage} = 63 \text{ veh/hr} * ( 80 \text{ units} / 168 \text{ units} ) * ( 1 \text{ hr} / 60 \text{ min} ) * 2 \text{ min} = \mathbf{1.0 \text{ vehicles}}$ 
    - Storage provided for 4-6 vehicles > 1.0 vehicles
- The South neighborhood has the main access on Woodland Drive and the secondary on Race Street. The main access only has one entrance lane, however only 24 apartments are located in the South neighborhood. Based on the above analysis, only 1 vehicle length of storage must be provided and the site is designed to accommodate this requirement.



**On-Site Circulation**

As previously discussed, each of the three neighborhoods has a primary entrance/exit point and a secondary exit point. On-site circulation is available between these access points, connecting the garage and open parking within the development. Resident vehicular access on-site is relatively unrestricted, with few dead-ends. Circulation to garbage enclosures is un-restricted and easily accessed by garbage trucks with head-on approaches at the end of drive aisles. Emergency vehicle access to buildings is also similarly un-restricted on-site due to the circulation design.

**Conclusion**

As shown above, the Country Club Estates Apartments Project is not anticipated to have a significant detrimental effect on traffic and circulation patterns in the immediate vicinity of the Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wally Hutcheson', written in a cursive style.

Wally Hutcheson, TE



MEETING DATE 11/05/2014  
SITE PLAN NO. 14-152  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.

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

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

**REVISE AND PROCEED** (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

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

Your plans must be reviewed by:

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

**ADDITIONAL COMMENTS** This project requires a Conditional Use Permit.

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

*Site Plan Review Committee*



City of Visalia  
Building: Site Plan  
Review Comments

ITEM NO: 3      DATE: November 05, 2014  
SITE PLAN NO: SPR14152  
PROJECT TITLE: MULTI FAMILY  
DESCRIPTION: 168 MULTI FAMILY UNIT ON 12.89 ACRES (RM2 ZONED) (X/AE)  
APPLICANT: PALOMA DEVELOPMENT - MAY HARVEY  
PROP OWNER: HARRIS GEORGE W  
LOCATION: SWC WOODLAND & HOUSTON  
APN(S): 089-030-031 089-030-032 089-030-033

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 5 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 5 sets of plans prepared by an architect or engineer. Must comply with 2013 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone X/AE •  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$146.40) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.<sup>54</sup>~~47~~ per square foot. Residential \$2.<sup>36</sup>~~97~~ per square foot.
- Park Development fee \$\_\_\_\_\_, per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comment:

168 units? (ADA-units/parking - LIA)  
Pool - accessible list!

Chanda Clarke  
Signature



**Site Plan Review Comments For:**  
 Visalia Fire Department  
 Kurtis A. Brown,  
 Assistant Fire Marshal  
 707 W Acequia  
 Visalia, CA 93291  
 559-713-4261 office  
 559-713-4808 fax

SITE PLAN NO: SPR14152  
 PROJECT TITLE: MULTI FAMILY  
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 LOCATION: SWC WOODLAND & HOUSTON  
 APN(S): 089-030-031 089-030-032 089-030-033

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

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2013 California Fire Code (CFC), 2013 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2013 CFC 901.6*
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on

**General:**

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2013 CFC 505.1*
- A Knox Box key lock system is required. Where access to or within a structure or an area is restricted because of secured openings (doors and/or gates) or for fire-fighting purposes, a key box is to be installed in an approved location. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.) *2013 CFC 506.1*
- All hardware on exit doors shall comply with Chapter 10 of the 2013 California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting through-out building. *2013 CFC 1011*
- When portion of the building are built upon a property line or in close proximity to another structure the exterior wall shall be constructed as to comply *2013 California Building Code Table 508.4 and Table 602.*

Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2013 CFC 304.3.3*

If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2013 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

**Water Supply:**

Construction and demolition sites shall have an approved water supply for fire protection, either temporary or permanent, and shall be made available as soon as combustible material arrives on the site. *2013 CFC 3312*

No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.

There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)

Fire hydrant spacing shall comply with the following requirements:

The exact location of fire hydrants and final decision as to the number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120 & 16.36.120(8)*

Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial or industrial developments shall be provided with fire hydrants every three hundred (300) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial or industrial developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every five hundred (500) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

When any portion of a building is in excess of one hundred fifty (150) feet from a water supply on a public street there shall be provided on site fire hydrants and water mains capable of supplying the required fire flow. *Visalia Municipal Code 16.36.120(6)*

**Emergency Access:**

- ☒ A construction access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction. The access road shall be capable of holding 75,000 pound piece of fire apparatus, and shall provide access to within 100 feet of temporary or permanent fire department connections. *2013 CFC 3310*
- ☐ Buildings or portions of buildings or facilities with a vertical distance between the grade plans and the highest roof surface exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. *2013 CFC D105*
- ☒ A fire apparatus access roads shall be provide and must comply with the CFC and extend to within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. *2013 CFC 503.1.1*
- ☒ Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Length 151-500 feet shall be a minimum of 20 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC. Length 501-750 feet shall be 26 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC.

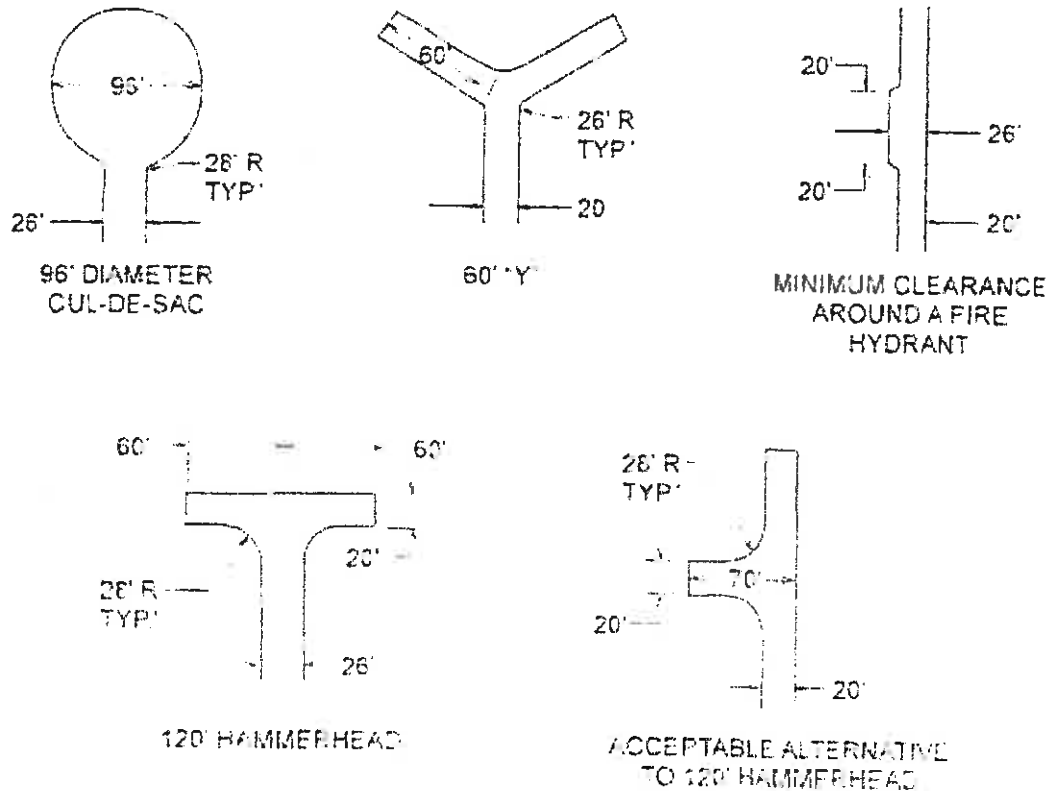


FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND



Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:  
*2013 CFC D103.5*

- Typical chain and lock shall be the type that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system.
- Gates shall be of the swinging or sliding type.
- Gates shall allow manual operation by one person. (power outages)
- Gates shall be maintained in an operative condition at all times.
- Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)

In any and all new One- or two-family dwellings residential developments regardless of the number of units, street width shall be a minimum of 36 feet from curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments that don't allow parking on the streets. *2013 CFC D107.2*

**Fire Protection Systems:**


An automatic fire sprinkler system will be required for this building. Also a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). *2013 CFC 903 and Visalia Municipal Code 16.36.120(7)*

Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2013 CFC 904.11 & 609.2*

\*IF CLUB HOUSE INCLUDES A KITCHEN.

**Special Comments:**

PLEASE NOTE CONCERNS REGARDING TURNING RADIUS AND ENTRANCE BETWEEN 4 UNITS & FIRE DEPARTMENT CONNECTION (FDC)

  
Maribel Vasquez  
Fire Inspector

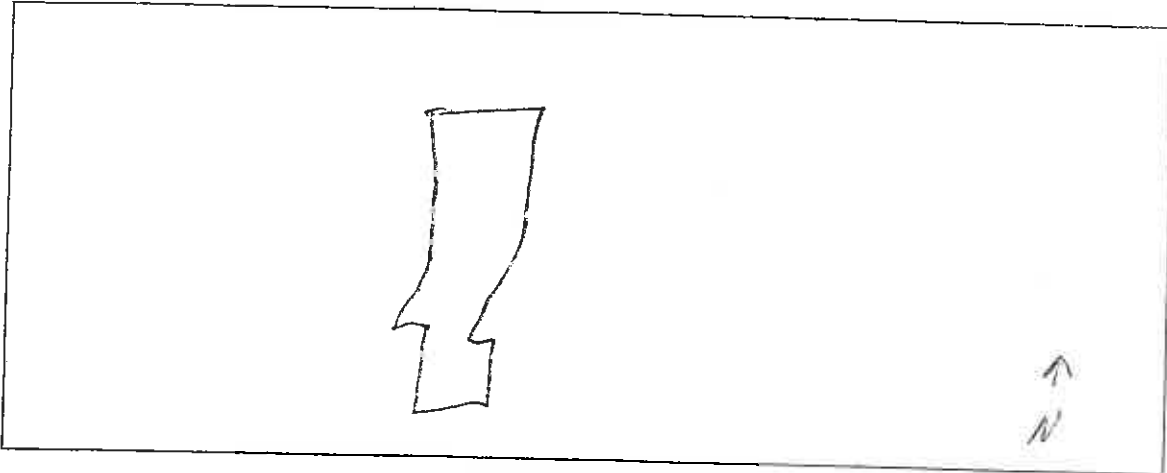


City of Visalia  
Parks and Urban Forestry  
336 N. Ben Maddox Way  
Visalia, CA 93292

Date: 11-25-14

Site Plan Review # 14-152

SITE PLAN REVIEW COMMENTS



COMMENTS:      See Below       None

- Please plot and protect all Valley Oak Trees.
- Landscape along parkway to be planted by developer and maintained by a maintenance district.
- All drainage from curb and gutter along streets to be connected to storm drain system.
- All trees planted in street right-of-way to be approved by the Public Works Superintendent of Parks.
- Tie-ins to existing infrastructure may require a bore. Check with the Public Works Department prior to any street cut.

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Joe Hooyer  
Joe Hooyer

Parks and Urban Forestry Supervisor  
559 713-4295      Fax 559 713-4818

Email: jhooyer@ci.visalia.ca.us

**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
- Adrian Rubalcaba 713-4271

ITEM NO: 3 DATE: NOVEMBER 5, 2014

SITE PLAN NO.: 14-152  
PROJECT TITLE: MULTI-FAMILY  
DESCRIPTION: 168 MULTI-FAMILY UNIT ON 12.89 ACRES (RM2 ZONED) (X/AE)  
APPLICANT: PALOMA DEVELOPMENT - MAY HARVEY  
PROP OWNER: HARRIS GEORGE W  
LOCATION: SWC WOODLAND & HOUSTON  
APN: 089-030-031, 032, 033

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with **30'** radius; **Woodland & Houston intersection**
- Install curb;  gutter **Houston & Woodland**
- Drive approach size: **30' min.**  Use radius return;
- Sidewalk: **5'** width;  **10'** parkway width at **Houston Ave.**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required.  
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Rafael Magallan, 713-4414.
- CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards: **Houston T.I. @ 11.0, Local Streets @ 5.5**

- Install street striping as required by the City Engineer. **See additional comments**
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: 1 each at **300' intervals on Houston and local streets**
- Written comments required from ditch company      Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum     Provide      wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations.     Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact Joel Hooyer at 713-4295 for an Oak tree evaluation or permit to remove.     A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments.     Resubmit with additional information.     Redesign required.

**Additional Comments:**

- 1. New civil design shall meet current City standards. Previously approved civil drawings can be updated/redesigned as necessary to meet current City standards and ADA regulations and submitted for review and approval; further coordination with the City Engineer would be required.**
- 2. A 30' radius ramp return at the southwest corner of Houston and Woodland is required.**
- 3. Street striping will be required for paveout on Houston. A stop line, stop stencil, crosswalk, and stop sign with street name blades shall be installed at Woodland/Houston intersection. Refer to City standards for local street to arterial connection signage requirements.**
- 4. A street lighting electrical plan is required. Refer to City standard details for location & installation specifications. Review and approval by City Traffic Safety Division is required.**
- 5. Proposed local street widths are adequate.**
- 6. A street bulb is required at connection of Woodland and Race Ave. Refer to P-24 for City standard details. Redesign as necessary.**
- 7. Existing utilities installed by previous developer are subject to re-inspection and testing per current City std. testing requirements. Coordination with the City Construction Management team is required prior to construction.**
- 8. The local street right-of-way has been dedicated as an Irrevocable Offer of Dedication (IOD) to the City per the underlying parcel map. A portion of the IOD, extending Race Ave. easterly to the adjacent parcel, may not be necessary and will need to be abandoned. The City Council will need to accept the Irrevocable Offer of Dedication prior to project completion. Coordination with the City Engineer is required.**



9. *Location of proposed trash enclosures are adequate. Gates and concrete apron shall be installed. Refer to City standard 24' refuse enclosure details.*

10. *20' radius ramp returns, per City standards, are required at Stewart and Woodland intersection. A stop stencil, stop line, and stop sign w/ street name blades is required.*

11. *Refer to current City standards for proposed commercial drive approach details.*

12. *Development impact fees for multi-family will be due at time of development of each parcel, or portion thereof. Plan check and inspection fees will apply.*

13. *Houston Ave. improvements are required at time of first phase of development. Completion of local streets will be subject to project phasing and discretion of the City Engineer.*

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 14-152  
Date: 11/5/2014

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

(Fee Schedule Date:8/15/2014)  
(Project type for fee rates:MULTI-FAMILY)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,168/AC X 14.1 = \$16,468.80
<input checked="" type="checkbox"/> Transportation Impact Fee	\$3,376/UNIT X 168 = \$567,168
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$404/UNIT X 168 = \$67,872
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$39/LF X 1460 (WOODLAND & HOUSTON) = \$56,940
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$5,140/AC X 14.1 = \$72,474
<input checked="" type="checkbox"/> Park Acq/Dev Fee	\$2,912/UNIT X 168 = \$489,216
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$3,773/AC X 14.1 = \$53,199.30
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$3,950/AC X 14.1 = \$55,695
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$1,713/AC X 14.1 = \$24,153.30
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$459/UNIT X 168 = \$77,112
<input type="checkbox"/> Parking In-Lieu	

**Reimbursement:**

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

  
\_\_\_\_\_  
Adrian Rubalcaba

# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: November 5, 2014

SITE PLAN NO: 2014-152  
PROJECT TITLE: MULTI FAMILY  
DESCRIPTION: 168 MULTI FAMILY UNIT ON 12.89 ACRES (RM2 ZONED) (X/AE)  
APPLICANT: PALOMA DEVELOPMENT - MAY HARVEY  
PROP. OWNER: HARRIS GEORGE W  
LOCATION TITLE: SWC WOODLAND & HOUSTON  
APN TITLE: 089-030-031  
GENERAL PLAN: RMD – Residential Medium Density  
EXISTING ZONING: R-M-2 – Multi-Family Residential 3,000 sq. ft. min. site area per unit

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Conditional Use Permit
- Traffic Impact Statement
- Building Elevations
- Additional Information as needed

## **PROJECT SPECIFIC INFORMATION: 11/05/2014**

1. A Conditional Use Permit (CUP) is required for the 168-unit Country Club Estates apartment development.
2. Provide building elevations with the CUP application submittal.
3. The required Traffic Impact Statement shall be submitted with the CUP application. If the Traffic Impact Statement is not included with the application the application will be deemed incomplete.
4. Staff will recommend a condition as part of the CUP that a seven-foot block wall be erected along the west property line of the multi-family development that abuts the Country Club Estates single-family residential subdivision.
5. Staff supports the construction of a block wall along the Houston Avenue street frontage. However, staff strongly encourages wrought iron fencing be installed along Woodland Street, and Allen and Stewart Avenues. Per Section 17.36.040, a decorative open metal fence of wrought iron or tubular steel (not chain link) not exceeding seven feet in height shall be permitted along the front and street side property lines or within the front yard and street side yard setback areas of multi-family uses. This subsection does not authorize solid walls or fences composed of woven wire (chain link), wood, or other materials other than open metal wrought iron or tubular steel. A post or pilaster consisting of masonry, brick, or other solid material not exceed 18 inches square and seven feet tall may be used to support a wrought iron or tubular steel fence at a minimum distance of six feet between the posts or pilasters.
6. Where an R-M-2 site adjoins an R-1 site, the second story shall be designed to limit visibility from the second story to the R-1 site. This needs to be demonstrated for the two buildings located on Parcel 2 adjacent to the single-family lots to the west.
7. A seven-foot block wall is required along the south property line. This wall shall also provide pedestrian gates to allow pedestrian access to the bike and walking trail along Goshen Avenue.
8. Comply with the City's Valley Oak Tree ordinance when working near Valley Oak Trees. The valley oak tree located along the south property line shall be protected at all times.

9. Model Good Neighbor Policies: Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long-term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution. A statement referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department shall be recorded with the Tulare County Recorder. This Section shall be enforceable on a continuous basis pursuant to Chapter 17.46.

**CITY GENERAL PLAN CONSISTENCY**

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

**DEVELOPMENT STANDARDS** - R-M-2 [17.16]

**Maximum Building Height**: 35 Feet

**Minimum Setbacks**:

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

**Minimum Site Area**: 3,000 square feet per unit

- Common open space
- Screen 2<sup>nd</sup> story windows when adjacent to an R-1 Site, Single-Family Residential
- Conditional Use Permit for 60 or more units
- Alley exception for rear setback to parking structure, open space still needed
- Minimum site area 2 acres, unless CUP, zoning action, or Master Plan approved by SPR
- Screen all parking areas adjacent to public streets. Parking subject to Chapter 17.34.
- See Zoning Ordinance Section 17.16 for complete standards and requirements.

**Parking**:

1. Multi-family dwelling: 1.5 parking spaces per dwelling unit for all multi-family developments with the following exceptions:
  - a) Planning Commission shall have the authority to require an additional .25 parking spaces per dwelling unit for guest parking spaces under the following circumstances:
    - i. Should on-street parking not be available to provide a minimum of .25 spaces per unit;
    - ii. Within developments which include more than fifty (50) percent of the units as three or four bedroom units.
  - b) In cases where multi-family developments do not require planning commission review, the site plan review committee shall have similar authority as described above.
2. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).

3. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040.D & 17.30.130.C).
4. It is highly recommended that bicycle rack(s) be provided on site plan.
5. Design/locate parking lot lighting to deflect any glare away from abutting residential areas, calculations to be shown on construction documents (Zoning Ordinance Section 17.34.030.J).
6. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street.

#### Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide second-story screening for all windows that may intrude into adjacent residential properties. Details and cross-sections will be required to be reviewed and approved prior to issuance of building permits (Zoning Ordinance Section 17.30.130.F).
3. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
4. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.
5. Provide minimum of seven-foot high concrete block wall or masonry wall along/around the following: **West property lines of the multi-family development abutting the single-family residential zoned properties to the west of the project site.**
6. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
7. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

#### Landscaping:

1. On September 30, 2009, the State Model Water Efficient Landscape Ordinance (MWELo) was finalized by the State Department of Water Resources to comply with AB 1881. AB 1881 along with the MWELo became effective on January 1, 2010. As of January 1, 2010, the State Model Water Efficient Landscape Ordinance became effective by adoption of a City urgency ordinance on December 21, 2009. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELo standards is required indicating that the landscaping has been installed to MWELo standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.130.C).
3. In the P(R-M) multi-family residential zone, all multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained. (Zoning Ordinance Section 17.16.180)
4. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).

5. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
6. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
7. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
8. Provide a conceptual landscape plan for resubmittal or planning commission review.
9. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).

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

**Lighting:**

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

**Signage: [see Zoning Ordinance Section 17.48]**

1. All signs require a building permit.

**The Model Good Neighbor Policies are adopted by Resolution 2006-60 to read as follows:**

**17.16.190 Model Good Neighbor Policies.**

Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution. A statement referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department shall be recorded with the Tulare County Recorder. This Section shall be enforceable on a continuous basis pursuant to Chapter 17.46.



#### **A. Operational Management Plan Required**

Before issuance of a building permit for a multi-family project in the R-M zone that is subject to review and approval by the Site Plan Review Committee or the Planning Commission, an operational management plan (Plan) shall be established for the long-term maintenance and management of the project. The Plan shall include but not be limited to the following:

- a. The maintenance of landscaping for the associated properties;
- b. The maintenance of private drives and open space parking;
- c. The maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages;
- d. Enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and
- e. Enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission.

#### **B. Plan Shall Be Recorded**

Before issuance of a building permit for the project, applicant shall prepare a statement in a form approved by the Planning Director, referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department. The statement shall be recorded with the Tulare County Recorder.

#### **C. Maintenance and Operations**

1. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
2. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
3. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
4. Maintain all electrical, plumbing, heating, and other facilities in good working order.
5. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
6. Remove graffiti within 24 hours of it having been observed.
7. Recreation facilities shall be for tenant use only.
8. Provide 24-hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
9. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
10. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

**D. Landscape Care and Maintenance**

1. Automatic irrigation systems shall be maintained.
2. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
3. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
4. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

**E. Parking** - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.


**F. Tenant Agreement** - The tenant agreement for the complex must contain the following:

1. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
2. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
3. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
4. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
5. Standards of behavior for tenants that could lead to eviction.
6. All tenants shall read and receive a copy of the Tenant Agreement.

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

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

Signature



A handwritten signature in black ink, appearing to read "Jane Brown", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 5, 2014

ITEM NO:	3
SITE PLAN NO:	SPR14150
PROJECT TITLE:	MULTI FAMILY
DESCRIPTION:	186 MULTI FAMILY UNIT ON 12.89 ACRES (RMC ZONED) (X/AE)
APPLICANT:	PALOMA DEVELOPMENT - MAY HARVEY
PROP. OWNER:	HARRIS GEORGE W
LOCATION:	SWO WOODLAND & HOUSTON
APN(S):	089-030-001 089-030-002 089-030-003

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at *Woodland and Allen, Woodland and Stewart, and Woodland and Houston* Locations.
- Install Stop Signs at *on Woodland at Houston and Stewart at Woodland* Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required.

**Additional Comments:**

- Allen Street is incorrectly labeled Race.

  
\_\_\_\_\_  
**Leslie Blair**



ITEM NO: 3

D, November 05, 2014

SITE PLAN NO:

SPR14152

PROJECT TITLE:

MULTI FAMILY

DESCRIPTION:

168 MULTI FAMILY UNIT ON 12.89 ACRES (RM2 ZONED) (X/AE)

APPLICANT:

PALOMA DEVELOPMENT - MAY HARVEY

PROP OWNER:

HARRIS GEORGE W

LOCATION:

SWC WOODLAND & HOUSTON

APN(S):

089-030-031 089-030-032 089-030-033

# City of Visalia Police Department

303 S. Johnson St.  
Visalia, Ca. 93292  
(559) 713-4370

## Site Plan Review Comments



No Comment at this time.



Request opportunity to comment or make recommendations as to safety issues as plans are developed.



Public Safety Impact fee:

Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code  
Effective date - August 17, 2001

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. \*Refer to Engineering Site Plan comments for fee estimation.



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



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



Access Controlled / Restricted etc:



Lighting Concerns:



Landscaping Concerns:



Traffic Concerns:



Surveillance Issues:



Line of Sight Issues:



Other Concerns:

42

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

SITE PLAN NO: SPR14152  
PROJECT TITLE: MULTI FAMILY  
DESCRIPTION: 168 MULTI FAMILY UNIT ON 12.89 ACRES (RM2 ZONED) (X/AE)  
PALOMA DEVELOPMENT - MAY HARVEY  
APPLICANT: HARRIS GEORGE W  
PROP OWNER: HARRIS GEORGE W  
LOCATION: SWC WOODLAND & HOUSTON  
APN(S): 089-030-031 089-030-032 089-030-033

**COMMERCIAL BIN SERVICE**

- No comments.
- Same comments as as
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers.
- ALL refuse enclosures must be R-3 or R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of :  
Commercial ( X ) 50 ft. outside 36 ft. inside; Residential ( ) 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS)
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards



The width of the enclosure by ten (10) feet, minimum of six (6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

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

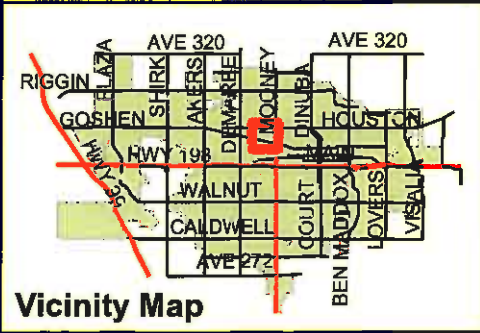
PROJECT IS GOOD TO PROCEED, ANY FUTURE CHANGES SOLID WASTE WILL BE NOTIFIED.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



# Conditional Use Permit No. 2014-33

The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 089-030-031, 032, 033)



## Zoning Map

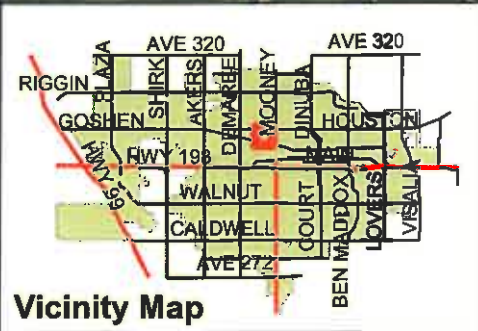


- QUASI-PUBLIC
- SINGLE-FAMILY RESIDENTIAL, R-1-20
- SINGLE-FAMILY RESIDENTIAL, R-1-6
- MULTI-FAMILY RESIDENTIAL, R-M-2



# Conditional Use Permit No. 2014-33

The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 089-030-031, 032, 033)



Vicinity Map

## Aerial Photo

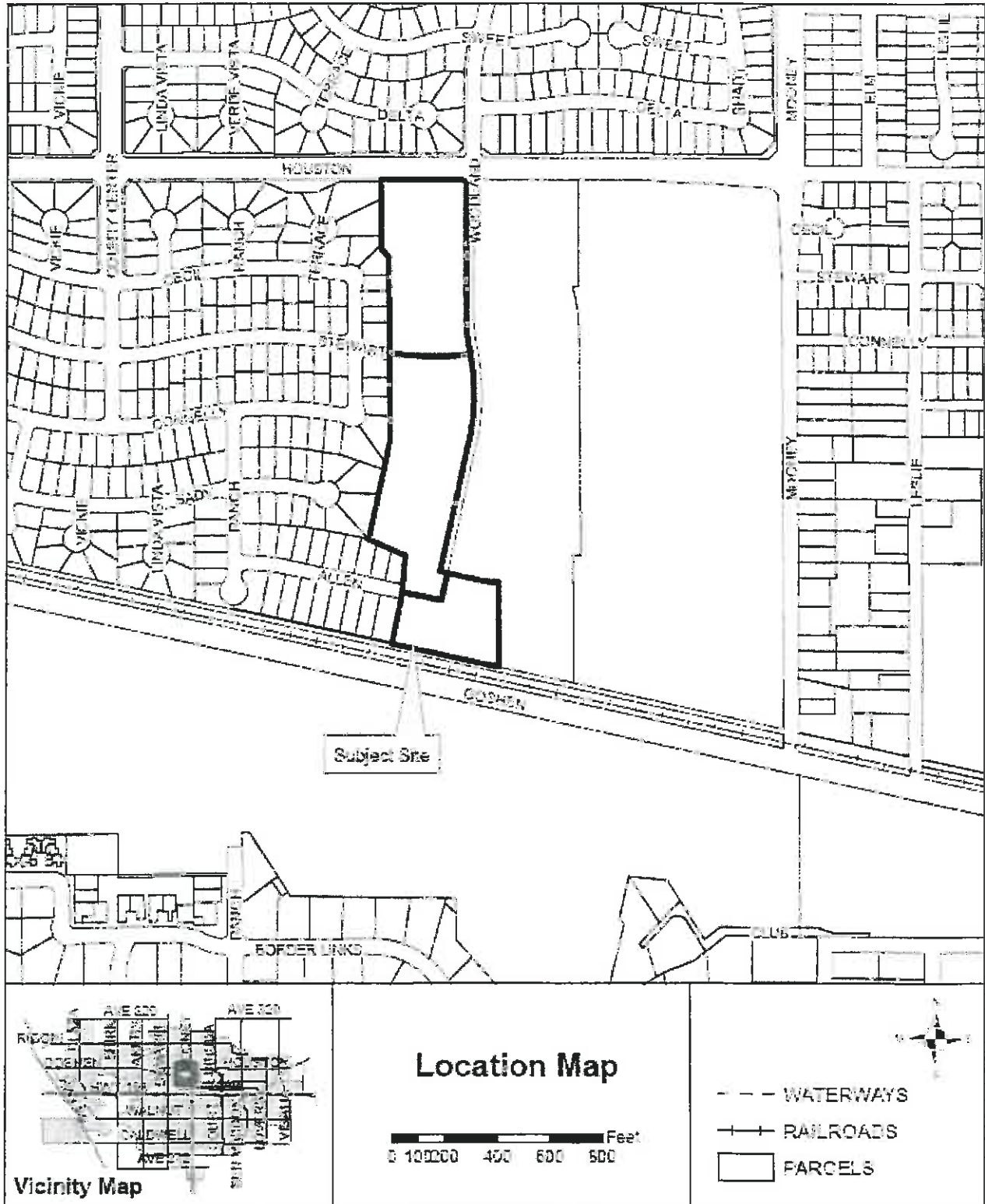
Photo Taken March 2014



- WATERWAYS
- RAILROADS
- PARCELS

**Conditional Use Permit No. 2014-33**

The project site is located at the southwest corner of Houston Avenue and Woodland Street (APN: 056-030-031, 032, 033)







# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** February 9, 2015

**PROJECT PLANNER:** Andrew Chamberlain, Senior Planner  
Phone No. (559) 713-4003

**SUBJECT:** Conditional Use Permit No. 2014-34: A request by Phillip and Maureen Bianco to allow a church facility in a 2,200 square foot building in the CDT (Commercial Downtown) zone. The site is located at 112 E. Oak Avenue. (APN: 094-281-009)

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-34 based upon the findings and conditions listed in Resolution No. 2014-56.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-34 based on the findings and conditions in Resolution No. 2014-56.

## PROJECT DESCRIPTION

This conditional use permit is a request to establish a religious facility for the Iglesia De Jesucristo Church at 112 E. Oak Avenue. The site contains a 2,200 sq. ft. building fronting onto Oak Avenue as shown in Exhibit "A". The sanctuary shows 40 seats in Exhibit "A", with the balance of the building used for office and restrooms.

The Operational Statement in Exhibit "B" describes the use of the building for church services on Tuesday, Thursday and Saturday at 6:30 pm, and on Sunday at 10:00 am. The congregation currently has approximately 30 persons, with a peak of 48 persons on special occasions. The facility would be used for office and related church uses during the week. Similar to other churches the facility would also have special occasion uses such as weddings, religious holidays and related activities.

There are no parking stalls provided on the site. There is a private parking lot adjacent to the site on the west side which is currently used by the church.





## **BACKGROUND INFORMATION**

General Plan Land Use Designation	Commercial Downtown
Zoning	CDT (Commercial Downtown)
Surrounding Land Use and Zoning	North: CDT(commercial/office) South: CDT(office) East: CDT(office) West: CDT(parking lot)
Special Districts	Historic District & Local Register (HPAC No. 2015-01)
Environmental Review	Categorical Exemption No. 2014-87
Site Plan	2013-200

### **RELATED PLANS & POLICIES**

Please see attached summary of related plans and policies.

### **RELATED ACTIONS**

**CUP No. 2014-31** - The Planning Commission approved the Upper Room Church at 110 NE First Street on January 12, 2014. It was also a small church facility in the CDT zone.

## **PROJECT EVALUATION**

Staff supports the requested conditional use permit based on the project's consistency with the General Plan and the Zoning Ordinance. The following sections are provided to detail the proposed project.

### **Land Use Compatibility**

The subject site is designated Commercial Downtown with church uses conditionally permitted in the zone. This proposal would be adjacent to office and restaurant uses on the north, and office, and parking on the south, east and west sides. The site is an existing commercial building which has had a variety of commercial and office uses in the past.

Staff finds the proposed religious facility to be consistent with the intent of the Commercial Downtown land use designation and the surrounding office and commercial uses. Based upon the Operational Statement in Exhibit "B", the facility appears to be compatible with the adjacent uses with respect to parking demand during the evening/weekend church hours of operation.

### **Historic Preservation Advisory Committee Action**

The site is within the Historic District, and the structure is listed on the Local Register of Historic Structures as a "Pueblo Revival" style with a "Background" classification. The Historic Preservation Advisory Committee is required under Zoning Ordinance Section 17.56.050-C-1 to review and provide a recommendation to the Planning Commission on discretionary actions for Historic District and Local Register sites.

On January 14, 2015 the Historic Preservation Advisory Committee reviewed the proposed use permit, HPAC No. 2015-01. The Committee (7-0) recommends that the Planning Commission approve Conditional Use Permit No. 2014-34, including the following conditions.

1. That the facility operates consistent with the operational statement in Exhibit "B".
2. That the unpermitted signs, building and freestanding, go through the appropriate review and permitting process.
3. That any other exterior alterations be brought before this Committee for review prior to their installation.
4. That all other City codes and ordinances be met.

### Occupancy

Through Fire Department inspections, the facility is approved for maximum occupancy of 49 persons total within the building due to exiting. Staff has included Condition No. 2 which limits the occupancy to 49 persons which exceeds the 48 persons callout in the Operational Statement.

### Access and Circulation

The subject site does not have its own parking lot. The building covers a majority of the lot with pedestrian access at the public sidewalk along Oak Avenue.

### Parking

Churches have a parking requirement of one stall for every four permanent seats or one parking stall for every 30 square feet of assembly area, whichever is greater. This site is within the Downtown Property Based Improvement District (PBID) which allows for the intensification of uses without any added parking being required. This action is still in effect as long as the PBID parking program is continued with the City of Visalia. Based upon this the use does not require any additional parking.

There is a private parking lot directly west of the site which is owned by Tulare County and is currently used by the church. With no formal shared parking agreement, the County may eliminate/sell the parking lot or close the lot to non-County users at any time.



### Landscaping

Staff has included Condition No. 6, requiring that the existing frontage landscaping be maintained.

### Signage

There are several unpermitted signs on the site for the church. Staff has included Condition No. 7, that the signs be removed within 30 days of approval of this use permit, and not replaced until such time as the appropriate process is done and permits are obtained. The site is within the DRD Design District which provides for a total of 50 square feet of sign area.



### Environmental Review

This project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-87) and is included as a finding in Resolution No. 2014-56.

## **RECOMMENDED FINDINGS**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located because staff has concluded that the church will not have a negative impact on surrounding uses given that adequate on-site parking is provided.

- The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity because staff has concluded that the proposed church will not have a negative impact on surrounding uses given that ample on-site parking is provided.
3. That the Historic Preservation Advisory Committee is recommending approval of this use permit to the Planning Commission after reviewing the project through HPAC No. 2015-01.
  4. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-87)

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the projects be developed in substantial compliance and be consistent with the conditions of the Site Plan No. 2013-200.
2. That that the sanctuary seating be limited to 49 seats as shown in Exhibit "A". Additional seating would require an amendment to this use permit.
3. That the site be operated/maintained consistent with the site plan and floor plan shown in Exhibit "A".
4. That the facility operates in manner consistent with the operational statement in Exhibit "B".
5. That the maximum occupancy be limited to 49 persons. Changes in the occupancy may require Site Plan Review and an amendment to this conditional use permit.
6. That the existing street frontage landscaping be maintain.
7. That the unpermitted signs be removed within 30 days of approval of this use permit and not replaced until such time as the appropriate review process is done and permits are obtained.
8. That the conditions of HPAC No. 2015-01 shall be met.
9. That all applicable federal, state and city laws, codes and ordinances be met.
10. 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. 2014-31.

### **APPEAL INFORMATION**

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within five working days following the date of a decision by the Planning Commission on a conditional use permit application. An appeal shall be in writing and shall be filed with the appropriate fee to the City Clerk at 707 W. Acequia Ave., Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record.

**Attachments:**

- Related Plans and Policies
- Resolution No. 2014-52
- Exhibit "A" – Site Plan
- Exhibit "B" – Operational Statement
- Exhibit "C" – Historic District & Local Register
- Site Plan Review No. 2013-200
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Circulation Element Map
- Location Map





## **RELATED PLANS AND POLICIES**

### **Conditional Use Permits**

#### **17.38.010 Purposes and powers**

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

#### **17.38.020 Application procedures**

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

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

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

#### **17.38.040 Revocation**

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



### **17.38.050 New application**

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

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

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

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

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

### **17.38.070 Temporary uses or structures**

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

**17.38.080 Public hearing--Notice**

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

**17.38.090 Investigation and report**

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

**17.38.100 Public hearing--Procedure**

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

**17.38.110 Action by planning commission**

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

**17.38.120 Appeal to city council**

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

**17.38.130 Effective date of conditional use permit**

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

RESOLUTION NO. 2014-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-34, A REQUEST BY PHILLIP AND MAUREEN BIANCO TO ALLOW A CHURCH FACILITY IN A 2,200 SQUARE FOOT BUILDING IN THE CDT (COMMERCIAL DOWNTOWN) ZONE. THE SITE IS LOCATED AT 112 E. OAK AVENUE. (APN: 094-281-009)

**WHEREAS**, Conditional Use Permit No. 2014-34, is a request by Phillip and Maureen Bianco to allow a church facility in a 2,200 square foot building in the CDT (Commercial Downtown) zone. The site is located at 112 E. Oak Avenue. (APN: 094-281-009); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 9, 2015; and

**WHEREAS**, the Historic Preservation Advisory Committee did review the proposed use permit on January 14, 2015, and does hereby recommend approval of the use permit to the Planning Commission of the City of Visalia, and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2014-34, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located because staff has concluded that the church will not have a negative impact on surrounding uses given that adequate on-site parking is provided.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or

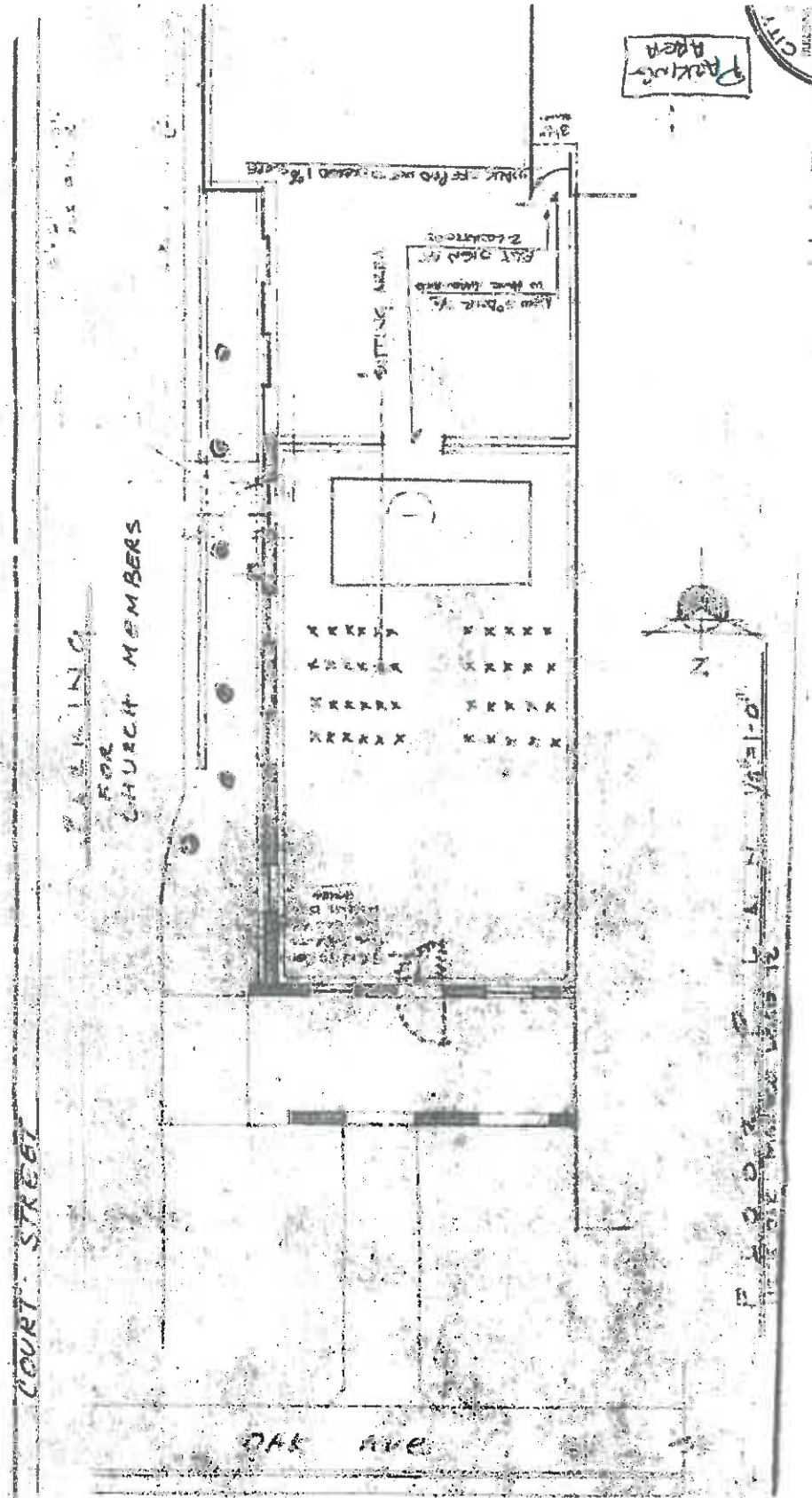
improvements in the vicinity because staff has concluded that the proposed church will not have a negative impact on surrounding uses given that ample on-site parking is provided.

3. That the Historic Preservation Advisory Committee is recommending approval of this use permit to the Planning Commission after reviewing the project through HPAC No. 2015-01.
4. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-87.

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

1. That the projects be developed in substantial compliance and be consistent with the conditions of the Site Plan No. 2013-200.
2. That that the sanctuary seating be limited to 49 seats as shown in Exhibit "A". Additional seating would require an amendment to this use permit.
3. That the site be operated/maintained consistent with the site plan and floor plan shown in Exhibit "A".
4. That the facility operates in manner consistent with the operational statement in Exhibit "B".
5. That the maximum occupancy be limited to 49 persons. Changes in the occupancy may require Site Plan Review and an amendment to this conditional use permit.
6. That the existing street frontage landscaping be maintain.
7. That the unpermitted signs be removed within 30 days of approval of this use permit and not replaced until such time as the appropriate review process is done and permits are obtained.
8. That the conditions of HPAC No. 2015-01 shall be met.
9. That all applicable federal, state and city laws, codes and ordinances be met.
10. 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. 2014-34.

# Site & Floor Plan



# Operational Statement

## OPERATIONAL STATEMENT

112 E. Oak Avenue

Iglesia De Jesucristo Encuentro Salem

The proposed project is a small church occupying an existing building in the downtown area. The church serves approximately 30 with a potential peak of 48 on religious holidays such as Christmas and Easter. The church provides services on Tuesday, Thursday and Saturday at 6:30 p.m. and Sunday at 10 a.m.

**Hours of Operation:** Tuesday, Thursday, Saturday at 6:30 p.m.; Sunday at 10:00 a.m.

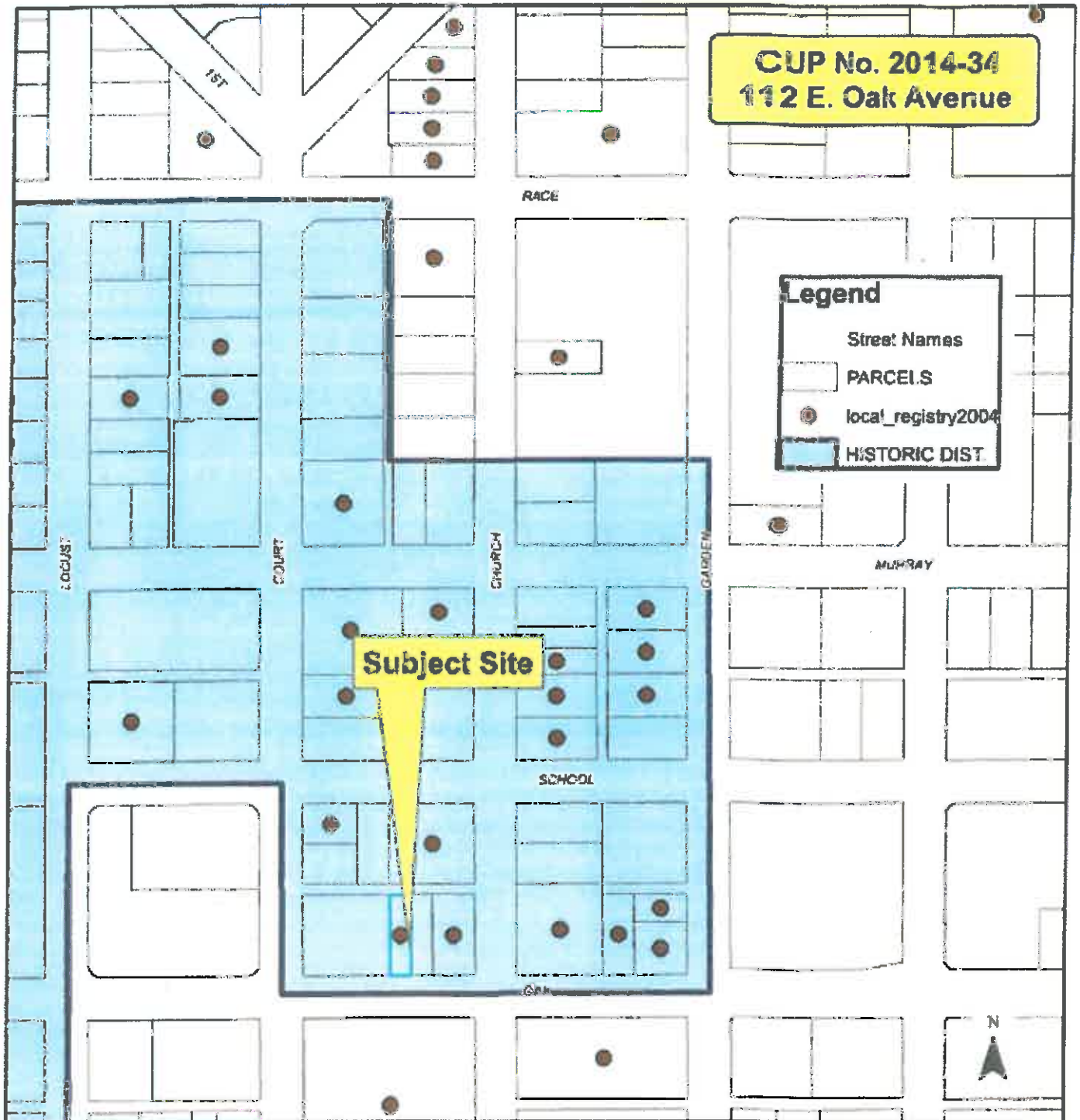
**Number of Employees:** Pastor and church volunteers, number varies, but volunteers are also attending services.

**Parking Spaces:** Required 12-25 spaces

Provided: None. However there are 48 spaces in the adjacent parking lot available for use by the church. In addition, the service times are off peak to other downtown office and retail uses and on-street parking is also available.



# City of Visalia



## Historic District & Local Register of Historic Structures

**Exhibit "C"**



MEETING DATE 12/24/2013  
SITE PLAN NO. 13-200  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.

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

**RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with  
 Planning  Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste  Parks and Recreation  Fire Dept.

**REVISE AND PROCEED** (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

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

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

HISTORIC PRESERVATION

OTHER \_\_\_\_\_

**ADDITIONAL COMMENTS** This project requires a COnditional Use Permit.

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

*Site Plan Review Committee*





20

- A fire lane is required for this project. The location will be given to you during the site plan meeting. Fire lanes shall allow fire apparatus to be within 150 feet of all points around the building. Fire lanes shall be a minimum of 20 feet wide with no parking allowed at any time.
- A Knox Box key lock system is required. Applications are available at the Fire Department Administrative Office. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- The security gates, if to be locked, shall be locked with a typical chain and lock that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system. Applications are available at the Fire Department Administrative Office.
- That portion of the building that is built upon a property line shall be constructed as to comply with Section 503.4 and Table 5-A of the California Building Code.
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system.
- If you handle hazardous material in amounts that exceed the exempt amounts listed on Table 3-D of the California Building Code, you are required to submit an emergency response plan to the Tulare County Health Department. Prior to the building final inspection, we will want a copy of the plan and any Material Safety Data Sheets.
- An automatic fire sprinkler system will be required for this building. A fire hydrant is required within 50 feet of the fire department connection. The fire hydrant, fire department connection and the PIV valve should be located together and minimum 25' from the building, if possible. The caps on the FDC shall be Knox locking caps.
- All hardware on exit doors shall comply with Chapter 10 of the California Fire Code. This includes all locks, latches, bolt locks, and panic and fire exit hardware.
- Provide illuminated exit signs and emergency lighting throughout building.
- All Fire and Life Safety systems located within the building shall be maintained.
- An automatic fire extinguishing system for protection of the kitchen grease hood and ducts is required.
- Special comments:

  
\_\_\_\_\_  
Kurtis Brown, Assistant Fire Marshal







The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

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

TYPE OF REFUSE SERVICE NOT INDICATED.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

December 24, 2013

ITEM NO: 3  
SITE PLAN NO: SPR13200  
PROJECT TITLE: CHURCH  
DESCRIPTION: CHURCH ON 4,066 SQ FT AREA (CDT ZONED) (DISTRICT DRD-3)  
APPLICANT: IGLESIA DE JESUCRISTO MINISTERIOS ENCUENTRO S  
PROP. OWNER: BIANCO PHILIP S & MAUREEN A  
LOCATION: 112 E OAK AVE  
APN(S): 004-281-009

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

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

Additional Comments:

\*

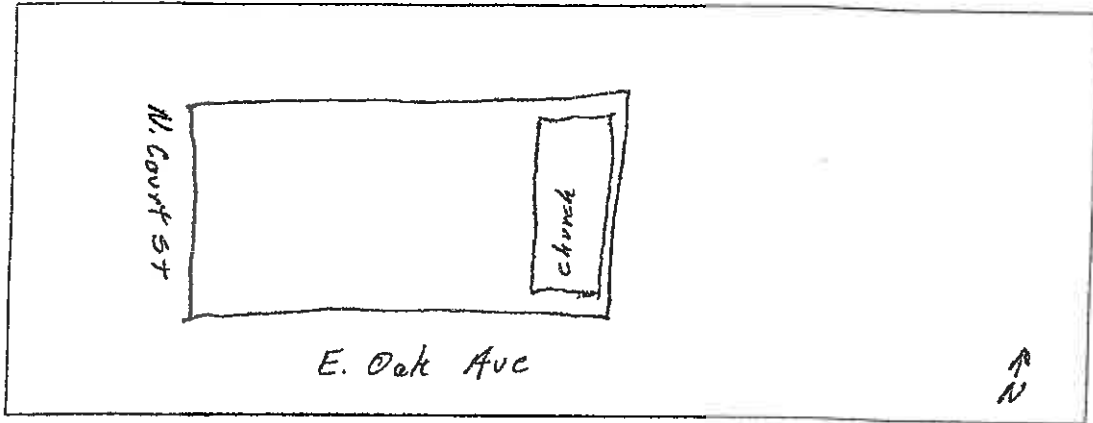
  
\_\_\_\_\_  
Leslie Blair

City of Visalia  
Parks and Urban Forestry  
336 N. Ben Maddox Way  
Visalia, CA 93292

Date: Dec. 23, 2013

Site Plan Review # 13-200

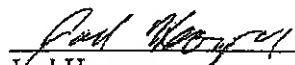
SITE PLAN REVIEW COMMENTS



COMMENTS: See Below  None

- Please plot and protect all Valley Oak Trees.
- Landscape along parkway to be planted by developer and maintained by a maintenance district.
- All drainage from curb and gutter along streets to be connected to storm drain system.
- All trees planted in street right-of-way to be approved by the Public Works Superintendent of Parks.
- Tie-ins to existing infrastructure may require a bore. Check with the Public Works Department prior to any street cut.

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Joel Hooyer  
Parks and Urban Forestry Supervisor  
559 713-4295 Fax 559 713-4818

Email: jhooyer@ci.visalia.ca.us

# SITE PLAN REVIEW COMMENTS

Andrew Chamberlain (559) 713-4003/Paul Bernal, Planning Division (559) 713-4025

Date: December 24, 2013

SITE PLAN NO: 13-200  
PROJECT TITLE: SMALL WORSHIP FACILITY  
DESCRIPTION: SMALL WORSHIP FACILITY IN EXISTING BUILDING (CDT ZONED)  
(DRD DISTRICT)  
APPLICANT TITLE: POTTERS HOUSE  
PROP. OWNER: BLESS FRANK BRIAN  
LOCATION TITLE: 430 W CALDWELL AVE STE: A & B  
APN TITLE: 123-240

General Plan: CDT – Professional / Admin. Office

Existing Zoning: CDT – Professional / Admin. Office

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Historic Preservation Advisory Committee review of the CUP
- Conditional Use Permit
- Building Permit
- Additional Information As Needed

## **PROJECT SPECIFIC INFORMATION: 05/01/2013**

1. A CUP is required for a church in the CDT zone.
2. The site is within the Historic District, therefore the proposed CUP would need to be reviewed by the Historic Preservation Advisory Committee prior to the review by the Planning Commission.
3. Expand the operational statement provided for Site Plan Review to include any special events or other typical activities which may occur in conjunction with the site.
4. The site is within the PBID area which would allow the intensification of parking demand without the requirement to provide the stalls. The occupancy is limited to 49 so the parking demand would be based upon one stall per every 4 fixed seats for 12.25 stalls with a credit of 7 stalls based upon one stall per 300 sq. ft. for general retail.
5. Landscaping is to be maintained or replaced if missing.
6. Any proposed signage requires a separate building permit.

## CITY GENERAL PLAN CONSISTENCY

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

## Design District: "DRD" [17.30.270]


No exterior action is proposed with this use, this is an existing building. See staff if there are any proposed exterior actions, the site is within the Historic District.

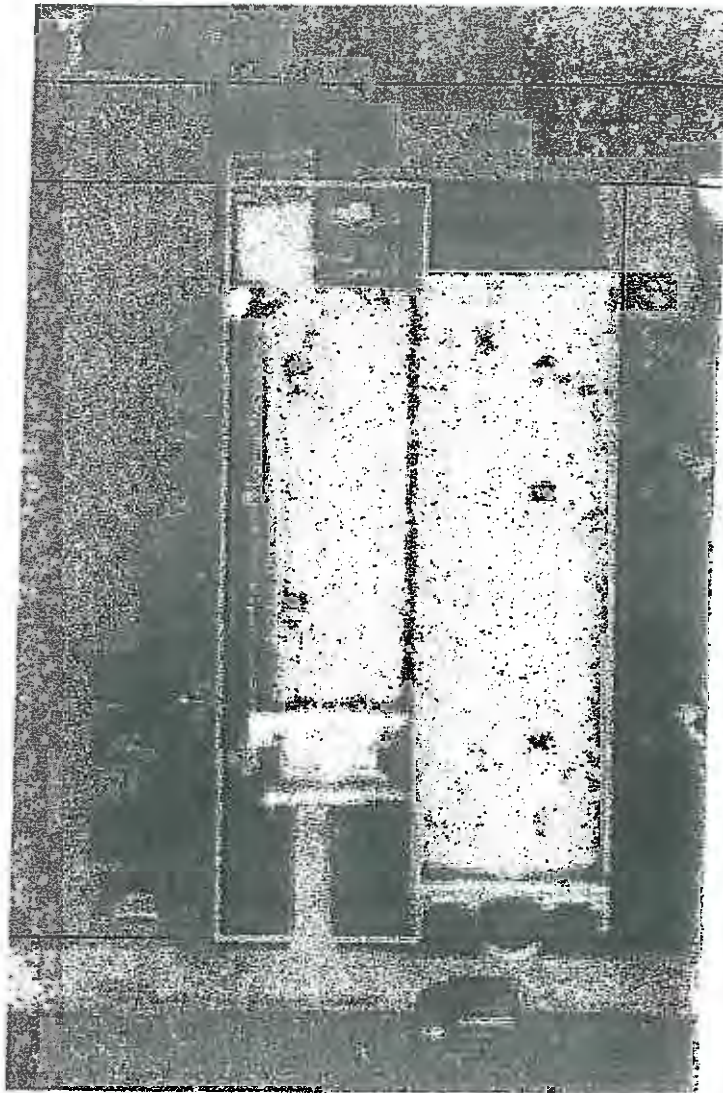


Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be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

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

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

Signature 



**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

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

ITEM NO: 3 DATE: DECEMBER 24, 2013

SITE PLAN NO.: 13-200  
 PROJECT TITLE: CHURCH  
 DESCRIPTION: CHURCH ON 4,068 SQ FT AREA (CDT ZONED)  
 (DISTRICT DRD)  
 APPLICANT: IGLESIA DE JESUCRISTO MINISTERIOS  
 ENCIENTROS  
 PROP OWNER: BIANCO PHILIP S & MAUREEN A  
 LOCATION: 112 E OAK AVE  
 APN: 094-281-009

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (indicated by checked boxes)
  - Install curb return with ramp, with \_\_\_\_\_ radius;
  - Install curb;  gutter;
  - Drive approach size: \_\_\_\_\_  Use radius return;
  - Sidewalk: \_\_\_\_\_ width;  parkway width at \_\_\_\_\_
  - Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
  - Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
  - Right-of-way dedication required. A title report is required for verification of ownership.
  - Deed required prior to issuing building permit;
  - City Encroachment Permit Required.
    - Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit.
  - CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (planning) 488-4088;
  - Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.
  - Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
  - Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: \_\_\_\_\_ : \_\_\_\_\_ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
  - Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
  - Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
  - Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
  - All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
  - Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests:            each at
- Written comments required from ditch company            Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum  Provide            wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations.  Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact David Pendergraft at 713-4295 for an Oak tree evaluation or permit to remove.  A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments.  Resubmit with additional information.  Redesign required.

**Additional Comments:**

- 1. The parking area indicated for church use is on private property. Property owners must have agreement in place to allow parking and cross access.*
- 2. Site plan does not show ADA access from parking lot to main entrance.*
- 3. Building interior shall meet ADA building code requirements; refer to Building Dept.*
- 4. Plan check and inspection fees apply; due at time of building permit.*

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 13-200  
Date: 12/24/2013

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

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

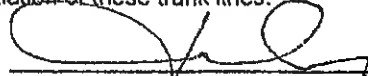
(Fee Schedule Date:8/16/2013)  
(Project type for fee rates:CHURCH)

Existing uses may qualify for credits on Development Impact Fees.

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

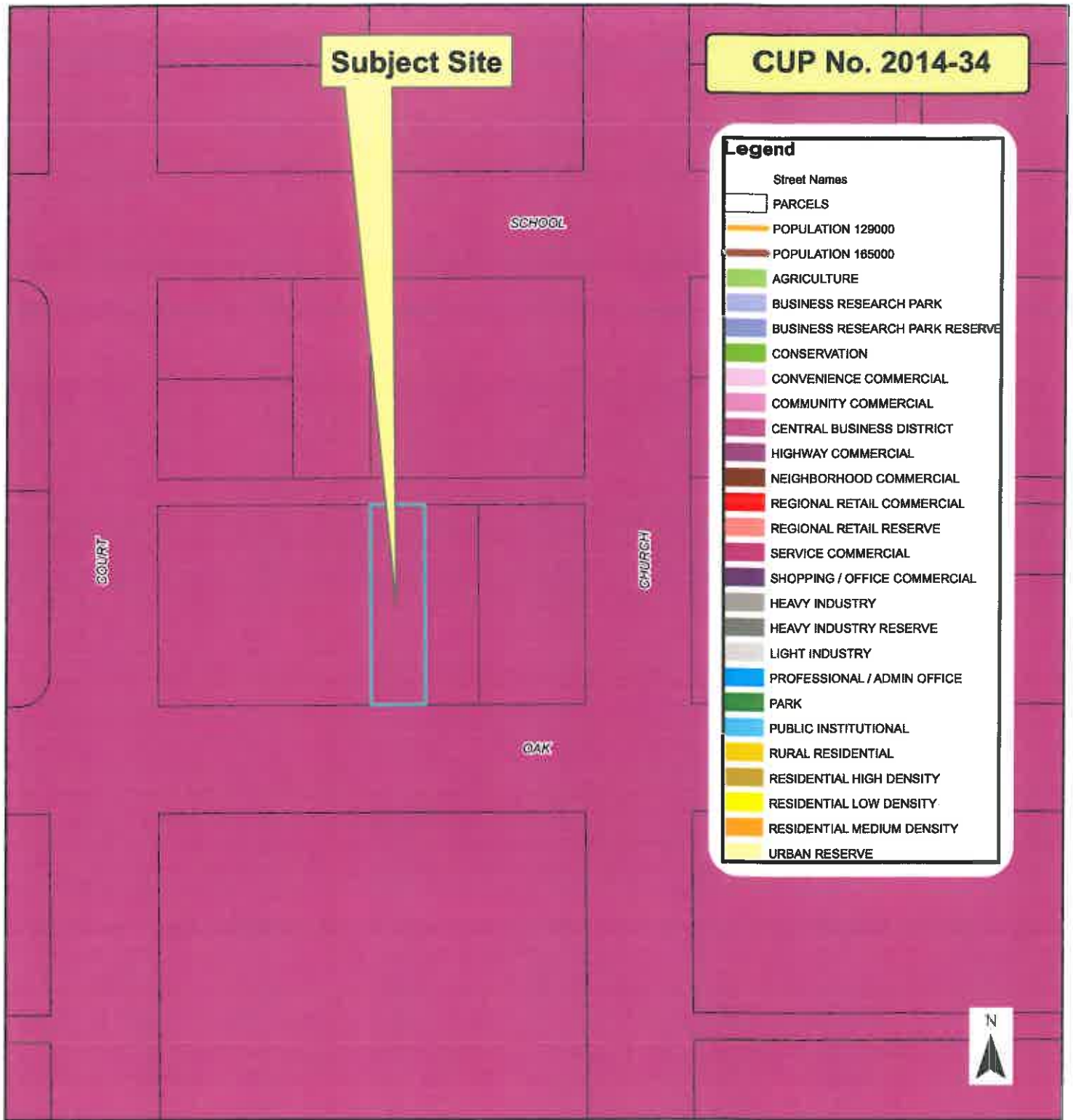
**Reimbursement:**

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

  
\_\_\_\_\_  
Jason Huckleberry



# City of Visalia

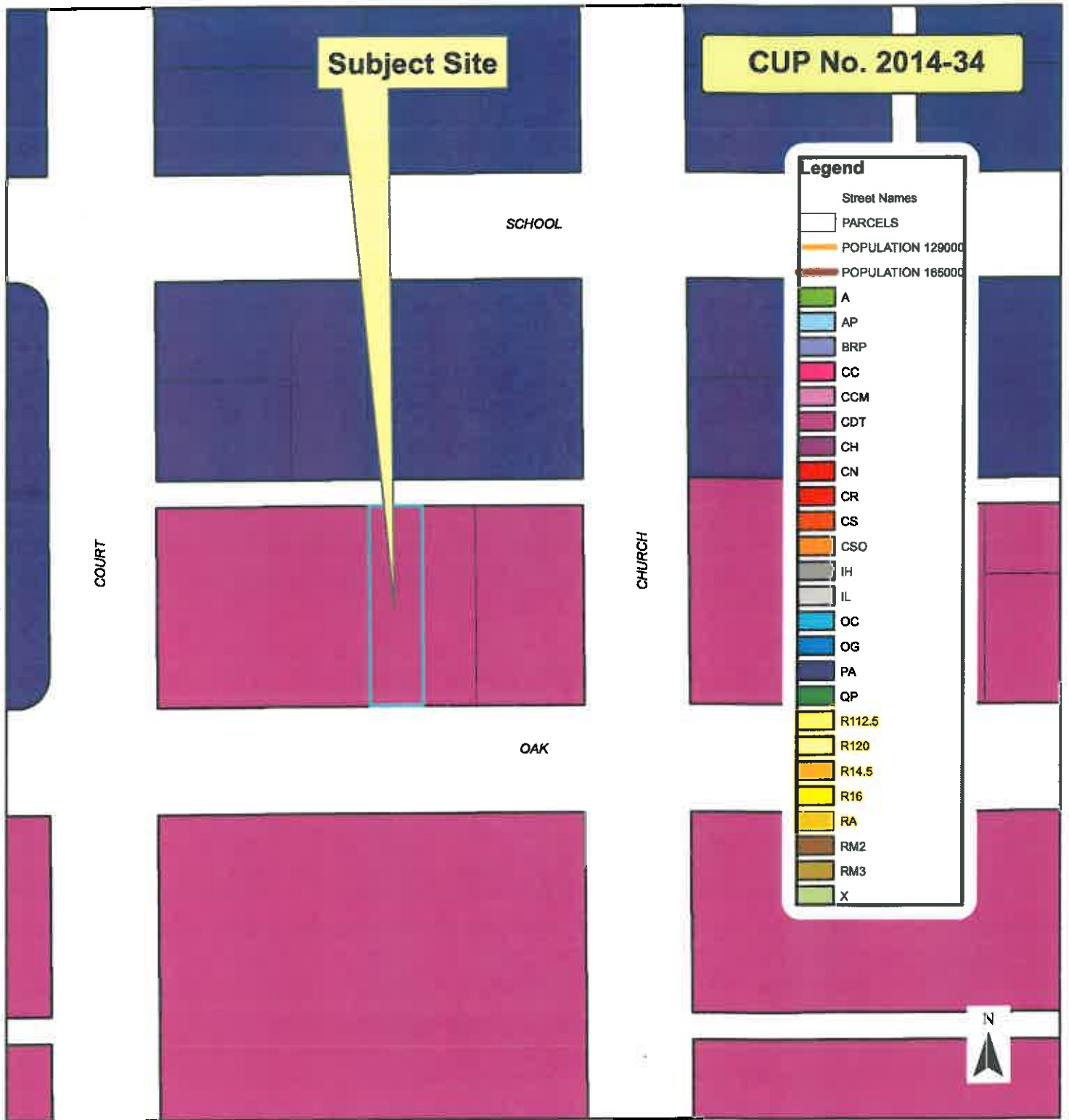


## Land Use Designations

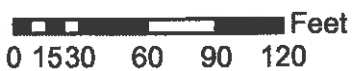
0 15 30 60 90 120 Feet



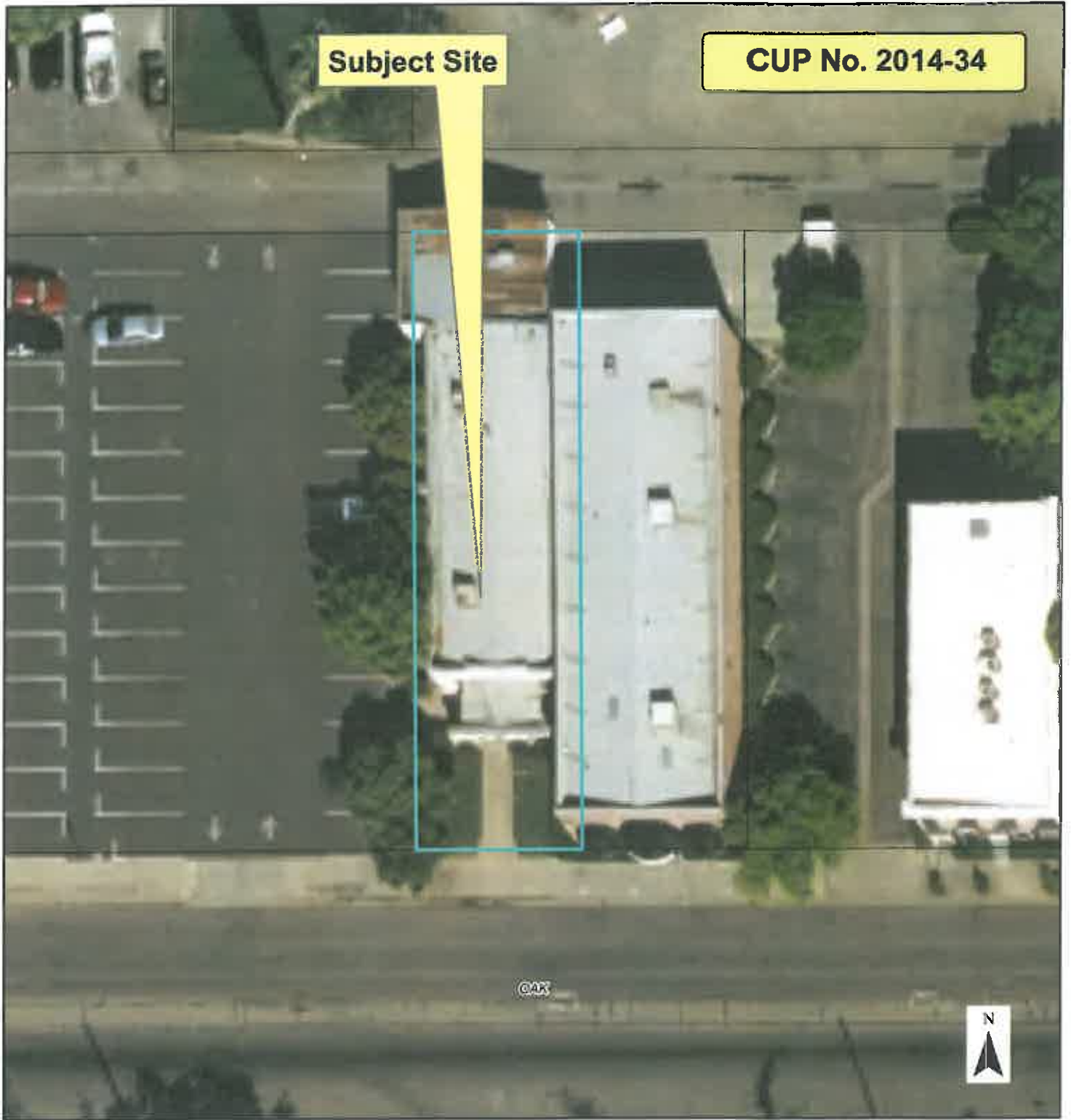
# City of Visalia



## Zoning Designations



# City of Visalia

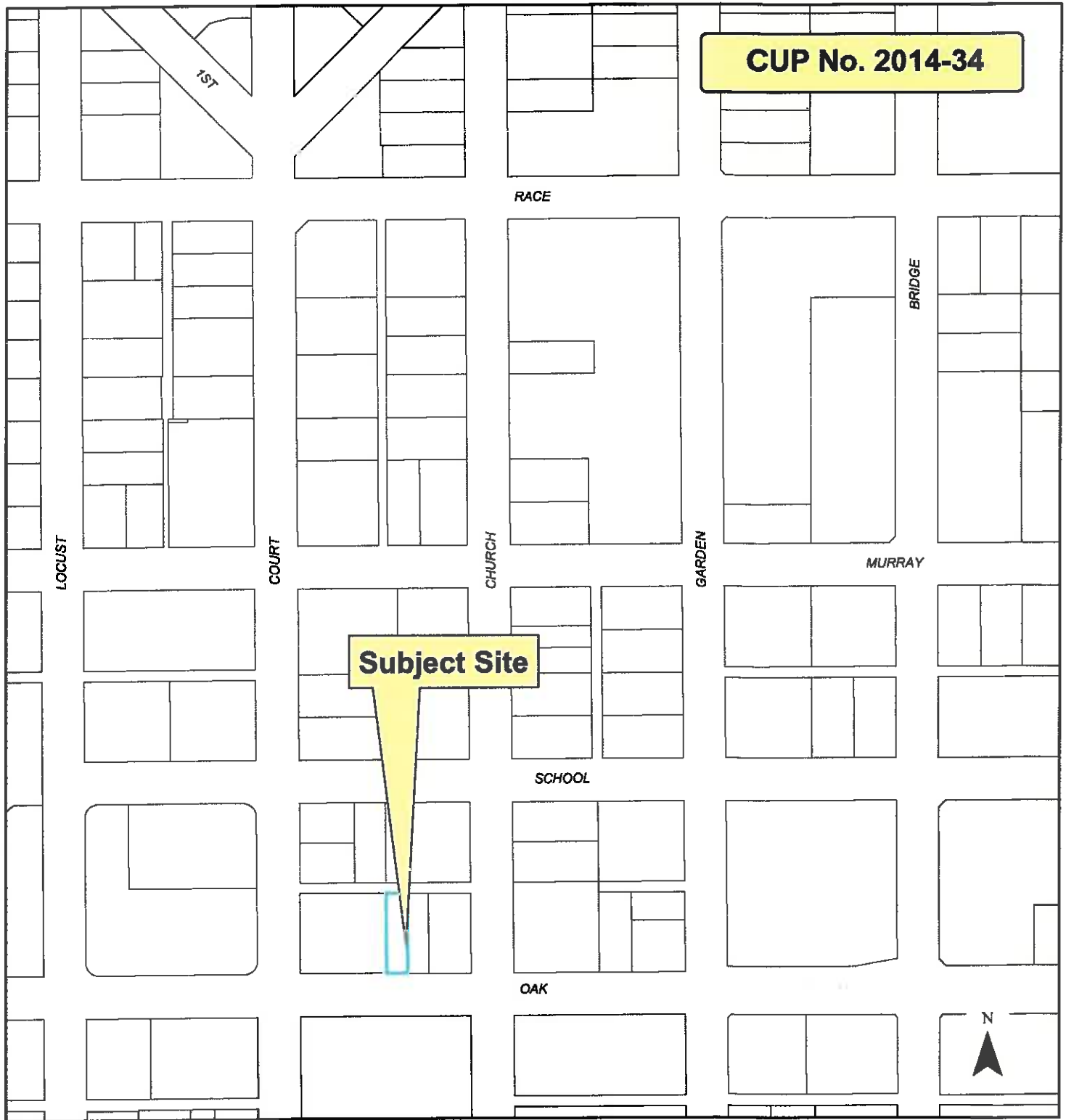


## Aerial Photo

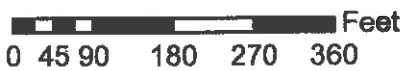
0 5 10 20 30 40 Feet

# City of Visalia

**CUP No. 2014-34**



## Location Map





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** February 09, 2015

**PROJECT PLANNER:** Paul Bernal, Principal Planner  
Phone No.: (559) 713-4045

**SUBJECT: Zoning Text Amendment No. 2015-02:** A request by the City of Visalia to amend several provisions in Chapter 17 of the City of Visalia Zoning Ordinance that regulate Telecommunication Tower development standards and zone locations and incorporating language to comply with new FCC (Federal Communications Commissions) rule making.

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission make a recommendation of approval to the City Council for Zoning Ordinance Text Amendment No. 2015-02, based on staff's recommendation and comments received from the public regarding Telecommunication Tower Facilities.

## RECOMMENDED MOTION

I move to recommend approval of Zoning Text Amendment No. 2015-02 by adoption of Resolution No. 2015-07.

## BACKGROUND/PROJECT DESCRIPTION

In recent years, the City of Visalia (City) has experienced growth in the number of wireless telecommunication facilities, including elevated wireless antennas and base station ground equipment in numerous locations. In addition, recently announced rulemaking by the FCC limits local governments' zoning authority regarding minor modifications to existing towers, small cell and Distributed Antenna Systems, temporary cell towers and implementation of a 60-day "shot clock" to process these types of requests.

Given the nature of both new Wireless Telecommunication Facility inquiries and the FCC's new rulemaking, the City's intention to amend the Zoning Ordinance is to promote quality, clarity and consistency in applying the requirements and guidelines for the acceptance, processing and approval of new and modifications to existing wireless telecommunication towers.

The Zone Text Amendment proposes the following:

- Include "Wireless Telecommunication Facilities" as its own line item in the Zoning Matrix. Currently, the Zone Matrix does not list "Wireless Telecommunication Facilities and ancillary equipment".
- Establish Wireless Telecommunication Facilities and Ancillary Structure terms and definitions.
- Prohibit "Wireless Telecommunication Facilities and Ancillary Structure" in residential zoning districts.
- Set minimum physical siting requirements for "Wireless Telecommunication Facilities and Ancillary Structure"; including stealth technologies, location criteria (i.e., steering facilities towards city owned property or toward zones more appropriate), and reasonable setbacks for all zoning and design districts.

**2. Proposed ZTA: Amendment of Chapter 17.18 pertaining to Planned Commercial Zones.**

Identify “Wireless Telecommunication Facilities” as their own line item. This clearly defines commercial, office, and industrial zones where cell towers are either Permitted or Conditionally Permitted.

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
66	<b>COMMUNICATIONS</b>														
67	Communication Equipment Building	C	C	C	P		C		P		C	C		P	P
68	Radio and TV Broadcasting Studios														
69	- with antenna off-site			P		P	P		P			C		P	P
70	- with antenna on-site			C					C					P	P
71	<i>Wireless Telecommunication Facilities – subject to the provisions of Section 17.32</i>		C	C	C	C	C	C	C		C	P		P	P
	<i>- within 100-ft of property planned / zoned residential</i>													C	C

**Discussion:** This would clearly define which commercial, office, and industrial zones “new” Wireless Telecommunication Facilities are either “Permitted” or “Conditionally Permitted”. Requiring discretionary approval for “new” Wireless Telecommunication Facilities in a majority of the commercial and office zones will increase public disclosure to surrounding property owners that may be impacted.

**3. Proposed ZTA: Amendment of Chapter 17.52 pertaining to the Quasi-Public Zone.**

Sections 17.52.020 (Permitted uses) and 17.52.030 (Conditional Uses) would be amended to include language pertaining to Wireless Telecommunication Facilities (see Attachment “A” for full amendment change).

**Discussion:** Permitting Wireless Telecommunication Facilities on Quasi-Public zoned properties (ex. city hall sites, park sites, fire stations, water conservation plant, golf course, corp. yard, church sites, etc.) may encourage cell providers to locate these types of facilities on properties/sites that reduce compatibility issues with surrounding development.

**4. Proposed ZTA: Amendment of Chapter 17.32 pertaining to Special Provisions.**

Amend 17.32.020.B. Exceptions: ***New Wireless Telecommunication Facilities***, towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials, transmission towers, fire towers and similar structures and necessary mechanical appurtenances covering not more than ten percent of the ground area covered by the structure may be erected to a height not more than twenty-five (25) feet above the height limit prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed in the zone regulations. Nothing in this title pertaining to fence and wall heights shall be construed so as to apply to a fence or wall required by any law, regulation or safety standard of the state of California or agency thereof. (Prior code § 7478)

**Discussion:** Includes Wireless Telecommunication Towers in the list of Exceptions thereby making these facilities eligible for height increases pursuant to Section 17.32.020.B. This section has been applied for previously approved wireless telecommunication facilities.



- Require new “Wireless Telecommunication Facilities” to be designed to accommodate collocation.
- Increase public disclosure and input in the entitlement process by requiring public hearings by the Planning Commission for all “New Wireless Telecommunication Facilities and Ancillary Structures” in certain commercial/office zones or when in close proximity to residential planned/zoned property.
- Correct minor inconsistencies among the various Zoning Code provisions regarding Communication Equipment Buildings.
- Require the removal of Wireless Telecommunication Facilities and Ancillary Structures if/when they become abandoned, obsolete or the use permit expire.
- Ensure the local government's compliance with the Telecommunications Act of 1996 (as amended) and conformance with a section of the Middle Class Tax Relief and Job Creation Act of 2012 that deals with telecommunication facilities (FCC Rules 6409(a) Collocations (Traditional Towers & DAS and other small cells) and 332(c)(7).)
- Codify the ministerial procedural requirements for existing eligible Wireless Telecommunication Facilities and Ancillary Structures, subject to FCC Rules 6409 (a) and 332(c)(7) that do not substantially change the physical dimensions of such tower or base station.

## PROJECT EVALUATION

This amendment is consistent with the recommended actions of the Visalia City Council from their November 18, 2013, Work session meeting.

1. **Proposed ZTA:** Amendment of Chapter 17.04 pertaining to Definitions for the Zoning Code. Section 17.04.030 (Definitions) of Chapter 17.04 (Definitions) of Title 17 (Zoning) is hereby amended as follows:

Section 17.04.030 Definitions.

“Communication Equipment Building” means building housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without personnel. ***This definition does not apply to Wireless Telecommunication Facilities, and associated buildings, equipment, poles, towers, and lattice structures.***

**Discussion:** Reduce confusion between definitions for Wireless Telecommunication facilities and Communication Equipment Building.

**5. Proposed ZTA: Addition of Section 17.32.163.** Section 17.32.163 of Chapter 17.32 (Special Provisions) of the Visalia Municipal Code (see Attachment "A" of Resolution No. 2015-07).

**Discussion:** The amendment to Chapter 17.32 Special Provisions will include defined terminology and address setbacks, height limits, "stealth" requirements, co-location, and procedural requirements regarding both new and existing cell towers. Furthermore, understanding that cell coverage requires consideration to location, height and spacing, staff has included provisions that address specific allowances and restrictions for new cell towers, language to address visual impacts by requiring facilities to be designed with "stealth" technologies when warranted, and require the removal of abandoned or discontinued towers.

The ZTA also includes recent rulemaking language adopted by the FCC regarding processing times and procedural requirements when carriers are requesting modifications to existing wireless telecommunication towers. The recent rulemaking has been included in the ZTA to comply with the newly enacted legislation.

In addition, discretionary entitlements and planned development permits (Site Plan Review) for Wireless Telecommunication Facilities and Ancillary Structures will include conditions requiring the removal of these structures if they become abandoned, obsolete or the use permit expires.

**Environmental Review**

The project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15305 (Minor modifications in land use limitations).

**RECOMMENDED FINDINGS**

1. That the proposed Zoning Ordinance Text 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 Zoning Ordinance Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is Categorically Exempt from environmental review under CEQA Guidelines Section 15305 (Minor alterations to land use limitations) of the California Environmental Quality Act and City of Visalia Environmental Guidelines and Notice of Exemption No. 2015-03 will be filed for this project.

**Attachments:**

- Resolution No. 2015-07, Recommending approval of Zoning Ordinance Text Amendment No. 2015-02
- Attachment "A" – Ordinance Amendments

RESOLUTION NO. 2015-07

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONING ORDINANCE  
TEXT AMENDMENT NO. 2015-02, A REQUEST BY THE CITY OF VISALIA TO AMEND  
SECTIONS OF CHAPTER 17 (ZONING) OF THE VISALIA MUNICIPAL CODE  
PERTAINING TO WIRELESS TELECOMMUNATION FACILITIES, CITYWIDE.

**WHEREAS**, Zone Text Amendment No. 2015-02 is a request by the City of Visalia to Amend sections of the Municipal Code Title 17 (Zoning) pertaining to Wireless Telecommunication Facilities, Citywide; and,

**WHEREAS**, the Zoning Text Amendment was filed in response to a presentation provided to the City Council during their November 18, 2013, City Council Worksession meeting; and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on February 9, 2015; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Zone Text Amendment No. 2015-02 to be in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council concur that the project is Categorically Exempt from environmental review under CEQA Guidelines section 13305 (Minor alterations to land use limitations) of 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 recommends approval to the City Council of the proposed Zone Text Amendment No. 2015-02, described in Attachment "A", in accordance with the terms of this Resolution and under the provisions of Section 17.44.070 of the Municipal Code of the City of Visalia, and based on the following specific findings and evidence presented:

1. That the Zone Text Amendment 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.
2. That applying the proposed Code standards to future developments will promote quality, clarity, and consistency in applying the requirements and guidelines for the acceptance, processing and approval of new and modifications to existing wireless telecommunication towers in a manner that minimizes potential adverse conflicts for the benefit of the public good and will promote compatibility with adjacent land uses and businesses.
3. That the proposed development standards are compatible with the established development patterns and setbacks based on similar projects.

4. That the project is Categoricaly Exempt from environmental review under CEQA Guidelines section 13305 (Minor alterations to land use limitations) of the California Environmental Quality Act and City of Visalia Environmental Guidelines and Notice of Exemption No. 2015-03 will be filed for this project.

**Resolution No. 2015-07**

**ATTACHMENT "A "**

[Deletions (~~Strikethroughs~~) and Additions (*italicized*) are denoted in **bold font**]

**AN ORDINANCE OF THE CITY COUNCIL  
AMENDING PORTIONS OF TITLE 17 OF THE VISALIA MUNICIPAL CODE  
PERTAINING TO WIRELESS COMMUNICATION FACILITIES**

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

**Section 1 – Amendment of Chapter 17.04 pertaining to Definitions for the Zoning Code.** Section 17.04.030 (Definitions) of Chapter 17.04 (Definitions) of Title 17 (Zoning) is hereby amended as follows:

Section 17.04.030 Definitions.

“Communication Equipment Building” means building housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without personnel. ***This definition does not apply to Wireless Telecommunication Facilities and Ancillary Structures, and associated buildings, equipment, poles, towers, and lattice structures.***

**Section 2 – Amendment of Chapter 17.18 pertaining to Planned Commercial Zones.** Section 17.18.050 (Zoning Use Matrix) Line 71 (Wireless Telecommunication Facilities) of Chapter 17.18 (Planned Commercial Zones) of Title 17 (Zoning) is hereby amended as follows:

Section 17.18.050 List of uses as permitted (P), conditional (C), and temporary Conditional (T).

		COMMERCIAL								OFFICE				INDUSTRIAL	
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
66	<b>COMMUNICATIONS</b>														
67	Communicator, Equipment Building	C	C	C	P		C		P		C	C		P	P
68	Radio and TV Broadcasting Studios														
69	- with antenna off-site			P		P	P		P			C		P	P
70	- with antenna on-site			C					C					P	P
71	<b><i>Wireless Telecommunication Facilities -- subject to the provisions of Section 17.32</i></b>		C	C	C	C	C	C	C		C	P		P	P
	<b><i>- within 100-ft of property planned zoned residential</i></b>													C	C

**Section 3 – Amendment of Chapter 17.52 pertaining to the Quasi-Public Zone.** Section 17.52.020 (Permitted uses) and Section 17.52.030 (Conditional Uses) of Chapter 17.52 (Quasi-Public Zone) of Title 17 (Zoning) are hereby amended as follows:

Section 17.52.020 (Permitted uses).



Permitted uses in the quasi-public zone include 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 and other public building, structures and facilities; public playgrounds, parks and community centers. **Permitted uses also include Wireless Telecommunication Facilities on parcels that are a minimum of five acres.** The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030. Other uses similar in nature and intensity as determined by the city planner.

Section 17.52.030 (Conditional uses).

Conditional uses in the quasi-public zone include:

- A. Public and quasi-public uses of an education 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;
- B. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes, senior care facilities, senior housing; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- C. Ambulance service;
- D. Electric distribution substations;
- E. Gas regulator stations;
- F. Public service pumping stations;
- G. Communications equipment buildings;
- H. **Wireless Telecommunication Facilities on parcels that are a less than five acres subject to the Chapter 17.32.163 of the Visalia Zoning Ordinance;**
- I. Other uses similar in nature and intensity as determined by the city planner.

#### **Section 4 – Amendment of Chapter 17.32 pertaining to Special Provisions.**

Section 17.32.020 (Height limits) of Chapter 17.32 (Special Provisions) of Title 17 (Zoning) is hereby amended as follows:

Section 17.32.020 Height limits.

A. Measurement. The height of a structure shall be measured vertically from the average elevation of the ground level along the front property line to the highest point of the structure.

B. Exceptions. Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, **new Wireless Telecommunication Facilities**, radio and television aerials, transmission towers, fire towers and similar structures and necessary mechanical appurtenances covering not more than ten percent of the ground area covered by the structure may be erected to a height not more than twenty-five (25) feet above the height limit prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed by the regulations for the zone in which the site is located. Utility poles and towers shall not be subject to the height limits prescribed in the zone

regulations. Nothing in this title pertaining to fence and wall heights shall be construed so as to apply to a fence or wall required by any law, regulation or safety standard of the state of California or agency thereof. (Prior code § 7478)

**Section 5 – Addition of Section 17.32.163.** Section 17.32.163 of Chapter 17.32 (Special Provisions) of the Visalia Municipal Code is hereby adopted to read as follows:

**Section 17.32.163. Regulation of Wireless Telecommunication Facilities.**

**A. Purpose & Intent.** *The purpose and intent of this Section is to promote quality, clarity and consistency in applying the requirements and guidelines for the acceptance, processing and approval of new Wireless Telecommunication Facilities and Modifications to existing Wireless Telecommunication Facilities. The purpose and intent of this Section is also protect the benefits derived by the City, its residents, and the general public from access to Personal Wireless Telecommunication Services while minimizing, to the greatest extent feasible, the redundancy of Wireless Telecommunication Facilities. The City desires to balance these goals, by permitting the installation and operation of Wireless Telecommunication Facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and/or aesthetic impacts on nearby properties and the community as a whole.*

**B. Definitions**

*The definitions set for in this section shall apply to this title.*

*“Ancillary Structure” means any development associated with a Wireless Telecommunications Facility, including but not limited to foundations, concrete slabs on grade, guy wire anchors, generators and transmission cable supports. This definition does not include Equipment Cabinet.*

*“Antenna” means any apparatus designed for transmitting and/or receiving electromagnetic waves that includes but is not limited to, telephonic, radio or television communications. Types of antenna include, but are not limited to, omni-directional (whip) antennas, sectorized (panel) antennas, or parabolic (dish) antennas.*

*“Antenna Array” means a single set or group of Antennas and their associated mounting hardware, transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support.*

*“Attached Wireless Telecommunications Facility” means a Wireless Telecommunication Facility and Ancillary Structures that are secured to an existing structure, as defined in Section 17.04.030, with any accompanying Equipment Cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached Wireless Telecommunications Facility is considered to be an accessory use to the existing principal use on a site.*

*“Conceal or Concealed” means a Wireless Telecommunication Facility in which the Antenna, monopole, and/or tower, and sometimes the Support Equipment, are hidden from view, or effectively disguised as may reasonably*

*be determined by the City Planner or Planning Commission as applicable, such as in a false tree, monument, cupola, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature in a compatible environment. Concealed Wireless Telecommunication Facilities that do not mimic or appear as a natural or architectural feature to the average observer are not within the meaning of this definition.*

*“Collocate or Collocation” means location or placement of Wireless Telecommunications Facilities by two or more wireless personal service providers on an Antenna or Antennas and feed lines on a common Antenna support structure or other structure on which there is an existing Antenna Array. The term “Collocation” shall not be applied to a situation where two or more wireless personal service providers independently place Attached Wireless Telecommunication Facilities on an existing building or structure.*

*“Combined Antenna” means an Antenna or Antenna Array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.*

*“Coverage” means the geographic area served by an individual Wireless Telecommunications Facility installation.*

*“Digital Antenna System (DAS)” means a network of spatially separated Antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.*

*“Eligible Facilities Request” means a request that involves Collocation, removal, or replacement of Wireless Telecommunication Facilities.*

*“Equipment Cabinet” means a structure located at a base station that is above the base flood elevation and designed exclusively to contain radio or other equipment necessary for the transmission or reception of wireless telecommunication signals. An Equipment Cabinet cannot be used for storage and/or habitable space.*

*“Existing Structures and Facilities” means any Wireless Telecommunications Facility for which a permit has been properly issued pursuant to this Section or prior to its adoption.*

*“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, physical, legal, cost and technological factors.*

*“Lattice Structure” means a tapered style of antenna support structure that typically consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support Antennas.*

*“Location” means the area where a Wireless Telecommunications Facility is located or proposed to be located. Reference to location shall be exact longitude and latitude, to the nearest tenth of a second, with bearing or orientation referenced to true north.*

*“Modification” means the change, or proposed change, of any portion of a Wireless Telecommunication Facility from its description in a previously*

**approved Wireless Telecommunication Facility permit. Modification includes structural reinforcement, change in antenna type, and changes that alter the appearance, size or height of a Wireless Telecommunication Facility.**

**“Monopole” means a style of freestanding Antenna support structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of Antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These components are mounted to a foundation that rests on or in the ground or on the roof of a building.**

**“Mount” means the surface upon which Antennas are mounted. Mounts include, but are not limited to roof-mounts (mounted on the roof of a building) and side-mounts (mounted on the side of a building).**

**“Non-Residential Use” means uses such as churches, schools, and residential care facilities that are not a residential use but may be allowed in a residential zone typically with a conditional use permit.**

**“Personal Wireless Telecommunications Services” means commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access service as identified in the Telecommunications Act of 1996.**

**“Support Equipment” means the physical, electrical and/or electronic equipment included within a Wireless Telecommunication Facility used to house, power, and/or process signals from or to the facility's antenna or antennas.**

**“Siting” means the method and form of placement of a Wireless Telecommunications Facility on a specific area of a property.**

**“Wireless Telecommunications Facility” means a staffed or unstaffed commercial facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of any combination of the following for that purpose: a Mount, an Antenna support structure, a Monopole, a Lattice Structure, an Ancillary Structure, an Antenna or Antenna Array or Combined Antenna, transmission cables, Support Equipment, and/or Equipment Cabinet.**

**“Utility tower” means an open framework structure or steel pole used to support electric transmission facilities.**

**A. Preferred Zones and Locations. When doing so would not conflict with the standards set forth in this Section or with federal law, Wireless Telecommunication Facilities shall be located in the most appropriate location as described in this subsection (C), which range from the most appropriate to the least appropriate.**

- 1. Collocation on Existing Facilities and Structures located on City owned property;**
- 2. Collocation on Existing Structures and Facilities in the Public or Quasi-Public Zone;**

3. *Collocation on Existing Facilities and Structures or Attached Wireless Telecommunication Facilities in the allowed Commercial, Office or Industrial Zones;*
4. *Location of new Wireless Telecommunication Facilities on City owned property;*
5. *Location of new Wireless Telecommunication Facilities in the Public or Quasi-Public Zone;*
6. *Location of new Wireless telecommunication Facilities in the allowed Commercial, Office and Industrial Zones.*

**C. Setbacks.**

1. *Fall Zone Setback. In order to ensure public safety, all new Wireless Telecommunication Facilities shall maintain a setback at a 1:5 ratio, measured from property lines, based on the height of the cell tower, including any Antenna or Antenna Array attached thereto. All new Wireless Telecommunication Facilities shall also meet the minimum setback requirements of the underlying design district.*
2. *Variance. Setbacks for Wireless Telecommunication Facilities may be modified if the requirements of Chapter 17.42 can be satisfied and the applicant can demonstrate that the Siting for the proposed Wireless Telecommunication Facility will be the least visually obtrusive profile, will not detract from the beauty and/or character of the area in which it is proposed to be located, and will not cause a public safety issue.*

**D. Height Limits for New Wireless Telecommunication Facilities.**

<b>Maximum Height</b>	
<b>Type of Facility</b>	<b>Maximum Height</b>
<b>Concealed &amp; Attached to Building</b>	<i>Shall not exceed the height of the structure on which the Attached Wireless Telecommunication Facility is attached by more than 25 feet.</i>
<b>Non-concealed Attached to Building</b>	<i>Shall not exceed the height of the structure on which the Attached Wireless Telecommunication Facility is attached by more than 25 feet.</i>
<b>Freestanding Tower</b>	<i>Shall not exceed the height of the Design District in which the Wireless Telecommunication Facility is located by more than 25 feet</i>
<b>Collocation on Existing Buildings and Structures (Legal Nonconforming)</b>	<i>An Attached Wireless Telecommunication Facility may locate on a building or structure that is legally non-conforming with respect to height, provided that the facility does not project above the existing height by more than 25 feet.</i>



**Height Limit Exception.** *The Planning Commission may approve additional height beyond the maximum allowed subject to the provisions Chapter 17.42 (Variance and Exceptions) of the Visalia Zoning Ordinance.*

**E. Concealed Wireless Telecommunications Facilities Required.** *All new Wireless Telecommunication Facilities are required to be Concealed. A Wireless Telecommunication Facility that is not Concealed may be permitted so long as the following findings can be met:*

- 1. The Siting of the proposed Wireless Telecommunication Facility will not adversely impact the use of the property, other buildings and structures on the property, or the surrounding area or neighborhood.*
- 2. The Siting of the proposed Wireless Telecommunication Facility will result in the least intrusive visual impact to the area.*
- 3. To the maximum extent reasonably feasible, the proposed Wireless Telecommunications Facility has been designed to blend with the surrounding area and is appropriately designed for the specific site.*

**G. Concealed Wireless Telecommunication Facility Options.**

- 1. The use of so-called "monopines, monopalms and other mono-trees" to Conceal Wireless Telecommunication Facilities shall be evaluated during the Planned Development Permit process. The applicant shall demonstrate that these structures will blend in with the surrounding neighborhood in order to be considered. Photo simulations are required for a proposed mono-tree. The City Planner may condition additional architectural features (monopine, monopalm, horizontal installation, application of color) to a Wireless Telecommunication Facility to ensure compatibility with the surrounding physical environment. Due to environmental factors such as wind, rain and sun, the owner/applicant shall conduct an annual inspection on all mono-trees to ensure that the faux foliage continues to resemble a tree, and fully screens all Antennas, Antenna Arrays, Mounts, Ancillary Structures and/or Support Equipment. All mono-tree designs shall incorporate appropriate three-dimensional bark cladding, and shall provide for screening foliage to extend beyond all Antennas by no less than 24 inches. The design, number and placement of any branch-like structures affixed to the tower shall insure adequate camouflaging of the Antennas, Antenna Arrays, Mounts, Ancillary Structures and/or Support Equipment.*
- 2. The use of alternative structures, including but not limited to such structures as a church cross, statue, light pole, flagpole, architectural feature such as a clock tower, shall be subject to the Planned Development Permit process as described in subsection (1) above. Consideration as to when a Wireless Telecommunication Facility may be Concealed using an "alternative structure" will be based upon the extent to which it is designed to internally house Antennas, Antenna Arrays, Mounts, Ancillary Structures, and/or Support Equipment.*

**H. Collocation Required.**

1. **To limit the adverse visual effects of a proliferation of Wireless Telecommunication Facilities in the City, the proposed construction of new Wireless Telecommunication Facilities shall be designed to accommodate Collocation of two (2) or more service providers. Any new Wireless Telecommunication Facility may be required to Collocate with another existing or new facility, unless it can be demonstrated to be technically or economically infeasible.**
  2. **Collocation on existing large towers. Collocation of the Wireless Telecommunication Facilities of more than three (3) telecom providers on existing towers greater than seventy (70) feet in height is permitted pursuant to the Planned Development Permit review process.**
1. **Substantial Change to the Physical Dimensions of Existing Structure or Facility.**
    1. **Modifications to an Existing Structure or Facility are permitted and do not require discretionary review where such Modifications will not result in a "substantial change," as set forth in subsection (1)(2) below. Modifications resulting in a "substantial change" to an Existing Structure or Facility shall be submitted for review under the Planned Development Permit process as described in this Section.**
    2. **A "substantial change" to an Existing Structure or Facility shall constitute the following:**
      - a. **The Modification increases the height of the Existing Structure or Facility by more than 10%, or the height of one additional antenna array with separation from the nearest existing Antenna or Antenna Array not to exceed 20 feet, whichever is greater.**
      - b. **The Modification would add an Antenna, Antenna Array, Mount, Ancillary Structure or Support Equipment that would protrude from the edge of the Existing Structure or Facility more than 20 feet or more than the width of the tower structure at the level of the Antenna, Antenna Array, Mount, Ancillary Structure or Support Equipment, whichever is greater.**
      - c. **The Modification involves installing more than the standard number of Equipment Cabinets for the technology involved, and would add greater than four (4) Equipment Cabinets.**
      - d. **The Modification would defeat the existing Concealment elements.**
      - e. **The Modification would result in the excavation or deployment outside the current boundaries of the leased or owned property and into any access, utility easements or required setbacks.**
      - f. **The Modification would not comply with other conditions imposed upon the Existing Structure or Facility unless non-compliance is due to an increase in height, increase in width, addition of Equipment Cabinets, or new excavation or deployment that does not exceed the substantial change thresholds of this subsection.**

- 3. All Modifications remain subject to building codes and other non-discretionary structural and safety codes.*

*J. Other Requirements for all Wireless Telecommunication Facilities.*

- 1. Any Attached Wireless Telecommunication Facility or Wireless Telecommunication Facility on or adjacent to a historic building or site shall be designed to ensure consistency with the National Historic Preservation Act or 1966, and shall be referred to the City's Historic Preservation Advisory Committee for review and approval pursuant to Chapter 17.56.*
- 2. There shall be a seven (7) foot high screen fence or solid wall or approved architecturally-designed solid fence installed surrounding the Equipment Cabinet. Slatted chain-link fencing will only be considered when the Equipment Cabinet is substantially masked from public view or the Wireless Telecommunication Facility is located in an industrial zone or public park.*
- 3. New Wireless Telecommunication Facilities shall not be permitted within one hundred (100) yards of an Existing Structures and Facilities unless the applicant can demonstrate with substantial evidence that there are no other location alternatives to providing service to the area.*
- 4. Wireless Telecommunication Facilities shall not be permitted in locations where they will interfere with the operation of the Visalia Municipal Airport. Wireless Telecommunication Facilities proposed for location within the airport planning area shall be referred to the airport manager or the airport land use commission for a determination of consistency with airport area standards.*
- 5. All Wireless Telecommunication Facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and any other agency of the State or Federal government with the authority to regulate Wireless Telecommunication Facilities. If such standards and regulations are changed, the owners of the Wireless Telecommunication Facilities governed by this Section shall bring such Wireless telecommunication Facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency.*
- 6. All appropriate building permits are required. Compliance with applicable federal, state, and local laws, codes, and regulations are required, and are continuing obligations on applicants and permit holders hereunder.*
- 7. A Wireless Telecommunication Facility shall be maintained in good condition. Maintenance shall include, but not be limited to maintaining the structural and aesthetic integrity of the Wireless Telecommunication Facility, including painting and upkeep of structures used to Conceal Wireless telecommunication Facilities, and irrigation and upkeep of buffer areas and landscaping. If maintenance of will result in a Substantial*

*Change as described in Section 17.32.163.H, the requirements of that subsection shall apply.*

**8. Drawings and Photos Required.** *A plan or drawing depicting the size and configuration of the property where the Wireless facility is proposed, and the size and location of existing improvements or features (buildings, driveways, sidewalks) depicting what currently exists and what physical changes are proposed. Elevation drawings shall depict all mast dimensions, placement and design features, and provide dimension to the apex of the pole from the finish grade. Accurate and reliable photos of the project site prior to the project installation or modification, and accurate and reliable photo simulations of all elements of proposed Wireless Telecommunication Facility installation shall be provided.*

**K. Abandonment or Discontinuation of Use.**

- 1.** *At such time that a Wireless Telecommunication Facility owner or wireless provider plans to abandon or discontinue operation of that facility, said owner shall notify the Community Development Department Director by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.*
- 2.** *In the event all legally approved use of any Wireless Telecommunication Facility has been discontinued for a period of six months (180 days) and the owner or wireless provider has not notified the Community Development Department Director, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Community Development Department Director who shall have the right to request documentation and/or affidavits from the facility owner regarding the issue of usage, including evidence that use of the Wireless Telecommunication Facility is imminent.*
- 3.** *At such time as the Community Development Department Director determines that a Wireless Telecommunication Facility is abandoned, the Community Development Department Director shall provide written notice of an abandonment determination by certified mail addressed to all applicants at the addresses on file with the City and to the owner of the property at the address on file with the City, the property address, if applicable, and at the address to which tax notices are sent. Failure or refusal by the facility owner or any other co-applicant to respond to such notice within sixty (60) days of the receipt of the certified letter, shall constitute prima facie evidence that the Wireless Telecommunication Facility has been abandoned.*
- 4.** *If the owner of a Wireless Telecommunication Facility fails to respond or fails to demonstrate that the facility is not abandoned, the Wireless Telecommunication Facility shall be considered abandoned and the owner of the facility shall apply for a new permits consistent with the requirements of this Section or dismantle and physically remove the entire Wireless Telecommunication Facility. "Physically remove" shall include restoration of the location of the Wireless Telecommunication Facility to its natural condition, where applicable, except that any landscaping and grading shall remain in post-development condition.*

5. ***Upon a determination of abandonment by the Community Development Department Director pursuant to this Section, and the failure of the Wireless Telecommunication Facility owner or other co-applicant to remove the facility in accordance with this Section, the Wireless Telecommunication Facility shall be deemed unfit for use and in violation of the permit requirements so as to be deemed a danger to public health and a public and private nuisance. Failure of the Wireless Telecommunication Facility owner or other co-applicant to dismantle and physically remove the facility and related structures in accordance with the terms of this Section shall result in the City taking all actions consistent with Chapter 8.40 and Chapter 1.13.***



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** February 9, 2015

**PROJECT PLANNER:** Paul Scheibel, AICP (713-4369)

**SUBJECT: Subdivision and Zoning Text Amendments No. 2015-01, Revising the Appeal Process of Certain Planning Commission Actions**

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the following materials and consider making a recommendation to the City Council regarding Subdivision and Zoning Ordinance Text Amendment No. 2015-0.

## RECOMMENDED MOTION

- 1) I move to recommend approval of Subdivision and Zoning Text Amendment 2015-01 by adoption of Resolution No. 2015-03.
- 2) I move to recommend denial of Subdivision and Zoning Text Amendment 2015-01. (If this option is chosen, staff will prepare a corresponding resolution for subsequent Planning Commission consideration.)

## BACKGROUND/PROJECT EVALUATION

The proposal is the result of direction provided to staff by the City Council on January 5, 2015, to incorporate a procedure whereby the City Council may process an appeal of certain Planning Commission actions while preserving their individual and collective impartiality when voting on the Appeal in the subsequent City Council public hearing (Please see Attachment 5). Specifically, subdivisions and any accompanying entitlements would be subject to this subsequent City Council review process.

This is the Ordinance that was adopted in December 2006, and became effective in February 2007. The Ordinance was repealed by the City Council in June 2010. The adopted Ordinance was the result of a compromise from the original version. The original version included an appeal provision for all Planning Commission discretionary decisions, and allowed an appeal to be filed for design considerations as well as for General Plan or Subdivision/Zoning Code consistency reasons. Further, the original Ordinance required the appellant council member to specify their reasons for desiring City Council review of the Planning Commission's decision. The latter provision would have required the appellant council member to recuse themselves from the City Council public hearing. City Council member Greg Kirkpatrick proposed the revisions that resulted in the adopted Ordinance.

Without the proposed Ordinance, the City Council members have the same standing as any person or entity in filing an Appeal of a Planning Commission action. However, they would be precluded from participating as a Council member, including voting on a subdivision Appeal. Additionally, the present Appeal process does not provide a mechanism to allow the City Council to review Planning Commission actions that may have citywide General Plan policy implications, but where there is not an "interested party" that will file an Appeal.



An informational letter announcing the upcoming public hearings on the proposed Ordinance Amendment was distributed to various business and development stakeholders on January 20, 2015. To date, there has been no correspondence received as a result of the distribution.

If the Ordinance is re-instituted, staff recommends that the Ordinance sections that refer to the timeframe in which an appeal must be heard after it is filed be changed. Staff recommends that the wording of Sections 16.0 4.040(C) and 17.02.145(B) be amended as follows: “

“Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held ~~within thirty (30) days~~ *scheduled within 30 days and heard within 45 days*”.

This change is recommended based on past experience in processing Appeals. Under the current timeline, Appeal filings often necessitate being agendaized for a City Council meeting in less than 14 days in order to meet the 30 day timeline. This short timeframe sometimes reduces City staff's and the applicant's and interested party's ability to negotiate compromises that could avoid the Appeal hearing altogether.

When a satisfactory compromise is not possible, the actual report preparation time is often longer than a standard report because staff must take extra care in crafting the report in a way that explains the inherently contentious and often litigious issues of the original project and the nature of the Appeal.

## FINDINGS

1. That the proposed Subdivision and Zoning Ordinance Text 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 Subdivision and Zoning Ordinance Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-04), as a minor modification to a land use limitation which does not affect land use or density.

### Attachments:

1. Letter of Distribution dated January 20, 2015
2. Subdivision and Zoning Code Extracts
3. Resolution No. 2015-03, Recommending Adoption of Subdivision and Zoning Ordinance Text Amendments 2015-01
4. Categorical Exemption No. 2015-04
5. January 5, 2015, City Council Staff Report



January 16, 2015

Interested Development Industry Stakeholders

RE: Proposed Ordinance Amendment to Allow City Council Review of Certain Planning Commission Actions in the Absence of an Interested Party Appeal

Dear Stakeholder:

This letter is to inform you of the City's initiation of an Ordinance Code Amendment that, if approved in its current form, will re-establish a process through which a Council member may trigger a review of Planning Commission decisions pertaining to subdivision maps [and any discretionary actions such as a Conditional Use Permit (CUP) that accompanies a subdivision map].

The proposed Ordinance amendment is essentially the same Ordinance that was adopted by the City Council in February 2007, and remained in effect thru mid-2010. A copy of the prior Ordinance is attached for your reference.

The action to initiate this Ordinance amendment was directed by the City Council on January 5, 2015. The item will be reviewed by the Planning Commission for its recommendation at a public hearing on February 9, 2015.

Please feel free to share this letter and attached Ordinance example. Do not hesitate to contact me at 713-4364, or Paul Scheibel at 713-4369 with any questions or comments.

With Regards,

A handwritten signature in black ink, appearing to read 'J. McDonnell', written over a white background.

Josh McDonnell, AICP  
Assistant Community Development Director/City Planner

**Prior Ordinance Provisions (Effective February 2007 through May 2010):**

**Title 16 – Subdivisions**

**Chapter 16.04 – General Provisions**

**16.04.040 Appeals.**

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the city council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal.—Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. A member of the city council may call for the review of a planning commission decision on a tentative map application made pursuant to Chapter 16.16 by making such request in writing to the city manager within 10 days of the planning commission's action. Such request shall state the policy issues related to the tentative map to be addressed upon the council's review of the tentative map application, but the council member shall not take a position regarding support for or opposition to the application. Upon receipt of such request from any single council member, the matter shall be considered to be under appeal, and the city council shall set the matter for hearing in the manner prescribed by subparagraph C. below. If the tentative map for which further review is sought by the council is conditioned upon the approval of any other development entitlement whether pursuant to this Title or other municipal code provisions, such as a conditional use permit, and such entitlement was approved by the Planning Commission in conjunction with the tentative map approval, such other entitlement shall also be considered to be under appeal, and shall be reviewed by the City Council pursuant to this section.

C. Upon the filing of an appeal, or upon the receipt by the city manager of a call for review of the matter from any one city council member, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. The city clerk shall give notice of the hearing according to the procedure required by the Visalia Municipal Code for the initial action by the planning commission.

D. In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of appeals that result from a council member request to review the matter, the requesting council member shall be entitled to fully participate in the deliberation and decision on the matter unless such council member has a disqualifying conflict. In the case of decisions by the planning commission

## Current Subdivision Ordinance

### 16.04.040 Appeals.

A. The subdivider or any interested person adversely affected may upon payment of an appeal fee as may be established by resolution of the city council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. city clerk shall give notice of the hearing according to the procedure required for the initial action by the planning commission, except that the timing of such notice shall be no less than ten (10) days before the hearing date.

C. In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of tentative maps, the Council may also take any action identified in Chapter 16.16, including specifically those actions identified in Section 16.16.120. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

(Prior code § 9015) (Ord. 2010-03 § 1, 2010; Ord. 2006-18 § 2 (part), 2007)

## Current Zoning Ordinance

### 17.02.145 Appeal to city council.

Where the planning commission is authorized to make any decision pursuant to the provisions of Title 17 of the Visalia Municipal Code and that decision is to be subject to appeal to the city council, the following procedure shall apply.

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the Council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be not less than 10 days before the hearing.

C. In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote. (Ord. 2006-18 § 3, 2007)

RESOLUTION NO. 2015-03

RESOLUTION OF THE VISALIA PLANNING COMMISSION  
RECOMMENDING APPROVAL OF SUBDIVISION AND ZONING  
ORDINANCE TEXT AMENDMENTS 2015-01 REVISING THE APPEAL  
PROCESS FOR CERTAIN PLANNING COMMISSION ACTIONS

**WHEREAS**, Subdivision and Zoning Ordinance Text Amendments No. 2015-01, are a request by the City of Visalia to amend the Subdivision and Zoning Ordinances to revise the Appeal process for certain Planning Commission actions; and

**WHEREAS**, On February 9, 2015, the Planning Commission of the City of Visalia, after ten (10) days published notice held a public hearing to consider the Amendments; and

**WHEREAS**, the Planning Commission considered the Amendments in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia.

**NOW, THEREFORE BE IT RESOLVED** that the Visalia Planning Commission recommends the approval of Subdivision and Zoning Ordinance Text Amendments No. 2015-01, as shown in Exhibit A of this Resolution, based on the following findings:

1. That the proposed Subdivision and Zoning Ordinance Text 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 Subdivision and Zoning Ordinance Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-04), as a minor modification to a land use limitation which does not affect land use or density.



## EXHIBIT A

Visalia Municipal Code Chapter 16 (Subdivisions) and Chapter 17 (Zoning) are recommended to be amended as follows, except that Section 16.04.040 C. and 17.02.145 is further recommended to replace "held within 30 days" to read "scheduled for a public hearing within 30 days, and heard within 45 days"

### **Title 16 – Subdivisions**

#### **Chapter 16.04 – General Provisions**

##### **16.04.040 Appeals.**

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the city council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. A member of the city council may call for the review of a planning commission decision on a tentative map application made pursuant to Chapter 16.16 by making such request in writing to the city manager within 10 days of the planning commission's action. Such request shall state the policy issues related to the tentative map to be addressed upon the council's review of the tentative map application, but the council member shall not take a position regarding support for or opposition to the application. Upon receipt of such request from any single council member, the matter shall be considered to be under appeal, and the city council shall set the matter for hearing in the manner prescribed by subparagraph C. below. If the tentative map for which further review is sought by the council is conditioned upon the approval of any other development entitlement whether pursuant to this Title or other municipal code provisions, such as a conditional use permit, and such entitlement was approved by the Planning Commission in conjunction with the tentative map approval, such other entitlement shall also be considered to be under appeal, and shall be reviewed by the City Council pursuant to this section.

C. Upon the filing of an appeal, or upon the receipt by the city manager of a call for review of the matter from any one city council member, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. The city clerk shall give notice of the hearing according to the procedure required by the Visalia Municipal Code for the initial action by the planning commission.

D. In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of appeals that result from a council member request to review the matter, the requesting council member shall be entitled to fully participate in the deliberation and decision on the matter unless such council member has a disqualifying conflict. In the case of decisions by the planning commission



that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of tentative maps, the Council may also take any action identified in Chapter 16.16, including specifically those actions identified in Section 16.16.120. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

## **Title 17- Zoning Ordinance**

### **Chapter 17.02 – General Provisions**

#### **17.02.145- Appeal to the city council**

Section 17.02.145 D is added as follows:

D. Review actions of subdivisions by the city council filed pursuant to Municipal Code Section 16.04.040 shall also include any other development entitlement, whether pursuant to this Title or other provision of the Municipal Code, that was made a condition of approval by the planning commission.

**NOTICE OF EXEMPTION**

City of Visalia  
315 East Acequia  
Visalia, CA 93291

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

Subdivision and Zoning Text Amendments 2015-01

**PROJECT TITLE**

Citywide

**PROJECT LOCATION - SPECIFIC**

Visalia, CA

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

Amending Subdivision Ordinance Section 16.04.040 and Zoning Ordinance section 17.02.145 to institute review by City Council members of certain Planning Commission actions, and to amend the appeal filing timeline for appeals filed pursuant to said Ordinances.

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

City of Visalia, California

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

City of Visalia; Attn. Paul Scheibel, 315 E. Acequia Avenue, Visalia, CA 93291

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

City of Visalia; Attn. Paul Scheibel, 315 E. Acequia Avenue, Visalia, CA 93291

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

**EXEMPT STATUS:** (Check one)

- Ministerial - Section 15073
- Declared Emergency - Section 15071
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Class 5, Section 15305**
- Statutory Exemptions - State code number:

The project is a minor change in land use limitations which will not affect environmental review of projects directly or indirectly.

**REASON FOR PROJECT EXEMPTION**

Paul Scheibel; Environmental Coordinator  
**CONTACT PERSON**

(559)713-4369  
**AREA CODE/PHONE**

2-10-15  
**DATE**

  
**ENVIRONMENTAL COORDINATOR**  
Paul Scheibel, AICP; Environmental Coord.

**ATTACHMENT 4**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** 1/5/2015

**Agenda Item Number (Assigned by City Clerk):** 21.

**Agenda Item Wording:** Discuss and provide direction on potential changes to the Municipal Code provisions related to Council Member power to request review of Planning Commission items in absence of an interested party appeal.

**Deadline for Action:** 1/30/2015

**Submitting Department:** City Attorney

**Contact Name and Phone Number:**  
Alex Peltzer, 559-372-2400

**Department Recommendation:** Council will be presented with options for revising existing appeal provisions of the Municipal Code that relate to Council review of approvals of development entitlements. Council may choose to give direction for ordinance changes to be brought to Council for future consideration.

**Summary:** At a recent City Council meeting, the question of the process through which a Council member may trigger a review of Planning Commission decisions was raised. The answer is that there is no specific provision in the Visalia Municipal Code that allows a Council member to request review of a Planning Commission decision; therefore such review can only occur if the project applicant or an "interested party" formally files an appeal and pays the appeal fee. Further, under these current ordinance provisions, if a Council Member acts as an interested party and files an appeal for a Planning Commission decision, that Council Member will be treated as the appellant and, under state conflict of interest rules, will be able to make a presentation to the Council as a member of the public but will not be allowed to participate as a Council Member in determining the outcome of the appeal.

Between the establishment of the Visalia Planning Commission in 1958 and 2007, there does not appear to have been any provisions for City Council review of Planning Commission decisions upon request by a councilmember. In January, 2007, The City Council amended the Municipal Code to allow for "Council Member Review" power to Planning Commission decisions related to approvals of subdivision maps. In 2010, a majority of the Council repealed these provisions.

After being advised of the history of the Municipal Code provisions on this topic, three council members recently indicated a desire to consider alternatives for changes to the ordinance,

including a potential to re-institute the Council Member review provisions that had been adopted in 2007 and repealed in 2010.

**Background Discussion:** The Visalia Planning Commission has been delegated primary decision making power for many routine as well as non-routine development applications. Some of the Planning Commission's decisions (including subdivision map and conditional use permit decisions) are final, subject to review and affirmation by the City Council only if appealed by the applicant or an "interested party." It is possible, and in fact likely, that these decisions will be final without having to be presented to the City Council for a decision. Other decisions (such as zoning map, text, and general plan amendments) are advisory only at the Planning Commission level, and are not effective unless and until considered by the City Council and approved.

The Planning Commission process, including the ability to obtain decisions without needing approvals from both the Planning Commission and the City Council for most map and CUP decisions, is considered a vital process by developers of residential and commercial projects. The process provides a thorough public vetting while at the same time affording a certain level of finality and certainty in the approval process.

At the same time, some council members have expressed concern that decisions relating to major developments that have the ability to establish the quality and style of development in large parts of the community are sometimes not exposed to the decision making discretion and power of the City Council. Unless appealed by the project opponent (which rarely occurs where a project is approved), significant projects are not likely to be appealed by "interested persons" because there is a lack of interest or organization among potentially affected members of the public. An "interested person" who may wish for greater public review of particular project may also choose not to appeal due to the cost of filing an appeal, currently set at approximately \$500.

(See attached document showing the current and previous Visalia Municipal Code provisions regarding the manner in which certain Planning Commission decisions may be reviewed by the City Council.)

Alternatives For Council Member Appeal:

- 1) Status Quo: Council members are currently able to review Planning Commission decisions even if no "interested person" comes forward by filing an appeal himself or herself as a private citizen. In such cases, however, the appealing City Council member is considered the "interested person" and therefore is not allowed to participate in the Council discussion, deliberation, and vote on the appeal.
- 2) Reinstigate 2007 process: The 2007 ordinance provided the following "Council Member Review" process:

a) the council member appeal provisions would apply only to tentative map approvals by the Planning Commission, and related entitlements, but would not apply to stand alone conditional use permits or other decisions not related to maps;  
b) a council appeal would be triggered by a single council member; and  
c) the appealing council member would be required to state the policy issue to be discussed in connection with the appeal, but should not state opposition or support for the application as a whole. This would allow the Council Member requesting the appeal to participate in the deliberation and decision making on the appeal with the other Council Members (i.e., remain on the dais). This ordinance could be updated and reinstated. This would be an extension of Council powers and no fee would be necessary. (See attached for specific 2007 ordinance language.)

- 3) Institute Another Version of Council Member Appeal Process: Variations on the 2007 process could include:
- a. the Council Member appeal could apply to all "final subject to appeal" decisions of the Planning Commission, not just tentative map approvals;
  - b. more than one City Council Member may be required to trigger a council appeal; or
- c, the ordinance could require greater or lesser detail regarding the reasons for the Council Member appeal.

If Council provides direction to revive the 2007 Council Member Appeal ordinance or some version of it, staff will draft an ordinance, and unless otherwise directed, will, consistent with past practice, process the ordinance through various stakeholders including, but not limited to, the Planning Commission, the Building Industry Association, the Chamber of Commerce and the Visalia Economic Development Corporation. . (Note: The Planning Commission recommended against the 2007 changes and recommended approval of the 2010 repeal of those provisions)

**Fiscal Impact:** If Council Member review provisions are reinstated, there may be an increase in instances in which Planning Commission decisions are reviewed at the Council level, which carries an administrative cost in the form of staff and attorney time in preparing additional review materials. Such costs are offset by appeal fees where the review is triggered by the project proponent or an "interested party." Such fees would not be charged in the case of a Council Member-triggered review. It would be difficult to estimate this cost.

**Prior Council Action:**

- May 2006 through January 2007: Various City Council and Planning Commission actions to review and adopt ordinance allowing for Council Member Review
- April 2010: City Council action to repeal City Council Member Review powers that had been adopted in 2007.

**Other:** N/A



**Committee/Commission Review and Action: N/A**

**Alternatives: N/A**

**Attachments: N/A**

**Recommended Motion (and Alternative Motions if expected):**

Provide direction regarding whether to return with an ordinance to change the provisions of the Visalia Municipal Code that relate to Council Member review of Planning Commission decisions.

Copies of this report have been provided to:

**Environmental Assessment Status**

**CEQA Review: NA**

**Appeal of Planning Commission Decisions**  
**Current and Prior Municipal Code Provisions**

**Current Ordinance Provisions (As of May 2010):**

**Title 16 – Subdivisions**

**Chapter 16.04 – General Provisions**

**16.04.040 Appeals.**

A. The subdivider or any interested person adversely affected may upon payment of an appeal fee as may be established by resolution of the city council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. city clerk shall give notice of the hearing according to the procedure required for the initial action by the planning commission, except that the timing of such notice shall be no less than ten (10) days before the hearing date.

C. In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of tentative maps, the Council may also take any action identified in Chapter 16.16, including specifically those actions identified in Section 16.16.120. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

**Prior Ordinance Provisions (Effective February 2007 through May 2010):**

**Title 16 – Subdivisions**

**Chapter 16.04 – General Provisions**

**16.04.040 Appeals.**

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the city council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal.—Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. A member of the city council may call for the review of a planning commission decision on a tentative map application made pursuant to Chapter 16.16 by making such request in writing to the city manager within 10 days of the planning commission's action. Such request shall state the policy issues related to the tentative map to be addressed upon the council's review of the tentative map application, but the council member shall not take a position regarding support for or opposition to the application. Upon receipt of such request from any single council member, the matter shall be considered to be under appeal, and the city council shall set the matter for hearing in the manner prescribed by subparagraph C. below. If the tentative map for which further review is sought by the council is conditioned upon the approval of any other development entitlement whether pursuant to this Title or other municipal code provisions, such as a conditional use permit, and such entitlement was approved by the Planning Commission in conjunction with the tentative map approval, such other entitlement shall also be considered to be under appeal, and shall be reviewed by the City Council pursuant to this section.

C. Upon the filing of an appeal, or upon the receipt by the city manager of a call for review of the matter from any one city council member, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. The city clerk shall give notice of the hearing according to the procedure required by the Visalia Municipal Code for the initial action by the planning commission.

D. In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of appeals that result from a council member request to review the matter, the requesting council member shall be entitled to fully participate in the deliberation and decision on the matter unless such council member has a disqualifying conflict. In the case of decisions by the planning commission

that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of tentative maps, the Council may also take any action identified in Chapter 16.16, including specifically those actions identified in Section 16.16.120. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.