



## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** December 14, 2015

**PROJECT PLANNER:** Paul Scheibel, Principal Planner  
Phone No.: (559) 713-4369

**SUBJECT:** **Amendment to Conditional Zoning Agreement (CZA) 2005-02:** A request by Granville Homes to amend Conditional Zoning Agreement (CZA) 2005-02 to revise certain conditions of the CZA, including specific land uses, phasing, and improvement requirements that currently apply over the entire site. Also included in the CZA amendment is a finding of consistency for revisions to Tentative Subdivision Map No. 5516 which was originally approved for the residential component of CZA 2005-02. The site comprises 40.41 acres, located on the north side of Goshen Avenue, approximately 1,300 feet east of Shirk Road. (APNs 077-720-001, -002, -003, -004, -005, -006, -007, 077-730-001, -002, & 077-780-008)

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2015-67, recommending that the City Council:

- 1- Adopt Mitigated Negative Declaration No. 2015-76; and,
- 2- Approve the Amendment to CZA 2005-02, including a finding of consistency of Tentative Subdivision Map No. 5516. This recommendation is based on the following:
  - The Amendment to the CZA is consistent with the goals, objectives, and policies of the City's General Plan.
  - The sites within the project area that contain differing zoning designations and are now under separate ownership are less encumbered by obligations and performance requirements placed upon the various parcels and sub-components within the project area.
  - The changes to Tentative Subdivision Map No. 5516 that are the subject of the finding of consistency do not change the salable lot total of 116 units, nor would the changes create any substandard lots. The changes are primarily to facilitate the placement of sound attenuation walls within the subdivision (instead of on a separate parcel to the west), and to comply with the City Council's direction to incorporate the future capability for El Cajon Street to serve as a railroad crossing site. Replacing the cul-de-sac streets with through streets can be supported on the basis that the latter design encourages greater connectivity and mobility options within the residential development.

### RECOMMENDED MOTION

I move to recommend adoption of Mitigated Negative Declaration No. 2015-76, and approval of the Amendment to CZA 2005-02, including the finding of consistency of Tentative Subdivision Map No. 5516, based on the findings contained in Resolution No. 2015-67.



## PROJECT DESCRIPTION

**Amendment to Conditional Zoning Agreement CZA 2005-02:** The applicant Granville Homes is the current owner of the residential portion (Tentative Subdivision Map No. 5516) of the DiMello Tuscana project, which was originally approved by CZA 2005-02 in 2004, and subsequently amended to its current form in 2006. Essentially, the applicant desires to separate the office component (10 acres) of the project from the residential component (30 acres) by revising or eliminating the conditions in the CZA that require specific performance on the part of one component for the benefit of the other component.

The applicant's desire to separate the two components of the project is precipitated by the fact that the residential component is no longer under the same ownership as the office component. Originally, a single entity (DiMello Tuscana) was the presumptive sole project developer of the entire site when the CZA was approved in 2004, and subsequently amended in 2006.

The applicant contends that the current bifurcated ownership of the project site makes development of the residential portion of the site infeasible. For example, the CZA currently requires that the office component build a two-story parking structure to mitigate noise produced by the industrial uses to the west of the project site for the benefit of the residential component. As such, the residential component is unable to proceed with recordation and subsequent development of the tentative map (No. 5516) since the office component is not part of the first phase of overall site buildout (as was originally anticipated by the CZA).

In addition to removing the condition for a two-story parking structure on the office portion of the site prior to development of the residential portion, the condition to develop Doe Avenue along the entire length of the project site that is presently obligated to the first developer would be replaced with the more standard condition to provide road access to a new development. In this case, if the residential subdivision developed first, it would be required to provide full buildout of Doe Avenue along the north subdivision frontage, and partial (2/3 pavement width) development of Doe Avenue west to Shirk Road. Finally, the condition pertaining to dedication and construction of a trail system would be modified to eliminate the ponding basin trail requirement and to allow an interim design for the trail segment connecting the ponding basin to Roeben Street.

The City Attorney has determined that the City may consider amending the CZA either by application from a single owner or successor in interest of the original CZA, or by unilateral action of the City. While the mutual agreement and participation in the CZA Amendment by all interested parties would be the preferred situation, it is not a requirement under the Zoning Ordinance or by legal precedent. Mr. Kevin McGurty, the successor in interest to the DiMello Tuscana LLC, the party to the original agreement and owner of the office component of the property, has been apprised of the proposed CZA; however, he is not a participant in this CZA Amendment.

**Finding of Consistency With Tentative Subdivision Map No. 5516:** The finding of consistency pertains to the 116-lot Tentative Subdivision Map No. 5516 that was originally approved with the CZA. The subdivision will still contain 116 lots. The tentative map changes being proposed are as follows:

1- Installation of sound walls within the subdivision boundaries to replace the two-story parking structure on the office portion of the project area that would have served as the noise mitigation for the residences.

2- Replacement of the two cul-de-sac streets in the northwest portion of the subdivision in favor of thru streets connecting with Ethan Street that will border the subdivision's west boundary.



3- Re-design of the El Cajon Street roadway to provide four reduced width lanes and minimal parkway landscaping to facilitate increased traffic capacity in the event a railroad crossing is installed at the intersection of Goshen Avenue and the extension of El Cajon Street.

## BACKGROUND INFORMATION

General Plan Land Use Designation	Service Commercial (Office Portion) Low Density Residential (Residential Portion)
Zoning	PA (Professional / Administrative Office) (Office Portion) R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot area) (Residential Portion)
Surrounding Zoning and Land Use:	North: R-1-6 / Residential Subdivision South: Goshen Avenue mix of residences and institutional uses beyond East: R-1-6 PUD (The Lakes) gated residential community West: IH (Heavy Industrial) Viking Redi-mix
Environmental Review:	Initial Study No. 2015-76
Site Plan:	None

### **RELATED PROJECTS**

On March 6, 2006, the City Council approved Change of Zone (COZ) No. 2004-32 and the associated Conditional Zoning Agreement (CZA 2005-02) that changed the zoning on the project site from BRP (Business Research Park) to a mix of P-PA (Planned Professional/Administrative Office) and R-1-6 (Single-Family Residential, 6,000 sq. ft. Minimum Lot Size). Included in the approval was a requirement to construct a two-story parking structure along the west portion of the office portion of the project area to serve as noise mitigation for the residential subdivision on the eastern portion of the project area. DiMello Tuscana, LLC, who proposed that noise mitigation measure, was at the time the sole owner of the entire project area.

On June 26, 2006, the Planning Commission approved the following specific entitlements within the project area:

- Di Mello Tuscana Tentative Subdivision Map No. 5516: To divide approximately 30 acres into 116 residential lots. The tentative map has remained effective to the present time due to the series of State mandated time extensions for subdivisions beginning in July 2008.
- Parcel Map No. 2006-09: To divide the 9.75-acre office portion of the project area into nine lots. The final parcel map was subsequently processed, creating the legal lots on that portion of the project area.
- Conditional Use Permit No. 2006-18: To allow a planned office development with nine buildings totaling 89,520 square feet, and a parking structure on 9.75 acres. The site development has not subsequently occurred.



- Comprehensive General Plan Update, adopted in October 2014. Re-designated the Office portion of the project site from PA (Professional / Administrative Office) to SC (Service Commercial). The P-PA zoning granted by the CZA presently supersedes the new General Plan Land Use designation. Consequently, the property owner would be free to develop the site with office uses, unless the CZA is further amended or rescinded to limit future development to service commercial uses.

## PROJECT EVALUATION

Staff recommends approval of the CZA and finding of consistency because the actions will facilitate development of the site consistent with the original intent of CZA 2005-02. Specifically, the Amendment and associated finding of consistency for the tentative subdivision map will allow development of either portion of the project area independent of and without encumbrance on one portion of the site by the other portion.

### **Replacement of Two-Story Parking Structure as Noise Mitigation**

The CZA Amendment will eliminate the requirement to install a parking structure on the office portion of the project area. Instead, the sound attenuation for the benefit of the residential portion of the project (Map No. 5516) will be accomplished with specially designed tract perimeter walls.

### **Current Condition No. 1 and 2**

1) The noise attenuation / mitigating feature required by Mitigated Negative Declaration No. 2005-71, prepared for the rezoning, shall be in the form of the following:

- A 24-foot high enclosed parking structure extending from the northwest corner of the PA zoning site to the southwest corner of the PA zoning located on "Property". Said parking structure shall be architecturally consistent with the representative elevation rendering included as "Exhibit B" which illustrates a structure with a high level of Spanish / Mission Revival-style design elements,
- A 12-foot high masonry sound wall located along the western boundary of the City pond containing the QP zoning and located on "Property",
- A 6-foot high sound wall located along the east side of Ethan Street in the R-1-6 zoning located on "Property", and
- An 8-foot high sound wall located along the west side of residential lots located between the east-west leg of Ethan Street and the southern boundary of "Property" located in the R-1-6 zoning located on "Property".

These features shall be arranged as to create a continuous noise barrier, located on "Property" between the existing Heavy Industrial (I-H) zone to the west and the approved Single-family Residential (R-1-6) zone to the east.

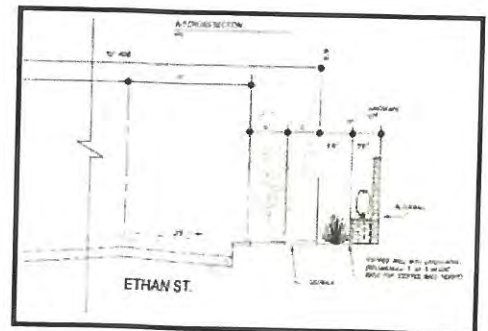
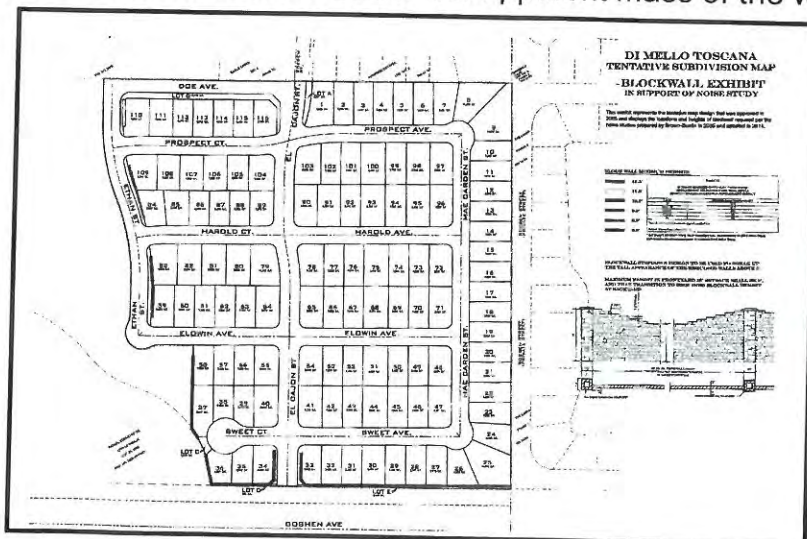
2) No building permits for residences in the area rezoned to R-1-6 may be issued until said noise attenuation features have been constructed, and until it can be demonstrated that exterior noise levels in the area rezoned to R-1-6 have been reduced to a level meeting the Community Noise Standards enforced by Chapter 8.36 of the Visalia Municipal Code.



**Revised Condition No. 1 and 2.**

- 1) The noise attenuation / mitigating feature required by Mitigated Negative Declaration No. 2005-71 has been superseded by Mitigated Negative Declaration No. 2015-76, including the Acoustical Analysis BB Report 14-011, prepared by Brown and Buntin and dated February 6, 2014, and further updated to analyze the modification of several road segments within Tentative Tract Map 5516 from cul-de-sac roads to through streets with the Acoustical Review prepared by WJV Acoustics and dated November 2, 2015, and November 17, 2015. As such, Granville shall be responsible for noise mitigation features in the form of the following, and subject to the review and approval of the City Planner:
- (i) Sound walls on the western edge of the residential subdivision ranging in height from 6 foot to 11 foot 6 inches, which are illustrated in Exhibit "B" (block wall exhibit) and located on the Granville Property.
  - (ii) An 11 foot 6 inch high masonry sound wall shall be located along side-yard property lines of lots 84 and 109 on the east side of Ethan Street located on the Granville Property.
  - (iii) An 11 foot high masonry sound wall shall be located along the side-yard property lines of lot 110 on the east side of Ethan Street located on the Granville Property.
  - (iv) A 10 foot high masonry sound wall shall be located along side-yard property lines of lots 83 and 59 on the east side of Ethan Street located on the Granville Property.
  - (v) A 9 foot high masonry sound wall shall be located along the side-yard property lines of lots 37 and 58 on the east side of Ethan Street located on the Granville Property.
  - (vi) An 8 foot high masonry sound wall shall be located along the side-yard property lines of lot 36 on the east side of Ethan Street located on the Granville Property.
  - (vii) Wall segments 10 feet or more in height shall also include a stem wall with a minimum 2.5 foot-wide landscape planter area between the stem wall and sound wall.
- These features shall be arranged as to create a continuous noise barrier, located on the Granville Property, to attenuate noise from the existing Heavy Industrial (I-H) to the west of the Property.
- 2) No final occupancies for residences on the Granville Property may be issued until said noise attenuation features have been constructed, or until it can be demonstrated that exterior noise levels for any residential units for which a building permit is requested in the area rezoned to R-1-6 meet the Community Noise Standards enforced by Chapter 8.36 of the Visalia Municipal Code.

The exact wall heights and locations are in accordance with the recommendations of a special noise analysis prepared by WJV Acoustics on November 17, 2015. Where wall heights meet or exceed ten feet, the wall design will also have a stem wall and planter area in front of the main wall section. This will buffer the apparent mass of the wall section.





**Timing and Responsible Party of Doe Avenue Improvements**

The CZA Amendment would revise the requirement for the office development to develop Doe Avenue from Ethan Street to Shirk Road. Instead, the requirement to develop Doe Avenue will rest with whoever first develops in the project area. This is presumably the residential tract instead of the office portion of the project.

**Existing Condition No.4**

4) Public vehicular access shall be provided via Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street) to the area rezoned for PA before a Certificate of Occupancy is issued for any office building constructed within this zone. The public vehicular access shall be constructed and paved at a minimum two-thirds (2/3) width of the ultimate planned right-of-way for these streets.

**Revised Condition No. 4**

4) Public vehicular access shall be provided via Doe Avenue from the eastern most boundary of the Property extending westerly and ultimately connecting with Shirk Road, and for Ethan Street (the street separating the R-1-6 and PA zones) extending south from its intersection with Doe Avenue along the area rezoned for PA, before a Certificate of Occupancy is issued for any office building constructed within this zone. The public vehicular access shall be constructed and paved at a minimum two-thirds (2/3) width of the ultimate planned right-of-way for these streets. Whichever of the First Parties that first applies to the City for a building permit shall be responsible for constructing the vehicular access described by this Item (e)(4). The First Parties shall make all necessary property right dedications necessary to complete construction of the vehicular access described by this Item (e)(4).

The end result of providing vehicular access from the project area to Shirk Road is retained by the CZA with either version of the condition. However, the revised version reduces potential ambiguity as to who is the responsible party for the improvements since the office development is unlikely to be the first development within the project area. The condition requires 2/3 road improvements, which is a standard City street improvement condition where a project requires offsite construction of a new road.

**Modification of El Cajon Street for Increased Traffic Capacity**

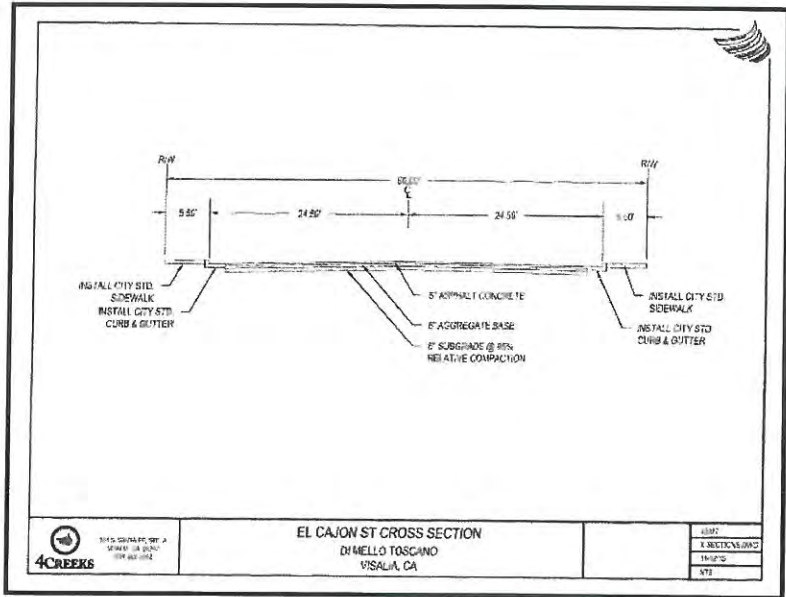
CZA Condition No. 3 required a good faith effort on the part of the project proponent to secure a railroad crossing at El Cajon Street. The San Joaquin Valley Railroad provided a letter refusing to grant a new crossing unless the City relinquished an existing crossing. The City Council considered this situation in a worksession on October 19, 2015. The City Council directed that the project shall not be required to provide a new crossing at this time. Instead, the City Council directed that El Cajon Street be modified to facilitate a future crossing within the current map dimensions and design. Condition No. 3 has been revised as shown below. Further, the cross section of El Cajon St. has been modified to accommodate four travel lanes within the standard 60-foot right of way, as shown below.



**Revised Condition No. 3**

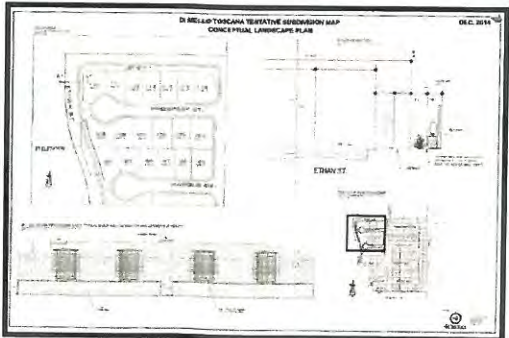
3) Machado and the City were required, pursuant to Conditional Zoning Agreement No. 2005-02, to make a good faith effort to work with the San Joaquin Valley Railroad ("SJVR") and the California Public Utilities Commission ("CPUC") to pursue a public vehicular crossing connecting Roeben Street to Goshen Avenue, which was depicted on the tentative subdivision map submittal which creates buildable lots for single-family residences in the area rezoned for R-1-6. Granville and the City requested approval of the crossing from SJVR. SJVR denied the request, and indicated that it would oppose any such request made to the CPUC. The City and Granville have mutually agreed that the condition that Granville pursue the aforesaid vehicular railroad crossing has been satisfied by modification of the Subdivision Map No. 5516, as follows:

- (i). El Cajon Street shall incorporate a modified right-of-way design with 49-foot pavement section between curbs, and five-foot sidewalks on both sides of said right-of-way.
- (ii). Subdivision perimeter block wall to wrap along the street frontages affecting Lots 33 and 34 of Subdivision Map No. 5516.



**Re-design of Interior Subdivision Streets to Eliminate Cul-De-Sacs**

The tentative map was approved with the two street segments in the northwest quadrant of the subdivision terminating in cul-de-sacs. Granville Homes, the new residential project proponent desires to convert these to through-streets, connecting with Ethan Street to the west.

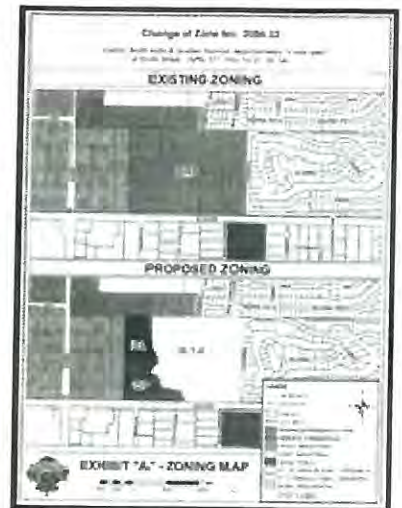




Staff endorses the revision on the basis that the proposed through-streets are more in keeping with the preferred subdivision design as articulated in the recently adopted General Plan, including Land Use Policy LU-P-48: *Establish criteria and standards for pedestrian, bicycle, and vehicle circulation networks within new subdivisions and non-residential development.* The City has long encouraged the use of through-streets instead of cul-de-sac streets to maximize internal circulation within subdivisions. .

### **Retaining the PA Land Use Designation on the Office Portion of the Project Area**

The General Plan Land Use Map that was adopted in October 2014 establishes the CS (Service Commercial) Land Use designation over the Office portion of the site. Without the CZA in place, the office portion of the project area would convert to CS (Service Commercial) Zoning when the new City Zoning Map is adopted (anticipated for calendar year 2016). Staff recommends no change to the PA Zoning on the office portion of the site for two key reasons: First, Zoning Ordinance section 17.44.090 states that properties subject to a CZA retain the conferred zoning designation. The second reason for retaining the PA Zoning on the office portion is to provide maximum flexibility for the property owner to develop their portion of the project area. The owner could pursue office development on the site as was envisioned by the original CZA. Alternately, the owner could request a separate CZA Amendment in the future to change the zoning from PA to CS. Either land use/zoning designation would be compatible with the residential land uses and heavy industrial uses that are adjacent or nearby the site.



### **Modification of Public Access Trail**

Condition No. 6 pertaining to dedication and construction of a trail system would be modified to eliminate the ponding basin trail requirement, and it would allow an interim design for the trail segment connecting the ponding basin to Roeben Street. This is a practical solution that takes into account several problems that were not foreseen by the original CZA, and further accounts for the subsequent grant funding that will construct the trail to circumnavigate the ponding basin.



The office parcel map dedicated four 25ft.-wide segments to accommodate the portion of the trail that will lead to the ponding basin. However, the segments are non-contiguous to allow for future vehicle access points to the office parcels. Consequently the trail, if constructed prior to development in the office portion could not be perfected to provide public access along its full length. Staff concurs with the residential developer's proposal to provide an interim trail segment using a combination of sidewalks along the east side of Ethan Street connecting to the fourth (southern-most) dedicated trail segment.

Further, the residential developer shall provide water and electrical connections to the ponding basin. These utility connections will be activated and maintained by the City to serve the trail that will



circumnavigate the ponding basin. Construction of the ponding basin trail has already been funded by a grant secured by the City.

#### **Revised Condition No. 6**

6) Machado previously dedicated to the City, at no cost, a public pedestrian trail with the recording of a Parcel Map No. 4869 that creates buildable lots on the area rezoned for PA. The required trail shall extend southerly from the existing trail on Roeben Street located north of Property, shall be located adjacent to Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street) in a design approved by the City Engineer. In the event the residential subdivision develops first, the trail may consist of the sidewalk extending to Elowin Avenue, and shall connect to the dedicated trail right-of-way south of Elowin Avenue. The residential developer shall provide water and electrical stubouts to the detention basin property line in a manner approved by the City Engineer. The office developer shall be responsible for final construction of the trail within the dedicated trail right-of-way on the west side of Ethan Street prior to issuance of a certificate of occupancy on any portion of the office portion of the project area. The trail, along with all improvements within the dedicated area such as trees, landscaping, and irrigation, shall be constructed and maintained under a Landscape and Lighting Assessment District by whichever of the Parties constructs their respective portions of the trail within the dedicated trail right-of-way.

#### **Existing Condition No. 6**

6) Machado previously dedicated to the City, at no cost, a public pedestrian trail with the recording of a Parcel Map No. 4869 that creates buildable lots on the area rezoned for PA. The required trail shall extend southerly from the existing trail on Roeben Street located north of Property, shall be located adjacent to Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street), and shall circumnavigate the City Storm Basin on the southwest corner of said Property. The trail, along with all improvements within the dedicated area such as trees, landscaping, and irrigation, shall be constructed and maintained under a Landscape and Lighting Assessment District by whichever of the First Parties first applies to the City for a building permit. Construction of the trail improvements shall be completed prior to the issuance of any Certificate of Occupancy for any building constructed on the Property.

#### **Finding of Consistency with Tentative Subdivision Map No. 5516**

The changes to Tentative Subdivision Map No. 5516 that are the subject of the finding of consistency do not change the salable lot total of 116 units, nor would the changes create any substandard lots. The changes are primarily to facilitate the placement of sound attenuation walls within the subdivision (instead of on a separate parcel to the west), and to comply with the City Council's direction to incorporate the future capability for El Cajon Street to serve as a railroad crossing site. Replacing the cul-de-sac streets with through streets can be supported on the basis that the latter design encourages greater connectivity and mobility options within the residential development.

#### **Environmental Review:**

An Initial Study and Mitigated Negative Declaration (MND 2015-076) was prepared for the CZA Amendment project, which disclosed the proposed CZA Amendment has no new effects that could occur as a result of the Amendment that have not already been analyzed and found to be within the scope of the earlier Mitigated Negative Declaration (MND 2005-071). There is one superseded mitigation measure that is required to account for the use of on-site walls in lieu of a two-story parking structure to attenuate noise impacts. With the mitigation incorporated into



the project, staff concludes that MND 2015-76 adequately analyzes and addresses the project envisioned by the CZA Amendment.

### **RECOMMENDED FINDINGS**

1. That the request for Amendment to CZA 2005-02 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 the revisions to the project proposed by the CZA Amendment will better facilitate development on the site envisioned by CZA 2005-02 than if the CZA was not amended. Specifically, the sites within the project area that contain differing zoning designations and are now under separate ownership are less encumbered by obligations and performance requirements placed upon the various parcels and sub-components within the project area.
3. That Tentative Subdivision Map No. 5516 is found to be consistent with, and in conformance with Tentative Subdivision Map No. 5516 that was originally approved by the Planning Commission on June 26, 2006, by adoption of Resolution No. 2006-64.
4. That an Initial Study was prepared for the requested Change of Zone consistent with California Environmental Quality Act Guidelines. Initial Study No. 2015-76 disclosed that the proposed CZA Amendment has no new effects that could occur as a result of the Amendment that have not already been analyzed and found to be within the scope of the earlier Mitigated Negative Declaration (MND 2005-071). There is one superseded mitigation measure that is required to account for the use of on-site walls in lieu of a two-story parking structure to attenuate noise impacts. With the mitigation incorporated into the project, staff concludes that MND 2015-76 adequately analyzes and addresses the project envisioned by the CZA Amendment.

### **RECOMMENDED CONDITIONS OF APPROVAL**

The recommended revised conditions for the Amendment to CZA 2005-02 are contained in Exhibit I of Amended and Restated Conditional Zoning Agreement 2005-02.

### **APPEAL INFORMATION**

The Planning Commission's recommendations on the Mitigated Negative Declaration, CZA, and Finding of Consistency are advisory only and are automatically referred to the City Council for final action.

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2015-67
- Exhibit "A" – Amended CZA 2005-02
- Exhibit "B" – Current CZA 2005-02
- Tentative Subdivision Map No. 5516, Finding Of Consistency
- Planning Commission Staff Report, dated June 26, 2006



- Initial Study No. 2015-76
- Existing General Plan Land Use Map
- Existing Zoning Map
- Aerial Photo
- Vicinity Map



## RELATED PLANS AND POLICIES

17.12.010

### Chapter 17.12

### Article 1. General

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

##### Sections:

##### Article 1. General

- 17.12.010 Purpose and intent.
- 17.12.020 Permitted uses.
- 17.12.030 Accessory uses.
- 17.12.040 Conditional uses.
- 17.12.050 Site area.
- 17.12.060 One dwelling unit per site.
- 17.12.070 Replacement and expansion of legally existing multiple family units.
- 17.12.080 Front yard.
- 17.12.090 Side yards.
- 17.12.100 Rear yard.
- 17.12.110 Height of structures.
- 17.12.120 Off-street parking.
- 17.12.130 Fences, walls and hedges.

##### Article 2. Second Dwelling Units

- 17.12.140 Purpose and intent.
- 17.12.150 Definitions.
- 17.12.160 General provisions.
- 17.12.170 Process.
- 17.12.180 Development requirements.
- 17.12.190 Appeals.
- 17.12.200 Existing nonconforming second dwelling units.

##### Article 3. Single-Family Residential Subdivisions with Mixed Lot Size/Frontage

- 17.12.210 Purpose and intent.
- 17.12.220 Planned development permit required.
- 17.12.230 Development standards.
- 17.12.240 Development standards matrix.

##### 17.12.010 Purpose and intent.

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

##### 17.12.020 Permitted uses.

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

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



K. Adult day care up to twelve (12) persons in addition to the residing family;

L. Other uses similar in nature and intensity as determined by the city planner;

M. Single-family residential subdivisions with mixed lot size, subject to the provisions of Sections 17.12.210 through 17.12.240;

N. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.

O. Transitional or supportive housing for six (6) or fewer resident/clients. (Ord. 2012-02, 2012:Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7271)

#### 17.12.030 Accessory uses.

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

A. Home occupations subject to the provisions of Section 17.32.030;

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

#### 17.12.040 Conditional uses.

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

A. Planned unit development subject to the provisions of Chapter 17.26;

B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;

D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire

stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;

E. Electric distribution substations;

F. Gas regulator stations;

G. Public service pumping stations, i.e., community water service wells;

H. Communications equipment buildings;

I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;

J. Residential development specifically designed for senior housing;

K. Mobile home parks in conformance with Section 17.32.040;

L. Developments with modified residential standards in the R-1-6 zone in conformance with Chapter 17.30, Article 6;

M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;

N. Adult day care in excess of twelve (12) persons;

O. Duplexes on corner lots;

P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;

Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;

R. Other uses similar in nature and intensity as determined by the city planner.

S. Transitional or supportive housing for seven (7) or more resident/clients. (Ord. 2012-02, 2012: Ord. 2001-13 § 4 (part), 2001: Ord. 2000-02 § 1 (part), 2000: amended during 10/97 supplement; Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7273)

#### 17.12.050 Site area.

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

Zone	Permitted or Conditional Use
R-1-6	6,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet



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

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

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

**17.12.060 One dwelling unit per site.**

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

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

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

A. A planned development permit as provided in Chapter 17.28 is required for all expansions or replacements.

B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.32, Article 5.

C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.

D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire

site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.

E. The number of multiple family units on the site shall not be increased.

F. All rights established under Sections 17.10.020, 17.12.020, 17.12.070 and 17.14.030 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a planned development permit does not constitute compliance with this requirement. (Ord. 9717 § 2 (part), 1997; prior code § 7276)

**17.12.080 Front yard.**

In the R-1 single-family residential zone:

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-6	Fifteen (15) feet for living space and side-loading garages and twenty (22) feet for front-loading garages
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) 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. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages. (Ord. 2004-20 (part), 2004; Ord. 2001-13 § 4 (part), 2001; Ord. 9717 § 2 (part), 1997; prior code § 7277)

**17.12.090 Side yards.**

In the R-1 single-family residential zone:

A. The minimum side yard shall be five feet in the R-1-6 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.



B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.

D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

(Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7278)

#### **17.12.100 Rear yard.**

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

A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.

B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered

by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7279)

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

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12100B. (Ord. 2006-07 § 2 (part), 2006: Ord. 9717 § 2 (part), 1997: prior code § 7280)

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

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

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

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

### **Article 2. Second Dwelling Units**

#### **17.12.140 Purpose and intent.**

It is the purpose of this article to provide for the following:



A. To encourage a range of housing types, styles and costs to suit the varying needs and desires of the community;

B. To allow homeowners a means of obtaining, through tenants and second dwelling units, an additional source of income, companionship, security, and services;

C. To add inexpensive rental units to the housing stock of the city;

D. To create homeownership opportunities for moderate income households who might otherwise be excluded from the housing market, through the additional income derived from second dwelling units;

E. Develop housing in single-family neighborhoods which is appropriate for a variety of stages in the household life cycle, thereby lessening fluctuations in neighborhood demand for public services;

F. Protect the stability, property values, and character of single family residential neighborhoods by insuring that second dwelling units are subject to the standards which follow. (Ord. 2003-23, § 2, 2003; Ord. 9717 § 2 (part), 1997; prior code § 7283(A))

#### 17.12.150 Definitions.

As used in this article, the following terms are defined in this section:

"Principal dwelling unit" means a single-family dwelling unit situated on a residential lot in the A, RA or R-1 zones to which a second dwelling unit as defined by this article has been or is proposed to be added.

"Second dwelling unit" means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the A, RA, or R-1 zones. Second dwelling units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

"Living area" means the interior habitable area of a dwelling unit including basements and attics

but does not include a garage or an accessory structure.

(Ord. 2003-23, § 2, 2003; Ord. 9717 § 2 (part), 1997; prior code § 7283(B))

#### 17.12.160 General provisions.

A second dwelling unit may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A detached second dwelling unit may be established by the conversion of an accessory structure or may be new construction. Second dwelling units may be mobile homes, provided that such units are subject to all applicable standards of Section 17.32.110, governing the placement of mobile homes on single-family lots. All applications for second dwelling units, whether processed as a permitted use or an exception, must comply with the general provisions stated below:

A. Second dwelling units shall only be allowed on lots located in the A, RA and R-1 zones;

B. In no case shall more than one second dwelling unit be placed on the same lot or parcel;

C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;

D. Second dwelling units may only be constructed on lots or parcels which are at least six thousand (6,000) square feet in area;

E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed second dwelling unit shall be occupied by the owner of record;

F. The second dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance;

G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;



H. In no case shall any second dwelling unit be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Chapter 17.32.140 governing such conversions.

I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and 10 square feet in living area. An efficiency unit shall not be less than 150 square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;

J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;

K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official.

(Ord. 2003-23, § 2, 2003; Ord. 9717 § 2 (part), 1997; prior code § 7283(C))

#### 17.12.170 Process.

The city planner or his/her designee shall approve or deny garage conversion requests based on the specified requirements. Interested individuals may appeal the decision of the city planner to the planning commission. The planning commission's review shall be limited to compliance with the specified requirements.

(Ord. 2003-23, § 2, 2003; Ord. 9717 § 2 (part), 1997; prior code § 7283(D))

#### 17.12.180 Development requirements.

The following development requirements shall apply to second dwelling units:

A. The increased floor area of the second unit shall not exceed eight hundred fifty (850) square feet or thirty (30%) of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home.

B. Adequate parking area must be available on streets adjacent to the second dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. Tandem parking shall not be deemed as meeting the above parking requirement.

C. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.

D. Detached second dwelling units are subject to all applicable standards for accessory structures, as stated in the development requirements for the underlying zone, unless a variance has been granted pursuant to Chapter 17.42.

(Ord. 2003-23, § 2, 2003; Ord. 9717 § 2 (part), 1997; prior code § 7283(E))

#### 17.12.190 Appeals.

Interested individuals may appeal the decision of the city planner to the planning commission. The planning commission's review shall be limited to compliance with the specified requirements. (Ord. 2003-23, § 2, 2003; Ord. 9717 § 2 (part), 1997; prior code § 7283(F))

#### 17.12.200 Existing nonconforming second dwelling units.

An existing second dwelling unit situated on a lot or parcel in the A, RA or R-1 zones shall constitute a violation of this title unless: (1) the unit meets the standards and criteria of Chapter 17.12, and an agreement is recorded; or (2) the second dwelling unit qualifies as a permitted nonconforming use and structure under the provisions of Chapter 17.40. No enlargement of habitable space shall be allowed unless the standards and criteria of Chapter 17.12 are met. This shall not apply to maintenance of the unit. (Ord. 2003-23, § 2, 2003; Ord. 9717 § 2 (part), 1997; prior code § 7283(G))

### Article 3. Single-Family Residential Subdivisions with Mixed Lot Size/Frontage

#### 17.12.210 Purpose and intent.

It is the purpose and intent of this article to provide an opportunity for increased residential densities utilizing techniques such as variable lot frontage, reduced lot size, zero lot line, reduced front and rear setbacks, and duplexes on corner lots (may require a conditional use permit). Allowing for increased densities will require deviation from



traditional zoning standards regarding lot size/configuration, setbacks, and coverage. (Ord. 9717 § 2 (part), 1997: prior code § 7283.1(1))

#### 17.12.220 Planned development permit required.

A planned development permit must be obtained for all development requesting increased densities, as set forth in Chapter 17.28. (Ord. 9717 § 2 (part), 1997: prior code § 7283.1(2))

#### 17.12.230 Development standards.

The following development standards shall apply to all single-family residential lots within subdivisions of mixed lot size for projects in excess of five acres, subject to review of a planned development permit:

A. The following standards apply to all lots within the subdivision that have less than sixty (60) feet frontage and less than six thousand (6,000) square feet in site area:

1. Maximum width for garages is two-car wide;
2. Maximum height of structures is thirty (30) feet;
3. Structures may be one or two story;
4. Front setbacks: twenty-two (22) feet to front-loading garage; fifteen (15) feet to living area and side loading garage;
5. Side yard setback: five feet per story;
6. Rear yard setback: twenty (20) feet;
7. Corner lots to meet standard R-1-6 requirements for lot configuration and building setbacks;
8. Every sixth lot to meet standard R-1-6 requirements for lot configuration and building setbacks;
9. Zero lot line (zero foot side yard setback on one side of the lot) is allowed if approved as a part of the tentative map;
10. Corner lots may be duplexes, as provided in Section 17.12.040.
11. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

B. Lot Coverage. The percentage of buildable area that may be covered by structures is as follows:

1. Forty (40) percent on lots with five thousand (5,000) to five thousand four hundred ninety-nine (5,499) square feet;

2. Forty-one (41) percent on lots with five thousand five hundred (5,500) to six thousand (6,000) square feet;

3. Forty-two (42) percent on lots with six thousand (6,000) or more square feet.

C. Number/Arrangement of Units in Subdivision. The maximum number of consecutive lots of varying lot frontage or lot size is as follows:

1. Lot frontage of fifty (50) to less than/equal to fifty-five (55) feet equals two;

2. Lot frontage of more than fifty-five (55) feet but with less than five thousand five hundred (5,500) square feet equals two;

3. Lot frontage of more than fifty-five (55) feet and five thousand five hundred (5,500) to five thousand nine hundred ninety-nine (5,999) square feet equals three;

4. No limit on lots with frontage of sixty (60) feet or more and five thousand five hundred (5,500) to five thousand nine hundred ninety-nine (5,999) square feet;

5. No limit on lots with frontage of more than fifty-five (55) feet and six thousand (6,000) or more square feet.

D. The maximum percentage of lots within a subdivision are as follows:

1. Thirty (30) percent of subdivision lots may be five thousand (5,000) square foot lots;

2. An additional ten percent may be added, up to a maximum forty (40) percent if there is a mix of five thousand (5,000) to five thousand five hundred (5,500) square foot lots;

3. Another ten percent may be added, up to a maximum fifty (50) percent if there is a mix of five thousand five hundred (5,500) to six thousand (6,000) square foot lots, or a combination of the above;

4. Fifty (50) percent of the lots in the subdivision shall be standard R-1-6 lots. (Ord. 2004-20 (part), 2004; Ord. 2001-13 § 4 (part), 2001; Ord. 9717 § 2 (part), 1997: prior code § 7283.1(3))

#### 17.12.240 Development standards matrix.

The following table illustrates development standards cited above.



LOT SIZE	Lot Frontage		
	50 to ≤ 55 ft.	> 55 to < 60 ft.	≥ 60 feet
5000--5499 sq. ft.	a, b, c, d, e, h	a, b, c, d, e, h	a, b, c, d, e, h
5500--5999 sq. ft.	a, b, c, d, f, h	a, b, c, d, f, i	a, b, c, d, f, j
6000+ sq. ft.	a, b, c, d, g, h	a, b, c, d, g, j	R-1-6 standards apply +g

**Garages**

a. 2-car wide garage, maximum

**Number/Arrangement of Units in Subdivision**

h = max. consecutive lots - 2  
 i = max. consecutive lots - 3  
 j = no limit re: number of consecutive units

**Height**

b. max. height 30 feet

max. % lots w/n subdivision =  
 30% of subdivision lots may be 5,000 sq. ft. lots  
 +10% more up to max. 40% if mix of 5,000--5,500 sq. ft. lots

**Stories**

c. one or two story

+10% more up to max. 50% if mix of 5,000--5,500 sq. ft. lots, or combination of above  
 50% of lots in subdivision shall be standard R-1-6 lots

**Setbacks**

d. 22 foot setback to front-loading garage/15 foot setback to living area and side-lading garage

**General Conditions**

corner lots to meet standard R-1-6 requirements  
 side yard setback - 5 feet per story  
 rear yard setback - 20 feet  
 every 6th lot to be standard R-1-6  
 0 lot line ok if approved at initial subdivision stage  
 corner lots could be duplexes consistent with LUE Policy 4.1.19 (may require C.U.P.)

**Lot Coverage**

c = 40%  
 f = 41%  
 g = 42%

(Ord. 2004-20 (part), 2004: Ord. 9717 § 2 (part), 1997: prior code § 7283.1(4))



## Chapter 17.44

### AMENDMENTS

#### Sections:

- 17.44.010 Purpose.
- 17.44.020 Initiation.
- 17.44.030 Application procedures.
- 17.44.040 Public hearing—Notice.
- 17.44.050 Investigation and report.
- 17.44.060 Hearing.
- 17.44.070 Action of city planning commission.
- 17.44.080 Appeal to city council.
- 17.44.090 Action of city council.
- 17.44.100 Change of zoning map.
- 17.44.110 New application.
- 17.44.120 Report by city planner.

#### 17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Prior code § 7580)

#### 17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the

procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed. (Prior code § 7581)

#### 17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and which said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application. (Prior code § 7582)

#### 17.44.040 Public hearing—Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing 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. (Prior code § 7583)



**17.44.050 Investigation and report.**

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon which shall be submitted to the city planning commission. (Prior code § 7584)

**17.44.060 Hearing.**

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents. (Prior code § 7585)

**17.44.070 Action of city planning commission.**

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

**17.44.080 Appeal to city council.**

A. Within five working days following the date of a decision of the city planning commission on a zone change application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall state specifically wherein it is claimed there was an error or

abuse of discretion by the commission or wherein it is claimed or wherein its decision is not supported by the evidence in the record.

B. The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council. (Prior code § 7587)

**17.44.090 Action of city council.**

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal. (Prior code § 7588)

**17.44.100 Change of zoning map.**

A change in zone boundary shall be indicated on the zoning map. (Prior code § 7589)

**17.44.110 New application.**

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Prior code § 7590)



**17.44.120 Report by city planner.**

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090. (Ord. 9605 § 30 (part), 1996: prior code § 7591)

**Chapter 17.46**

**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

- 17.46.010 Administration.**
- 17.46.020 Code enforcement.**
- 17.46.030 Right of entry.**
- 17.46.040 Violation--Declared public nuisances and actions.**
- 17.46.050 Violation--Procedure.**
- 17.46.060 Infraction and penalty.**

**17.46.010 Administration.**

All department heads, officials or other employees of the city vested with the duty or authority to issue any permit, license or certificate shall conform to the provisions of this title and shall issue no permit, license or certificate for uses, buildings, or structures or purposes in conflict with provisions contained in this title. Any such permit, license or certificate issued in conflict with this title, intentionally or otherwise, shall be null and void. (Prior code § 7600)

**17.46.020 Code enforcement.**

The city planner and zoning compliance inspector, or other person authorized by the city manager, shall be authorized to enforce provisions of this title and to issue citations and make arrests pursuant to Section 836.5 of the California Penal Code and Sections 1.08.010, 1.08.020 and 1.08.030 of the Visalia Municipal Code. (Ord. 9605 § 30 (part), 1996: prior code § 7601)

**17.46.030 Right of entry.**

In the discharge of enforcement duties authorized persons shall have the right to enter any site or to enter any structure for the purpose of investigation and inspection. Such right of entry shall be exercised only at reasonable hours and only with the consent of the owner or tenant unless a written order of a court of competent jurisdiction has been issued. (Prior code § 7602)



RESOLUTION NO. 2015-67

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF AMENDMENT TO CONDITIONAL ZONING AGREEMENT (CZA) 2005-02: A REQUEST BY GRANVILLE HOMES TO AMEND CONDITIONAL ZONING AGREEMENT (CZA) 2005-02 TO REVISE CERTAIN CONDITIONS OF THE CZA, INCLUDING SPECIFIC LAND USES, PHASING, AND IMPROVEMENT REQUIREMENTS THAT CURRENTLY APPLY OVER THE ENTIRE SITE. ALSO INCLUDED IN THE CZA AMENDMENT IS A FINDING OF CONSISTENCY FOR REVISIONS TO TENTATIVE SUBDIVISION MAP NO. 5516 WHICH WAS ORIGINALLY APPROVED FOR THE RESIDENTIAL COMPONENT OF CZA 2005-02. THE SITE COMPRISES 40.41 ACRES, LOCATED ON THE NORTH SIDE OF GOSHEN AVENUE, APPROXIMATELY 1,300 FEET EAST OF SHIRK ROAD. (APNS 077-720-001, -002, -003, -004, -005, -006, -007, 077-730-001, -002, & 077-780-008)

**WHEREAS**, Amendment to Conditional Zoning Agreement (CZA) 2005-02 is a request by Granville Homes to amend Conditional Zoning Agreement (CZA) 2005-02 to revise certain conditions of the CZA, including specific land uses, phasing, and improvement requirements that currently apply over the entire site. The site comprises 40.41 acres, located on the north side of Goshen Avenue, approximately 1,300 feet east of Shirk Road. (APNs 077-720-001, -002, -003, -004, -005, -006, -007, 077-730-001, -002, & 077-780-008); and,

**WHEREAS**, The the CZA Amendment also includes a finding of consistency of Tentative Subdivision Map No. 5516 with Tentative Subdivision Map No. 5516 that was originally approved for the residential component of CZA 2005-02; and,

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

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on December 14, 2015; and,

**WHEREAS**, the Planning Commission of the City of Visalia considered the CZA Amendment in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council concur that as a result of the proposed Amendment to CZA 2005-02 Initial Study No. 2015-76 disclosed that the proposed CZA Amendment has no new effects that could occur as a result of the Amendment that have not already been analyzed and found to be within the scope of the earlier Mitigated Negative Declaration (MND 2005-071). There is one superseded mitigation measure that is required to account for the use of on-site walls in lieu of a two-story parking structure to attenuate noise impacts. With the mitigation incorporated into the project, the Planning Commission concludes that MND 2015-76 adequately analyzes and addresses the project envisioned by the CZA Amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Amendment to CZA 2005-02 based on the following specific findings and evidence presented:

1. That the request for Amendment to CZA 2005-02 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 the revisions to the project proposed by the CZA Amendment will better facilitate development on the site envisioned by CZA 2005-02 than if the CZA was not amended. Specifically, the sites within the project area that contain differing zoning designations and are now under separate ownership are less encumbered by obligations and performance requirements placed upon the various parcels and sub-components within the project area.
3. That Tentative Subdivision Map No. 5516 is found to be consistent with, and in conformance with Tentative Subdivision Map No. 5516 that was originally approved by the Planning Commission on June 26, 2006, by adoption of Resolution No. 2006-64.
4. That an Initial Study was prepared for the requested Change of Zone consistent with California Environmental Quality Act Guidelines. Initial Study No. 2015-76 disclosed that the proposed CZA Amendment has no new effects that could occur as a result of the Amendment that have not already been analyzed and found to be within the scope of the earlier Mitigated Negative Declaration (MND 2005-071). There is one superseded mitigation measure that is required to account for the use of on-site walls in lieu of a two-story parking structure to attenuate noise impacts. With the mitigation incorporated into the project, staff concludes that MND 2015-76 adequately analyzes and addresses the project envisioned by the CZA Amendment.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the Amendment to CZA 2005-02 on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.44.090 of the Ordinance Code of the City of Visalia.



NO FEE REQUIRED PURSUANT  
TO CODE SECTION 6107  
RECORDING REQUESTED BY  
AND MAIL RESPONSE TO:

City of Visalia  
Planning Division  
315 East Acequia Avenue  
Visalia, CA 93291

**AMENDED AND RESTATED  
CONDITIONAL ZONING AGREEMENT NO. 2005-02**

**THIS AMENDED AND RESTATED AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_ 2014, by DIMELLO TUSCANA, LLC and GRANVILLE HOMES, INC., hereinafter called "DiMello" and "Granville," respectively, and collectively referred to as the "First Parties" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, the "City" or the "Second Party."

**WITNESSETH**

**WHEREAS**, on March 14, 2006, Fred Machado ("Machado") and the City entered into "Conditional Zoning Agreement No. 2005-02" requiring certain conditions to the rezoning of certain property situated in the City of Visalia, hereinafter referred to as the "DiMello Property" and the "Granville Property," and collectively referred to as the "Property," which Property is more particularly described in Item ( ) of Exhibit I of this Agreement; and

**WHEREAS**, the Property was zoned as specified in Item (a) of Exhibit I; and

**WHEREAS**, Machado applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present in to the classification or classifications specified in Item (b) of Exhibit I; and

**WHEREAS**, hearings were held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it was determined that certain conditions to the rezoning of said real property must be imposed so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents; and

**WHEREAS**, the First Parties are the current owners of the Property, and therefore are the successors in interest to the rights and obligations of the First Party as identified in Conditional Zoning Agreement No. 2005-02; and

**WHEREAS**, since the Property is no longer under common ownership, the City and the First Parties desire to amend and restate their respective rights and obligations so that DiMello and Granville are able to comply with the City's conditions for rezoning while they proceed with their individual development plans.

**NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED** that inasmuch as the rezoning specified in Item (b) of Exhibit I has been granted subject to the conditions specified in the following paragraphs:

1. That this "Amended and Restated Conditional Zoning Agreement No. 2005-02" shall replace and supersede "Conditional Zoning Agreement No. 2005-02" in its entirety.
2. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
3. That First Parties shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
4. In the event DiMello or Granville, or any successor in interest to DiMello or Granville, or any person in lawful possession of the Property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within, thirty (30) days after notice thereof has been provided in accordance with Section 5, the City Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.
5. Notice of violation of provisions of this Agreement shall be sent to DiMello or Granville at the addresses specified in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
6. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
7. Zoning of the Property as indicated in Item (b) of Exhibit I was consummated when "Conditional Zoning Agreement No. 2005-02" was recorded in the office of the Tulare County Recorder on March 21, 2006.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first above written.

DIMELLO TUSCANA, LLC

GRANVILLE HOMES

BY: \_\_\_\_\_  
 \_\_\_\_\_

BY: \_\_\_\_\_  
 \_\_\_\_\_

CITY OF VISALIA, A political  
 subdivision of the State of California

ATTEST: \_\_\_\_\_  
 Clerk of the City Council

BY: \_\_\_\_\_  
 City Manager



**EXHIBIT I**  
**AMENDED AND RESTATED CONDITIONAL ZONING AGREEMENT NO. 2005-02**

(a) The property described in Exhibit "A," was zoned:

Business Research Park

(b) The zoning reclassification of a portion property described in Exhibit "A," is from its present zoning to:

Quasi-Public (QP), Professional / Administrative Office (PA), Single-Family Residential, minimum 6,000 square-foot lot size (R-1-6)

(c) Notice to DiMello or Granville pursuant to Paragraph No. 4, shall be addressed to:

DiMello Tuscana, LLC  
Attn: Kevin McGurty  
3552 El Camino Real  
Atascadero, California 93422

Granville Homes, Inc.  
Attn: \_\_\_\_\_  
1396 W. Herndon, Suite 101  
Fresno, CA 93711

(d) "Property" as used in this Agreement, includes:

Land located on the north side of Goshen Avenue approximately 850 feet east of Shirk Street in the City of Visalia, County of Tulare, State of California, with the DiMello Property identified by Assessor Parcel Numbers (APNs) of 077-100-019, 077-100-027, 077-100-028, and the Granville Property identified by APN 077-100-034.

(e) The additional conditions with which First Parties shall comply, pursuant to Paragraph No. 2, of this Agreement, are as follows:

- 1) The noise attenuation / mitigating feature required by Mitigated Negative Declaration No. 2005-71 has been superseded by Mitigated Negative Declaration No. 2015-76, including the Acoustical Analysis BB Report 14-011, prepared by Brown and Buntin and dated February 6, 2014, and further updated to analyze the modification of several road segments within Tentative Tract Map 5516 from cul-de-sac roads to through streets with the Acoustical Review prepared by WJV Acoustics and dated November 2, 2015, and November 17, 2015. As such, Granville shall be responsible for noise mitigation features in the form of the following, and subject to the review and approval of the City Planner:
  - (i) Sound walls on the western edge of the residential subdivision ranging in height from 6 foot to 11 foot 6 inches, which are illustrated in Exhibit "B" (block wall exhibit) and located on the Granville Property.
  - (ii) An 11 foot 6 inch high masonry sound wall shall be located along side-yard property lines of lots 84 and 109 on the east side of Ethan Street located on the Granville Property.
  - (iii) An 11 foot high masonry sound wall shall be located along the side-yard property lines of lot 110 on the east side of Ethan Street located on the Granville Property.
  - (iv) A 10 foot high masonry sound wall shall be located along side-yard property lines of lots 83 and 59 on the east side of Ethan Street located on the Granville Property.
  - (v) A 9 foot high masonry sound wall shall be located along the side-yard property lines of lots 37 and 58 on the east side of Ethan Street located on the Granville Property.

(vi) An 8 foot high masonry sound wall shall be located along the side-yard property lines of lot 36 on the east side of Ethan Street located on the Granville Property.

(vii) Wall segments 10 feet or more in height shall also include a stem wall with a minimum 2.5 foot-wide landscape planter area between the stem wall and sound wall.

These features shall be arranged as to create a continuous noise barrier, located on the Granville Property, to attenuate noise from the existing Heavy Industrial (I-H) to the west of the Property.

- 2) No final occupancies for residences on the Granville Property may be issued until said noise attenuation features have been constructed, or until it can be demonstrated that exterior noise levels for any residential units for which a building permit is requested in the area rezoned to R-1-6 meet the Community Noise Standards enforced by Chapter 8.36 of the Visalia Municipal Code.
- 3) Machado and the City were required, pursuant to Conditional Zoning Agreement No. 2005-02, to make a good faith effort to work with the San Joaquin Valley Railroad (“SJVR”) and the California Public Utilities Commission (“CPUC”) to pursue a public vehicular crossing connecting Roeben Street to Goshen Avenue, which was depicted on the tentative subdivision map submittal which creates buildable lots for single-family residences in the area rezoned for R-1-6. Granville and the City requested approval of the crossing from SJVR. SJVR denied the request, and indicated that it would oppose any such request made to the CPUC. The City and Granville have mutually agreed that the condition that Granville pursue the aforesaid vehicular railroad crossing has been satisfied by modification of the Subdivision Map No. 5516, as follows:
  - (i). El Cajon Street shall incorporate a modified right-of-way design with 49-foot pavement section between curbs, and five-foot sidewalks on both sides of said right-of-way.
  - (ii). Subdivision perimeter block wall to wrap along the street frontages affecting Lots 33 and 34 of Subdivision Map No.5516.
- 4) Public vehicular access shall be provided via Doe Avenue from the eastern most boundary of the Property extending westerly and ultimately connecting with Shirk Road, and for Ethan Street (the street separating the R-1-6 and PA zones) extending south from its intersection with Doe Avenue along the area rezoned for PA, before a Certificate of Occupancy is issued for any office building constructed within this zone. The public vehicular access shall be constructed and paved at a minimum two-thirds (2/3) width of the ultimate planned right-of-way for these streets. Whichever of the First Parties that first applies to the City for a building permit shall be responsible for constructing the vehicular access described by this Item (e)(4). The First Parties shall make all necessary property right dedications necessary to complete construction of the vehicular access described by this Item (e)(4).
- 5) The DiMello Property rezoned as PA shall contain a planned office development containing a thematic building design and landscape plan throughout the project’s development.
- 6) Machado previously dedicated to the City, at no cost, a public pedestrian trail with the recording of a Parcel Map No. 4869 that creates buildable lots on the area rezoned for PA. The required trail shall extend southerly from the existing trail on Roeben Street located north of Property, shall be located adjacent to Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street) in a design approved by the City Engineer. In the event the residential subdivision develops first, the trail may consist of the sidewalk extending to Elowin Avenue, and shall connect to the dedicated trail right-of-way south of Elowin Avenue. The residential developer shall provide water and electrical stubouts to the detention basin property line in a manner approved by the City Engineer. The office developer shall be responsible for final construction of the trail within the dedicated trail right-of-way on the west side of Ethan Street prior to issuance of a certificate of occupancy on any portion of the office portion of the project area. The trail, along with all improvements within the dedicated area such as trees, landscaping, and irrigation, shall be constructed and maintained under a Landscape and Lighting Assessment District by



whichever of the Parties constructs their respective portions of the trail within the dedicated trail right-of-way.

- 7) DiMello shall pay for the development and cost of and shall complete all public infrastructure affiliated with said planned office development on the DiMello Property. Public infrastructure shall include grading and drainage, underground public utilities (sanitary sewer and storm drain), private streets, and all improved parking surfaces located on the area that will contain the planned office development.

NO FEE REQUIRED PURSUANT  
TO CODE SECTION 6107  
RECORDING REQUESTED BY  
AND MAIL RESPONSE TO:

City of Visalia  
Planning Division  
315 East Acequia Avenue  
Visalia, CA 93291

**CONDITIONAL ZONING AGREEMENT NO. 2005-02**

**THIS AGREEMENT** made this 14<sup>th</sup> day of March 2006, by Fred Machado hereinafter called the "First Party" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, "Second Party."

**WITNESSETH**

**WHEREAS**, First Party is the owner of real property, herein called the "Property" situated in the City of Visalia, which Property is described in Item (d) of Exhibit I of this Agreement; and

**WHEREAS**, the Property is now zoned as specified in Item (a) of Exhibit I; and

**WHEREAS**, First Party has applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present classification to the classification or classifications specified in Item (b) of Exhibit I; and

**WHEREAS**, hearings have been held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it has been determined that certain conditions to the rezoning of said real property must be imposed so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents.

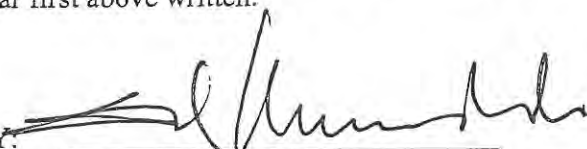
**NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED** that inasmuch as the rezoning specified in Item (b) of Exhibit I is being granted, the rezoning shall be subject to the conditions specified in the following paragraphs:

1. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
2. That First Party shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
3. In the event First Party, and successor in interest of First Party, or any person in possession of the property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within thirty (30) days after notice thereof as provided in Paragraph 4, the City Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.




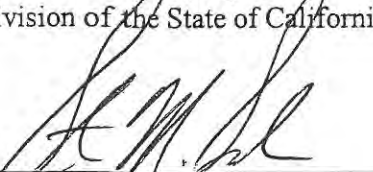
4. Notice of violation of provisions of this Agreement shall be sent to First Party at the address specified in Item (c) of the Exhibit I and to the street address of the property described in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
5. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
6. Zoning of the property as indicated in Item (b) of Exhibit I shall not be consummated until such time as the Agreement has been recorded in the office of the Tulare County Recorder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BY:   
"First Party"  
Fred Machado

CITY OF VISALIA, A political  
subdivision of the State of California

ATTEST:   
Clerk of the City Council  
"Second Party"

BY:   
City Manager

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Tulare } ss.

On March 14, 2006 before me, Rebecca Mustin, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Fred Machado  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Rebecca Mustin  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Conditional Zoning Agreement

Document Date: March 14, 2006 Number of Pages: \_\_\_\_\_

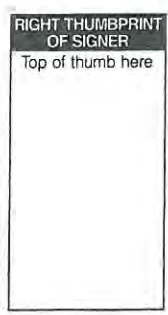
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_





**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Tulare } ss.

On March 20, 2006 before me, Roxanne Yoder, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Steven M. Salomon,  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Roxanne Yoder  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



**EXHIBIT I**  
**CONDITIONAL ZONING AGREEMENT NO. 2005-02**

(a) The property described in Exhibit "A," is now zoned:

Business Research Park

(b) The zoning reclassification of a portion property described in Exhibit "A," is from its present zoning to:

Quasi-Public (QP), Professional / Administrative Office (PA), Single-Family Residential, minimum 6,000 square-foot lot size (R-1-6)

(c) Notice to First Party pursuant to Paragraph No. 4, shall be addressed to:

Mr. Fred Machado  
7400 Morro Road, Suite A  
Atascadero, California 93422

(d) "Property" as used in this Agreement, includes:

Land located on the north side of Goshen Avenue approximately 850 feet east of Shirk Street in the City of Visalia, County of Tulare, State of California, and containing Assessor Parcel Numbers (APNs) of 077-100-019, 077-100-027, 077-100-028, and 077-100-034.

(e) The additional conditions with which First Party shall comply, pursuant to Paragraph No. 2, of this Agreement, are as follows:

- 1) The noise attenuation / mitigating feature required by Mitigated Negative Declaration No. 2005-71, prepared for the rezoning, shall be in the form of the following:
  - A 24-foot high enclosed parking structure extending from the northwest corner of the PA zoning site to the southwest corner of the PA zoning located on "Property". Said parking structure shall be architecturally consistent with the representative elevation rendering included as "Exhibit B" which illustrates a structure with a high level of Spanish / Mission Revival-style design elements,
  - A 12-foot high masonry sound wall located along the western boundary of the City pond containing the QP zoning and located on "Property",
  - A 6-foot high sound wall located along the east side of Ethan Street in the R-1-6 zoning located on "Property", and
  - An 8-foot high sound wall located along the west side of residential lots located between the east-west leg of Ethan Street and the southern boundary of "Property" located in the R-1-6 zoning located on "Property".

These features shall be arranged as to create a continuous noise barrier, located on "Property" between the existing Heavy Industrial (I-H) zone to the west and the approved Single-family Residential (R-1-6) zone to the east.

- 2) No building permits for residences in the area rezoned to R-1-6 may be issued until said noise attenuation features have been constructed, and until it can be demonstrated that exterior noise



levels in the area rezoned to R-1-6 have been reduced to a level meeting the Community Noise Standards enforced by Chapter 8.36 of the Visalia Municipal Code.

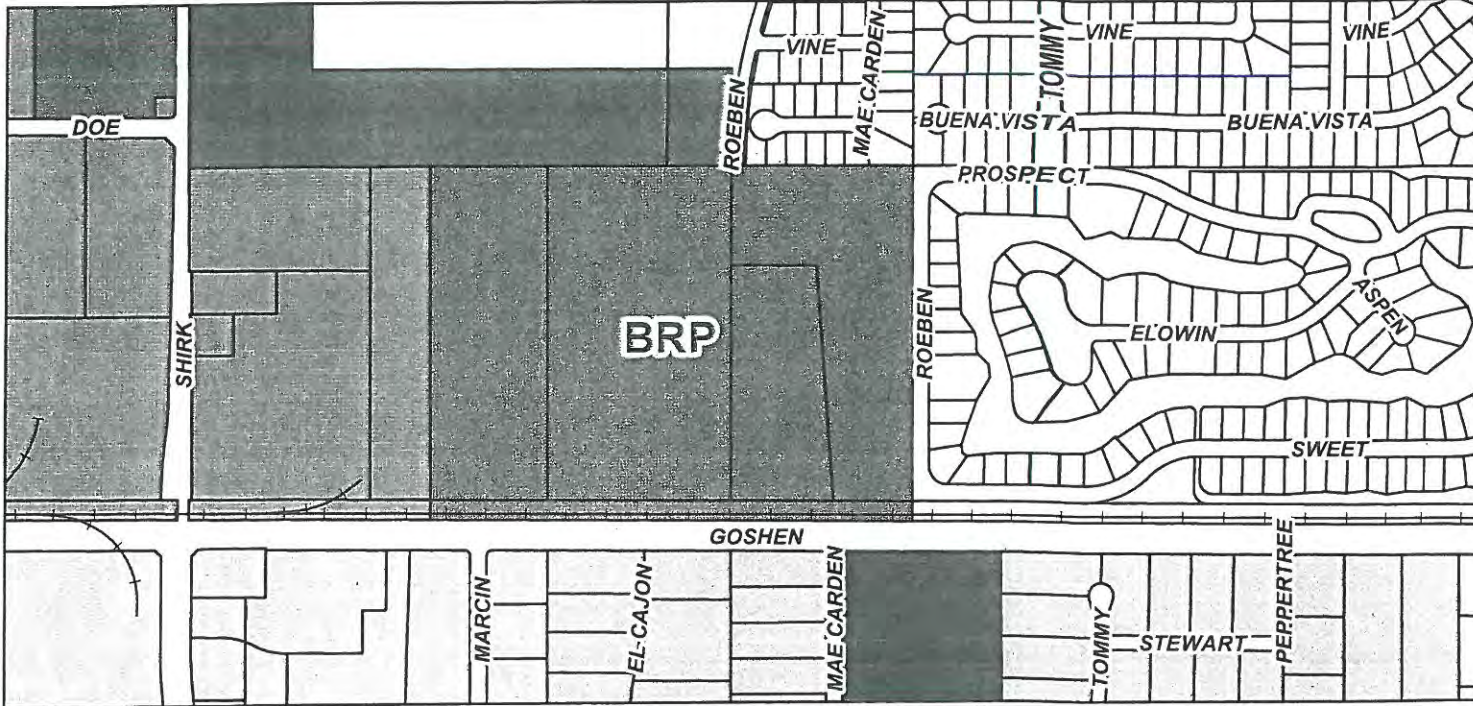
- 3) A location for a public vehicular crossing connecting Roeben Street to Goshen Avenue shall be illustrated on the tentative subdivision map submittal which creates buildable lots for single-family residences in the area rezoned for R-1-6. The vehicular crossing shall be an extension of Roeben Street, currently located north of said Property, and shall provide a crossing over the San Joaquin Valley Railroad (SJVR) line which separates the area rezoned to R-1-6 from Goshen Avenue. The First Party and Second Party shall make a good faith effort to work with the SJVR Public Utilities Commission in pursuit of allowing said vehicular crossing.
- 4) Public vehicular access shall be provided via Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street) to the area rezoned for PA before a Certificate of Occupancy is issued for any office building constructed within this zone. The public vehicular access shall be constructed and paved at a minimum two-thirds (2/3) width of the ultimate planned right-of-way for these streets.
- 5) The area rezoned as PA shall contain a planned office development containing a thematic building design and landscape plan throughout the project's development.
- 6) The First Party shall dedicate to the City, at no cost, a public pedestrian trail with the recording of a tentative subdivision map which creates buildable lots for single-family residences in the area rezoned for R-1-6. The trail shall extend southerly from the existing trail on Roeben Street located north of Property, shall be located adjacent to Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street), and shall circumnavigate the City Storm Basin on the southwest corner of said Property. The trail shall culminate at the future public vehicular crossing described in item (3). The trail, along with all improvements within the dedicated area such as trees, landscaping, and irrigation, shall be maintained under a Landscape and Lighting Assessment District created for land inside said "Property".
- 7) The First Party shall pay for the development and cost of and shall complete all public infrastructure affiliated with said planned office development before any building permit is issued for residences in the area rezoned to R-1-6. Public infrastructure shall include grading and drainage, underground public utilities (sanitary sewer and storm drain), private streets, and all improved parking surfaces located on the area that will contain the planned office development.
- 8) The First Party shall pay for the development and cost of the 12-foot high masonry sound wall located along the western boundary of the City pond containing the QP zoning and located on "Property", and shall be entitled to a reimbursement by the City for the cost associated with a 6-foot chain link and vinyl fence that would have otherwise been located and constructed at the same location along the western boundary of the City pond.



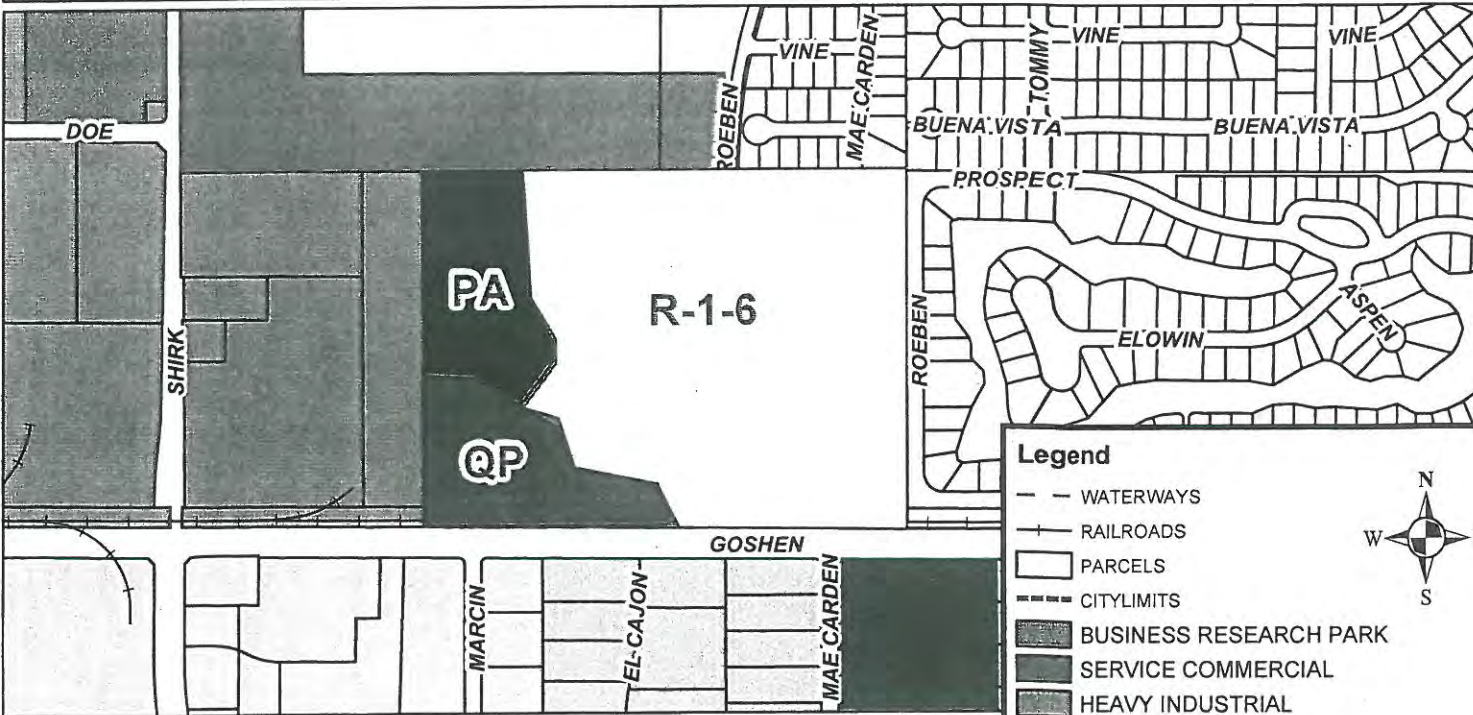
# Change of Zone No. 2004-32

Location: North side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34)

## EXISTING ZONING



## PROPOSED ZONING

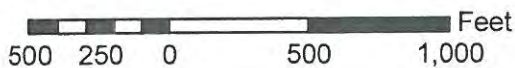


### Legend

- WATERWAYS
- +— RAILROADS
- ▭ PARCELS
- - - CITY LIMITS
- BUSINESS RESEARCH PARK
- SERVICE COMMERCIAL
- HEAVY INDUSTRIAL
- LIGHT INDUSTRIAL
- QUASI-PUBLIC
- ▭ R-1-20 (SINGLE-FAMILY RESIDENTIAL)
- ▭ R-1-6 (SINGLE-FAMILY RESIDENTIAL)
- ▭ RURAL RESIDENTIAL
- STREETS (LABEL)



## EXHIBIT "A" - ZONING MAP





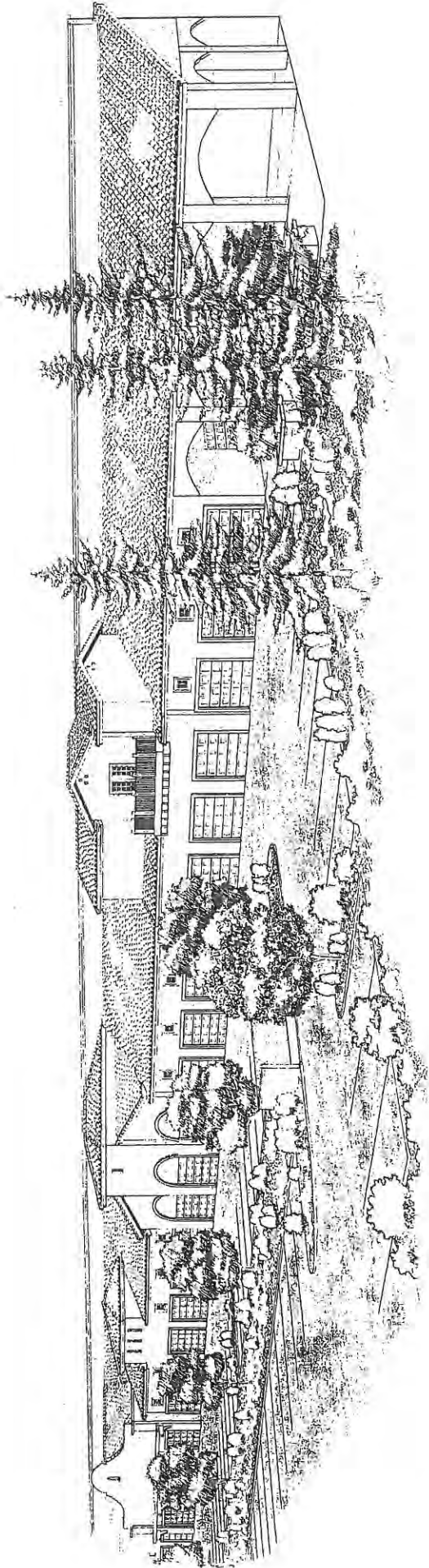


Exhibit "B"







## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** June 26, 2006

**PROJECT PLANNER:** Brandon Smith (713-4636)

**SUBJECT:** Di Mello Tuscana Tentative Subdivision Map No. 5516: a request to divide 40.41 acres into a 21.38-acre subdivision with 116 residential lots, a 9.76-acre lot for office development, and associated lettered lots.

Parcel Map No. 2006-09: a request to divide 9.76 acres into nine parcels.

Conditional Use Permit No. 2006-18: a request to allow a planned office development with nine buildings totaling 89,520 sq. ft., and a parking enclosure structure on 9.67 acres in the PA (Professional Administrative Office) zone.

The site is located on the north side of Goshen Avenue, approximately 1,300 ft. east of Shirk St. (APNs: 077-100-019, 027, 028, 034)

Applicant: MacBiz Group, Inc.

### STAFF RECOMMENDATION

Staff recommends approval of Di Mello Tuscana Tentative Subdivision Map No. 5516, Parcel Map No. 2006-09, and Conditional Use Permit No. 2006-18 based on the findings and conditions in Resolution Nos. 2006-64, 65, and 66. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan, Zoning and Subdivision Ordinances.

### RECOMMENDED MOTION

I move to approve Di Mello Tuscana Tentative Subdivision Map No. 5516, Parcel Map No. 2006-09, and Conditional Use Permit No. 2006-18 by adoption of Resolution Nos. 2006-64, 65, and 66.

### PROJECT DESCRIPTION

#### **Di Mello Tuscana Tentative Subdivision Map No. 5516**

Di Mello Tuscana Tentative Subdivision Map No. 5516 is a request to subdivide 40.41 acres into 116 single-family residential lots with landscaped lots and a 9.76-acre lot to be further subdivided and developed for professional offices, as shown in Exhibits "A" and "B". Exhibit "A" also shows a 7.67-acre City storm water basin which has already been conveyed to the City of Visalia as a separate parcel and is not a part of the project. All lots within the proposed subdivision will facilitate detached single-family dwelling units. At present, the eastern side of the site contains vacant land. On the remaining western portion of the site portion shared with the site of the proposed office development, there is an old landscaping business and storage yard for landscaping materials. The residential subdivision will have primary vehicular access on the north side via Roeben Street, a north/south collector street, and from Doe Avenue, an east/west collector street.



## Parcel Map No. 2006-09 and Conditional Use Permit No. 2006-18

Parcel Map No. 2006-09 and Conditional Use Permit No. 2006-18 are requests that will facilitate an 89,520 square foot professional office complex spread out over nine two-story buildings. Specifically, Parcel Map No. 2006-09 would be taking Parcel No. 117 created by the proposed Di Mello Tuscana Tentative Subdivision Map and further dividing the site into nine parcels, each accommodating an office building (see Exhibit "C").

Conditional Use Permit No. 2006-18 would allow the site to develop as a planned development with common landscaping, access, parking, and infrastructure (see Exhibit "D"). The detail plan for the site also includes an enclosed parking structure spanning the western edge of the development.

The office development will have primary vehicular access on the north side via Doe Avenue, an east/west collector street, and on the east side via Ethan Street, a local street which separates the office and residential land uses.

### BACKGROUND INFORMATION

General Plan Land Use Designation:	Professional / Administrative Office, Park, and Low Density Residential
Zoning:	PA (Professional / Administrative Office), QP (Quasi-Public), and R-1-6 (Single-family Residential)
Surrounding Zoning and Land Use:	North: C-S (Service Commercial), R-1-6 (Single-family Residential) / Future Doe Avenue, vacant land, under-construction single-family tract subdivision South: I-L (Light Industrial), R-A (Rural Residential) / Goshen Ave., railroad line, existing industrial uses, rural residential custom homes, elementary school East: R-1-6 / Single-family custom homes West: I-H / Concrete batch plant, vacant land
Environmental Review:	Mitigated Negative Declaration No. 2005-071
Special Districts:	None
Site Plan:	Nos. 2004-109 and 2005-266 (R-1-6 Tentative Subdivision Map) No. 2005-254 (PA Tentative Parcel Map) No. 2005-276 (Office Detail)

### RELATED ACTIONS

In 2004, project applicant Fred Machado filed the GPA and COZ applications with the City. The original application proposed Low Density Residential on all 48 acres. A Mitigated Negative Declaration prepared for the project addressed potential noise impacts by requiring that a noise study accompany any future request for a tentative subdivision and/or parcel map proposed for the site, and that mitigation measures required by the study be carried out to mitigate interior and exterior noise levels to a level that meets or is below the community noise standards for residential land uses.



On October 25, 2004, the Planning Commission considered the GPA, COZ, and Mitigated Negative Declaration, and decided to continue the request indefinitely pending the completion of a noise study for the site.

In June 2005, Mr. Machado filed GPA and COZ applications with the City, requesting to change the land use designation and zoning on the site from 48 acres of Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential. The applications included an acoustical analysis prepared by Brown-Buntin Associates, Inc. to address potential noise impacts between the proposed residential land uses and the existing heavy industrial uses to the west of the site. The applications also included specific noise mitigation that would be in the form of a man-made landscape berm placed between the proposed residential and office uses.

The Planning Commission recommended approval of GPA No. 2004-31 and COZ No. 2004-32 on August 8, 2005, with the proposed landscape berm fulfilling the mitigation requirements for the residential land uses. Prior to the project's public hearing before the City Council, the proponent and staff met several times to negotiate alternate solutions to mitigate the industrial noise impacts from the proposed residential land uses. On November 7, 2005, the City Council approved the GPA and the first reading of the COZ. Instead of the landscape berm, which was determined to not be a viable option based on aesthetic and maintenance concerns, the applicant agreed to the placement of one and two-story office buildings as the noise-mitigating feature for the residential area. Once again, a meeting was held between staff and the applicant to discuss the applied method or noise mitigation, and it was agreed that the noise-mitigating features would be a combination of walls and a 24-foot tall enclosed parking enclosure (see attachments). On March 6, 2006, the City Council approved the second reading of the COZ with the specified mitigation, and a Conditional Zoning Agreement was subsequently recorded, locking down the walls and parking enclosure as the applied mitigation.

## **PROJECT EVALUATION**

### **Compliance with Mitigation Measures**

In 2004, when the applicant applied for a land use and zoning change on the site from Business Research Park to Low Density Residential, staff concluded that the noise impacts from the Viking Ready Mix concrete batch plant neighboring the site would cause a significant environmental impact on the residential land uses unless mitigation was implemented. To further assess the level of the noise impacts and the type of mitigation needed for the residential area, and by the direction of the Planning Commission, a noise study / acoustical analysis was prepared for the project. The study, which is included as an attachment to the project's mitigated negative declaration, concluded that noise exposure from the neighboring industrial user could be mitigated to a less than significant level if a noise barrier constructed at a specific height was placed between the two uses.

In response to this, the mitigated negative declaration prepared for this project included mitigation measures that required the site to be developed in compliance with the mitigation specified in the acoustical analysis. This mitigation was circulated with the project's mitigated negative declaration (see attached); however the project's mitigation was twice revised before being adopted by the City Council on November 7, 2005. These revisions included 1) the requirement of written disclosure to all future buyers or lessees on the subject site (added by the Planning Commission during the August 8, 2005 hearing for the GPA and COZ) and 2) changing the noise mitigating feature from a landscape berm originally proposed by the applicant to a non-specific

noise barrier (recommended by staff to the City Council for the September 6, 2005 public hearing of the GPA and COZ).

Thus the final mitigation measures approved for this project, which were included in a staff report to the City Council dated September 6, 2005, are as follows:

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<p>1) <b>Noise</b> – The project site shall be developed in compliance with the mitigation contained in the “Noise Mitigation” section (pages 9 through 11) of the above-referenced Acoustical Analysis. The project <b>may</b> contain the following features:</p> <p>1) A noise barrier located immediately west of the residential component of the project. The noise barrier may be in the form of an earthen berm, wall, buildings, trees, or other method and shall be effective in reducing the exterior noise levels to be within the Community Noise Standards for noise-sensitive land uses.</p> <p>2) A sound wall located south of the residential component of the project. The wall shall be a minimum height of 6 feet relative to the closest building pad elevations on the site.</p> <p>3) A combination of noise barrier structure, enhanced noise attenuation construction standards, and/or increased separation from noise generators that achieve the Community Noise Standards for noise-sensitive land uses.</p>	City of Visalia	The noise mitigation shall be constructed with the development of the residential component of the project, and shall be completed prior to the occupation of any residences on the site.
<p>2) <b>Land Use Compatibility</b> – All future sellers and developers shall provide a written disclosure document to future buyers or lessees of the project property advising that nearby industrial uses may generate nuisance effects (including but not limited to noise, vibration, dust, hours of operation, and lighting) that are neither individually or cumulatively significant, yet may be individually unacceptable to the individual resident or lessee, even though such industrial uses operate within the provisions of their respective use permits.</p>	City of Visalia	1) To be included in the Conditions of Approval for all future discretionary permits; a copy of the disclosure document in a form acceptable to the City Attorney is to be provided to the City before issuance of construction permits, and, 2) to be provided to buyers and lessees by the seller or developer before occupancy.

On March 6, 2006, during the Second Reading of the Ordinance for the Change of Zone on the site, the City Council approved the use of an enclosed parking structure and sound walls as the preferred noise-mitigating features for the site. A letter of correspondence from Brown-Buntin Associates inc. (Exhibit “I”) verifies that the use of the parking structure and sound walls would effectively mitigate noise level on the residential component of the site to a level consistent with the City’s noise level standards.

A Conditional Zoning Agreement (CZO 2005-02) prepared in association with the Change of Zone (see below) locked in the parking structure and sound walls as the specific mitigation



features to be constructed with the project prior to the construction of any residences. Elevations of the proposed parking structure are attached to this report as Exhibit "H".

As shown on the residential and office plot plans (Exhibits "B" and "D"), the applicant will be placing the parking structure and walls in compliance with Mitigation Measure No. 1 and the conditions of the Conditional Zoning Agreement. For Mitigation Measure No. 2, staff is including a condition of approval which requires providing written disclosure documents to all future buyers or lessees of the office and residential properties.

### Compliance with Conditional Zoning Agreement

Conditional Zoning Agreement (CZA No. 2005-02), attached as Exhibit "G", was placed into effect as part of the request for the COZ. The CZA includes conditions pertaining to the construction and phasing of the residential and office zones, vehicular circulation, and providing an on-site public pedestrian trail. Staff has found that the applicant's proposed project is in compliance with those conditions of the CZA which pertain to placing specific features on the site. Specifically, these conditions are the placement of noise-mitigating features (Condition No. 1), a location for a public vehicular crossing over the railroad tracks (Condition No. 3), and a planned office development with a thematic building and landscape design (Condition No. 5).

### On-site Residential Subdivision Circulation

#### **ISSUE: Proposed cul-de-sac streets on the eastern portion of the residential subdivision.**

The residential subdivision proposes a street layout which creates four parallel cul-de-sac streets on the east side of the site, each approximately 625 feet in length. While these meet the minimum technical requirements for an 800-foot maximum cul-de-sac length, they may not provide superior pedestrian and vehicle connectivity among the streets that will constitute the future neighborhood. This recommendation was made to the applicant early in the Site Plan Review process. Staff has included Condition No. 2 to revise the street layout to connect the four street segments into a connected loop system.

**The applicant does not concur with this condition because it would reduce the number of salable lots and eliminate cul-de-sac lots which the applicant contends have greater market appeal than lots on through streets.**

### Off-site Circulation

The residential subdivision and office development will have primary vehicle access from on the north side via Roeben Street, a north/south collector street, and from Doe Avenue, an east/west collector street. Currently, Roeben Street is dedicated and build as a half street to the point where it adjoins the subject site. An irrevocable offer of dedication has been offered for the remaining half of Roeben Street through a separate recorded document.

The proposed subdivision map shows a portion of the south half of Doe Avenue on the subject property that would be built with the subdivision. The north half of Doe Avenue and the additional right-of-way needed to connect to Shirk Street will be dedicated to the City at the time that a final map for Phase 3 of the Eagle Creek Tentative Subdivision Map (located north of the subject site) is recorded in coordination with the transfer of property ownership to McMillin Homes. Per Condition No. 4 of the Conditional Zoning Agreement made for the site, vehicular access to the offices in the form of a minimum two-thirds of the ultimate planned right-of-way of Doe Avenue must be constructed and paved before any of the offices can be occupied. Thus, the residential subdivision and office development will have guaranteed access via Roeben Street in the case that the segment of Doe Avenue between Shirk Street and the subject site is not built.



As illustrated, Roeben Street would have the ability in the future to cross the San Joaquin Valley Railroad (SJVR) line which separated the project from Goshen Avenue. The Conditional Zoning Agreement further requires the applicant along with the City to make a good faith effort to work with the SJVR Public Utilities Commission to allow a vehicular crossing at that location.

### **Landscaped Buffer For the Two-story Parking Structure**

Staff recommends Condition No. 2 of CUP 2006-18 requiring that the applicant design and construct a landscape buffer area along the western property line and the west facing wall of the two-story parking structure. As shown on the elevation details, the wall will be a monolithic 20-25 foot tall block wall that will have unobstructed exposure to streets to the west, including Shirk Street, Doe Avenue, and Goshen Avenue. A landscape buffer will provide a degree of articulation and texture to this facade that is not otherwise provided in the structure's design. In addition, it will help discourage and hide graffiti vandalism to the exposed wall surface.

**The applicant does not concur with this condition on the basis that the buffer area will attract loitering and will incur trespassing and maintenance problems to the operators of the development.**

### **Landscape and Lighting Act Assessment District (LLD)**

Per the Conditional Zoning Agreement, the LLD includes construction and maintenance of the trail segment from the detention basin to the trail segment generally at the northeast corner of Roeben Street and Doe Avenue.

### **Correspondence from Special Districts**

Responses received from the utilities and ditch companies did not raise any significant issues or concerns regarding the proposed subdivision and parcel maps.

### **Environmental Review**

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study considered impacts related to the changes in General Plan Land Use and Zoning designations to residential, professional office, and quasi-public and the subsequent development of these areas consistent with the Land Use Element of the General Plan and the Zoning Ordinance. The Initial Study disclosed that environmental impacts are determined to be less than significant if mitigation measures are incorporated in the fields of noise and land use compatibility. The City Council certified the Mitigated Negative Declaration after holding a public hearing for GPA No. 2004-31 and COZ No. 2004-32 on November 7, 2005. Staff recommends that the Planning Commission find Mitigated Negative Declaration No. 2005-071 to be consistent for the purposes of this project.

## **RECOMMENDED FINDINGS**

### **Di Mello Tuscana Tentative Subdivision Map**

1. That the proposed location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the tentative subdivision map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared and certified for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant if mitigation measures are incorporated in the fields of noise and land use compatibility, and that Mitigated



Negative Declaration No. 2005-071 sufficiently considers environmental impacts associated with this project.

4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

#### **Parcel Map No. 2006-09**

1. That the proposed location of the Tentative Parcel Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the tentative parcel map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared and certified for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant if mitigation measures are incorporated in the fields of noise and land use compatibility, and that Mitigated Negative Declaration No. 2005-071 sufficiently considers environmental impacts associated with this project.
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

#### **Conditional Use Permit No. 2006-18**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared and certified for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant if mitigation measures are incorporated in the fields of noise and land use compatibility, and that Mitigated Negative Declaration No. 2005-071 sufficiently considers environmental impacts associated with this project.

## RECOMMENDED CONDITIONS OF APPROVAL

### **Di Mello Tuscana Tentative Subdivision Map**

1. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2004-108 and 2005-266.
2. That the final map be developed in substantial compliance with the approved tentative subdivision map shown in Exhibit "A", attached herein; except that the project shall be redesigned so that the four cul-de-sac streets extending eastward from "minor collector street" shall be connected by extension of those road sections.
3. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or walls, and other improvements along the public street frontages and within open space areas of the subdivision, including maintenance for appurtenant local streets, maintenance for street trees, and the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision, as well as the trail segment along Ethan Street and Doe Avenue. The assessment district(s) shall also include provisions for the City of Visalia to collect payments for same from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll.
4. That on corner lots facing toward arterial street intersections, driveways shall be located away from the intersection.
5. That on all lots adjacent to block walls, setbacks shall be measured from the inside face of the block wall.
6. That the rear yard setback shall be a minimum of 20 feet for all lots within the subdivision.
7. That the Di Mello Tuscana Tentative Subdivision Map shall be null and void unless Conditional Use Permit No. 2005-33 is approved.
8. That all other City codes and ordinances be met.
9. That recordation of the final map of the Di Mello Tuscana Tentative Subdivision Map shall be contingent on compliance with all terms and conditions of Conditional Zoning Agreement 2005-02, attached herein as Exhibit B.
10. All future sellers and developers shall provide a written disclosure document to future buyers or lessees of the project property advising that nearby industrial uses may generate nuisance effects (including but not limited to noise, vibration, dust, hours of operation, and lighting) that are neither individually or cumulatively significant, yet may be individually unacceptable to the individual resident or lessee, even though such industrial uses operate within the provisions of their respective use permits. A copy of the disclosure document in a form acceptable to the City Attorney is to be provided to the City before issuance of construction permits, and, 2) to be provided to buyers and lessees by the seller or developer before occupancy.

### **Parcel Map No. 2006-09**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2005-254.
2. That the site be developed consistent with Exhibit "A", attached herein.



3. That a reciprocal access easement for public access and public utilities for the cross-hatched areas as indicated on Exhibit "A" be recorded with or prior to the recording of the final map.
4. That all other city codes and ordinance be met.
5. 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 Parcel Map No. 2006-09, prior to the recording of the final map for this project.
6. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or walls, and other improvements along the public street frontages and within open space areas of the subdivision, including maintenance for appurtenant local streets, maintenance for street trees, and the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision, as well as the trail segment along Ethan Street and Doe Avenue. The assessment district(s) shall also include provisions for the City of Visalia to collect payments for same from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll.

**Conditional Use Permit No. 2006-18**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2005-276.
2. That the site be developed consistent with Exhibit "A", attached herein, and the elevations contained in Exhibit B, attached herein; except that the site plan shall include a minimum 10-foot wide landscaped area between the western property line and the two-story parking structure.
3. That a reciprocal access easement for public access and public utilities for the cross-hatched areas as indicated on Exhibit "A" be recorded with or prior to the recording of the final map.
4. That all other city codes and ordinance be met.
5. 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. 2006-18, prior to the recording of the final map for this project.
6. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or walls, and other improvements along the public street frontages and within open space areas of the subdivision, including maintenance for appurtenant local streets, maintenance for street trees, and the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision, as well as the trail segment along Ethan Street and Doe Avenue. The assessment district(s) shall also include provisions for the City of Visalia to collect payments for same from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll.

## APPEAL INFORMATION

According to the City of Visalia 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 on a tentative subdivision map or tentative parcel map application. An appeal shall be in writing and shall be filed with 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.

The conditional use permit is provided with a five working day appeal period (Section 17.38.120), with the same process indicated above.

### Attachments:

- Related Plans and Policies
- Resolutions
- Exhibit "A" – Di Mello Tuscana Tentative Subdivision Map (Reduced Scale)
- Exhibit "B" – Di Mello Tuscana Tentative Subdivision Map (Enlarged Scale; two pages)
- Exhibit "C" – Parcel Map for Office Development
- Exhibit "D" – Site Detail for Office Development
- Exhibit "E" – Landscape Plan for Residential Subdivision
- Exhibit "F" – Landscape Plan for Office Development
- Exhibit "G" – Conditional Zoning Agreement No. 2005-02
- Exhibit "H" – Front & Rear Elevations of Enclosed Parking Structure for Office Development (three pages)
- Exhibit "I" – Correspondence from Brown-Buntin Associates, Inc., dated February 16, 2006
- Mitigated Negative Declaration No. 2005-71
- Acoustical Analysis dated March 11, 2005
- Site Plan Review Comments (No. 2004-109, No. 2005-266, No. 2005-254, No. 2005-276)
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch



## RELATED PLANS AND POLICIES

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

### **General Plan Land Use Element**

## **GOAL 4: PROVIDE A VIABLE RANGE OF HOUSING ALTERNATIVES IN THE VISALIA PLANNING AREA**

### **Implementing Policies**

- 4.1.5 Identify residential areas adjacent to roadways and other noise-sources (i.e., railroads, airport, and industry) which require setbacks and/or special sound-proofing to reduce negative noise-related impacts, as identified in the Noise Element. Mitigation measures shall include the following:
  - a. The performance standards of the City's Noise ordinance.
  - b. Noise mitigation "packages" including the use of setbacks to ensure that the exterior noise levels at the closest building facade do not exceed 65 dB Ldn and interior noise exposure of 45 dB Ldn or below.
  - c. For multi-family development, site design techniques shall be used to reduce the need for supplemental noise mitigation requirements. Also, investigate the feasibility of requiring greater setbacks for multi-family residential development along arterials and collectors as an alternative to walls and fences.
  - d. The City shall consider minimizing the development of new residential land uses in the area east of the industrial park and adjacent to other existing major commercial/industrial.
- 4.1.6 Develop design measures to buffer residential development from non-residential land uses. These measures should, at a minimum, include setbacks; roadways; community waterways; landscaping; and land forms such as berming, fences, and walls (See Conservation, Open Space, Recreation & Parks Element's policies on Community Waterways, Wildlife and Natural Vegetation, Open Space Resources, and Park Location and Design).
- 4.1.9 Encourage higher density residential development near employment centers, commercial development and parks.
- 4.1.21 Develop and implement corresponding zone districts that are consistent with residential land use designations.

## **General Plan Noise Element**

### **1.0 General Policies**

- 1.1 Areas within Visalia shall be recognized as noise impacted if exposed to existing or projected future noise levels at the exterior of buildings which exceed 65 dB Ldn (or CNEL).
- 1.2 New development of residential or other noise sensitive land uses shall be avoided in noise impacted areas unless effective mitigation measures are incorporated into the specific design of such projects to reduce exterior noise levels to 65 dB Ldn (or CNEL) or less and 45 dB Ldn (or CNEL) or less within interior living spaces.
- 1.3 New development of industrial, commercial or other noise generating land uses (including roadways, railroads, and airports) should be discouraged if resulting noise levels will exceed 65 dB Ldn (or CNEL) at the boundary areas of planned or zoned residential or other noise sensitive land uses.
- 1.4 Noise level criteria applied to land uses other than residential land uses or other noise-sensitive uses shall be consistent with the recommendations of the California Office of Noise Control (Figure 2).
- 1.5 Visalia shall enforce applicable State Noise Insulation Standards (California Administrative Code, Title 24) and Uniform Building Code (UBC) noise requirements.
- 1.6 New equipment and vehicles purchased by the City should comply with noise level performance standards consistent with the best available noise reduction technology.
- 1.7 In conformance with the directives of State planning law, the City shall ensure that the Noise Element is consistent with and does not conflict with other elements of the City's General Plan.
- 1.8 The land use compatibility zone guidelines contained in the Airport Master Plan and the West Visalia Specific Plan shall be used to assess noise compatibility of airport operation with proposed land uses.
- 1.9 The preferred method of noise control should, when possible, be the thoughtful location and orientation of noise generating and noise received. Secondly, noise control should be achieved through the use of artificial noise barriers.

### **2.0 Implementation Policies**

- 2.1 The City shall review all relevant development plans, programs and proposals to ensure their conformance with the policy framework outlined in this Noise Element.
- 2.2 Prior to the approval of a proposed development in a noise impacted area, or the development of an industrial, commercial or other noise generating land use in or near an area containing existing or planned noise sensitive land uses, an acoustical analysis may be required if all of the following findings are made:
  - a. The existing or projected future noise exposure at the exterior of buildings which will contain noise sensitive uses or within proposed outdoor activity areas (patios, decks, backyards, pool areas, recreation areas, etc.) exceeds 65 dB Ldn (or CNEL).
  - b. Interior noise levels resulting from offsite noise are estimated to exceed 45 dBA.



- c. Estimated or projected noise levels cannot be reduced to the noise exposure limitations specified in this Noise Element by the application of Standard Noise Reduction Methods described in Appendix C.

## Zoning Ordinance

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

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

A. Building height: fifty (50) feet maximum.

B. Required yards:

1. Front: fifteen (15) feet minimum;
2. Side: zero;
3. Street side on corner lot: ten feet minimum;
4. Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;
5. Rear: zero;
6. Rear yards abutting an R-A, R-1 or R-M district: twenty (20) feet minimum.

C. Parking as prescribed in Chapter 17.34.

D. Site area: five acre minimum.

E. Landscaping:

1. Front: fifteen (15) feet minimum;
2. Side: five feet minimum (except where a structure is located on a side property line);
3. Street side on corner lot: ten feet minimum;
4. Rear: five feet minimum. (Prior code § 7467)

RESOLUTION NO. 2005-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
ADOPTING MITIGATED NEGATIVE DECLARATION NO. 2005-71, WHICH EVALUATES  
ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT NO. 2004-31 AND  
CHANGE OF ZONE NO. 2004-32.

**WHEREAS**, General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32 (hereinafter "Project") are a request to change the General Plan land use designation on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential, and a request to change the Zoning designation on 48 acres from BRP (Business Research Park) to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size). The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34); and

**WHEREAS**, an acoustical analysis was prepared for the proposed project to evaluate the existing noise levels generated by off-site sources on the project site; and

**WHEREAS**, "Acoustical Analysis – Villa Toscana Development Project", prepared by Brown-Buntin Associates, Inc. on March 11, 2005, disclosed that mitigation would be required to reduce noise levels on the site to a level which meets or exceeds the Community Noise Standards for residential land uses as required by the Noise Element and Noise Ordinance of the City of Visalia; and

**WHEREAS**, Figure 1 of said Acoustical Analysis illustrates that the existing contour which defines where the Community Noise Standards are being met for residential land uses generally follows the Roeben Street alignment located immediately north of the Doe Avenue alignment; and

**WHEREAS**, an Initial Study was prepared for the project which disclosed that mitigation would be required based on a significant impact related to noise, and that no further significant environmental impacts would result as proposed by the project; and

**WHEREAS**, on the basis of this Initial Study, a Mitigated Negative Declaration was prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

**WHEREAS**, the Initial Study and Mitigated Negative Declaration for the Project were prepared and noticed for review and comment; and

**WHEREAS**, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on August 8, 2005 for the Project; and



**WHEREAS**, the Planning Commission of the City of Visalia found that the Mitigated Negative Declaration contains and reflects the independent judgment of the City of Visalia; and

**WHEREAS**, the Planning Commission found that an additional mitigation measure for the field of land use compatibility, requiring the use of written disclosures to future buyers or lessees of the project property, was necessary and therefore added to the Mitigation Measures of the Mitigated Negative Declaration; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Mitigated Negative Declaration as amended by the Planning Commission, and concurs with the findings of the Planning Commission; and

**WHEREAS**, the City Council of the City of Visalia recognized that a Conditional Zoning Agreement shall be entered into as a means to require building and land use development conditions as necessitated by the proposed noise-mitigating feature for the residential area; and

**WHEREAS**, pursuant to AB 3158, Chapter 1706 of the Statute of 1990, the City Council of the City of Visalia hereby finds that no evidence has emerged as a result of said Initial Study to indicate that the proposed project will have any potential, either individually or cumulatively, for adverse effect on wildlife resources.

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

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment if mitigation measures were incorporated into the Project, and hereby adopts Mitigated Negative Declaration No. 2005-71 which evaluates environmental impacts for General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32, and adopts the Mitigation Monitoring Program attached hereunto as Exhibit "A". The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

**EXHIBIT "A":  
MITIGATION MONITORING PROGRAM FOR  
MITIGATED NEGATIVE DECLARATION NO. 2005-71**

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<p><b>1) Noise</b> – The project site shall be developed in compliance with the mitigation contained in the "Noise Mitigation" section (pages 9 through 11) of the above-referenced Acoustical Analysis, which addresses the use of a noise attenuation feature placed between the existing industrial and proposed residential component of the project. The noise attenuation feature shall be subject to the review, recommendation, and approval of the Planning Commission and/or City Council.</p>	<p>City of Visalia</p>	<p>The proposed residential area which currently meets Community Noise Standards as shown in said Acoustical Analysis may be built in accordance with said Conditional Zoning Agreement. For the proposed residential area which does not meet these Standards, the noise attenuation feature shall be constructed and completed prior to the issuance of any building permits for residences inside this area.</p>
<p><b>2) Land Use Compatibility</b> – All future sellers and developers shall provide a written disclosure document to future buyers or lessees of the project property advising that nearby industrial uses may generate nuisance effects (including but not limited to noise, vibration, dust, hours of operation, and lighting) that are neither individually or cumulatively significant, yet may be individually unacceptable to the individual resident or lessee, even though such industrial uses operate within the provisions of their respective use permits.</p>	<p>City of Visalia</p>	<p>1) To be included in the Conditions of Approval for all future discretionary permits; a copy of the disclosure document in a form acceptable to the City Attorney is to be provided to the City before issuance of construction permits, and, 2) to be provided to buyers and lessees by the seller or developer before occupancy.</p>



RESOLUTION NO. 2005-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
RECOMMENDING APPROVAL OF GENERAL PLAN  
AMENDMENT NO. 2004-31, A REQUEST TO CHANGE THE GENERAL  
PLAN LAND USE DESIGNATIONS ON 48 ACRES FROM BUSINESS  
RESEARCH PARK TO 6.0 ACRES OF PROFESSIONAL / ADMINISTRATIVE  
OFFICE, 7.7 ACRES OF PARK, AND 34.3 ACRES OF LOW DENSITY  
RESIDENTIAL THE PROJECT SITE IS LOCATED ON THE NORTH  
SIDE OF GOSHEN AVENUE, APPROXIMATELY ¼ MILE EAST OF SHIRK  
STREET

**WHEREAS**, General Plan Amendment No. 2004-31: is a request to change the General Plan land use designation on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34); and

**WHEREAS**, an acoustical analysis was prepared for the proposed project to evaluate the existing noise levels generated by off-site sources on the project site; and

**WHEREAS**, "Acoustical Analysis – Villa Toscana Development Project", prepared by Brown-Buntin Associates, Inc. on March 11, 2005, disclosed that mitigation would be required to reduce noise levels on the site to a level which meets or exceeds the Community Noise Standards for residential land uses as required by the Noise Element and Noise Ordinance of the City of Visalia; and

**WHEREAS**, Figure 1 of said Acoustical Analysis illustrates that the existing contour which defines where the Community Noise Standards are being met for residential land uses generally follows the Roeben Street alignment located immediately north of the Doe Avenue alignment; and

**WHEREAS**, an Initial Study was prepared for the project which disclosed that mitigation would be required based on a significant impact related to noise, and that no further significant environmental impacts would result as proposed by the project; and

**WHEREAS**, on the basis of this Initial Study, a Mitigated Negative Declaration was prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

**WHEREAS**, the Initial Study and Mitigated Negative Declaration for the Project were prepared and noticed for review and comment; and

**WHEREAS**, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on August 8, 2005 for the Project; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on November 7, 2005; and

**WHEREAS**, the City Council of the City of Visalia finds the general plan amendment to be in accordance with Section 17.54.080 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Mitigated Negative Declaration as amended by the Planning Commission, and concurs with the findings of the Planning Commission; and

**WHEREAS**, the City Council of the City of Visalia recognized that a Conditional Zoning Agreement shall be entered into to require building and land use development conditions as necessitated by the proposed noise-mitigating feature for the residential area.

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

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed General Plan Amendment based on the following specific findings and based on the evidence presented:

1. That the land use changes proposed and recommended in General Plan Amendment No. 2003-31 would result in a more efficient land use pattern, consistent with the area's surrounding residential and service commercial land uses.
2. That the General Plan Amendment is consistent with the objectives and recommendations contained in the Industrial Park Implementation Plan.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2005-071, incorporating the Mitigation Monitoring Program below is hereby adopted:

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
1) <b>Noise</b> – The project site shall be developed in compliance with the mitigation contained in the “Noise Mitigation” section (pages 9 through 11) of the above-referenced Acoustical Analysis, which addresses the use of a noise attenuation feature placed between the existing industrial and proposed residential component of the project. The noise attenuation feature shall be subject to the review, recommendation, and approval of the Planning Commission and/or City Council.	City of Visalia	The proposed residential area which currently meets Community Noise Standards as shown in said Acoustical Analysis may be built in accordance with



		said Conditional Zoning Agreement. For the proposed residential area which does not meet these Standards, the noise attenuation feature shall be constructed and completed prior to the issuance of any building permits for residences inside this area.
<p><b>2) Land Use Compatibility</b> – All future sellers and developers shall provide a written disclosure document to future buyers or lessees of the project property advising that nearby industrial uses may generate nuisance effects (including but not limited to noise, vibration, dust, hours of operation, and lighting) that are neither individually or cumulatively significant, yet may be individually unacceptable to the individual resident or lessee, even though such industrial uses operate within the provisions of their respective use permits.</p>	City of Visalia	1) To be included in the Conditions of Approval for all future discretionary permits; a copy of the disclosure document in a form acceptable to the City Attorney is to be provided to the City before issuance of construction permits, and, 2) to be provided to buyers and lessees by the seller or developer before occupancy.

4. That the General Plan 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.
5. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia approves the General Plan Amendment described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.070 of the Ordinance Code of the City of Visalia and based on the above findings.

**BE IT FURTHER RESOLVED** that the official General Plan Land Use Map of the City of Visalia is hereby amended to show said property changes as illustrated in Exhibit "A" attached hereunto.

ORDINANCE NO. 2005-17

AMENDING THE ZONING MAP OF THE CITY OF VISALIA BY CHANGING THE ZONING DESIGNATION ON 48 ACRES FROM BRP (BUSINESS RESEARCH PARK) TO 6.0 ACRES OF PA (PROFESSIONAL / ADMINISTRATIVE OFFICE), 7.7 ACRES OF QP (QUASI-PUBLIC), AND 34.3 ACRES OF R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MIN. LOT SIZE), LOCATED ON THE NORTH SIDE OF GOSHEN AVENUE, APPROXIMATELY ¼ MILE EAST OF SHIRK STREET.

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

**Section 1:** The Planning Commission of the City of Visalia has recommended to the City Council change 48 acres of BRP (Business Research Park) Zone on the City of Visalia Zoning Map to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size). The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34); and

**Section 2:** The official Zoning Map of the City of Visalia is hereby amended to show said property changes as illustrated in Exhibit "A" attached hereunto.

**Section 3:** This portion of property which contains the Zoning Designation of PA (Professional / Administrative Office) shall be labeled as having Design District "B" on the City's officially adopted design district map.

**Section 4:** A Conditional Zoning Agreement shall be prepared by City staff and approved by the City Council at the second reading of said Ordinance. The Conditional Zoning Agreement shall specify building and land use development conditions for the securing of entitlements and subsequent development of the proposed residential area. Said conditions shall address the following:

- Noise mitigation,
- Phasing,
- Ample vehicular access,
- Assessment districts,
- Dedication and construction of a public pedestrian trail,
- Circulation design, and
- Development and infrastructure cost responsibility.

**Section 5:** This ordinance shall become effective 30 days after passage hereof.



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

**NOTICE OF A PROPOSED  
MITIGATED NEGATIVE DECLARATION**

Project Title: Amendment to Conditional Zoning Agreement No. 2005-02

Project Description: The applicant, Granville Homes, Inc., is requesting to amend Conditional Zoning Agreement (CZA) No. 2005-02, revising certain conditions of the recorded CZA No. 2005-02 (Doc. No. 20056-0029745), including specific land uses, phasing and improvements.

The applicant is requesting to amend conditions of the CZA prohibiting the issuance of any residential permits until the noise attenuation features of the office development located to the west of the 116-lot DiMello Toscana residential subdivision have been constructed. The noise attenuation features are required mitigation measures to reduce the noise impacts generated from the Viking Ready Mix plant onto the DiMello Toscana residential subdivision.

The applicant has provided an updated Acoustical Analysis from Brown-Buntin Associates, Inc., identifying revised noise attenuation measures for the DiMello Toscana residential subdivision that will mitigate noise from the Viking Ready Mix plant without requiring the office development to be developed prior to construction of the single-family residential subdivision. Additionally, the applicant has prepared revised cross-section details for the future railroad crossing at Goshen Avenue and the future El Cajon Street as required per the conditions of CZA No. 2005-02.

The entire 48-acre site was held under single ownership when the office and residential subdivision was approved on June 26, 2006. The property owner, Fred Machado, recently sold the 21.38-acre parcel approved for the 116-lot DiMello Toscana residential subdivision to Granville Homes, Inc. and retained the 9.76-acres of office zoned property. The remaining 9.27-acres parcel were purchased by the City of Visalia for development of a regional storm water basin

The entire 48-acre project site had the land use designations and zoning changed in 2005 per General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32. The City Council approved these changes subject to specific conditions, which are recorded against the entire 48-acre project site per Conditional Zoning Agreement No. 2005-02. Subsequent entitlements were approved for the project site, including a nine building office development totaling 89,520 square feet of office area, 116-lot single-family residential subdivision, and development of the regional storm water basin.

Fred Machado, property owner of the 9.76-acres, is not requesting any revisions to the office development nor is Granville Homes, Inc., requesting any modification / revisions to the number of lots approved for the DiMello Toscana Tentative Subdivision Map No. 5516.

Project Location: The approved DiMello Toscana Tentative Subdivision Map No. 5516 is located on a 21.38-acre parcel located north of Goshen Avenue (north of the San Joaquin Valley Railroad tracks) and bounded by Roeben Street to the east and north and North Shirk Street to the west (APNs: 077-780-008). This parcel along with the the 9-27-acre office development (APNs: 077-720-001, -002, -003, -004, -005, -006, -007; 077-730-001, -002) comprise the overall project area conditioned per Conditional Zoning Agreement No. 2005-02. A Location Map has been provided at the end of this document depicting the area and parcels that are conditioned per the Conditional Zoning Agreement.

Contact Person: Paul Bernal, Principal Planner

Phone: (559) 713-4025


Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on December 14, 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 Mitigated Negative Declaration: Initial Study No. 2015-76 has identified certain significant, adverse environmental impact(s) that may occur because of the project, though with mitigation these impact(s) will be reduced to a level that is less than significant. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA.

Comments on this proposed Negative Declaration will be accepted from November 20, 2015 to December 10, 2015.

Date: 11/19/2015

Signed:   
Paul Scheibel, AICP  
Environmental Coordinator  
City of Visalia



## NEGATIVE DECLARATION

**Project Title:** Amendment to Conditional Zoning Agreement No. 2005-02

**Project Description:** The applicant, Granville Homes, Inc., is requesting to amend Conditional Zoning Agreement (CZA) No. 2005-02, revising certain conditions of the recorded CZA No. 2005-02 (Doc. No. 20056-0029745), including specific land uses, phasing and improvements.

The applicant is requesting to amend conditions of the CZA prohibiting the issuance of any residential permits until the noise attenuation features of the office development located to the west of the 116-lot DiMello Toscana residential subdivision have been constructed. The noise attenuation features are required mitigation measures to reduce the noise impacts generated from the Viking Ready Mix plant onto the DiMello Toscana residential subdivision.

The applicant has provided an updated Acoustical Analysis from Brown-Buntin Associates, Inc., identifying revised noise attenuation measures for the DiMello Toscana residential subdivision that will mitigate noise from the Viking Ready Mix plant without requiring the office development to be developed prior to construction of the single-family residential subdivision. Additionally, the applicant has prepared revised cross-section details for the future railroad crossing at Goshen Avenue and the future El Cajon Street as required per the conditions of CZA No. 2005-02.

The entire 48-acre site was held under single ownership when the office and residential subdivision was approved on June 26, 2006. The property owner, Fred Machado, recently sold the 21.38-acre parcel approved for the 116-lot DiMello Toscana residential subdivision to Granville Homes, Inc. and retained the 9.76-acres of office zoned property. The remaining 9.27-acres parcel were purchased by the City of Visalia for development of a regional storm water basin.

The entire 48-acre project site had the land use designations and zoning changed in 2005 per General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32. The City Council approved these changes subject to specific conditions, which are recorded against the entire 48-acre project site per Conditional Zoning Agreement No. 2005-02. Subsequent entitlements were approved for the project site, including a nine building office development totaling 89,520 square feet of office area, 116-lot single-family residential subdivision, and development of the regional storm water basin.

Fred Machado, property owner of the 9.76-acres, is not requesting any revisions to the office development nor is Granville Homes, Inc., requesting any modification / revisions to the number of lots approved for the DiMello Toscana Tentative Subdivision Map No. 5516.

**Project Location:** The approved DiMello Toscana Tentative Subdivision Map No. 5516 is located on a 21.38-acre parcel located north of Goshen Avenue (north of the San Joaquin Valley Railroad tracks) and bounded by Roeben Street to the east and north and North Shirk Street to the west (APNs: 077-780-008). This parcel along with the the 9-27-acre office development (APNs: 077-720-001, -002, -003, -004, -005, -006, -007; 077-730-001, -002) comprise the overall project area conditioned per Conditional Zoning Agreement No. 2005-02. A Location Map has been provided at the end of this document depicting the area and parcels that are conditioned per the Conditional Zoning Agreement.

**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)
Acoustical Analysis	(X)

**DECLARATION OF NO SIGNIFICANT EFFECT:**

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

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

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

APPROVED  
Paul Scheibel, AICP  
Environmental Coordinator

By: J. McDonald for PS  
Date Approved: 11/19/2015  
Review Period: 20 days



## INITIAL STUDY

### I. GENERAL

**A. Amendment to Conditional Zoning Agreement (CZA) No. 2005-02** is a request by Granville Homes, Inc., to revise certain conditions of the recorded CZA No. 2005-02 (Doc. No. 20056-0029745), including specific land uses, phasing and improvements.

The applicant is requesting to amend conditions of the CZA prohibiting the issuance of any residential permits until the noise attenuation features of the office development located to the west of the 116-lot DiMello Toscana residential subdivision have been constructed. The noise attenuation features are required mitigation measures to reduce the noise impacts generated from the Viking Ready Mix plant onto the DiMello Toscana residential subdivision.

The applicant has provided an updated Acoustical Analysis from Brown-Buntin Associates, Inc., identifying revised noise attenuation measures for the DiMello Toscana residential subdivision that will mitigate noise from the Viking Ready Mix plant without requiring the office development to be developed prior to construction of the single-family residential subdivision. Additionally, the applicant has prepared revised cross-section details for the future railroad crossing at Goshen Avenue and the future El Cajon Street as required per the conditions of CZA No. 2005-02.

The entire 48-acre site was held under single ownership when the office and residential subdivision was approved on June 26, 2006. The property owner, Fred Machado, recently sold the 21.38-acre parcel approved for the 116-lot DiMello Toscana residential subdivision to Granville Homes, Inc. and retained the 9.76-acres of office zoned property. The remaining 9.27-acres parcel were purchased by the City of Visalia for development of a regional storm water basin

The entire 48-acre project site had the land use designations and zoning changed in 2005 per General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32. The City Council approved these changes subject to specific conditions, which are recorded against the entire 48-acre project site per Conditional Zoning Agreement No. 2005-02. Subsequent entitlements were approved for the project site, including a nine building office development totaling 89,520 square feet of office area, 116-lot single-family residential subdivision, and development of the regional storm water basin.

Fred Machado, property owner of the 9.76-acres, is not requesting any revisions to the office development nor is Granville Homes, Inc., requesting any modification / revisions to the number of lots approved for the DiMello Toscana Tentative Subdivision Map No. 5516.

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

The entire project area comprises 48-acres of property planned and zoned for Office, Low Density Residential and Quasi-Public development. The 21.38-acre, 116-lot DiMello Toscana subdivision is located north of Goshen Avenue (north of the San Joaquin Valley Railroad tracks) and bounded by Roeben Street to the east and north and North Shirk Street to the west. The DiMello Toscana subdivision abuts the Eagle Creek and Foxwood Estates subdivision to the north, the Lakes Subdivision to the east, the San Joaquin Valley Railroad tracks (Goshen Avenue) to the south, and vacant property approved for a nine building office development to the west. This office development was entitled with the subdivision and was conditioned to be constructed prior to the issuance of any residential permits. The requirement to construct the office development first was to ensure the noise attenuation measures identified in the CZA were constructed thereby mitigating noise impacts onto the residential subdivision. The entire project area is vacant and has been out of agriculture production for several years.



The surrounding uses, Zoning, and General Plan for the entire project area are as follows:

	General Plan (2014 Land Use)	Zoning (1993)	Existing uses
North:	Low Density Residential & Medium Density Residential	R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) & C-S (Service Commercial)	Eagle Creek Estates and Foxwood Estates Subdivisions & vacant property
South:	Low Density Residential	R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area)	San Joaquin Valley Railroad tracks and Goshen Ave. Trail
East:	Low Density Residential	R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area)	The Lakes Subdivision
West:	Office & Park	P-A (Professional / Admin. Office) & Quasi-Public	Vacant property (approved for a nine building office development) & City ponding basin & City walking trail

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

**C. Plans and Policies:** The General Plan Land Use Diagram, adopted October 14, 2014, designates the 21.38-acre 116-lot DiMello Toscana subdivision site as Low Density Residential. The zone designation for this site is R-1-6 and is consistent with the land use designation.

The proposed revisions to the CZA can be supported subject to compliance with the noise mitigation measures as identified in the revised Acoustical Analysis dated February 6, 2014. The mitigation measures as stated reduce the noise impacts for both indoor and outdoor activities within the allowable dBA range established per the City's Noise Element and Noise Ordinance.

**II. ENVIRONMENTAL IMPACTS**

No significant adverse environmental impacts after mitigation have been identified for this project. The City of Visalia Land Use Element and Zoning Ordinance contain land use mitigation measures that are designed to reduce/eliminate impacts to a level of non-significance. Additionally, noise attenuation measures identified in the revised Acoustical Analysis for the project will reduce potentially significant noise impacts to a level that is less than significant.

**III. MITIGATION MEASURES**

The following mitigation measures will reduce environmental impacts related to **Noise** to a less than significant impact:

- **Noise** – An updated Acoustical Analysis has been prepared for the proposed project (ref.: Acoustical Analysis for the DiMello Toscana 116-lot Residential Development prepared for Granville Homes, Inc., Visalia, California. February 6, 2014, Brown-Buntin Associates, Inc.) and subsequent correspondence from WJV Acoustics dated November 2, 2015, and November 17, 2015, has concluded that noise levels in excess of the City's daytime and nighttime standards, specified in the City's Noise Element and Noise Ordinance, will occur with the daily operations associated with the Viking Ready Mix plant to the west of the DiMello Toscana residential subdivision. To ensure that community noise standards are met for noise-sensitive land uses



adjacent to the site, the updated Acoustical Analysis identifies new Mitigation Measures to be incorporated into the development of the DiMello Toscana residential subdivision rather than relying on the noise attenuation mitigation measures, which were to be installed with the office development. The new noise mitigation measures will revise the existing conditions of Conditional Zoning Agreement No. 2005-02, requiring the DiMello Toscana subdivision to include these new mitigation measures into their subdivision design. This will allow the residential component of the project to proceed as the first initial phase of development, and would not be subject to the office development's noise mitigation measures as conditioned per the CZA.

Therefore, to ensure that community noise standards are met for the proposed project, the project site shall be developed and shall operate in substantial compliance with the Noise Mitigation Measures 1.1 through 1.6 contained in the "Conclusions and Recommendations" section (pages 5 and 6) of the above-referenced Acoustical Analysis and the Block Wall Exhibit. These mitigation measures are included as an attachment to the Mitigated Negative Declaration.

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

#### **IV. MITIGATION MONITORING PROGRAM**

<b><u>Mitigation Measure</u></b>	<b><u>Responsible Party</u></b>	<b><u>Timeline</u></b>
<b>Noise Mitigation Measure 1.1:</b> Construct an 11-foot block wall along the west property line of Lot 110 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 11-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lot 110.	Project Applicant	Mitigation shall be enforced and carried out as part of the residential component's design and construction. The wall at its ultimate height shall be constructed prior to issuance of a residential building permit final for any residential development on Lots 110 through 116.
<b>Noise Mitigation Measure 1.2:</b> Construct an 11-foot, 6-inch block wall along the west property lines of Lots 84 and 109 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 11-foot, 6-inch block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lots 84 and 109.	Project Applicant	Mitigation shall be enforced and carried out as part of the residential component's design and construction. The wall at its ultimate height shall be constructed prior to issuance of a residential building permit final for any residential development on Lots 84 through 89 and Lots 104 through 109.
<b>Noise Mitigation Measure 1.3:</b> Construct a 10-foot block wall along the west property lines of Lots 59 and 83 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 10-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lots 59 and 83.	Project Applicant	Mitigation shall be enforced and carried out as part of the residential component's design and construction. The wall at its ultimate height shall be constructed prior to issuance of a residential building permit final for any residential development on Lots 59 through 64 and Lots 79 through 83.

<p><b>Noise Mitigation Measure 1.4:</b> Construct a 9-foot block wall along the west property lines of Lots 37 and 58 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 9-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lots 37 and 58.</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced and carried out as part of the residential component's design and construction. The wall at its ultimate height shall be constructed prior to issuance of a residential building permit final for any residential development on Lots 37 through 40 and Lots 55 through 58.</p>
<p><b>Noise Mitigation Measure 1.5:</b> Construct an 8-foot block wall along the west property line of Lot 36 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 8-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lot 36.</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced and carried out as part of the residential component's design and construction. The wall at its ultimate height shall be constructed prior to issuance of a residential building permit final for any residential development on Lots 34 through 36.</p>
<p><b>Noise Mitigation Measure 1.6:</b> Construct a 6-foot, 8-inch block wall per the City's Concrete Block Wall Detail F-3 standard. The block wall shall be setback 5-feet from the west property line of Lot 33 and 5-feet from the east property line of Lot 34 of the DiMello Toscana Subdivision Map as noted in Block Wall Exhibit provided by 4Creeks.</p>	<p>Project Applicant</p>	<p>Mitigation shall be enforced and carried out as part of the residential component's design and construction. The wall at its ultimate height shall be constructed prior to issuance of a residential building permit final for any residential development on Lots 33 and 34.</p>

**V. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS**

The project is compatible with the General Plan, Zoning, Subdivision, and Noise Ordinances as the project relates to surrounding properties.

**VI. SUPPORTING DOCUMENTATION**

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


- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan), passed and adopted October 14, 2014.



- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.
- Updated Acoustical Analysis dated February 6, 2014 prepared by Brown-Buntin Associates, Inc.
- WJV Acoustics letters dated November 2, 2015 and November 17, 2015
- 4-Creeks Block Wall Exhibit
- City of Visalia Design and Improvement Standards Block Wall Detail F-3

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

\_\_\_\_\_  
Paul Bernal  
Principal Planner

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

**INITIAL STUDY  
 ENVIRONMENTAL CHECKLIST**

<b>Name of Proposal</b>	Amendment to Conditional Zoning Agreement No. 2005-02		
<b>NAME OF PROPONENT:</b>	Granville Homes, Inc. – Christine Lingenfelter	<b>NAME OF AGENT:</b>	4Creek, Inc., – David Duda
<b>Address of Proponent:</b>	1396 W. Herndon Ave., Suite 101, Visalia CA 93277	<b>Address of Agent:</b>	324 S. Santa Fe. St., Suite A, Visalia CA 93291
<b>Telephone Number:</b>	(559) 436-0900	<b>Telephone Number:</b>	(559) 804-3052
<b>Date of Review</b>	November 20, 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?
- 2 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?

- 1 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

- 1 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

- 1 j) Inundation by seiche, tsunami, or mudflow?

#### X. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?



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

**XI. MINERAL RESOURCES**

Would the project:

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

**XII. NOISE**

Would the project:

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

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

Revised 2009

## DISCUSSION OF ENVIRONMENTAL EVALUATION

### I. AESTHETICS

- a. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

This amendment to the CZA conditions 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 project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. The proposed project includes residential development that will be aesthetically consistent with surrounding development and is consistent with General Plan policies.
- d. The project will create new sources of light that are typical of residential development.

### II. AGRICULTURAL RESOURCES

- a. The project is not 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 project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

However, 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. The General Plan contains multiple polices 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 site is not under Williamson Act contract or within an Agricultural Preserve.
- 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 is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. The entire project site not been actively farmed and/or has not been in active agricultural production for several years. The City's General Plan designates this property for urban development by designating the site for Low Density Residential development and Office development.

### III. AIR QUALITY

- a. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. The project in itself does not



disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.

- b. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

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.

- c. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

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.

- d. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

Residences located near the proposed project may be intermittently 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

#### IV. BIOLOGICAL RESOURCES

- a. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR) for conversion to urban use. 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- c. The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office



development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

- 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- e. The City has a municipal ordinance in place to protect valley oak trees. Any oak trees on-site will be under the jurisdiction of this ordinance.
- f. There are no local or regional habitat conservation plans for the area.

#### V. CULTURAL RESOURCES

- a. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. 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.

The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than

significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

- c. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. There are no known unique paleontological resources or geologic features located within the project area.
- d. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- b. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. Future development of this site



will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.

- c. The project area is relatively flat and the underlying soil is not known to be unstable. Soils in the Visalia area have few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area have low expansion characteristics.
- d. Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.
- e. The project does not involve the use of septic tanks or alternative wastewater disposal systems since sanitary sewer lines are used for the disposal of wastewater at this location. The previous initial study noted there are no known soil contamination as a majority of the site was used years ago for the storage of landscaping materials by a landscaping business (Jardin Landscaping).

The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

#### VII. GREENHOUSE GAS EMISSIONS

- a. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

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 project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. Future 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites or areas within one-quarter mile of school sites.
- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.

- e. The City's adopted Airport Master Plan shows the project area is located outside of all Airport Zones. There are no restrictions for the proposed project related to Airport Zone requirements.

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

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

**IX. HYDROLOGY AND WATER QUALITY**

- a. The project will not violate any water quality standards of waste discharge requirements. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- 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.

The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential

subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

- f. There are no reasonably foreseeable reasons why the project would result in the degradation of water quality.
- g. The project area is located within Zone X02, which indicates an area that is not within a flood hazard area.
- h. The project area is located within Zone X02, which indicates an area that is not within a flood hazard area.
- i. The project would not expose people or structures to risks from failure of levee or dam. The project is located downstream from the Terminus Dam; in the case of dam failure, there will be 4 hours of warning to evacuate the site.
- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, which will contribute to the lack of impacts by mudflow occurrence.

**X. LAND USE AND PLANNING**

- a. The project will not physically divide an established community. The entitled office development and residential subdivision are within the Urban Development Tier 1 Boundary. Development of residential lands in Tier 1 may occur at any time. The proposed project is consistent with Land Use Policies LU-P-19 and LU-P-20 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy," while LU-P-20 states; allow annexation and development of residential, commercial, and industrial land to occur within the "Tier 1" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram.

The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

The applicant has provided an updated Acoustical Analysis from Brown-Buntin Associates, Inc., identifying revised noise attenuation measures for the DiMello Toscana residential subdivision that will mitigate noise from the Viking Ready Mix plant without requiring the office development to be developed prior to construction of the single-family residential subdivision. Additionally, the applicant has prepared revised cross-section details for the future railroad crossing at Goshen Avenue and the future El Cajon Street as required per the conditions of CZA No. 2005-02.

The applicant is not requesting any modification / revisions to the approved DiMello Toscana Tentative Subdivision



Map No. 5516, nor are any revisions being requested of the office development.

- b. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

The applicant is requesting to amend conditions of the CZA prohibiting the issuance of any residential permits until the noise attenuation features of the office development located to the west of the 116-lot DiMello Toscana residential subdivision have been constructed. The noise attenuation features are required mitigation measures to reduce the noise impacts generated from the Viking Ready Mix plant onto the DiMello Toscana residential subdivision.

The applicant has provided an updated Acoustical Analysis from Brown-Buntin Associates, Inc., identifying revised noise attenuation measures for the DiMello Toscana residential subdivision that will mitigate noise from the Viking Ready Mix plant without requiring the office development to be developed prior to construction of the single-family residential subdivision. Additionally, the applicant has prepared revised cross-section details for the future railroad crossing at Goshen Avenue and the future El Cajon Street as required per the conditions of CZA No. 2005-02.

The 48-acre project site had the land use designations and zoning changed in 2005 per General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32. The City Council approved these changes subject to specific conditions, which are recorded against the entire 48-acre project site per Conditional Zoning Agreement No. 2005-02. Subsequent entitlements were approved for the entire 48-acre project site, including a nine building office development totaling 89,520 square feet of office area and dedication of a City owned ponding basin. The applicant is not requesting any modification / revisions to the approved DiMello Toscana Tentative Subdivision Map No. 5516.

The Visalia General Plan contains multiple polices, identified under Impact 3.1-2 of the EIR, that together work to reduce the potential for impacts to the development of land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

- 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No.

2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

- b. There are no mineral resource recovery sites delineated in the Visalia area. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

#### XII. NOISE

- a. The applicant has submitted an Updated Acoustical Analysis (ref: Updated Acoustical Analysis for the DiMello Toscana 116-lot Residential Development prepared for Granville Homes, Inc., Visalia, California. February 6, 2014, Brown-Buntin Associates, Inc.), and subsequent correspondence from WJV Acoustics dated November 2, 2015, and November 17, 2015. The updated acoustical analysis concludes noise levels in excess of the City's daytime and nighttime standards, specified in the City's Noise Element and Noise Ordinance, will occur with the daily operations associated with the Viking Ready Mix plant to the west of the DiMello Toscana residential subdivision. To ensure that community noise standards are met for noise-sensitive land uses adjacent to the site, the updated Acoustical Analysis identifies new Mitigation Measures to be incorporated into the development of the DiMello Toscana residential subdivision rather than relying on the noise attenuation mitigation measures, which were to be installed with the office development. The new noise mitigation measures will revise the existing conditions of Conditional Zoning Agreement No. 2005-02, requiring the DiMello Toscana subdivision to include these new mitigation measures into their subdivision design. This will allow the residential component of the project to proceed as the first initial phase of development, and would not be subject to the office developments noise mitigation measures as conditioned per the CZA.

Therefore, to ensure that community noise standards are met for the proposed project, the project site shall be developed and shall operate in substantial compliance with the Noise Mitigation Measures 1.1 through 1.6 contained in the "Conclusions and Recommendations" section (pages 5 and 6) of the above-referenced Acoustical Analysis and the Block Wall Exhibit. As described in the analysis, the project shall contain the following:

1. Construct an 11-foot block wall along the west property line of Lot 110 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis



- dated February 6, 2014. The 11-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lot 110.
2. Construct an 11-foot, 6-inch block wall along the west property lines of Lots 84 and 109 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 11-foot, 6-inch block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lots 84 and 109.
  3. Construct a 10-foot block wall along the west property lines of Lots 59 and 83 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 10-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lots 59 and 83.
  4. Construct a 9-foot block wall along the west property lines of Lots 37 and 58 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 9-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lots 37 and 58.
  5. Construct an 8-foot block wall along the west property line of Lot 36 of the DiMello Toscana Subdivision Map as noted in Table III of the Updated Acoustical Analysis dated February 6, 2014. The 8-foot block wall shall be reduced to a height not to exceed 3-feet within the required 15-foot front yard setback of Lot 36.
  6. Construct a 6-foot, 8-inch block wall per the City's Concrete Block Wall Detail F-3 standard. The block wall shall be setback 5-feet from the west property line of Lot 33 and 5-feet from the east property line of Lot 34 of the DiMello Toscana Subdivision Map as noted in Block Wall Exhibit provided by 4Creeks.
- b. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. Ground-borne vibration or ground-borne noise levels may occur as part of construction activities associated with the project. Construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential

subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- b. Development of the site will not displace any housing on the site. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office



development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

- c. The site is currently vacant. Thus, development of the site will not displace any people on the site. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

#### XIV. PUBLIC SERVICES

- a.
  - i. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

Current fire protection facilities are located at the Visalia Station 55 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. 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 is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated

Negative Declaration No. 2005-071. 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071. 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential



subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

Future 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.

- 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 when developed the office and residential projects will be extending and connecting to 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.

The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.

- 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.

The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071..

- c. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071..
- d. There is currently a stubbed 54-inch storm drain line in future El Cajon Street that bisects the DiMello Toscana subdivision. This storm drain line is tied into the City owned storm basin located southwest of the subdivision. Connection to this storm drain line is required with the development of the DiMello Toscana subdivision.
- 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- f. Current solid waste disposal facilities can adequately serve the site without a need for alteration. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.
- 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. The project is proposing to amend conditions contained in Conditional Zoning Agreement No. 2005-02 requiring noise attenuation measures related to the office development be constructed prior to the issuance of any residential permit for the approved 116-lot DiMello Toscana residential subdivision. The 116-lot residential subdivision and the nine office building development are fully entitled. Impacts associated with the office development, and residential subdivision were analyzed and project impacts were determined to be less than significant resulting in the adoption of Mitigated Negative Declaration No. 2005-071.



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 Program EIR (SCH No. 2010041078) for the City of Visalia's General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- b. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update

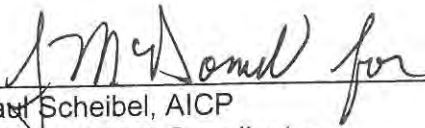
for the area's conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

- c. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

## DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37 adopted on October 14, 2014. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**

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

November 20, 2015  
Date



# Amendment to Conditional Zoning Agreement No. 2005-02

APN: 077-780-008



## Location Map





wjv acoustics

November 2, 2015

Mr. David Duda, GISP  
4Creeks, Inc., Planning Manager  
324 South Santa Fe Street, Suite A  
Visalia, CA 93292

RE: ACOUSTICAL REVIEW: SUBDIVISION MAP REVISION, DI MELLO TOSCANA,  
VISALIA, CALIFORNIA

Dear Mr. Duda:

As you have requested, WJV Acoustics, Inc. (formerly Brown Buntin Associates) has reviewed the proposed revised map and site plan for the Di Mello Toscana residential subdivision in Visalia. The applicant proposes to eliminate the cul des sac features on Harold Court and Prospect Court in favor of through roadway access. The City of Visalia has requested confirmation that the site plan modification will not compromise the findings of the acoustical analysis (dated February 6, 2014).

WJV Acoustics (WJVA) staff has reviewed the proposed site plan modifications as well as the proposed sound wall locations provided by 4Creeks, Inc. (attached to this letter). WJVA has determined that the proposed removal of the cul des sac features will not compromise the findings of the acoustical analysis. Due to the locations of the outdoor activity areas (residential backyards), the proposed alterations to the sound wall design will provide ample acoustical shielding to comply with applicable City of Visalia exterior and interior noise level standards. No further or additional mitigation is required.

The findings of this letter are based upon the proposed sound wall design provided by 4Creeks and the best information known WJVA at the time the letter was drafted concerning the proposed site plan, proposed building construction and project site noise exposure. Any significant changes to these factors may require revisions to the findings of this letter and the original acoustical analysis.



Mr. David Duda  
4Creeks, Inc.  
November 2, 2015  
Page 2

Please contact me at 559-627-4923 or [walter@wjvacoustics.com](mailto:walter@wjvacoustics.com) if there are questions or additional information is required.

Respectfully submitted,

WJV ACOUSTICS, INC.

A handwritten signature in black ink, appearing to read "Walter J. Van Groningen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Walter J. Van Groningen  
President



wjv acoustics

November 17, 2015

Mr. David Duda, GISP  
4Creeks, Inc., Planning Manager  
324 South Santa Fe Street, Suite A  
Visalia, CA 93292

RE: ACOUSTICAL REVIEW: SUBDIVISION MAP REVISION, DI MELLO TOSCANA,  
VISALIA, CALIFORNIA

Dear Mr. Duda:

As you have requested, WJV Acoustics, Inc. (formerly Brown Buntin Associates) has reviewed the proposed revised map and site plan for the Di Mello Toscana residential subdivision in Visalia. The applicant proposes to eliminate the cul des sac features on Harold Court and Prospect Court in favor of through roadway access. The City of Visalia has requested confirmation that the site plan modification will not compromise the findings of the acoustical analysis (dated February 6, 2014).

WJV Acoustics (WJVA) staff has reviewed the proposed site plan modifications as well as the proposed sound wall locations provided by 4Creeks, Inc. (attached to this letter). WJVA has determined that the proposed removal of the cul des sac features will not compromise the findings of the acoustical analysis. Additionally, Title 17 (Zoning), Chapter 17.12 (R-1 Residential), Section 17.12.080 (Front Yards) of the City of Visalia Municipal Code establishes a 15-foot setback requirement for the construction of fences or walls. At a distance of 15 feet from the roadway, the proposed sound wall will be incrementally increased to the required height. Due to the locations of the outdoor activity areas (residential backyards), the proposed alterations to the sound wall design will provide ample acoustical shielding to comply with applicable City of Visalia exterior and interior noise level standards. No further or additional mitigation is required.

The findings of this letter are based upon the proposed sound wall design provided by 4Creeks and the best information known WJVA at the time the letter was drafted concerning the proposed site plan, proposed building construction and project site noise exposure. Any significant changes to these factors may require revisions to the findings of this letter and the original acoustical analysis.

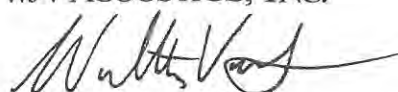


Mr. David Duda  
4Creeks, Inc.  
November 17, 2015  
Page 2

Please contact me at 559-627-4923 or [walter@wjvacoustics.com](mailto:walter@wjvacoustics.com) if there are questions or additional information is required.

Respectfully submitted,

WJV ACOUSTICS, INC.

A handwritten signature in black ink, appearing to read "Walter Van Groningen", with a long horizontal flourish extending to the right.

Walter J. Van Groningen  
President

UPDATED ACOUSTICAL ANALYSIS  
DI MELLO TOSCANA 116-LOT RESIDENTIAL DEVELOPMENT  
VISALIA, CALIFORNIA

BBA Report No. 14-011

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PREPARED FOR

GRANVILLE HOMES  
C/O 4 CREEKS, INC.  
2929 WEST MAIN STREET, SUITE A  
VISALIA, CALIFORNIA 93291

PREPARED BY

BROWN-BUNTIN ASSOCIATES, INC.  
VISALIA, CALIFORNIA

FEBRUARY 6, 2014



## INTRODUCTION

The project is a 116-lot residential subdivision located on the north side of Goshen Avenue to the west of existing residential uses within the "Lakes" development in the City of Visalia. The project was originally approved by the city in March of 2006. Per Conditional Zoning Agreement No. 2005-02, approval of the project was contingent upon the development of commercial office uses and associated structures to acoustically shield the residential portion of the project from noise generated by existing industrial uses to the west.

It is the purpose of this analysis to determine the extent of noise mitigation measures that would be required for compliance with applicable City of Visalia noise standards if the commercial uses and associated structures between the project and existing industrial uses were *not* developed as originally proposed. The updated analysis, prepared by Brown-Buntin Associates, Inc. (BBA), is based upon the project site plan provided by the project engineer (4 Creeks, Inc.), a review of noise level data collected by BBA in 2004 for the original project, and additional noise level data collected by BBA in August of 2010.

Appendix A provides definitions of the acoustical terminology used in this report. Unless otherwise stated, all sound levels reported in this analysis are A-weighted sound pressure levels in decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighted sound levels, as they correlate well with public reaction to noise.

## CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

The City of Visalia Noise Element of the General Plan (noise element) establishes noise level criteria in terms of the Day-Night Average Level (DNL) metric. The DNL is the time-weighted energy average noise level for a 24-hour day, with a 10 dB penalty added to noise levels occurring during the nighttime hours (10:00 p.m.-7:00 a.m.). The DNL represents cumulative exposure to noise over an extended period of time and is therefore calculated based upon *annual average* conditions.

The exterior noise level standard of the noise element is 65 dB DNL in outdoor activity areas of residential uses. Outdoor activity areas generally include backyards of single-family residences and individual patios or decks and common outdoor activity areas of multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

The noise element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

Chapter 8.36 of the Visalia Municipal Code (noise ordinance) applies to noise sources that are not pre-empted from local control by existing state or federal regulations. Industrial/commercial operations, including the operation of trucks and other mobile equipment on private property, are

not pre-empted noise sources and are therefore subject to the provisions of the ordinance. Vehicular traffic on public roadways and rail operations are pre-empted noise sources and are addressed only by the provisions of the city's noise element.

The noise ordinance addresses the statistical distribution of noise over time and allows for progressively shorter periods of exposure to levels of increasing loudness. Table I summarizes the exterior noise level standards of the ordinance. Note that the ordinance is to be applied during any one-hour time period of the day, and that the standards are 5 dB more restrictive between the hours of 7:00 p.m. and 6:00 a.m. The ordinance also contains a provision that applies an additional penalty of 5 dB to noise sources that contain "pure" tones. Pure tones are defined by the ordinance in Section 8.36.020.

TABLE I EXTERIOR NOISE LEVEL STANDARDS, dBA CITY OF VISALIA NOISE ORDINANCE			
Category	Cumulative # Min/Hr. ( $L_n$ )	Daytime (6am-7pm)	Nighttime (7pm-6am)
1	30 ( $L_{50}$ )	50	45
2	15 ( $L_{25}$ )	55	50
3	5 ( $L_{8.3}$ )	60	55
4	1 ( $L_{1.7}$ )	65	60
5	0 ( $L_{max}$ )	70	65

Note:  $L_n$  is an abbreviation for the percentage of time that a certain noise level is exceeded during a specified time period (in this case, one hour). For example, an  $L_{50}$  value of 50 dBA may not be exceeded during the hours of 6 am-7pm.

## NOISE EXPOSURE FROM EXISTING INDUSTRIAL SOURCES

The Viking Ready Mix plant is located west of the project site. Based upon a telephone conversation on August 3, 2010 with Mr. Don Percival, Plant Manager, the plant typically operates between the hours of 5:00 a.m. and 4:00 p.m. Monday through Friday. The plant may operate on Saturday morning or on Sunday. Depending upon product demand, the plant may begin operations at any time during the day or night. Operations at the plant are mostly the same as when plant-related noise levels were analyzed by BBA for the original project in 2004. However, the overall volume of plant production is lower due to current economic conditions.

The former Gang-Nail Truss Company plant is located west of the Viking Ready Mix plant. Currently, that plant is closed.

Noise levels produced by the Viking Ready Mix plant were initially documented by BBA in August of 2004. The findings of that analysis are presented in the Acoustical Analysis prepared by BBA for the original Villa Toscana Project dated March 11, 2005.



Noise levels from the plant were again measured by BBA during the period of August 3-4, 2010. The noise measurement site was located approximately 650 feet from the center of the concrete batch plant, or about 525 feet from the western property line of the plant. The noise monitoring location is noted in Figure 1.

Measurements were conducted during the early morning hours of August 3<sup>rd</sup> from approximately 6:30 a.m.-10:00 a.m. and again from approximately 8:30 p.m. on August 3<sup>rd</sup> to approximately 10:00 a.m. on August 4<sup>th</sup>. The plant was observed to be operating intermittently on the morning of August 3<sup>rd</sup>. The plant began continuous operations at about 1:30 a.m. on August 4<sup>th</sup>. The noise levels measured between 2:00 a.m. and 6:00 a.m. on August 4, 2010 most likely represent a worst-case condition.

Noise monitoring equipment consisted of a Larson-Davis Laboratories Model LDL 820 sound level analyzer equipped with a B&K Type 4176 ½" microphone. This equipment complies with the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The analyzer was calibrated in the field prior to use with a B&K Type 4230 acoustic calibrator to ensure the accuracy of the measurements. The microphone was located on a tripod at approximately 5 feet above the ground.

Table II summarizes noise monitoring results and compares measured noise levels to the noise level standards of the municipal code. Measured noise levels are shown only for the hours when the plant was observed to be in operation. From Table II it may be determined that noise levels exceeded the nighttime standards of the noise ordinance by up to 13 dBA (L<sub>50</sub> category) at the noise monitoring site. The estimated DNL at the noise monitoring site is 60-62 dB. This does not exceed the 65 dB DNL standard of the noise element.

**TABLE II**  
**COMPARISON OF MEASURED NOISE LEVELS**  
**TO CITY OF VISALIA NOISE ORDINANCE STANDARDS**  
**DI MELLO TOSCANA RESIDENTIAL DEVELOPMENT**

Noise Ordinance Category		Noise Level, dBA				
		Measured	Ordinance Standard		Exceedance	
Number	Min./Hr.		6a-7p	7p-6a	6a-7p	7p-6a
1	30 (L <sub>50</sub> )	47-58	50	45	0-8	2-13
2	15 (L <sub>25</sub> )	49-59	55	50	0-4	0-9
3	5 (L <sub>8</sub> )	51-61	60 (55) <sup>1</sup>	55 (50) <sup>1</sup>	0-1 (0-6) <sup>1</sup>	0-6 (1-11) <sup>1</sup>
4	1 (L <sub>2</sub> )	55-62	65 (60) <sup>1</sup>	60 (55) <sup>1</sup>	0 (0-2) <sup>1</sup>	0-2 (0-7) <sup>1</sup>
5	0 (L <sub>max</sub> )	57-69	70 (65) <sup>1</sup>	65 (60) <sup>1</sup>	0 (0-4) <sup>1</sup>	0-4 (0-9) <sup>1</sup>

<sup>1</sup> Levels shown in parentheses pertain to noise sources that emit a "pure" tone as defined by the noise ordinance. The only source observed that emits a pure tone is the Roots blower used to transport raw cement from storage silos to the mixer. This source was observed to operate less than five minutes per hour.

Source: Brown-Buntin Associates, Inc.

## NOISE MITIGATION

The above-described noise measurement data for the period of August 3-4, 2010 were used as the basis for determining noise mitigation requirements for the residential development project. Specifically, the averages of hourly noise levels for the period of 2:00 a.m.-6:00 a.m. on August 4, 2010 were used to define typical hourly noise levels during periods of continuous plant activities. *Measured noise level data collected for the 2010 study were found to be consistent with the levels measured by BBA in August of 2004 during periods of continuous plant activity.* The  $L_{50}$  50 dB and 45 dB contours for continuous plant operations are shown on Figure 1.

The proposed development includes sound walls along the west side of the project site. The proposed heights of the sound walls were initially based upon the 2004 noise study for the project which included acoustical shielding of the residential development area by then-proposed commercial office buildings and associated structures to be located between the development and industrial uses to the west. Minimum required sound wall heights were re-calculated without the intervening commercial development as described below.

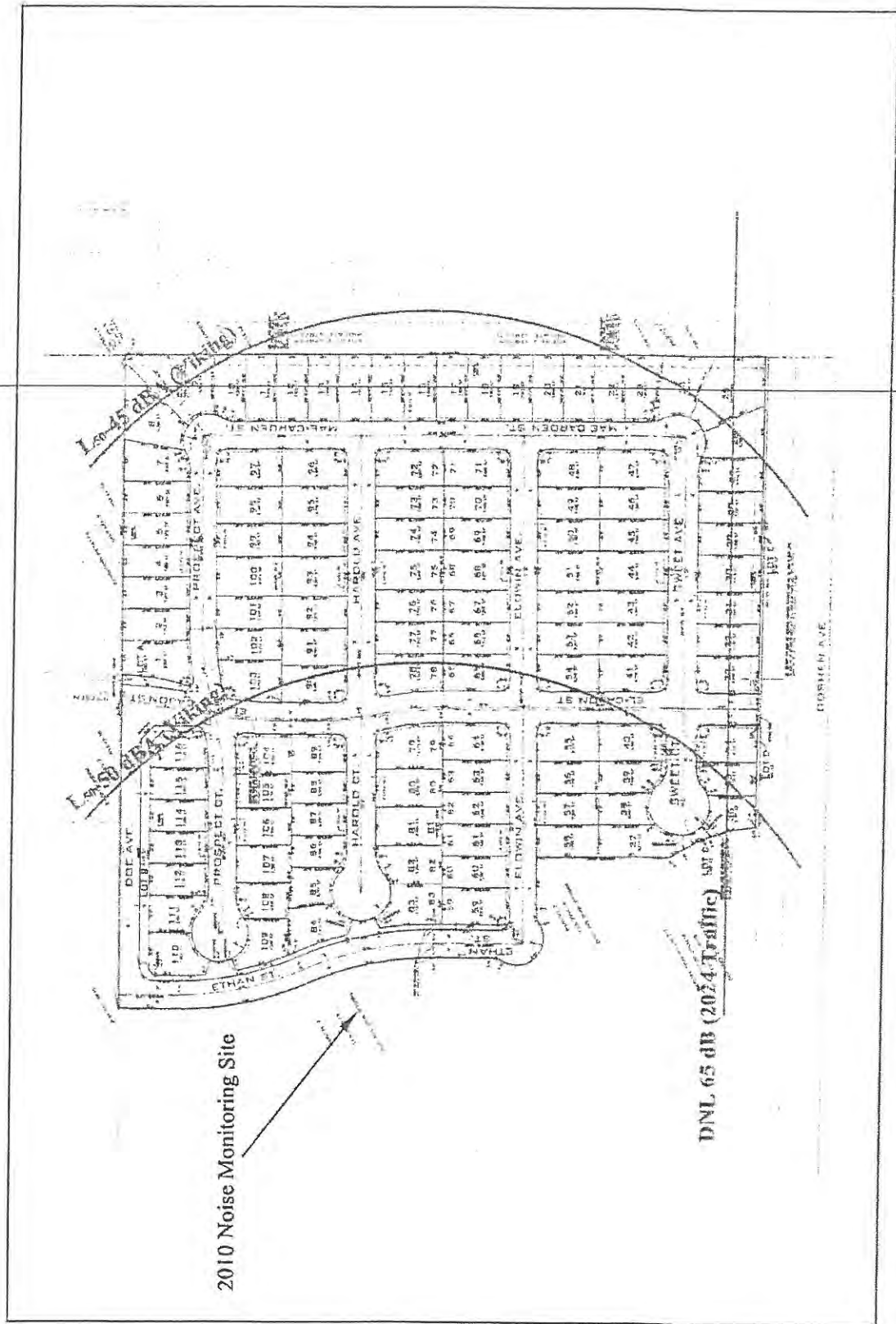
A sound wall insertion loss program based on the FHWA Model was used to calculate the minimum required heights of sound walls. The model calculates the insertion loss (noise reduction) of a noise barrier of given height based on the effective height of the noise source, height of the receiver, distance from the receiver to the barrier, and distance from the noise source to the barrier. It was assumed for the calculations that the average height of noise sources located within the Viking Ready-Mix plant area that produce the most constant noise levels is 8 feet above the ground. This is the standard effective source height for a heavy truck. There are other noise sources within the plant that are located higher above the ground, but such sources operate on more of an intermittent basis. The standard height of a first floor residential receiver is five feet above the building pad elevation.

Table III summarizes the findings of the sound wall height analysis. Minimum required sound wall heights were found to range from 8-11.5 feet above the closest building pad elevations. The outdoor receiver location used for the calculations was a point 20 feet inside the sound wall. This represents the approximate center portion of backyard outdoor activity areas. The minimum sound wall heights summarized in Table III would achieve compliance with the exterior hourly noise level standards of the city's noise ordinance for typical busy hours of plant activities as documented by BBA during the 2004 and current studies.

The city's noise element defines an acceptable interior noise level using the DNL noise metric. The city's interior noise level standard is 45 dB DNL. As described above, the estimated DNL due to Viking Ready Mix plant activities is 60-62 dB near the western edge of the proposed residential development. This means that the proposed residential buildings would need to be capable of providing a minimum outdoor-to-indoor noise level reduction (NLR) of approximately 17 dB ( $62-45=17$ ).



Figure 1: Project Site Plan and Noise Exposure Contours



Normal residential construction methods complying with current building code requirements will reduce exterior noise levels by approximately 25 dB if windows and doors are closed. This will be sufficient for compliance with the 45 dB DNL interior noise level standard of the city's noise element. Providing the option that windows and doors remain closed for noise isolation purposes means that air conditioning or mechanical ventilation will be required for the project.

**TABLE III**  
**MINIMUM REQUIRED SOUND WALL HEIGHTS FOR**  
**MITIGATION OF VIKING READY MIX NOISE LEVELS**  
**DI MELLO TOSCANA RESIDENTIAL DEVELOPMENT PROJECT**

Lot (s)	Minimum Sound Wall Height (ft.) <sup>1</sup>
110	11.0
84 & 109	11.5
59 & 83	10.0
37 & 58	9.0
36	8.0

<sup>1</sup>Sound walls located on western edge of specified lots.

Source: Brown-Buntin Associates, Inc.

## CONCLUSIONS AND RECOMMENDATIONS

The Di Mello Toscana development was originally approved by the City of Visalia in March of 2006. Construction of the residential portion of the project was contingent upon construction of a commercial office complex and associated structures between the residential lots and industrial uses to the west. This analysis assumes that the residential portion of the development would be constructed without the acoustical benefits of the intervening commercial structures.

The approved site plan for the residential portion of the development includes sound walls on the western edge of the development ranging in height from 7' 4" to 8' 0". Without acoustic shielding from the originally proposed commercial office complex, sound wall heights would need to be increased to the range of 8' 0" to 11' 6". The minimum required sound wall heights for individual lots are summarized in Table III of this report.

The recommendations for noise mitigation described in this report are focused on noise generated by the existing Viking Ready Mix plant to the west of the site. *All other recommendations for noise mitigation for traffic and rail sources remain unchanged from the original Acoustical Analysis prepared for the project by BBA dated March 11, 2005.*

The conclusions and recommendations of this acoustical analysis are based upon the best information known to Brown-Buntin Associates, Inc. at the time the analysis was prepared concerning the proposed project site plan and existing operations and noise levels at the Viking Ready Mix plant. Any significant changes in these factors will require a reevaluation of the



findings of this report. Additionally, any significant future changes in noise source technology, noise regulations or other factors beyond BBA's control may result in long-term noise results different from those described by this analysis.

Respectfully submitted,



Robert E. Brown  
President

REB:dm

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## APPENDIX A

### ACOUSTICAL TERMINOLOGY

**AMBIENT NOISE LEVEL:** The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

**CNEL:** Community Noise Equivalent Level. The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

---

**DECIBEL, dB:** A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

**DNL/ $L_{dn}$ :** Day/Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

**$L_{eq}$ :** Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period.  $L_{eq}$  is typically computed over 1, 8 and 24-hour sample periods.

**NOTE:** The CNEL and DNL represent daily levels of noise exposure averaged on an annual basis, while  $L_{eq}$  represents the average noise exposure for a shorter time period, typically one hour.

**$L_{max}$ :** The maximum noise level recorded during a noise event.

**$L_n$ :** The sound level exceeded "n" percent of the time during a sample interval ( $L_{90}$ ,  $L_{50}$ ,  $L_{10}$ , etc.). For example,  $L_{10}$  equals the level exceeded 10 percent of the time.



## ACOUSTICAL TERMINOLOGY

### **NOISE EXPOSURE CONTOURS:**

Lines drawn about a noise source indicating constant levels of noise exposure. CNEL and DNL contours are frequently utilized to describe community exposure to noise.

### **NOISE LEVEL REDUCTION (NLR):**

The noise reduction between indoor and outdoor environments or between two rooms that is the numerical difference, in decibels, of the average sound pressure levels in those areas or rooms. A measurement of "noise level reduction" combines the effect of the transmission loss performance of the structure plus the effect of acoustic absorption present in the receiving room.

### **SEL or SENEL:**

Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on a reference pressure of 20 micropascals and a reference duration of one second.

### **SOUND LEVEL:**

The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

### **SOUND TRANSMISSION CLASS (STC):**

The single-number rating of sound transmission loss for a construction element (window, door, etc.) over a frequency range where speech intelligibility largely occurs.

# DI MELLO TOSCANA TENTATIVE SUBDIVISION MAP BLOCKWALL EXHIBIT IN SUPPORT OF NOISE STUDY

This exhibit represents the tentative map design that was approved in 2005 and displays the locations and heights of blockwall required per the noise studies prepared by Brown-Burkh in 2005 and updated in 2014.

**BLOCKWALL MINIMUM HEIGHTS**

TABLE III  
MINIMUM REQUIRED SOUND WALL HEIGHTS FOR NOTIFICATION OF WINDING ROAD AND WINDY DRIVE IN WINDY DRIVE AND WINDY DRIVE PROJECT

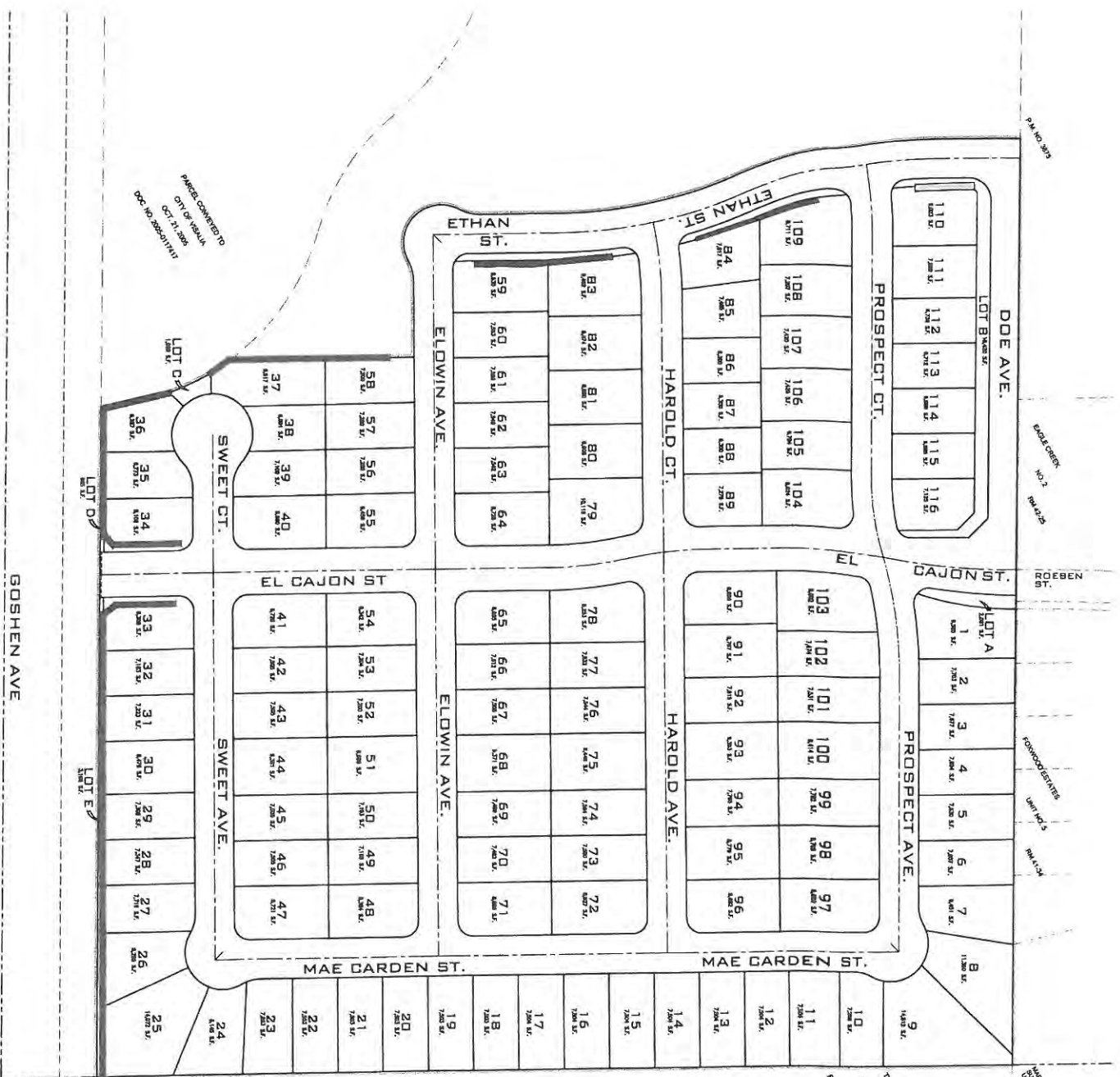
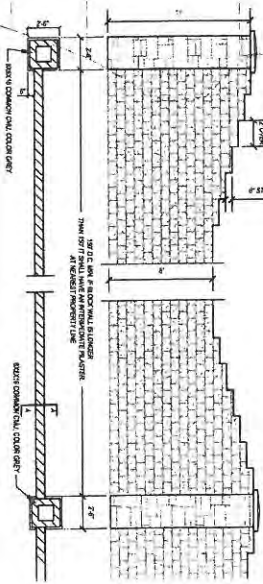
Wind Speed (mph)	Minimum Sound Wall Height (ft)
10	11.0
15	11.0
20	11.0
25	11.0
30	11.0
35	11.0
40	11.0
45	11.0
50	11.0

Sound walls located in vicinity of specified lots.

Source: Transportation Research Board, Inc.

\* LOT HEIGHT MEASURED ALONG SOUTH BOUNDARY WAS INCORPORATED IN 2005 NOISE STUDY AND REMAINS THE REQUIREMENT FOR REQUIRED LOT HEIGHT STUDY.

BLOCKWALL, STREPPED-ON DESIGN TO BE USED TO BREAK UP THE WALL, APPLICABLE TO THE REQUIRED WALLS ABOVE. 5' AND 6' HILL TRANSITION TO REQUIRED BLOCKWALL HEIGHT AT BACKWARD.



PROJECT CONVERTED TO  
CITY OF TOSCANA  
CITY 17-2005  
DOE, NO ASSUMPTION

P.A. NO. 307

BASE COURSE  
NO. 2  
PAV. 42-20

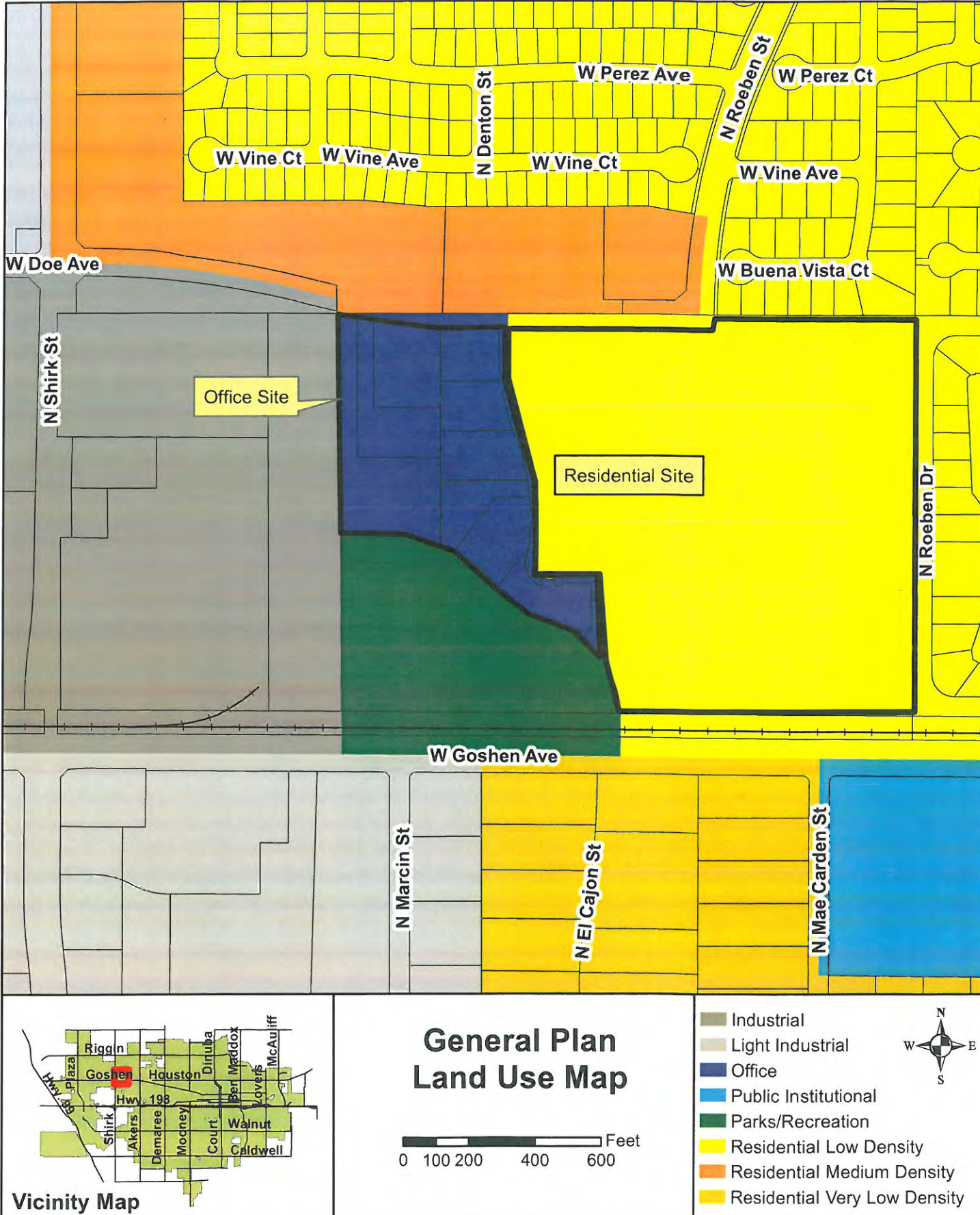
CONCRETE DRIVE  
UNIT NO. 5  
PAV. 10-10

PAVEMENT  
NO. 2  
PAV. 42-20



## Amendment to Conditional Zoning Agreement No. 2005-02

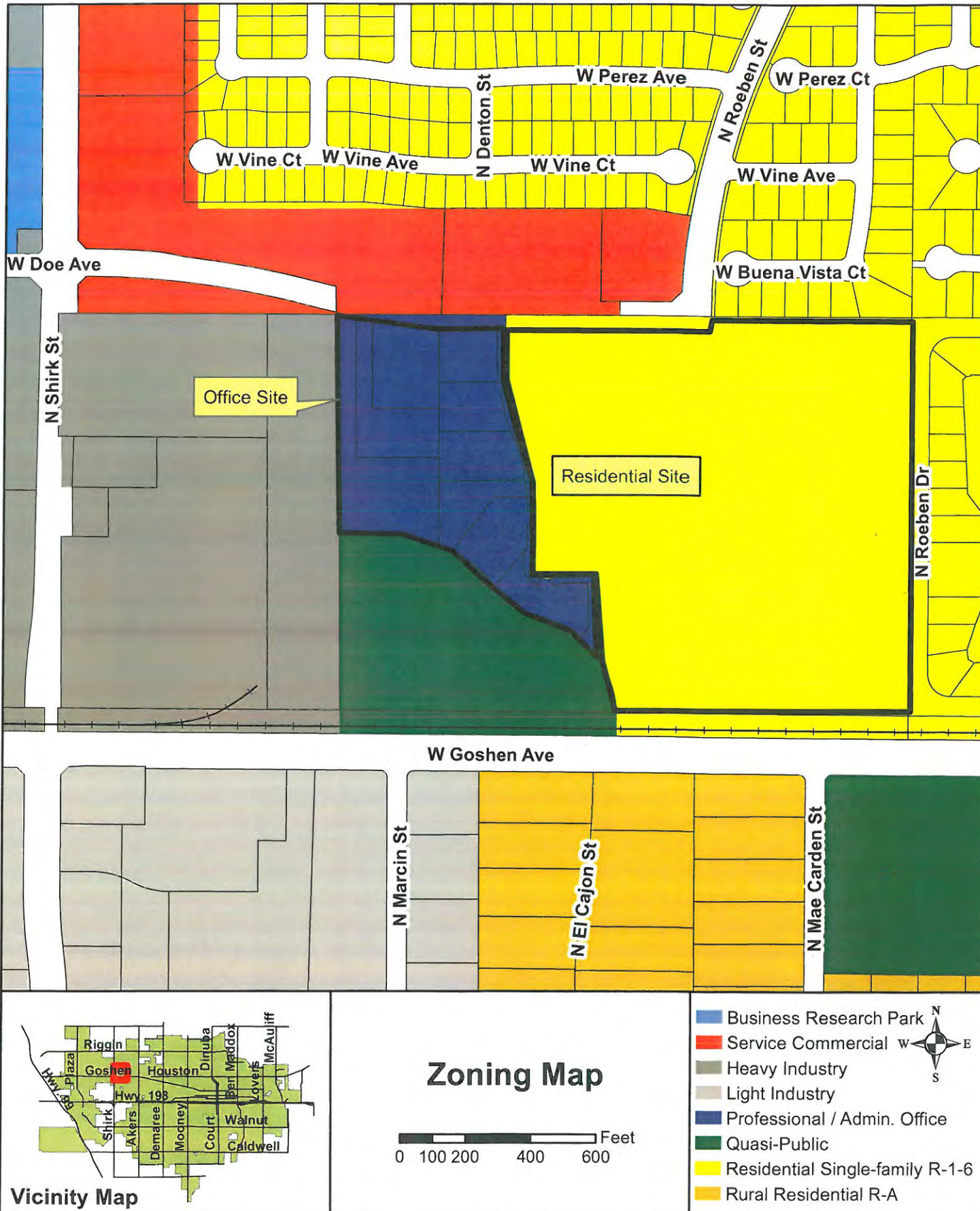
The project area is located on a 21.38-acre parcel located north of Goshen Avenue (north of the San Joaquin Valley Railroad tracks) and bounded by Roeben Street to the east and north and North Shirk Street to the west (APNs: 077-780-008, 077-720-001, -002, -003, -004, -005, 006, -007; 077-730-001, -002 & 077-780-006).





## Amendment to Conditional Zoning Agreement No. 2005-02

The project area is located on a 21.38-acre parcel located north of Goshen Avenue (north of the San Joaquin Valley Railroad tracks) and bounded by Roeben Street to the east and north and North Shirk Street to the west (APNs: 077-780-008, 077-720-001, -002, -003, -004, -005, 006, -007; 077-730-001, -002 & 077-780-006).





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### Aerial Photo

Photo Taken March 2014



**Vicinity Map**



## Amendment to Conditional Zoning Agreement No. 2005-02

The project area is located on a 21.38-acre parcel located north of Goshen Avenue (north of the San Joaquin Valley Railroad tracks) and bounded by Roeben Street to the east and north and North Shirk Street to the west (APNs: 077-780-008, 077-720-001, -002, -003, -004, -005, 006, -007; 077-730-001, -002 & 077-780-006).

