

Visalia City Council Agenda

For the regular meeting of: Monday, June 18, 2007

Location: City Hall Council Chambers

Mayor: Jesus J. Gamboa
Vice Mayor: Greg Kirkpatrick
Council Member: Greg Collins
Council Member: Donald K. Landers
Council Member: Bob Link

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion on any item on the Consent Calendar, please contact the City Clerk who will then request that Council make the item part of the regular agenda.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session Items -

- 4:05 p.m. 1. Presentation of the Economic Development Report by Paul Saldana, Tulare County Economic Development Department.

Convene jointly as City Council and Visalia Parks and Recreation Commission

- 4:30 p.m. 2. Review of proposed Schematic Plan and estimated costs for Phase II of the Visalia Riverway Sports Park.

Adjourn as Joint City Council and Visalia Parks and Recreation Commission and remain seated as Visalia City Council

- 5:00 p.m. 3. Authorize the Citizens Advisory Committee recommendation for funding of nonprofits.

4. *Item removed at the request of staff*

5. *Item removed at the request of staff*

The time listed for each work session item is an estimate of the time the Council will address that portion of the agenda. Members of the public should be aware that the estimated times and order of the agenda may vary. Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.

ITEMS OF INTEREST

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session)

6. Conference with Labor Negotiators (G.C. §54957.6a)
Agency Designated Representatives: Eric Frost, Jim Harbottle, Janice Avila
Employee organization: Bargaining units Groups B, G, M
7. Conference with Legal Counsel - Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): one potential case

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Michael Sheltzer, Congregation B'nai David

SPECIAL PRESENTATIONS/RECOGNITION

CITIZENS REQUESTS - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your address.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

8. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Receive Planning Commission Action Agenda for the meeting of June 11, 2007.
 - c) Execution of EIA Joint Powers Agreement and EIA Health Program Memorandum of Understanding.
 - d) Approval of amended Construction and Demolition Permit Fee **Resolution 2007-48.**

- e) Introduction of Ordinance No. 2007-10 authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.
- f) Authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and execution of a Memorandum of Understanding (MOU) regarding the grant.
- g) *Item removed at the request of staff*
- h) Notice of Completion for Fieldstone Oaks, containing 347 single family lots, located at the Northwest corner of Houston Avenue and County Center Street.
- i) Notice of Completion for the 28,316 square foot 1631 N. Encina St, a development with four residential lots (1627, 1629, 1633 Hicks Street and 1636 Harold Avenue) and access Parcel A, that was developed for purchase by Habitat for Humanity, for affordable housing for very low-income families.
- j) Authorization to oppose Senate Bill 240 (Florez) and SB 719 (Machado).
- k) Authorization for the City Manager to enter into professional service agreements with the following firms for the Recreation Park Stadium Expansion and Reconstruction Project: a) Fehlman LaBarre, for architectural services, in the amount of \$568,613; b) Provost & Pritchard, for civil engineering services, in the amount of \$79,600; c) B.J. Perch, for construction management services, in the amount of \$541,400.

Convene jointly as Visalia City Council and Redevelopment Agency Board

Consent Calendar

- 9. Resolution authorizing the site lease and lease back of the police precincts properties between the City of Visalia and the Redevelopment Agency (RDA) for the purpose of collateral for the new Mooney RDA bank loan. **Resolution 2007-54 and RDA Resolution 2007-02 required.**

Adjourn as Joint City Council and Redevelopment Agency Board and remain seated as Visalia City Council.

- 10. *Continued from 6/4/07* **PUBLIC HEARING** An appeal by Cary S. Winslow (an interested person) of the Planning Commission's denial of the Appeal of the Site Plan Review Committee's approval of SPR 2006-162, a tenant improvement for a new market & meat shop in a 5,500 sq.ft. building on a 13,285 sq.ft. site in the P-C-DT (Planned Central Business District Retail) zone. The site is located at 118 NE 3rd Street [SPR Applicant: Munoz & Associates, Oscar Ramirez (Property Owner)] APN: 094-034-013. **Resolution 2007-46 required.**

11. A) Adoption of Mitigated Negative Declaration No. 2007-034. **Resolution No. 2007-51 required.**
B) **PUBLIC HEARING** for adoption of Specific Plan No. 2007-02: A request to adopt the Orchard Walk Specific Plan. The specific plan considers on and off-site improvements associated with the development of a 56-acre mixed-use Community Center development in compliance with Policy 3.5.8 of the Land Use Element of the Visalia General Plan. This is a request by Donahue Schriber, property owner. The site is located generally on the north side of Riggan Avenue between Conyer and Santa Fe Streets in the City of Visalia, County of Tulare. APNs: 078-120-010; 079-071-006, 007, 008, 009, 010, 011, and 019[portion]. **Resolution No. 2007-52 required.**
12. **PUBLIC HEARING** An Appeal of the Planning Commission's approval of Tentative Parcel Map No. 2006-01, a request by Neil Zerlang (Engineer) and Wayne Scott (property owner) to divide a 0.55 acre parcel into three new multiple family residential lots. The site is located at 523 E. Cypress Ave. APN: 097-101-001. **(Resolution No. 2007-55 required)**
13. **PUBLIC HEARING** An Appeal of the Planning Commission's approval of Tentative Parcel Map No. 2007-04, a request by Visalia Development Holdings Ltd. (property owner) to divide 17.4 acres into four parcels in the P-C-N (Planned Neighborhood Commercial) zone. The site is located the east side of N. Demaree St. between W. Goshen and W. Houston Avenues. APN: 089-030-035
14. A) **PUBLIC HEARING** General Plan Amendment No. 2007-06. A request by the City of Visalia to change the Land Use Designation from Service Commercial to Shopping / Office Commercial for 1.65 acres. The site is located on the south side of East Goshen Avenue approximately 250 feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055. **Resolution 2007-53 required.**
B) **Change of Zone No. 2007-05** . A request by the City of Visalia to change the zoning from C-S (Service Commercial) to C-SO (Shopping / Office Commercial) for 1.65 acres. The site is located on the south side of East Goshen Avenue approximately 250 feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055. First reading of **Ordinance No. 2007-11.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS **Upcoming Council Meetings**

Monday, June 25, 2007, Convention Center

Tuesday, June 26 2007, Convention Center - Strategic Planning - 4:00 p.m.

Wednesday, June 27, 2007 - Convention Center - Strategic Planning - 4:00 p.m.

Monday, July 16, 2007 - City Council Chambers, 707 W. Acequia

Work Session 4:00 p.m.

Regular Session 7:00 p.m.

City Hall Council Chambers

707 West Acequia Avenue

Last printed 06/15/2007 4:39 PM

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.

Economic Development Report

Standing Out Among the Crowd



Mission

The Economic Development Corporation is the regional leader of economic development by attracting, supporting and retaining business and industry for the communities of Tulare County.

Our Vision

Tulare County will become the premier location in California to live, work and play. It will rank as one of the top locations for corporate locations and expansions and recognized as having a superior quality of life in California.



Business Development

2006 Activity

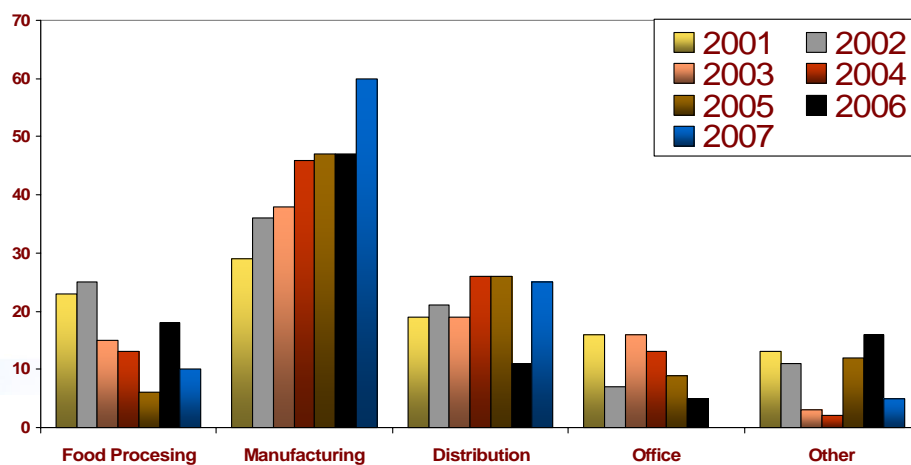
- 3 locations
- 5 assists
- 3 expansions
- Manufacturing & Distribution

Pipeline

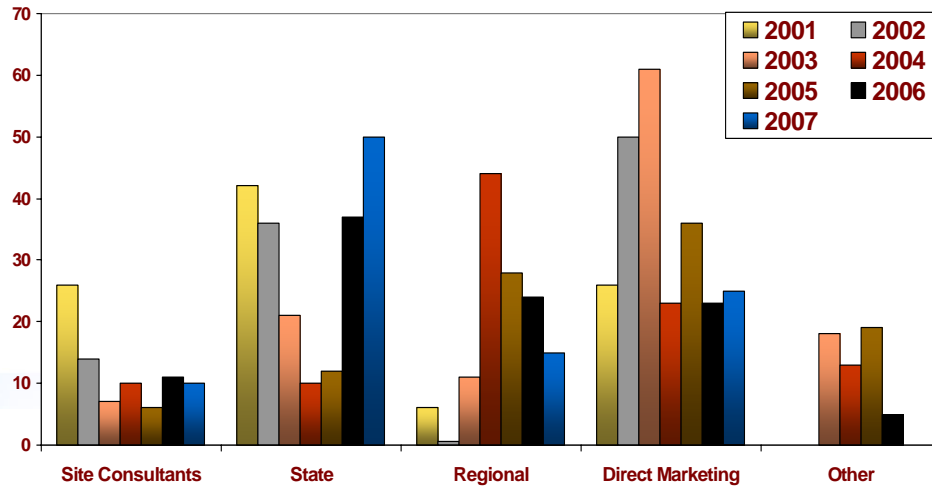
- 20 companies
- \$270 million investment
- 2,085 jobs
- Majority in Manufacturing



Prospect Profile



Prospect Source



Marketing Activities



- Generating New Opportunities
 - 48 Inquiries
 - 39 Leads
 - 20 Prospects
- Participated in trade shows, marketing missions and company visitations in Chicago, Dallas, Atlanta, Los Angeles, Phoenix and New York
- Trade mission to Mexico with Governor
- State Fair Exhibit
 - 2nd year winning multiple awards
- Launched new visitor recruitment activities

Tourism Representation



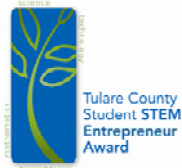
Business Expansion & Retention

- 289 local business contacted
- 24 referrals for business assistance
- 928 hiring vouchers issued
- 7 expansion projects
- 3 new BIZ employers



Entrepreneurship & Innovation

2nd year of entrepreneur recognition program, including Hall of Fame, Entrepreneur of the Year and student scholarship program



Education & Workforce Development

- Provide leadership for countywide effort to create more educational opportunities
- Serve as state and regional advocate for region's education needs
- Participate in state initiatives to address workforce needs of business & industry



Negotiated historic agreement to increase presence of CSU Fresno in Tulare County



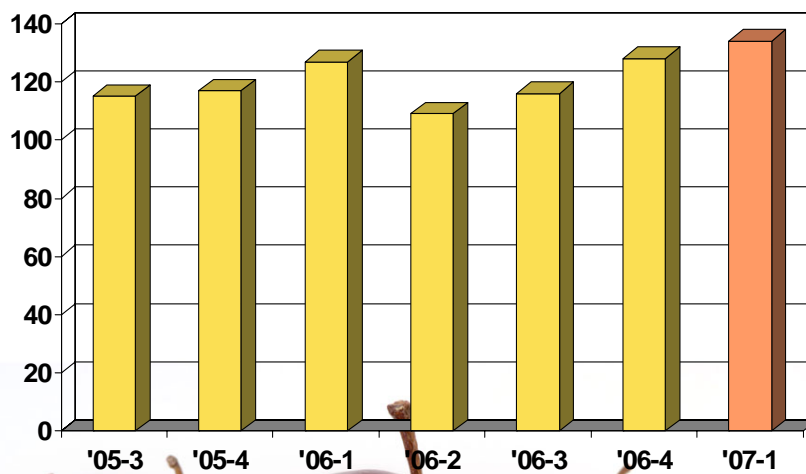
Improving the Business Climate

- Active in San Joaquin Valley Partnership
- BIZ used as best practice for incentive areas in CA
- Aggressively opposed SB 763 (BIZ fee)
- Testified in opposition to AB 576

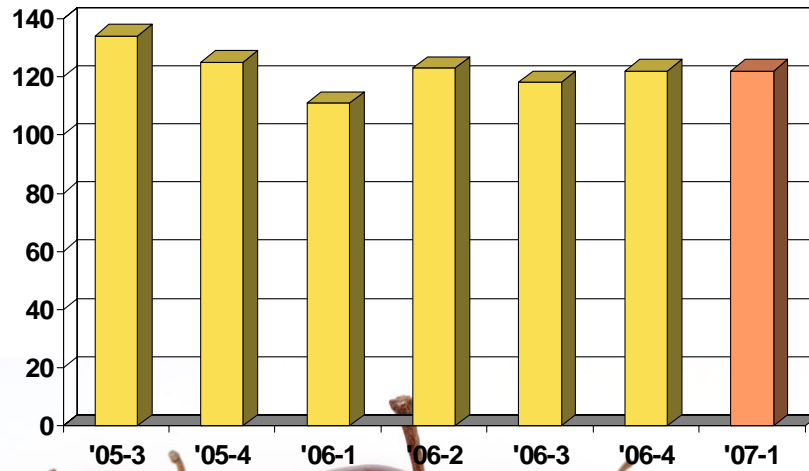


Provided testimony to numerous state legislative and regulatory hearing bodies in Sacramento

Consumer Confidence Index

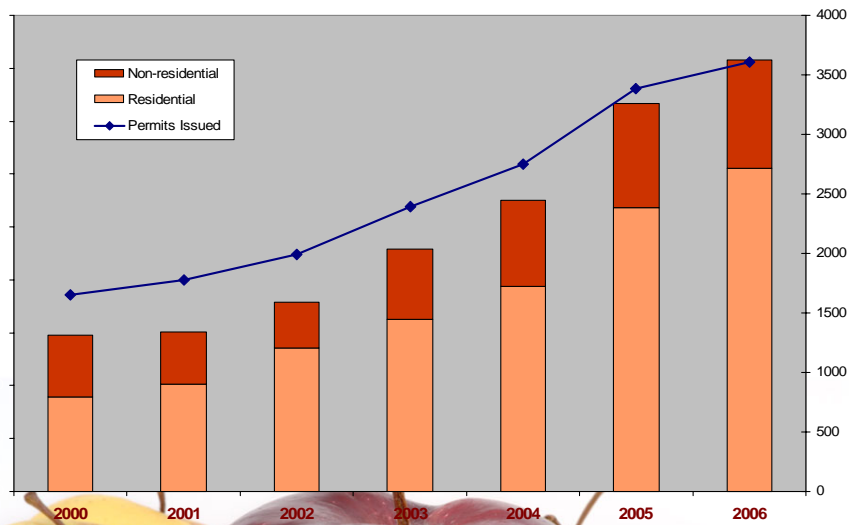


Business Confidence Index

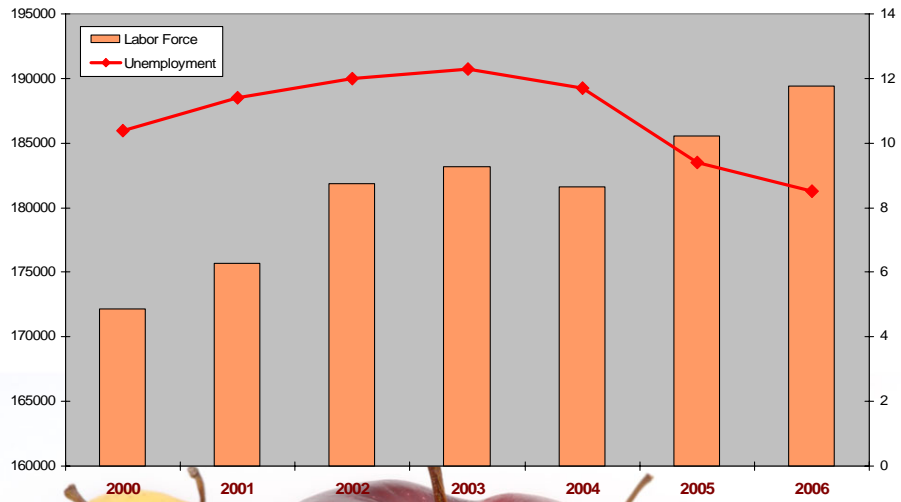


Construction Activity

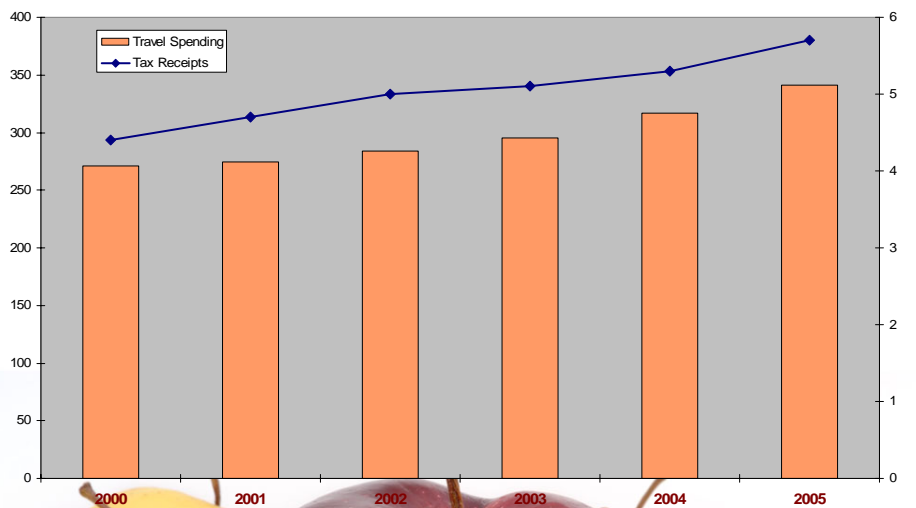
Building Permits (\$1,000)



Labor Force & Unemployment



Total Travel Spending



*"The best way to predict the future
is to create it"*



**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Review of Proposed Schematic Plan and Estimated Costs For Phase II of the Visalia Riverway Sports Park

Submitting Department: Park & Recreation Department

Contact Name and Phone Number: Vincent Elizondo, 713-4367; Don Stone, 713-4397

Department Recommendation: That the City Council Approve the Schematic Plan for Phase II of the Visalia Riverway Sports Park and Direct City Staff to Proceed With the Development of Construction Documents For the Project.

Background Information:

Several months ago the City Council authorized City staff to proceed with the development of a schematic plan and estimated costs for Phase II of the Visalia Riverway Sports Park. The 83 acre park is located on North Dinuba Boulevard.

The schematic plan and estimated costs for Phase II will be presented to the City Council and the Parks & Recreation Commission by Steve Canada from the HLA Group (Sacramento, CA) at the June 18 City Council meeting.

The HLA Group designed the initial phase of the sports park which is set to open to the general public on Saturday, August 25, 2007. Phase I included 46 acres of development including 10 regulation sized soccer fields (three are lighted); three large group picnic areas; two restroom/concession facilities; two playgrounds; one water feature; parking improvements; and a host of other general park amenities.

The next phase of development will be devoted primarily to providing youth baseball fields to meet the growing demand by youth sports groups for more competitive playing fields in the community. City staff is proposing a new lighted four field baseball complex that can accommodate local, regional, and state tournament play.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

As proposed, the fields will meet playing specifications as provided by both Cal Ripken Youth Baseball and Visalia Little League. Aside from play during the spring by these organizations, the fields can also be utilized for less competitive programs and other user groups during the summer and fall seasons as well.

The first phase will also include additional concession and restroom facilities; the lighting of two more soccer fields (which means a total of five fields will now be lighted all along the southern boundary of the park); the lighting of the BMX facility; and additional parking lot improvements.

The projected cost for Phase II is estimated to be \$5.8 million dollars. A number of project alternatives will be identified in case the budget estimate is exceeded at the time a project construction bid is awarded in the summer of 2008.

The funding for the Phase II design and construction documents is scheduled to be allocated at the mid-year budget cycle final review on June 18, 2006. These services will be provided by Mr. Canada and The HLA Group. City staff is requesting an allocation of \$600,000 for these services which will be funded with park impact fee monies.

The project will be funded by a combination of park impact fees and general fund monies. As a general guideline adopted in 2001 for this regional type facility, park impact fees should pay for 41% of the cost and the general fund will pay for 59% of the project cost. This means that roughly \$2.378 million (41%) will be paid by park impact fees and \$3.422 million (59%) will come from the general fund. Monies for the general fund portion of this project will come from general fund reserves and no City debt will be incurred. The funding allocations will be identified in the City's CIP program as part of the 2008-10 budget cycle.

This report includes attachments which illustrate the Phase II design concept and the estimated costs for the proposed improvements.

Timeline:

City staff and the architect will be working to complete the construction documents and bid package by July 1, 2008. If the Council appropriates the project funding as part of the City's 2008-10 budget, then construction should begin in the fall of 2008. The new baseball complex would be available for play by the fall of 2009 --- and certainly in time for the 2010 spring season.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Attachments: Phase II Riverway Sports Park Schematic Designs
Phase II Riverway Sports Park Estimated Costs

Recommended Motion (and Alternative Motions if expected): That the City Council Approve the Schematic Plan for Phase II of the Visalia Riverway Sports Park and Direct City Staff to Proceed With the Development of Construction Documents For the Project.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to: Visalia Parks & Recreation Commission

City of Visalia Agenda Item Transmittal

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Authorize the Citizens Advisory Committee recommendation for funding of nonprofits.

Deadline for Action: June 18, 2007

Submitting Department: Citizens Advisory Committee

Contact Name and Phone Number:

Chris Gomez- Subcommittee Co- Chair 625-9600
Dirk Holkeboer- Subcommittee Co-Chair 651-1000
Cass Cook – Staff Liaison to CAC 713-4425

Summary: Council directed the Citizens Advisory Committee (CAC) to administer the nonprofit funding process and make recommendation to the Council of which agencies to fund. The CAC's nonprofit subcommittee has made a recommendation to the entire CAC, which makes the following recommendation for Council consideration.

Background: At the June 4 Council meeting the CAC made a preliminary recommendation to the City Council. At that meeting the Council reaffirmed their desire to delegate the determination of funding to the CAC.

The Council also requested the CAC come back by December with a recommendation for changes to the funding process and determination of funding. Specifically the Council requested the CAC make a recommendation on the following concerns raised by the Council:

- Should government entities be eligible for the funding?
- Due to the large number of sports organizations within the City, should these organizations be eligible for funding?
- How will the CAC ensure the funding will be used to benefit the youth of the City of Visalia and not of the surrounding communities since many of these organizations serve the entire County?
- Does an organization receiving funding in the 2007-08 year need to reapply for funding for the 2008-09 year for the same program?
- Should there be grant agreements between the City and the non-profits receiving funding?

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The City has a history of funding non-profit agencies. The last three years are outlined in Table I – Nonprofit Support History.

NONPROFIT SUPPORT HISTORY

Table I - Nonprofit Funding

ORGANIZATION	2004/05	2005/06	2006/07
Boys and Girls Club	20,000	20,800	21,632
Enchanted Playhouse	6,000	6,240	6,490
GI Forum/ North Visalia Boxing Club	15,000	15,600	16,224
Police Activities League (PAL)	15,000	15,600	16,224
Pro-Youth - Heart	20,000	20,800	21,632
YMCA (UCYC)	25,000	26,000	27,040
Total Nonprofit Support	101,000	105,040	109,242

Council directed the CAC to create a process to administer the funding for nonprofit agencies and added over \$50,000 to the total program. At the May 1, 2006 Council meeting, the CAC recommended the following guidelines which were approved.

- Who to Fund
Funding should be made available to nonprofit and local government agencies to fund programs or projects to benefit youth, including at risk youth. A minimum of 25% of all budgeted funds should specifically fund gang prevention/intervention activities.
- Activities to Fund
Funding may be used for operation or capital expenditures. Preference should be given for capital expenditures as opposed to operational expenditures.
- Length of Funding
Chosen nonprofit programs will be funded for a maximum of three years. After the three year period, the program or project would no longer be eligible for funding.

Letters and applications were sent to entities serving youth. Advertisements were placed in the paper and a notice of funding was placed on the City’s main webpage. The City received 17 applications for funding.

Recommendation: The CAC tasked a subcommittee to review the applications and make a recommendation to the full committee. Using the Council direction as its guideline, the subcommittee spent many hours reviewing and discussing the applications. On May 2, the full CAC reviewed and approved the recommendation. Its recommendation is outlined in Table II – CAC Nonprofit Funding Recommendations.

- Who to Fund
As previously approved by Council, a minimum of 25% of all budgeted funds should specifically fund gang prevention/intervention activities. Under the CAC’s recommendation, 62% of the funding is focused on gang prevention.
- Activities to Fund
Funding may be used for operation or capital expenditures. Preference should be given for capital expenditures. Only four of the 17 applications included significant requests for capital expenditures.

- Length of Funding

Funding for the specific programs will be limited to three years. An agency receiving funding for three years could reapply at the end of the three years, but the funding would have to be for a different project or program.

The CAC is recommending funding 16 of the 17 applicants. The proposed funding is focused on at-risk-youth; 62% of the funds will go towards gang intervention programs. All of the applicants meet the requirements for the funding. After a number of meetings and many hours of deliberation, the Committee felt all of the applicants had worthy programs that would benefit the youth of Visalia. The CAC deemed the best use of the funds was to spread them among the applicants instead of focusing on a select few.

The CAC chose not to recommend funding the Impact Center. Due to the sizeable budget of the Tulare County Office of Education, the CAC felt the needs of the nonprofit agencies were much greater. Also the budgets submitted with the application indicated a surplus in the coming year without the Visalia non-profit funds.

CAC NONPROFIT FUNDING RECOMMENDATIONS							
Agency	Visalia program	Gang prevention / intervention	FY 2007-2008 Program budget	Amount requested	FY 2006-2007 grant	Amount recommended	Comments
American GI Forum	Northside Boxing Club	Yes	\$64,749	\$15,000	\$16,224	\$ 15,000.00	program serves approximately 200 youth
Arts Visalia	Young at Art	No	\$34,268	\$25,800		\$ 9,000.00	grant requested would serve 180 children for 1-week session to expand number of students provided a set of school clothes and other items
Assistance League Visalia	Operation School Bell	No	\$9,800	\$5,000		\$ 5,000.00	
Boys & Girls Club of Tulare County	Gang Prevention Through Targeted Outreach	Yes	\$69,213	\$45,000	\$21,632	\$ 18,000.00	50 mentored youth/500 program participants
Enchanted Playhouse Theatre Company	Enchanted Playhouse Theatre Company	No	\$240,000 (agency budget)	\$10,000	\$6,490	\$ 7,500.00	grant requested proposing to reach 400-500 children at \$5/person for 4 performances
Family Services of Tulare County	Children's Counseling Center	Yes	\$185,000	\$10,000		\$ 10,000.00	trauma reduction counseling for 150 children
Happy Trails Riding Academy	Happy Trails Riding Academy	No	\$310,000 (agency)	\$12,500		\$ 7,500.00	City funds to purchase a used tractor; 50 Visalia riders (also volunteer instructors)
ImagineU Children's Museum	ImagineU Children's Museum	No	\$157,400 (agency)	\$35,000		\$ 10,000.00	6,000 Visalia residents visit museum
The Miracle League of Visalia	The Miracle League of Visalia	No	\$307,000 (agency)	\$50,000		\$ 6,000.00	300 Visalia residents participate
Police Activities League	various programs	Yes	\$59,000	\$20,000	\$16,224	\$ 16,000.00	various programs serve approximately 1,250 Visalia children
Pro-Youth	HEART After School Program	Yes	\$160,000 or \$2,100,000	\$50,000	\$21,632	\$ 17,500.00	funds requested support after-school program beyond grants & family literacy programs
Sequoia Council, Boy Scouts of America	Scouting Program for At-Risk Youth	Yes	\$20,000	\$10,000		\$ 10,000.00	10 boys served in current year - goal is to start four Cub Scout packs in north Visalia
Tulare County Office of Education	Impact Center	No	\$75,000 or \$191,400	\$22,321		\$ -	8,000 youth from Visalia attend Impact Center programs; CAC voted not to fund
Tulare County Symphony Association	Tulare County Symphony Association	No	\$25,500 or \$36,500	\$11,900		\$ 6,000.00	1,600 Visalia youth attend concerts
Tulare Kings Chapter of the American Red Cross	Babysitter Training	No	\$12,000	\$8,000		\$ 5,000.00	grant will fund 45 Visalia participants in a 6-hour training course
Visalia YMCA	UCYC	Yes	\$73,500	\$26,000	\$27,040	\$ 16,830.00	330 Visalia youth attend after-school program
Visalia Youth Softball Association	Visalia Youth Softball Association	No	\$85,000	\$20,000		\$ 8,000.00	funds will be used to improve facilities and provide financial aid; 500 Visalia youth participate
TOTALS				\$376,521	\$109,242	\$ 167,330	

Prior Council/Board Actions: June 4, 2007 Preliminary discussion of CAC recommendation of nonprofit funding.

Committee/Commission Review and Actions:

Alternatives: Establish a Council subcommittee to work with the CAC to review the funding recommendation.

Attachments:

Recommended Motion (and Alternative Motions if expected):
1) Move to approve the CAC's recommendation for funding nonprofits. OR 2) Move to establish a Council subcommittee to work with the CAC to review the funding recommendation.

<i>Environmental Assessment Status</i>
CEQA Review:
NEPA Review:

Tracking Information: <i>(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)</i>

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 8c

Agenda Item Wording: Execution of EIA Joint Powers Agreement and EIA Health Program Memorandum of Understanding

Deadline for Action: June 30, 2007

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, Administrative Services Director

Department Recommendation: That the City Council authorize the City Manager to execute:

- the revised Joint Powers Agreement with CSAC Excess Insurance Authority (EIA); and,
- the revised EIA Health Memorandum of Understanding.

Summary/background: The City participates in a health insurance joint powers authority, pooling health costs with other cities and counties in the State. The pool is one of a number of programs offered by Excess Insurance Authority (EIA) and was originally sponsored by California State Association of Counties (CSAC). In time, the pool allowed non-county entities like Visalia to join their programs. However, as non-county entities have increased in overall participation, EIA decided that it was appropriate to let non-county members to have greater governance roles in their programs.

EIA has revised its Joint Powers Agreement (JPA) and EIAHealth Memorandum of Understanding (MOU) to reflect this new governance model. The new governance gives entities like Visalia opportunities to serve on governance boards, beyond the program board the City now participates in. However, to remain a member of the insurance pool, the City is required to execute the new JPA and MOU agreements.

The City's current participation in the EIA is in its health pool. The City participates with several counties (Tulare, Tehama, Merced, Calaveras, Amador), two other cities (Merced and Santa Rosa) and a special district pool. The member entities share risk and obtain expertise to manage our collective claims. During the time the City has been part of the pool, the health insurance rate increases have been 0%, 10% and 0%. In general, the staff has found the pool to be helpful in managing the City's health.

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The execution of these agreements will continue the City's relationship with EIA Health and assist the City in managing the City's health plan.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: If the documents are not executed, the City will effectively be exiting EIA Health and will need to develop another health plan alternative.

Attachments: #1 CSAC EIA/CPEIA Restructure (Background Memo)
#2 Joint Powers Agreement Creating the CSAC Excess Insurance Authority
#3 Strike-out version of the EIAHealth Program MOU
#4 EIAHealth Program MOU

Recommended Motion (and Alternative Motions if expected): Motion directing the City Manager to execute:

- the CSAC EIA Joint Powers Agreement; and,
- the EIAHealth Program MOU.

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 8d

Agenda Item Wording: Council approval of amended construction and demolition permit fee Resolution 2007-48.

Deadline for Action: June 18, 2007

Submitting Department: Administrative Services - Finance

Contact Name and Phone Number:

Gus Aiello	Finance Manager	713-4423
Tim Fosberg	Financial Analyst	713-4565

Department Recommendation:

That City Council approves an amended Resolution for construction and demolition permit fees.

Summary:

Council held a public hearing at its June 4, 2007 meeting regarding staff's recommendation to implement a construction and demolition permit fee. The Resolution included with the agenda item did not properly reflect the addition of the new fee. Staff has conformed the Resolution to the Council's action and recommends Council approval.

Prior Council / Board Actions: June 4, 2007 – Council approval of the construction and demolition permit fee and Resolution 2007-48.

Committee / Commission Review and Actions:

Alternatives: None recommended

Attachments: #1 Resolution #2007-48

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_30__

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Recommended Motion (and Alternative Motions if expected):

1. I move to approve amended construction and permit fee Resolution 2007-48

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

RESOLUTION NO. 2007-48

A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE ESTABLISHMENT OF A NEW CONSTRUCTION AND DEMOLITION FEE AND ADDING THE FEE TO THE CITY'S RATES AND FEES FOR FISCAL YEAR 2007/08

WHEREAS, the City recommends establishing a new permit fee for the implementation of a construction and demolition recycling program

WHEREAS, Resolution No. 92-123 established a policy and procedure for the annual review and approval of the City fees and charges which is compiled in a document entitled: *City of Visalia Administrative Policy on Fees and Charges*; and

WHEREAS, the City of Visalia has complied with its fee adjustment policy and procedures, its ordinances related to fee adjustment, the California Constitution, and California statutes relating to the adoption and amendment of fees and charges; and

WHEREAS, the Charter of the City of Visalia authorizes the imposition and adjustment of fees for city services including city-wide administrative services, general governmental services, community development services, community services, public safety services, public works services and engineering and transportation services, and directs the City Council to establish fees by resolution to provide for their adjustment; and

WHEREAS, in compliance with California Government Code Section 66016, et seq., notice of the time and place for the hearing on establishment of the fee outlined herein has been given; and

WHEREAS, the City Council of the City of Visalia has reviewed the proposed new fee and charges enumerated therein; and

WHEREAS, the City Council of the City of Visalia did conduct a public hearing on the proposed FY 2007/08 construction and demolition permit fee on June 4, 2007.

NOW, THEREFORE, the City Council of the City of Visalia finds:

1. The fee proposed herein complies with the *City of Visalia Administrative Policy on Fees and Charges*; or
2. The findings required by authorizing ordinances enumerated herein to adopt the new fee have been made as a part of the respective original adopting resolutions of the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia adopts the new construction and demolition fee for fiscal year 2007/08. These rates and fees go into affect on August 6, 2007, 60days after the adoption of the fee.

PASSED AND ADOPTED: _____

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, _____, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2006-_____, passed and adopted by the Council of the City of Visalia at a regular meeting held on June 4, 2007.

DATED: _____, CITY CLERK

City of Visalia Agenda Item Transmittal

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 8e

Agenda Item Wording:

Introduction of Ordinance No. 2007-10 authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.

Deadline for Action: None

Submitting Department: Administrative Services

Contact Name and Phone Number:

Mario Cifuentez, Airport Manager: 713-4480

Department Recommendation:

City staff recommends that Council adopt the ordinance thereby authorizing the City Manager to execute an agreement with the Faria & Sons Family Limited Partnership for the use of farmland at the Visalia Airport.

Summary/background:

Council has recently approved the purchase of approximately 90 acres of property owned by the Faria family. The property to be acquired is located within approach zone of runway 30 and immediately south of the Visalia Municipal Airport (see attached maps). The property is comprised of portions of five (5) separate parcels all previously owned by the Faria and Sons Family Limited Partnership. The shape of the property is determined by the requirements of the existing and future Runway Protection Zones (RPZ's) for the Visalia Municipal Airport with those zones squared off to form the most logical parcel shape.

The acquisition of this property will allow for an expanded protection zone to correspond to the proposed runway extension already included in the airport's 5-year Capital Improvement Program. Any runway extension will occur on property already owned by the City, however the acquisition will also provide space for required runway approach lights. The runway expansion project is not considered an immediate need by the City; however, it has been budgeted as part of the 2007/08 fiscal year and will be funded primarily by FAA grant funding.

Because only a relatively small area of the proposed overall purchase would be needed for the approach lighting, the surrounding uses would not be disturbed and would be perfectly suited to a long-term lease back to continue the current farming practices.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The FAA allows for leases of grant-funded acquisitions with maximum terms of up to 40 years. This lease will generate revenue at the rate of \$150 per acre for the first year, increasing annually based on the CPI. Based on the size of the property, this new lease will provide \$13,350 in new revenue the first year and relieve the City of the responsibility and cost to maintain the property. The City currently is party to a similar lease of approximately 260 acres of airport property to Eric Shuklian, who has leased the property from the Airport since 1997.

The lease and all related documents have been prepared and reviewed by the City Attorney's office.

Prior Council/Board Actions:

April 2, 2007 – Council approved the purchase of property from the Faria & Sons Family limited partnership and approved a long-term (up to 40 years) lease back of all or part of the purchased property and authorized the City Manager to execute same and return to Council with a proposed ordinance related to same.

Committee/Commission Review and Actions: The Airport Committee concurs with staff's recommendations and recommends execution of this lease.

Alternatives: Choosing not to adopt the ordinance would cancel the purchase of the property, which included the long-term leaseback as a condition of the sale.

Attachments:

1. Lease Agreement
2. Proposed Ordinance
3. Exhibit "A" Legal Description
4. Property Map

Recommended Motion (and Alternative Motions if expected): I move to: Adopt Ordinance No. 2007-10 authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Execution of the referenced Agreement after Ordinance Process
Coordinate billing with Finance

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: June 18,2007

Agenda Item Number (Assigned by City Clerk): 8f

Agenda Item Wording: Authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and execution of a Memorandum of Understanding (MOU) regarding the grant.

Deadline for Action: July 2, 2007

Submitting Department: Police

Contact Name and Phone Number: Police Chief Bob Carden, ext. 4215, Chuck Hindenburg, ext. 4250

Department Recommendation: It is recommended that the Council authorize the City of Visalia to continue to participate in a joint grant application with the County of Tulare for a Justice Assistance Grant (JAG) Program and execute the required grant related Memorandum of Understanding between the City and the County.

Summary/background: The JAG Program was proposed to streamline justice funding and grant administration and allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

The JAG formula includes a state allocation consisting of a minimum base allocation with the remaining amount determined on population and Part 1 violent crime statistics and a direct allocation to units of local government. JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice for any one or more of six purpose areas.

The City of Visalia, jointly with the County of Tulare, is eligible for a disparate Federal allocation of funds in the amount of \$163,037. A disparate allocation of funds occurs when a constituent unit of local government is scheduled to receive one and one-half times more than another constituent unit, while the other unit of local government bears more than 50% of the costs of

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____

Finance _____

City Atty _____
(Initials & date required or N/A)

City Mgr _____

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

prosecution or incarceration that arise for Part 1 violent crimes reported by the geographically constituent unit. According to Federal officials, the portion of the disparate allocation attributable to the City of Visalia is \$100,497 and the portion attributable to the County of Tulare is \$62,540, and have advised the two entities to negotiate the use of the funds.

The JAG application is due on July 2, 2007.

Staff from the Police Department and the Sheriff's Department have met and negotiated the continued use of JAG funds for a county-wide Gang Prevention Specialist/School Liaison to work with all schools within Tulare County for the prevention and suppression of gang activity, to be staffed by Sheriff's Department personnel. This grant will provide funding for a continuation of the existing program.

Although the funding goes to the Sheriff's Office, there is a benefit to the City that is hard to quantify. This program was started by the Visalia Police Department with the County Office of Education because the County did not have the funding for a gang prevention program. Since Visalia is the largest city in the area, it is also the commercial and recreation hub of the area drawing people from the surrounding communities. To effectively counter gang activity there must be a regional approach. To educate students in Visalia and not participate and continue to expand our area of influence in gang prevention would be shortsighted. Students from outside communities feed into our high schools. Outside gangs often have problems with gangs from Visalia. Prevention must begin at a young age and cannot be confined to just the city. With the Sheriff's Office staffing the County program, the Visalia Police Department gang prevention officer can concentrate on the Visalia Schools.

Federal funds received will be paid in a single block grant of \$163,037 and will be placed in a Trust Account by the County designated for the JAG funding purpose. All interest derived from these funds is required to remain within the trust and to be expended specifically for this program. JAG funds will reimburse the County general fund for costs of personnel, equipment and support costs. There is no local match requirement.

Prior Council/Board Actions: Executed MOU for the use of JAG funds for a county-wide Gang Prevention Specialist/School Liaison in 2005 and 2006.

Committee/Commission Review and Actions: N/A

Alternatives: Deny the application of these Federal funds.

Attachments: Memorandum of Understanding

Recommended Motion (and Alternative Motions if expected):

I move for authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and to execute a Memorandum of Understanding (MOU) regarding the grant.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

Tracking Information: (Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date.)

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 8h

Agenda Item Wording: Request authorization to file a Notice of Completion for Fieldstone Oaks, containing 347 single family lots, located at the Northwest of Houston Avenue and County Center Street.

Deadline for Action: June 18, 2007

Submitting Department: Engineering Department

Contact Name and Phone Number: Andrew Benelli 713-4340,
Norm Goldstrom 713-4638

Department Recommendation:

Staff recommends that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Woodside Visalia, Inc. Woodside Visalia, Inc submitted a maintenance bond in the amount of \$363,212.54 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: The Final Map was approved for recording at the Council meeting of May 2, 2005.

Committee/Commission Review and Actions: The tentative subdivision map for Fieldstone Oaks was approved by Planning Commission on October 11, 2004.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Fieldstone Oaks.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required
or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 8i

Agenda Item Wording: Request authorization to file a Notice of Completion for the 28,316 square foot 1631 North Encina Street, a development with four residential lots (1627, 1629, 1633 Hicks Street and 1636 Harold Avenue) and access Parcel A, that was developed for purchase by Habitat for Humanity, for affordable housing for very low-income families.

Deadline for Action: none

Submitting Department: Community Development

Contact Name and Phone Number:

Michael Olmos, Assistant City Manager, 713-4332
Sharon Sheltzer, Project Manager, 713-4414

Department Recommendation: That City Council provide authorization for staff to file a Notice of Completion at the County Recorder's office to start the 35 day lien period required before the final 10% retention can be released to the Contractor.

Summary/background:

The project was completed on May 31, 2007. The City purchased the property in the 1990's and agreed to subdivide and improve it for the use of Habitat for Humanity. On December 4, 2006 Council agreed to provide a line of credit loan to Habitat for the purchase of this and other properties that are to be used for the construction of affordable homes. Escrow papers have been signed and Habitat is ready to begin the design of the first house that will be completed in June 2008 during a "blitzbuild" by the Homebuilders Association (HBA). The other 3 homes will also be completed by the end of 2008.

On May 15, 2006 Council authorized the following three items:

1. Contract with Dunn's Sand for \$170,073.75 of HOME funds for the installation of subdivision improvements including:
 - Clearing and grubbing
 - Grading
 - Demolition of fencing, concrete slab debris and shrub removal
 - Construction of Harold and Hicks Courts (street improvements)
 - Handicap ramps
 - Sidewalks
 - Street signs

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

- Striping
 - Storm drain system
 - Sanitary sewer system
 - Chain link fence and wood retaining wall
 - Coordination with SCE, SBC/ATT, the Water Company, Comcast Cable, and the Gas Company for installation of services
2. Expenditure of up to \$60,000 of HOME funds for utility installations by
 - California Water Service Company
 - Southern California Edison
 - The Gas Co.
 - Comcast Cable Company
 - SBC/ATT
 3. The City could elect to request a proposal from Dunn's Sand, Inc. after the requirements of all the utilities are determined, to dig the joint utility trench, for an additional cost.

Final Costs

1. Dunn's Sand subdivision improvements including change orders	\$184,656.92
A. Change Orders	
1. Wood fencing per Site Plan Review requirements (and to replace the remaining chain link)	\$14,427.00
2. Additional concrete to accommodate transition to adjacent development	\$742.6
3. Transformer protective bollards per SCE requirement	<u>\$1,532.38</u>
	\$16,702
2. Utility costs	
A. CA Water Service Co.	\$33,334.00
B. Southern California Edison	\$12,212
C Other utilities	No charge
3. Contract with Dunn's Sand Inc. for utility trench including dig, shade, backfill, compact, transformer pad, handholes, 2 main road crossings, 1 street crossing, material and labor to install and test Edison conduit	\$16,702.89
 Budget approval by Council May 15, 2006	 \$230,073 plus utility trench
Cost total	\$230,202 plus utility trench

Additional funds have been previously authorized and spent on this project for land purchase, appraisal, engineering and testing services and surveying. The funds received by the property sale will reimburse the original CDBG expenditure for property acquisition, and will be available for use as program income for future projects.

Prior Council/Board Actions:

- 1993 Agency approved lot purchase
- April 2004, Council approved Construction Management agreement with VIAH
- May 2006, Council approved contract with Dunn's Sand
- December 2006, Council authorized amended parcel map recordation and the formation of a Landscape and lighting District
- December 2006, Council authorized a loan to Habitat for Humanity for the purchase of land for affordable housing including the Encina project

Committee/Commission Review and Actions:

- August 23, 2004, Tentative Parcel Map approved by the Planning Commission
- April 14, 2004 Site Plan Review Revise and Proceed
- October 4, 2004 Planning Commission CUP 2004-27

Alternatives: NA

Attachments: Parcel Map 4814, Notice of Completion

Recommended Motion (and Alternative Motions if expected):
That City Council provide authorization for staff to file a Notice of Completion at the County Recorder's office to start the 35 day lien period required before the final 10% retention can be released to the Contractor.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: Record Notice of Completion

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 8j

Agenda Item Wording: Council Authorization to Oppose Senate Bill 240 (Florez) and Senate Bill 719 (Machado).

Deadline for Action:

June 18, 2007

Submitting Department:

Administration

Contact Name and Phone Number: Carol L. Cairns, Assistant City Manager 713-4324

Department Recommendation:

Staff recommends that City Council oppose SB 240 (Florez) and SB 719 (Machado). These two companion bills would expand the San Joaquin Valley Air Pollution Control District (SJVAPCD) Board and mandate new emission fees for most Valley businesses. The two bills have passed the Senate and are head for the Assembly. despite growing opposition from business, agriculture and local government. The Senate passed an amended version of SB 240 (Florez) by a 21 to 16 vote. In an attempt to raise \$100 million, SB 240 requires the District to impose a new \$300 annual fee on all stationary, indirect and areawide emission sources and allows the SJVAPCD to increase vehicle licensing fee up to \$30 per vehicle.

Summary:

The Senate passed an amended version of SB 240 (Florez) by a 21 to 16 vote. In an attempt to raise \$100 million, SB 240 requires the District to impose a new \$300 annual fee on all stationary, indirect and areawide emission sources and allows the SJVAPCD to increase vehicle licensing fee up to \$30 per vehicle.

SB 240 continues to be joined to SB 719 and would reportedly have devastating consequences for agriculture and business in the Valley. For example, if regulators decide to impose the new \$300 fee on all permitted equipment and facilities, one agribusiness estimated that their emission fees would change from \$300 to as much \$150,000 per year depending upon how many vehicles a business may have.

SB 719, (Machado) would add public members to the board and modify the local appointment process. The Senate passed SB 719 in May with few modifications and the Senate

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Appropriation Committee took the extraordinary measure of adding an amendment that would link SB 23, Senator Cogdill's Polluting Vehicle Replacement bill, to the passage of SB 719.

SB 719: SB 719 will be heard in the Assembly Local Government Committee on June 27. If you or your Sacramento representative can testify at this hearing, please let us know.

SB 240: The bill has not yet been assigned to a committee.

The League of California cities has taken a "watch" position on the bills to date.

Prior Council/Board Actions:

n/a

Committee/Commission Review and Actions:

n/a

Alternatives:

Support SB 240 and SB 719 or take no position

Attachments:

SB 240 SB 719

Sample letters of oppositon

Recommended Motion (and Alternative Motions if expected): I move the Council authorize staff to write letters of opposition to SB 240 (Florez) and SB 719 (Machado).

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 8k

Agenda Item Wording: Authorization for City Manager to enter into professional service agreements with the following firms for the Recreation Park Stadium Expansion and Reconstruction Project:

- A. Fehlman LaBarre, for architectural services, in the amount of \$568,613.
- B. Provost & Pritchard, for civil engineering services, in the amount of 79,600.
- C. B.J. Perch, for construction management services, in the amount of \$541,400.

Deadline for Action: June 4, 2007

Submitting Department: Administration

Contact Name and Phone Number:

Carol Cairns 713-4324
Phyllis Coring 713-4566

Department Recommendation:

Staff recommends that City Council authorize the City Manager to enter into professional service agreements with the following firms for the Recreation Park Stadium Expansion and Reconstruction Project.

- A. Fehlman LaBarre, for architectural services, in the amount of \$568,613.
- B. Provost & Pritchard, for civil engineering services in the amount of \$79,600.
- C. B.J. Perch, for construction management services in the amount of \$541,400.

(three motions required)

Discussion:

On April 23, 2007, City Council discussed options associated with the Recreation Park Stadium Project and authorized the City Manager to negotiate professional service agreements for various project design and management services. Staff recommends that the architectural,

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Page 1

File location and name: H:\(1) AGENDAS for Council\2007\061807\Item #8k Rec Park Stadium Project Professional Service Agreements.doc

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

engineering and construction management firms associated with the initial phases of the project, Fehlman LaBarre and BJ Perch Construction and Provost and Pritchard Engineering Group, be retained on the project to maximize time efficiency since the project goal is for construction to occur during the 2007-2008 off-season.

The full project consists of construction of right field improvements including grass berm seating, new south entrance to ball park, a new two story building with hospitality lounge, offices, new scoreboard and demolition and reconstruction of grandstand with press box, suites, dugouts and electrical upgrades, restrooms, concession stands and more. Construction needs to occur during the off baseball season.

After considerable review of design and construction estimated schedules, it was determined that the project will need to be constructed in phases. The entire project is being designed such that the two major components, the right field improvements and grandstand, are separated for construction. Improvements this year will focus on the right field improvements. By having the entire project designed, the bid package for construction on the grandstand will be ready to issue next Spring to provide the maximum amount of time for construction.

Construction of the project will be publicly bid. Because of the compressed timeline, there will be three bid packages issued within the next six months; demolition, earthwork and the right field improvements. In Spring, 2008, the bid for the grandstand replacement will be issued, so that construction can begin at the close of the baseball season and so that the project will be complete by the opening of the 2009 season.

Prior Council/Board Actions:

On April 23, 2007, City Council authorized the City Manager to negotiate professional service agreements for various project design and management services for the Recreation Park Stadium Project.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Professional Service Agreements:

Fehlman LaBarre, architectural services
Provost & Pritchard, civil engineering services
B.J. Perch Construction, construction management services

Recommended Motion (and Alternative Motions if expected):

Three Motions Required

I move that City Council authorize the City Manager to enter into a professional service agreement with Fehlman LaBarre, for architectural services for the Recreation Park Stadium Project.

I move that City Council authorize the City Manager to enter into a professional service agreement with Provost & Pritchard, for civil engineering services for the Recreation Park Stadium Project.

I more that City Council authorize the City Manager to enter into a professional service agreement with B.J. Perch, for construction management services for the Recreation Park Stadium Project.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Approve Resolution number 2007-54 and RDA Resolution 2007-02 authorizing the site lease and lease back of the police precincts properties between the City of Visalia and the Redevelopment Agency (RDA) for the purpose of collateral for the new Mooney RDA bank loan with Citizens Business Bank.

Deadline for Action: June 18, 2007

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost 713-4474
Cass Cook 713-4425
Ruth Martinez 713-4327

Department Recommendation: Approve Resolution number 2007-54 and RDA Resolution 2007-02 authorizing the site lease and lease back of the police precincts properties between the City of Visalia and the Redevelopment Agency (RDA) for the purpose of collateral for the new Mooney RDA bank loan.

History: On May 21, 2007, Council authorized staff to enter into a loan agreement for \$5.9 million of debt with Citizens Business Bank for the Mooney and Mooney Amendment Redevelopment to complete projects in the Mooney Area.

The Agency pursued issuing additional debt because its deadline to enter into new debt is July 1, 2007. Based on a 3.5% assessed value growth rate, the Mooney area can take on an additional \$5.9 million of debt.

Sections of Mooney Boulevard are marked by structures principally built during the 1960s. The sizes of the lots are not conducive to economic development in today's market. The funds from the new debt will be used for revitalization and intensification of development along Mooney, North of Walnut Avenue.

Staff received quotes from four banks, with the lowest quote coming from Citizens Business Bank. Council approved staff's recommendation is to borrow \$5.9M from Citizens Business Bank at a rate of 6.04% for the first five years and a variable rate not to exceed 7.50% for the remaining 15 years.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Collateral Requirements: The new debt with Citizens Business Bank will require a source of collateral to act as a security on the new debt. If the tax increment in the Mooney redevelopment area is insufficient to cover the new debt service payment, the General Fund would be required to make up the shortfall.

The mechanism to ensure the General Fund obligation is a lease agreement between the City and the Redevelopment Agency. The City would lease the police precincts to the Agency and the Agency would then lease back the precincts to the City. The agreement would essentially allow the Redevelopment Agency to use the new police precinct buildings and land as collateral for the new debt. The result is a payment obligation of the General Fund to make debt service payments on the new debt if the Mooney tax increment is insufficient. The lease term would be the same as the term of the proposed debt, until 2028.

Attached to the agenda item are the draft loan documents between the Redevelopment Agency and the City of Visalia. Staff is working with the bond counsel to finalize these documents. There are three items in the documents to be updated. The City and Citizen's bank have agreed upon the changes, but at the time of the printing of the staff report the documents had not yet been updated. The changes include the following:

1. Allow the Agency to submit annual financial reports to the bank instead of quarterly reports as currently stated in the loan documents.
2. Modify the insurance requirements for public liability and property damage in the loan documents to match the City's self-insurance program.
3. Modify the currently stated worker's compensation requirement to match the City's self-insurance program for worker's compensation.

Prior Council/Board Actions: May 21, 2007 Authorized for the City Manager to enter into a loan agreement with Citizens Business Bank for the Mooney and Mooney Amendment Redevelopment Areas that will be used to complete projects in the Mooney Area.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Loan Agreement
Site Lease between the City and the Redevelopment Agency
Lease Purchase Agreement between the Redevelopment Agency and the City
Resolution Authorizing the issuance of debt

Recommended Motion (and Alternative Motions if expected): Approve Resolution number 2007-54 and RDA Resolution 2007-02 authorizing the site lease and lease back of the police precincts properties between the City of Visalia and the Redevelopment Agency (RDA) for the purpose of collateral for the new Mooney RDA bank loan with Citizens Business Bank.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

RESOLUTION NO. 2007-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING THE DELIVERY OF NOT TO EXCEED \$7,000,000 PRINCIPAL
AMOUNT OF A NOTE FOR THE MOONEY REDEVELOPMENT PROJECT
AREA

WHEREAS, the Community Redevelopment Agency of the City of Visalia (herein referred to as the "Agency") is a redevelopment agency duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Community Redevelopment Law (Part 1 of Division 24 (commencing with Section 33000) of the Health and Safety Code of the State of California), and the powers of the Agency include the power to issue bonds for any of its corporate purposes; and

WHEREAS, the Agency desires to fund projects located within the Mooney Redevelopment Project Area (the "Project Area"); and

WHEREAS, the Agency wishes at this time borrow money from Citizens Business Bank to finance such redevelopment activities of the Agency in connection with the Project Area; and

WHEREAS, the City desires to enter into a site lease and lease purchase arrangement with the Agency to facilitate the funding of the Citizens Business Bank loan; and

WHEREAS, the City Council has reviewed the terms and conditions for the execution of the Note (as defined below) and desires to approve the execution by the Agency of the Mooney Redevelopment Project Area 2007 Note pursuant to Section 33640 of the Health and Safety Code;

NOW, THEREFORE, the City Council of the City of Belmont does hereby resolve and declare as follows:

1. Approval of Note. The City Council approves the execution by the Agency of not to exceed \$7,000,000 principal amount of the Agency's Mooney Redevelopment Project Area 2007 Note (the "Note").

2. Lease Documents. The form of the Lease/Purchase Agreement between the City and the Agency, dated as of June 29, 2007 (the "Lease") presented to this meeting and on file with the Clerk of the Board (the "Clerk") is hereby approved. The form of the Site Lease, dated as of June 29, 2007 (the "Site Lease"), between the City and the Agency, presented to this meeting and on file with the Clerk, is hereby approved. The Mayor, City Manager, and Finance Director, are, each alone, hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver each of the above mentioned documents in substantially said form, with such changes therein as such officer or person or persons may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

3. Other Actions. The Mayor, the Finance Director, the City Manager, the City Clerk, the City Attorney, and any and all other officers of the City are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the City and Agency, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to consummate the delivery of the Note, the Site Lease and the Lease Purchase Agreement and otherwise to carry out, give effect to, and comply with the terms and intent of this Resolution.

4. Effective Date. This resolution shall be effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 18th day of June, 2007.

ATTEST:

City Clerk

Mayor of the City of Visalia, California

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

City Attorney

City Manager

I, _____, Assistant City Clerk of the City of Visalia, hereby do certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Visalia held on the 18th day of June 2007, by the following roll call vote:

AYES:

NOES:

ABSENT:

City Clerk of the City of Visalia

I, _____, Assistant City Clerk of the City of Visalia, hereby do certify that the above and foregoing is a full, true and correct copy of RESOLUTION NO. _____ of said City and that the same has not been amended or repealed.

DATED: June 18, 2007

City Clerk of the City of Visalia

RDA RESOLUTION NO. 2007-02

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF VISALIA AUTHORIZING THE ISSUANCE AND SALE OF A NOT-TO-EXCEED \$7 MILLION NOTE FOR THE MOONEY REDEVELOPMENT PROJECT AREA, AND APPROVING THE FORM OF LOAN AGREEMENT, AND RELATED DOCUMENTS AND AUTHORIZING CERTAIN OTHER ACTIONS

WHEREAS, the Community Redevelopment Agency of the City of Visalia (herein referred to as the "Agency") is a redevelopment agency duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Community Redevelopment Law (Part 1 of Division 24 (commencing with Section 33000) of the Health and Safety Code of the State of California), (the "Law"), and the powers of the Agency include the power to enter into loan agreements and issue notes for any of its corporate purposes; and

WHEREAS, the Agency wishes to borrow money from Citizens Business Bank for the purpose of undertaking projects in the Mooney Redevelopment Project Area pursuant to the Mooney Redevelopment Plan;

NOW, THEREFORE, BE IT RESOLVED by the Community Redevelopment Agency of the City of Visalia, as follows:

. The issuance of the COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF VISALIA, MOONEY REDEVELOPMENT PROJECT AREA 2007 NOTE (the "Note") in an aggregate principal amount of not to exceed \$7,000,000 for purposes of funding projects in the Mooney Redevelopment Project Area is hereby authorized.

Section 1. The Loan Agreement between the Agency and Citizens Business Bank (the "Loan Agreement") is hereby approved in substantially the form presented, together with such changes thereto as may be approved by the Executive Director on the advice of bond counsel, the Executive Director's execution thereof to be conclusive evidence of such approval. The Agency's obligations under the Loan Agreement shall be evidenced by the Note in the principal amount of not-to-exceed \$7,000,000, a form of which has been placed on file with the Clerk. Such Note is approved and the Chairperson and Executive Director are each authorized to execute such Note with such changes as necessary on the advice of bond counsel.

Section 2. The form of Assignment Agreement (the "Assignment"), is hereby approved in substantially the form presented, together with such changes thereto as may be approved by the Executive Director of the Agency upon the advice of bond counsel, the Executive Director's execution thereof to be conclusive evidence of approval of such changes.

Section 3. All actions heretofore taken by the officers and agents of the Agency with respect to the execution of the Note, the Loan Agreement and the Assignment are hereby approved, confirmed and ratified. The Chairman, the Executive Director, the Secretary, the General Counsel of the Agency and any and all other officers of the Agency are hereby authorized and directed, for and in the name and on behalf of the Agency, to do any and all things and take any and all actions which

they, or any of them, may deem necessary or advisable in order to consummate the delivery of the Note, the Loan Agreement, the Assignment and the completion of the loan transaction with Citizens Business Bank.

Section 4. This Resolution shall take effect upon adoption.

PASSED, APPROVED AND ADOPTED this 18th day of June, 2007 by the following vote:

AYES:

NOES:

ABSENT:

Chairman of the Community Redevelopment
Agency of the City of Visalia

ATTEST:

Secretary

City of Visalia
City Council Agenda Item Transmittal

Meeting Date: June 18, 2007 (Continued from the June 4, 2007, City Council meeting)

Agenda Item Number : 10

Agenda Item Wording: Continued from the June 4, 2007, City Council Public Hearing. An Appeal by Cary S. Winslow (an interested person) of the Planning Commission's denial of the Appeal of the Site Plan Review Committee's approval of SPR 2006-162, a tenant improvement for a new market & meat shop in a 5,500 sq.ft. building on a 13,285 sq.ft. site in the P-C-DT (Planned Central Business District Retail) zone. The site is located at 118 NE 3rd Street [SPR Applicant: Munoz & Associates, Oscar Ramirez (Property Owner)] APN: 094-034-013. **Resolution 2007-46 required.**

Deadline for Action: June 18, 2007, in order to comply with Zoning Ordinance section 17.02.145 B., pertaining to time limits for the City to act on an Appeal. The final date to comply with the Zoning Ordinance timelines was June 1, 2007. However, both parties agreed a continuance to this date to allow additional time to resolve their differences without the need to proceed with the Appeal.

Submitting Department: Community Development

Contact Name and Phone Number:

Paul Scheibel, AICP 713-4369
Fred Brusuelas, AICP 713-4364

Department Recommendation:

Staff recommends that the City Council adopt a resolution upholding the actions of the Site Plan Review Committee on February 14, 2007, and that of the Planning Commission on April 23, 2007, and deny the Appeal. This recommendation is based on the conclusions that the Appellant's reasons for the Appeal, particularly with regard to the use of an easement area, and of the necessity for erecting a wall to divide the subject properties were thoroughly considered, and that the City's decisions in all cases were consistent with applicable Zoning and Subdivision regulations. This recommendation is further based on the parties' apparent inability to reach mutually agreeable solutions with respect to control and use of an easement area and of establishing property line treatments.

Background and Summary of Issues:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time
(Min.): 20

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

This is an appeal request by the adjacent property owner of the Site Plan Review Committee's (SPR Committee) approval of SPR 2006-162. SPR 2006-162 is the tenant improvement and re-use of an existing 5,500 sq.ft. building for a neighborhood grocery and meat market that will be operated by Mr. Raoul Espitia.

The appellant, Mr. Winslow, owns three parcels on the north and east sides of the project site. These parcels are developed with apartment units. The parcels include a private alleyway that extends along the back (east) side of the project site. Within this area and directly behind the proposed market and existing parking area is a 22-foot wide access easement granted to Mr. Winslow's property by the project site (please see recorded easement contained in Planning Commission staff report which is Attachment 2 of this report).

The appellant participated in several of the SPR reviews of this project, and expressed concerns regarding preservation of his easement rights and a desire to physically separate the market use from his property to preclude reciprocal access between the individual sites. The project applicant revised their plans several times to address the appellant's concerns while also meeting City codes and standards (such as for a trash enclosure and handicap accessible parking).

With regard to the easement issue, the City determined that the easement rights in favor of Mr. Winslow are limited to right of access only, presumably to allow vehicle traffic to maneuver into the parking spaces that are accessed from Mr. Winslow's private alleyway. Consequently, the project applicant could have parking spaces in the easement, provided there is still enough area for traffic to maneuver through the alleyway. The City Attorney concurred with City staff's determinations regarding use of the easement. Ultimately, the SPR Committee approved the plan dated February 14, 2007.

In approving the project, the SPR Committee also encouraged the two parties to continue to work together for a mutually acceptable alternative site design. If one could be agreed to, the City would review such an alternative design through the Site Plan Review process. However, no mutually acceptable solution was presented by the two parties. Mr. Winslow particularly objected to the solid waste (trash pick-up) route that would include driving from the trash enclosure near the eastern portion of the parking lot and through Mr. Winslow's alley (where the apartment unit's shared trash bin is located) and ultimately out to Granite St. As a compromise, the SPR Committee modified the approval to allow the market to roll their trash bins from the enclosure to 3rd St. for trash pick-up, and placed responsibility on the market operator to return the empty bins to the trash enclosure onsite. The project applicant accepted this revision on March 8, 2007.

Mr. Winslow appealed the SPR Committee approval to the Planning Commission on March 30, 2007. The Appeal was heard by the Planning Commission on April 23, 2007. Since the Planning Commission deadlocked on the Appeal [2-2-0 (Commissioners Logan and Perez voting to approve the Appeal, Commissioners Peck and Segrue voting to deny the Appeal, Chairman Salinas absent)], the Appeal failed and the SPR Committee approval stood. The Commission expressed its encouragement that the parties could resolve their issues outside of the City's formal review and appeal process. On May 1, 2007, Mr. Winslow filed an Appeal of the Planning Commission's action to the City Council. A summary of the events leading to this public hearing is provided in the section below.

Staff recommends denial of the appeal based on the facts and conclusions that the SPR approvals do not conflict with the appellant's easement rights, and there is not either a

requirement or a beneficial purpose for in wall between the sites. The specific issues raised in the Appeal form are discussed as follows:

Easement: The Appellant contends that allowing two parking places in the easement will deny him of the beneficial use of the easement. The City Engineer determined that even with the presence of two parking spaces in this easement area, there is sufficient maneuver space for vehicles to enter and exit the apartment parking spaces on the appellant's property to the east.

The City Attorney reviewed the easement document, and concluded the easement right to the appellant is limited to access rights only, and not as an "exclusive use" right being inferred by the Appellant.

Block Wall: The Appellant contends there should be a block wall to separate the market site from his property. Zoning Ordinance section 17.36.050 (please see Attachment 1) requires walls to separate commercial uses from residential zones. The Code does not require walls to separate commercial from residential uses in commercial districts [both properties are in the C-D-T (Planned Commercial Business District Retail)]. The appellant's property is developed as apartment units, but the underlying zoning is CDT, which is the same as the project site.

The SPR Committee considered Mr. Winslow's concerns and determined that a block wall placed along the common property lines would carry greater drawbacks than benefits. The drawbacks include cluttering an already ill-defined access situation, and the likelihood that a wall would be frequently damaged by vehicle traffic or vandalism, and that it would preclude visibility within the immediate area to the detriment of public safety. Additionally, erecting a wall or fence to physically separate the two sites at the exterior boundaries of the easement could inadvertently compromise the appellant's access easement rights on the project site.

However, the SPR Committee indicated that the City would allow a form of screening that is agreed to by both parties and the City. The two parties have not jointly approached the City with a proposed solution to date.

Other Issues: Other issues raised in the Appeal letter were determined to outside the scope and authority of the Site Plan Review Committee's actions pertaining to SPR 2006-162.

The information provided in the section below is all of the new information relevant to the issue since the item was continued on June 4, 2007. The relevant information prepared for the June 4, 2007, public hearing is provided in Attachment 2 of this report.

Continuance of the Public Hearing on June 4, 2007:

This item was noticed and agendized to be heard by the City Council on May 21, 2007, and on June 4, 2007. The item was continued prior to the May 21, 2007, public hearing, at the Appellant's request and with the project proponent's concurrence. At the June 4, 2007, City Council meeting, the attorney for Mr. Winslow (Appellant) on behalf of his client, requested that the City Council continue the public hearing. The attorney stated the parties had arrived at a mutually agreeable solution to the differences between his client and the project proponents [Mr. Ramirez (property owner) and Mr. Espitia (tenant)], and that a formal agreement signed by the parties would be forthcoming. With a signed agreement, Mr. Winslow would formally withdraw his appeal.

As of June 13, 2007, both property owners and principal parties an agreement (Winslow and Ramirez) had not come to terms sufficient for Mr. Winslow to withdraw the Appeal. Consequently, it is City staff's conclusion and recommendation that the hearing on the Appeal should proceed, and the City Council's decision should be finalized based on its determination of the merits of the Appeal, and not on the parties willingness or ability to arrive at an agreement outside of the City's direct jurisdiction.

Resolution No. 2007-46, amended to reference the June 4, 2007, continuance, and with an added finding referencing the need to act on the appeal without further delay, is provided as Attachment 1.

Alternative Actions: In addition to the recommended action to deny the Appeal, and approve SPR 2006-162, The City Council may also vote to approve one of the following alternatives:

Alternative 1: Uphold the Appeal, and approve SPR 2006-162, with modifications as requested by the Appellant. This will require that the approved site Plan be re-designed as directed by the City Council.

Alternative 2: Uphold the Appeal and deny SPR 2006-162. If this alternative is selected, staff recommends that the denial be without prejudice to allow the applicant to resubmit a potentially acceptable plan for future approval by the SPR Committee.

The resolution contained in the staff report is to deny the Appeal and uphold the approval of SPR 2006-162. If either of the Alternatives is approved by the City Council, staff will bring a revised resolution for the City Council's adoption at the next regular City Council meeting (June 18, 2007).

Prior Council/Board Actions: None

Committee/Commission Review and Actions: On April 23, 2007, the Planning Commission voted 2-2-1(with Chairperson Salinas absent) on the Appeal. The request failed for lack of a vote of a majority of the quorum.

Attachments:

- 1- Resolution No. 2007-46, Amended
- 2- City Council Staff report, June 4, 2007

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to adopt the resolution denying the Appeal, and approving SPR 2006-162.

Or

I move to uphold the Appeal and approve SPR 2006-162, with modifications as requested by the Appellant.

Or

I move to uphold the Appeal and deny SPR 2006-162 without prejudice.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to: Appellant, Applicant, Planning Commission

Environmental Assessment Status

CEQA Review:

Required? No

Review and Action: Prior:
Required:

Required? No

Review and Action: Prior:

Tracking Information: (Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)

RESOLUTION NO 2007- 46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA UPHOLDING THE PLANNING COMMISSION'S DENIAL OF THE APPEAL OF THE APPROVAL OF SITE PLAN REVIEW (SPR) 2006-162 FOR THE ESPITIA MARKET AT 118 NE 3RD STREET

WHEREAS, On February 14, 2007, the Site Plan Review (SPR) Committee approved SPR 2006-162 for a tenant improvement by Munoz and Associates, of a commercial site for a grocery and meat market use at 118 NE 3rd Street (APN: 094-034-013; and

WHEREAS, Carey S. Winslow (Appellant), an interested person, appealed the approval of SPR 2006-162; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, including 300-foot radius mailing notices, did hold a public hearing before said Commission on April 23, 2007, and denied said Appeal due to a lack of a majority vote of the quorum of the Commission (2-2-0); and

WHEREAS, on May 1, 2007, the Appellant, appealed the Planning Commission's action; and

WHEREAS, on May 21, 2007, at the Appellant's request and with the concurrence of the affected project applicant, the City Council continued the item to the June 4, 2007, public hearing; and

WHEREAS, on June 4, 2007, at the Appellant's request and with the concurrence of the affected project applicant, the City Council continued the item to the June 18, 2007, public hearing; and

WHEREAS, the City Council of the City of Visalia finds the Approval of SPR 2006-162 to be in accordance with Chapter 17.28 (Planned Development Permit) of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia denies the appeal and upholds the approval of SPR 2006-162, based on findings and evidence as follows:

1. The approved site plan does not conflict the rights enjoyed by the appellant because the easement is limited to access, which the City Engineer has determined to be adequate for vehicles to transit through the appellant's private alley.
2. There is no block wall required to separate the properties, per Zoning Ordinance Section 17.36.050. Further, no block wall shall be required as it would result in cluttering an already ill-defined access situation, and the likelihood that a wall would be frequently damaged by vehicle traffic or vandalism, and preclude visibility within the immediate area to the detriment of public safety. Additionally, erecting a wall or fence to physically separate the two sites at the exterior boundaries of the easement could inadvertently compromise the appellant's access easement rights on the project site.

3. Sufficient time was provided to the Appellant to arrive at a mutually acceptable agreement with the project proponents that would cause the Appellant to voluntarily withdraw their appeal. However, no such voluntary withdrawal of the appeal by the Appellant was received by the City. Therefore, the City Council finds that further delay of a decision to uphold or deny the appeal would directly conflict with Zoning Ordinance section 17.02.145 B., pertaining to time limits for the City to act on an Appeal, and that further delay would adversely affect the best interests of the parties involved and of the City.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording:

a) Adoption of Mitigated Negative Declaration No. 2007-034. Resolution No. 2007-51 required.

b) Public hearing for adoption of Specific Plan No. 2007-02: A request to adopt the Orchard Walk Specific Plan. The specific plan considers on and off-site improvements associated with the development of a 56-acre mixed-use Community Center development in compliance with Policy 3.5.8 of the Land Use Element of the Visalia General Plan. This is a request by Donahue Schriber, property owner. The site is located generally on the north side of Riggan Avenue between Conyer and Santa Fe Streets in the City of Visalia, County of Tulare. APNs: 078-120-010; 079-071-006, 007, 008, 009, 010, 011, and 019[portion]. **Resolution No. 2007-52 required.**

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Brandon Smith, AICP, Senior Planner 713-4636

Recommendation:

The Planning Commission recommends that the City Council hold a public hearing, adopt a mitigated negative declaration, and adopt the Orchard Walk Specific Plan (Specific Plan No. 2007-02) prepared in fulfillment of Policy 3.5.8 of the Land Use Element of the General Plan. This recommendation was made on May 29, 2007 by the Planning Commission after a public hearing was conducted for the Specific Plan.

The Planning Commission has found that the Specific Plan satisfactorily meets the intent of Policy 3.5.8, which requires that Community Centers shall be developed as part of a Specific Plan and shall designate standards for land uses, architecture, landscaping, and other improvements. The Commission also made affirmative findings on specific issues pertaining to design and zoning standards, and recommended that the following revisions be made to the Specific Plan:

- The architecture and design of the Target building elevations be redesigned to be cohesive with the rest of the commercial center. Elevations must be reviewed

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 60

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

separately and approved by the Planning Commission prior to construction of the building.

- Reduction on amount of building and free-standing signage proposed by the commercial center's sign program.

These revisions are discussed in more detail later in this report and in the Planning Commission staff report dated May 29, 2007.

Project Background:

In 2006, project applicant Donahue Schriber submitted the development plans for two community shopping centers, each anchored by a major tenant (general merchandise and home improvement) on the northwest and northeast corners of Dinuba Blvd. and Riggin Avenue. The development of the center would require the preparation and adoption of a Specific Plan, and that the site plan would need to be reviewed by the City Council to allow for advisory comments by Council members before a formal specific plan was filed.

During the item's Work Session held on June 26, 2006, the Council members gave individual and consensus constructive comments on the project's master site plan, including a desire for the development to be more pedestrian-friendly, compatible and integrated to the surrounding neighborhoods, and that the parking fields should be minimized.

The applicants submitted a second rendition of the development plan to the Site Plan Review Committee in September 2006, and received a "Revise and Proceed", directing the applicants to make revisions as noted by the Committee before submitting a specific plan. A draft Specific Plan titled Orchard Walk Specific Plan was formally submitted to City staff on February 4, 2007.

The development plan contained within the Specific Plan document incorporates minor revisions to the plan used for the June 26, 2006 study session. The general layout of the shopping center and the distribution of tenants has not changed, with the exception of placing one and two-story buildings west of the proposed Home Depot that could accommodate shops or offices, and the addition of a multi-tenant pad on Riggin west of Dinuba to create symmetrical shops and outdoor plaza on each side of the Riggin & Dinuba intersection. Also, mid-block pedestrian crossings were added on the east and west sides of the project to provide a direct link between the commercial centers and future multi-family development.

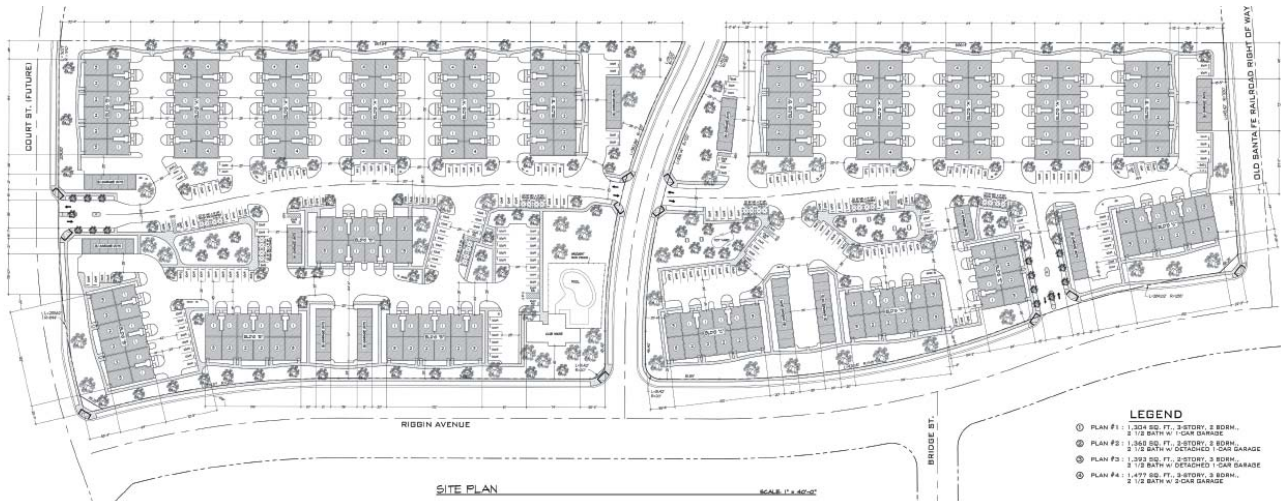
Project Description:

Development Concept

The master site development plan for the commercial component of the community center illustrates two planned commercial developments that together yield 435,517 sq. ft. of building area. The West center is anchored by The Home Depot and the East center is anchored by a Target store. Each of the anchor tenants will constitute the first phase of development for each shopping center. All on-site improvements associated with the commercial center, including the landscaping, pedestrian pathways, overhead trellises, gateways, and majority of on-site parking would be constructed in the initial phase of each center according to the Specific Plan's phasing plan. Subsequent phases of the center will bring the sub-major pads, shops and restaurant pads, and the multi-family residential development.

Multi-Family Component

The multi-family component of the plan area, located on the north side of Riggin Avenue between Court and Santa Fe Streets, will facilitate 224 units. The current gross area of the R-M-2 zone on the site is 15.7 acres, thus a density of 14.3 dwelling units per acre has been achieved here. The development shown in the Specific Plan is conceptual only, except for the vehicular access and pedestrian which are established by the plan. Prior to the development entitlements for this component, a Conditional Use Permit (CUP) will need to be submitted to the City demonstrating the development's consistency with the policies and development standards in the Specific Plan, particularly those contained in the Medium Density Residential section (Section 3.2).



Conceptual multi-family residential development, north of Riggin Avenue east of Court Street

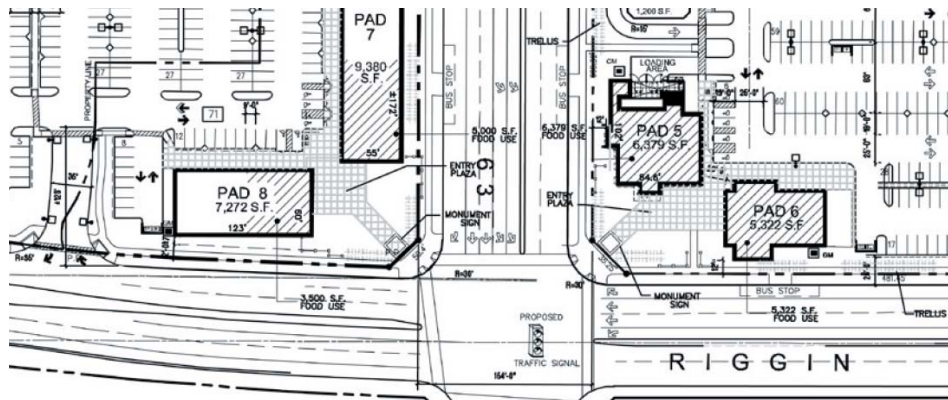
Commercial Component

The overall concept of the Orchard Walk Specific Plan is to create a development that functions as a major commercial center and provides community-scale shopping for north Visalia and specifically the northeast quadrant of Visalia, with integrated ancillary uses of multi-family residential development. Features such as area-wide pedestrian pathways, trellises, ornamental lighting, village-style commercial pads, and outdoor public spaces are included in the plan and are designed to bring the community center towards a pedestrian scale and promote walkability within and outside of the Specific Plan area.

The Community Commercial component of the Specific Plan calls for a variety of community and neighborhood-level uses to be built in the first phases of the plan. This mix of uses, which include two anchor tenants, retail and restaurant pads, shops, and offices, are identified on the master development plan (see Exhibit "A"). A breakdown of each building and its floor area is also shown in Exhibit "A".

The layout of the two shopping centers generally consists of the anchor and other major stores toward the back of the site and single and multi-tenant pads toward the front mostly along street frontages. Multi-tenant pads are generally located at the corner street intersections at the front of each commercial center, which frame outdoor entry plazas that can be used for outdoor dining or as open spaces (see accompanying illustration).

The Specific Plan identifies a specific architectural style that shall be used throughout the commercial centers. The selected style borrows from the visual history of the San Joaquin Valley, utilizing designs and materials that depict a bucolic theme of folk art, county fairs, and farmers' markets. These styles are particularly exemplified in the building elevations submitted for the major buildings and shops, and in the outdoor entry plazas (identified as gateways) that provide a transition between the street-fronting sidewalks and the shopping centers.



Multi-tenant pads and entry plazas at the Intersection of Dinuba Blvd. & Riggins Ave.

Conditional Use Permits

Conditional Use Permits were submitted with the application for Specific Plan to allow for two planned commercial, and to allow the Home Depot home improvement store and Target retail store on the respective centers. The Conditional Use Permits are required for the home improvement store and retail store exceeding 60,000 sq. ft. of floor area, which are specified as conditional uses in the Community Commercial Zone per the Visalia Zoning Ordinance. While the Specific Plan process accommodates looking at the two anchor stores in the context of a master developed plan, the Conditional Use Permit process allow staff to further analyze specific details of the proposed land uses and evaluate its compatibility as it relates to other nearby land uses. Building elevations, landscape plans, and operational statements, all items required for CUP submittals, were received for the Home Depot and Target and were analyzed in the Planning Commission staff report.

The master development plan inside the Specific Plans shows two buildings (i.e. fast food restaurants, drug stores) with drive-through lanes and the multi-family residential development. These uses were allowed as conditional uses in the C-CM zone, but were not approved as part of the above-referenced Conditional Use Permits since elevations and operational statements have not yet been prepared for a specific user or development proposal. Separate Conditional Use Permit(s) will be required prior to the development of the buildings with drive-through lanes, multi-family residential development, or any other conditionally-permitted uses in the C-CM zone.

Commercial Center Parking

The master development plan for the commercial developments proposes a total of 1,982 parking stalls. The current City Zoning Ordinance requires a ratio of one space per 225 square feet of building space inside commercial shopping centers. A minimum of one stall per 1,500 square foot is provided for outdoor garden centers. If calculated at these ratios, the center would have a total parking requirement of 2,042 parking spaces.

An alternative to this calculation would be if parking requirements were calculated based on specific uses in the center (i.e. 1:300 for retail, 1:250 for offices, 1:100 for restaurants). If

calculated at these ratios, then the center would have an estimated parking requirement of 1,873 parking spaces.

This is consistent with the City Council direction that reduced parking stall counts should be sought on community center developments to reduce the prominence of the parking field. The applicant proposes a total of 1,982 stalls, which is 109 stalls (or 6%) above the calculated total for specific uses, but 60 stalls less than the standard method of calculating parking.

Planning Commission Review and Recommendation on Issues:

The Planning Commission reviewed the draft Specific Plan and the companion discretionary entitlements (CUP 2007-13 and 14 and PM 2007-05 and 06) on May 29, 2007. The Commission evaluation focused on whether the applicant's proposal met the intent of General Plan Land Use Element Policy 3.5.8. Staff presented several issues for the Commission's specific consideration, including:

- 1) Target building architecture and elevations,
- 2) Amendment to sign program,
- 3) Expansion of outdoor plaza area.

Project components and proposed features not raised in the analysis portion of the Planning Commission staff report were recommended by staff to be accepted by the Commission as consistent with the General Plan, state law regarding Specific Plans, and previous City Council policy directions. The complete background and methodology on the analysis may be found in pages 9 through 13 of the Planning Commission staff report (Exhibit "E").

1. Major Tenant Building Architecture

The Specific Plan identifies a specific architectural style that shall be used throughout the commercial centers, which are visually supported by the inclusion of building elevations in the Specific Plan document for each of the anchor buildings (including front, side, and rear) and for several of the major and pad buildings. During the course of staff review of several drafts of the Specific Plan document submitted by the applicant, the proposed elevations for the Target building evolved to a new design that is not consistent with the overall architectural theme of the commercial centers (reference Figures 3.1-1 and 3.1-3 of the Specific Plan document). The new elevations move more towards a contemporary style and further from the bucolic style inherent in the buildings directly to the south. Staff's recommendation to the Commission as written in the Planning Commission staff report was to require the Target building architecture to be consistent with the original elevations, which are included as Exhibit "B" of this staff report.

From the time that staff addressed the issue of the Target building elevations to the project applicant, the applicant has been willing to work closely with staff and with the representing agents at Target to design elevations that return to the architectural style reflected in the plan. On the day of the Planning Commission meeting, the applicant and agent requested additional time to prepare the new elevations which the agent can obligate to and retains a cohesive design with the rest of the commercial center. Therefore, staff recommended that the Planning Commission move forward with its recommendation regarding adoption of the Specific Plan and direction on other issues of the Specific Plan, but that the Target elevations must come back and be approved by the Planning Commission at a later date.

The Commission concurred with the applicant's request to bring revised Target building elevations for Planning Commission approval at a future date.

2. Amendment to sign program

The Specific Plan contains a Sign Program developed for the commercial shopping center, which includes standards for building signage and size and location criteria for free-standing signs. However, the standards for building and free-standing signs both call for significantly more signage than would typically be permitted under the Zoning Ordinance for commercial zones throughout the City, including those on Dinuba Boulevard. Building signage allowed under the sign program would allow for sign copy area ranging from 175 sq. ft. to 500 sq. ft. on each tenant's building, determined by the floor area of the building. The maximum sign copy area typically allowed for a single face of a building allowed under the City's Sign Ordinance is 150 sq. ft., which has been upheld by sign programs for other new commercial centers. Also, a total of 15 free-standing signs would be allowed under the sign program, meaning that one street frontage abutting the commercial center may have multiple monument signs. Two pylon signs shown in the sign program have proposed heights of 25 and 34 feet, whereby the Zoning Ordinance limits the height of a free-standing sign no more than 10 feet.

Staff's recommendation to the Planning Commission was that the building signage for the two anchor tenants (The Home Depot and Target) be held to a maximum 200 sq. ft. for a primary identification sign plus other secondary signs, and that signage for all remaining buildings be held to a maximum 150 sq. ft. of total signage on a single elevation, consistent with City standards and other approved sign programs. Free-standing signs would be limited to one sign per street frontage for each commercial center with a maximum height of 10 feet. The "gateway" structures located on the front corners of each shopping center would be permitted as shown in the Specific Plan document, but would not be permitted any tenant identification signage.

The Commission agreed that the nature of the center as a Community Commercial center did not warrant allowing sign area that significantly exceeds what is permissible for other neighborhood, community, and regional commercial locations. Therefore, the Commission recommended allowing building signs for The Home Depot and Target using the same standards permitted for signage on their existing buildings in Visalia (approximately 225 sq. ft. for primary identification sign plus other secondary signs). The Commission agreed to the other recommendations by staff regarding signage.

3. Expansion of outdoor plaza area

Outdoor plazas have been placed between buildings at corner intersections throughout the commercial centers. These are referred to as gateways in Section 3.3 of the Specific Plan, and intend to provide an attractive atmosphere deriving a sense of place for either visitors to the shopping center or to residents who live nearby the center. Placing open spaces in these areas provide opportunities for social gatherings and outdoor dining.

Staff's recommendation to the Planning Commission was that the outdoor plaza area located at the corner of Conyer Street and Riggin Avenue be expanded through the conversion of adjacent parking spaces in front of the shops. This expansion takes advantage of the buildings' orientations that provide shade from the west and south-facing sun, and takes advantage of the plaza's proximity to existing and future neighborhoods.

The Commission did not follow staff's recommendation, as it provided a general consensus that the size and scale of the outdoor plazas as shown was satisfactory, and that a larger open space within commercial centers could be subject to loitering.

Environmental Finding:

The Initial Study disclosed that a significant, adverse environmental impact related to noise may occur in the fields of noise attributed from construction of the project and the daily operations of The Home Depot and Target stores. The Mitigated Negative Declaration circulated for this project (see attachment) contains a Mitigation Monitoring Program that requires the construction and operations of the center to be mitigated as required by the noise impact assessment discussed above. The mitigation contained in the Mitigation Monitoring Program shall effectively reduce the environmental impact of noise impact to a level that is less than significant. Therefore, staff recommends that Mitigated Negative Declaration No. 2007-034 and the Mitigation Monitoring Program contained within be adopted for this project.

Correspondence Regarding Potential Noise Impacts

During the public hearing session for the project's May 29, 2007, Planning Commission review, one testimony was given concerning potential noise and aesthetic issues from the back side of The Home Depot building. Chris Tyler, development manager for Pacific Union Homes, spoke with concerns regarding how these impacts may affect future residences that back onto the north side of Sedona Avenue across from the building. Mr. Tyler's comments were also published in a letter received by staff as correspondence on the day of the public hearing (see Exhibit "C"). Pacific Union Homes received tentative approval for the Highland Park Estates Subdivision, a 112-unit subdivision of detached and attached residences approved by the Planning Commission in February 2006.

The Specific Plan and the noise impact assessment (attached herein to this staff report) identify a 180-foot noise attenuating wall that will be placed behind a portion of The Home Depot store. Mr. Tyler commented that the CEQA Initial Study implies that a wall would be placed along the entire north side of the commercial property (Comment No. 1 of Mr. Tyler's letter). Staff's finding however is that the length of the wall is justified by the noise impact analysis, which identifies the 180-foot wall as an effective noise attenuating feature, and that additional mitigation in the form of extending the wall further to the west was not required by the analysis. Thus, the statement in the CEQA Initial study that a wall shall be located on the north side of the property refers to the wall shown in page 3-14 of the Specific Plan, and does not imply a wall along the entire back side.

Mr. Tyler also made a specific recommendation to the Planning Commission that a contiguous wall should be placed behind the entire Home Depot store to address noise and aesthetic impacts (i.e. palettes stored next to loading docks). The Commission resolved that the wall as proposed in the Specific Plan is adequate, and gave a preference of using additional green screening (trees, vines) to address aesthetics issues. Consequently, the Commission did not recommend extending the length of the solid wall.

With regards to the remainder of the comments identified in Mr. Tyler's letter of correspondence, staff has provided responses to these comments without having to revise or recirculate the project's Mitigated Negative Declaration as noted below. The applicant has been provided a written copy of these responses:

- Comment No. 2 – Staff's measurement of the distance between the loading dock area and the staging area located inside The Home Depot are consistent with the measurements identified in the noise impact analysis. In addition to the 58 foot right-of-way across Sedona Avenue and the 10 foot landscape easement, there is an additional 64 foot setback between the building and the right-of-way. Thus, the approximately 135 feet is a correct measurement to the boundary line of the adjacent residential property.

- Comment No. 3 – The noise impact analysis does address noise from activities in the lumber-loading area, including the use of forklifts (page 9).
- Comment No. 4 – The mitigation monitoring report contained within the Mitigated Negative Declaration identifies the project applicant as the responsible party for enforcing the measure of limiting hours of operation. The definitions for Community Noise Equivalent Level (CNEL) and Day/Night Average Sound Level (DNL) give specific hours during which certain sound levels must be maintained.
- Comment No. 5 – The placement of the seven and eight-foot walls have not been called out as actual named mitigation measures since the Specific Plan identifies and requires the placement of these walls at the specified locations.

Ultimately, the Planning Commission made the determination that the issue of noise has been adequately addressed and will be mitigated to a less than significant level based on the analysis provided in the CEQA documentation and noise impact analysis, and recommended that Mitigated Negative Declaration No. 2007-034 and the Mitigation Monitoring Program contained within be adopted for this project

Prior Council/Board Actions:

On June 26, 2006, the City Council held a study session to review a preliminary layout for the proposed commercial center and to provide direction on the preferred design and uses for the commercial development. On the basis of this discussion, the applicant made some changes to the site plan which were incorporated into a draft copy of the Specific Plan formally submitted to the City in February 2007.

Committee/Commission Review and Actions:

The site layout for the commercial center was reviewed by the Site Plan Review Committee on April 5, 2006 and September 20, 2006, after which a “Revise and Proceed” status was given.

The Planning Commission endorsed the Specific Plan as revised, and approved the related Conditional Use Permits and Parcel Maps on May 29, 2007.

Related Plans and Policies:

The proposed Specific Plan has been submitted to fulfill Policy 3.5.8 of the Land Use Element of the General Plan, which requires the adoption of a specific plan prior to the development of a community center.

The adoption and regulation of Specific Plans within the City of Visalia are enforced by Chapter 12.04 of the Visalia Municipal Code.

The preparation and adoption of any specific plan in the State of California is also subject to state guidelines contained in Government Code Sections 65450 through 65457.

All related plans and policies referenced above are reprinted in an attachment to the Planning Commission staff report entitled “Related Plans and Policies”.

Alternatives:

- 1) Amend the Draft Specific Plan and approve as deemed appropriate.

- 2) Return the Draft Specific Plan to Planning Commission with direction for its further consideration.
- 3) Deny the Specific Plan.

Attachments:

- Resolution adopting Mitigated Negative Declaration No. 2007-34
- Resolution approving Specific Plan No. 2007-02
- List of involved property owners and interested parties
- Exhibit "A" - Proposed Master Site Plan (Appendix "A" of Specific Plan)
- Exhibit "B" – Original Building Elevations for Target store
- Exhibit "C" - Correspondence from Pacific Union Homes dated May 29, 2007
- Exhibit "D" - Planning Commission Staff Report, dated May 29, 2007
- Mitigated Negative Declaration No. 2007-34
- Noise Impact Assessment for project dated April 4, 2007
- Location map of Specific Plan site

Recommended Motion (and Alternative Motions if expected):

- I move to certify Mitigated Negative Declaration No. 2007-34 by adoption of Resolution No. 2007-51.
- I move to approve adoption of Specific Plan No. 2007-02, incorporating the revisions as recommended by the Planning Commission, by adoption of Resolution No. 2007-52.

Environmental Assessment Status

CEQA Review: Mitigated Negative Declaration No. 2007-34 has been prepared for the project. It will need to be certified prior to a decision on the project.

NEPA Review: None required.

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

None.

Copies of this report have been provided to:

RESOLUTION NO. 2007-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, ADOPTING MITIGATED NEGATIVE DECLARATION NO. 2007-34, WHICH EVALUATES ENVIRONMENTAL IMPACTS FOR SPECIFIC PLAN NO. 2007-02, PARCEL MAP NO. 2007-05, PARCEL MAP NO. 2007-06, CONDITIONAL USE PERMIT NO. 2007-13, AND CONDITIONAL USE PERMIT NO. 2007-14.

WHEREAS, Specific Plan No. 2007-02 is a request to adopt the Orchard Walk Specific Plan. The specific plan considers on and off-site improvements associated with the development of a 56-acre mixed-use Community Center development in compliance with Policy 3.5.8 of the Land Use Element of the Visalia General Plan. **Parcel Map No. 2007-05** is a request to divide approximately 20 acres into three parcels within the proposed Orchard Walk Specific Plan area. **Parcel Map No. 2007-06** is a request to divide approximately 24 acres into twelve parcels within the proposed Orchard Walk Specific Plan area. **Conditional Use Permit No. 2007-13** is a request to allow a 106,437 sq. ft. home improvement store (Home Depot) with a 34,760 sq. ft. outdoor garden center in the first phase of the Orchard Walk Specific Plan area, in the Community Commercial zone. **Conditional Use Permit No. 2007-14** is a request to allow a 142,729 sq. ft. general retail store (Target) with a 10,000 sq. ft. outdoor garden center in the first phase of the Orchard Walk Specific Plan area, in the Community Commercial zone. The project site is located generally on the north side of Riggin Avenue between Conyer and Santa Fe Streets in the City of Visalia, County of Tulare. APNs: 078-120-010; 079-071-006, 007, 008, 009, 010, 011, and 019[portion]; and

WHEREAS, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on May 29, 2007 for said Project; and

WHEREAS, the Planning Commission of the City of Visalia finds that the Orchard Walk Specific Plan (Specific Plan No. 2007-02) has been prepared in accordance with Chapter 12.04 of the Municipal Code of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the Project if mitigation measures were incorporated into the Project; and

WHEREAS, on the basis of this Initial Study, a Mitigated Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA); 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 found that the Mitigated Negative Declaration contains and reflects the independent judgment of the City of Visalia and adopted said Mitigated Negative Declaration; and

WHEREAS, the City Council of the City of Visalia considered the Initial Study and Mitigated Negative Declaration, and concurs with the findings of the Planning Commission; 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. 2007-34, which evaluates environmental impacts for Specific Plan No. 2007-02, Parcel Map No. 2007-05, Parcel Map No. 2007-06, Conditional Use Permit No. 2007-13, and Conditional Use Permit No. 2007-14, 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. 2007-34**

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<p>Construction Impact Mitigation Measure 1.1: Consistent with the City's standard conditions of approval, noisy construction activities shall be limited to Monday through Friday between the hours of 6:00 AM and 8:00 PM, and between 9:00 AM and 8:00 PM on Saturday and Sunday.</p>	Project Applicant	Construction Impact Mitigation shall be enforced during the project's construction, only while building permits are issued for the site.
<p>Construction Impact Mitigation Measure 1.2: The project applicant shall require construction contractors to locate stationary noise sources as far from existing sensitive receptors as possible. If stationary sources must be located near existing receptors, they shall be muffled and enclosed within temporary sheds or shrouds.</p>	Project Applicant	Construction Impact Mitigation shall be enforced during the project's construction, only while building permits are issued for the site.
<p>Construction Impact Mitigation Measure 1.3: The project applicant shall require construction contractors to implement feasible noise controls to minimize equipment noise impacts on nearby sensitive receptors. Feasible noise controls include improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds. Noise controls can reduce noise levels at 50 feet by 1.0 dBA to 16 dBA, depending on the type of equipment. With feasible controls, the resulting noise levels at 50 feet would be 75 dBA for most types of equipment, and 80 dBA for pavers and pneumatic tools. At 100 feet, the resulting noise levels would be 69 dBA and 74 dBA, respectively.</p>	Project Applicant	Construction Impact Mitigation shall be enforced during the project's construction, only while building permits are issued for the site.
<p>Construction Impact Mitigation Measure 1.4: Equipment used for project construction shall be hydraulically or electrically powered impact tools (e.g., jack hammers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatically-powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. A muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures shall be used (such as drilling rather than impact equipment) wherever feasible.</p>	Project Applicant, Construction Contractor	Construction Impact Mitigation shall be enforced during the project's construction, only while building permits are issued for the site.
<p>Construction Impact Mitigation Measure 1.5: The construction contractor shall implement appropriate additional noise reduction measures that include</p>	Project Applicant, Construction	Construction Impact Mitigation shall be enforced during the project's construction, only while building

<p>shutting off idling equipment, and notifying adjacent residences and businesses (at least one time) in advance of construction work. In addition, the City shall require the posting of signs prior to grading activities with a phone number for residents to call with noise complaints.</p>	<p>Contractor</p>	<p>permits are issued for the site.</p>
<p>Operational Impact Mitigation Measure 2.1: The project applicant for Home Depot shall limit lumber off-loading and handling activities to between the hours of 7:00 AM and 10:00 PM.</p>	<p>Project Applicant</p>	<p>Operational Impact Mitigation shall be enforced after a Certificate of Occupancy is issued for the Home Depot building.</p>
<p>Operational Impact Mitigation Measure 2.2: The project applicant for Home Depot shall limit general truck deliveries to between the hours of 7:00 AM and 10:00 PM.</p>	<p>Project Applicant</p>	<p>Operational Impact Mitigation shall be enforced after a Certificate of Occupancy is issued for the Home Depot building.</p>
<p>Operational Impact Mitigation Measure 2.3: The project applicant for Home Depot shall limit street sweeper and noise generating landscaping equipment use (e.g., leaf blower use) to between the hours of 7:00 AM and 10:00 PM.</p>	<p>Project Applicant</p>	<p>Operational Impact Mitigation shall be enforced after a Certificate of Occupancy is issued for the Home Depot building.</p>

RESOLUTION NO. 2007-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING SPECIFIC PLAN NO. 2007-02: A REQUEST BY DONAHUE SCHRIBER TO ADOPT THE ORCHARD WALK SPECIFIC PLAN. THE SPECIFIC PLAN CONSIDERS ON AND OFF-SITE IMPROVEMENTS ASSOCIATED WITH THE DEVELOPMENT OF A 56-ACRE MIXED-USE COMMUNITY CENTER DEVELOPMENT IN COMPLIANCE WITH POLICY 3.5.8 OF THE LAND USE ELEMENT OF THE VISALIA GENERAL PLAN. THE PROJECT SITE IS LOCATED GENERALLY ON THE NORTH SIDE OF RIGGIN AVENUE BETWEEN CONYER AND SANTA FE STREETS IN THE CITY OF VISALIA, COUNTY OF TULARE. APNS: 078-120-010; 079-071-006, 007, 008, 009, 010, 011, AND 019[PORTION]

WHEREAS, Specific Plan No. 2007-02 (known as "Project") is a request by Donahue Schriber to adopt the Orchard Walk Specific Plan. The specific plan considers on and off-site improvements associated with the development of a 56-acre mixed-use Community Center development in compliance with Policy 3.5.8 of the Land Use Element of the Visalia General Plan. The project site is located generally on the north side of Riggins Avenue between Conyer and Santa Fe Streets in the City of Visalia, County of Tulare. APNs: 078-120-010; 079-071-006, 007, 008, 009, 010, 011, and 019[portion]; and

WHEREAS, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on May 29, 2007; and

WHEREAS, the Planning Commission of the City of Visalia found that the Orchard Walk Specific Plan (Specific Plan No. 2007-02) was prepared in accordance with Chapter 12.04 of the Municipal Code 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 June 18, 2007; and

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

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

BE IT FURTHER RESOLVED that the Planning Commission that the Planning Commission of the City of Visalia recommends that the City Council approve Specific Plan No. 2007-02, and makes the following specific findings with regard to Specific Plan No. 2007-02 based on the evidence presented:

1. That the Orchard Walk Specific Plan has been prepared in accordance with adopted local ordinance – in particular, Chapter 12.04 of the Visalia Municipal Code.
2. That the Orchard Walk Specific Plan has been prepared in accordance with adopted State law – in particular, Sections 65450 through 65457 of the California Government Code.

3. That the Orchard Walk Specific Plan is consistent with the Visalia General Plan, and in particular, satisfactorily meets the intent of Policy 3.5.8 of the Land Use Element of the General Plan.
4. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2007-34 was adopted by resolution, and is incorporated herein by reference.
5. That the Orchard Walk Specific Plan is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves Specific Plan No. 2007-02 described herein, as recommended by the Planning Commission and as approved in its final amended form by the City Council, in accordance with the terms of this resolution under the provisions of Chapter 12.04 of the Ordinance Code of the City of Visalia, based on the above findings, and subject to the following changes:

1. That the anchor tenant building's architecture on the front, side, and rear elevations of the building, shall have architecture and design that satisfactorily uses the bucolic theme that is represented in renderings and elevations throughout the Orchard Walk Specific Plan. The anchor tenant building's architecture shall be cohesive with the rest of the commercial center, and shall utilize building treatments, materials, and colors illustrated in the elevation drawings for other tenant pads located in the commercial center. Specifically, elevations for the proposed Target store, located in pad Major 'A' of the East Commercial Center, shall be reviewed and approved by the Visalia Planning Commission prior to issuance of a building permit for the structure.
2. That the sign program associated with the Orchard Walk Specific Plan be amended so that the maximum allowed signage for building signs for large big-box tenants and single-tenant pads be calculated at two sq. ft. of sign copy area per linear foot of primary store frontage to a maximum of 150 sq. ft, with the exception that the building signs on the primary building frontage of the major anchor stores (The Home Depot and Target) shall be allowed at approximately 225 sq. ft. of sign copy area, consistent with the sign copy area permitted by the City of Visalia for the other retail and home improvement stores in Community Centers and in Regional Retail Centers.
3. That the sign program associated with the Orchard Walk Specific Plan be amended so that no more than one free-standing monument sign is allowed per street frontage that is adjacent to each side of the West and East Commercial Centers, resulting in a total of eight monument signs. All free-standing monument signs, not including gateway structures, may not exceed a height limit of ten feet. Gateway structures may be permitted on the corner intersections on the fronts of the commercial centers as specified in the sign program, but may not bear any tenant identification signage.

City of Visalia Agenda Item Transmittal

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording:

Public hearing for:

1. Appeal of Planning Commission approval of Tentative Parcel Map No. 2006-01, a request by Neil Zerlang (Engineer) and Wayne Scott (property owner) to divide a 0.55-acre parcel into three multiple family residential lots. The site is located at 523 E. Cypress Ave. (APN: 097-010-001).

Deadline for Action: June 25, 2007 Per VMC section 16.04.040, an appeal before the City Council must be heard within 30 days of the appeal filing date. This appeal was filed on May 24, 2007.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Paul Bernal, Associate Planner 713-4025
Fred Brusuelas, AICP 713-4364

- **Department Recommendation:** The Community Development Department recommends Council consider Councilmember Collin's concerns regarding the application of the Good Neighbor Policies to Parcel Map No. 2006-01 and approve the tentative parcel map subject to conditions approved by the Planning Commission, with any modifications as directed by Council.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):20

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Background: On May 14, 2007, the Planning Commission approved Tentative Parcel Map No. 2006-01 by a 4-0 vote with one commissioner absent (Commissioner Segure). This request will allow the owner to create three parcels which will contain four multi-family residential units on each of the proposed parcels. The site is developed with 12 multi-family residential units and detached carports.

Appeal: On May 24, 2007, Staff received an appeal from Councilmember Collins (see Exhibit "A"). The reason for his appeal pertains to the implementation of the City's Good Neighbor Policies as applied to the tentative parcel map.

Analysis: During the May 14, 2007, Planning Commission hearing, staff presented their analysis of Tentative Parcel Map No. 2006-01 with a recommendation for approval with conditions. The main issue regards long term maintenance and requirements for a property management company for the entire site.

Staff had initially indicated to the applicant that a Home Owners Association (HOA) would be the preferable method to address maintenance issues. Subsequently, staff and the applicant came

to an agreement that would allow for Covenants, Conditions and Restrictions (CC&R's) to be used in place of forming an HOA.

The CC&R's were required to contain provisions that mandated the owner/owner's of the site to agree on one common management company to provide ongoing maintenance. In addition, the CC&R's were further conditioned to include the "Good Neighbor Policies" (GNP's). Incorporating these requirements into the CC&R's would ensure that any future owner and tenant of the site would be put on notice of these policies and requirements.

The applicant, Mr. Scott, generally agreed with the condition. However, he requested that the Planning Commission approve an alternative condition which would allow an individual owner to opt out of the requirement to contract with the property management company. The applicant stated this would create more flexibility for individual owner(s) to maintain their property to a level equal to or greater than that provided by the property management company. Staff recommended against this alternative because it would be difficult to monitor, and would essentially negate the conditions.

Upon closing the public hearing, the Planning Commission discussed the aspects of allowing individual property owners the ability to maintain the site without the benefit of a property management company. The Planning Commission approved the parcel map subject to the following condition which modifies the conditions as requested by the applicant, but limits the option to owner/resident:

The amended Condition No. 4 reads as follows: Legal documentation to the City that provides evidence that the property owner(s) have contracted with a professional property management company to manage all of the lots. This documentation shall be provided to the City prior to recording of the final map. However this requirement may be waived for a parcel that is owner occupied, and the affected owner provides evidence that the property will be maintained in accordance with the standards identified in Resolution No. 2007-32.

The original version of Condition No. 4 reads as follows: Legal documentation to the City that provides evidence that the property owner(s) have contracted with a professional property management company to manage all of the lots. This documentation shall be provided to the City prior to recording of the final map.

Good Neighbor Policies (GNP's): The GNP's were derived to address the appearance and maintenance of multi-family residential developments which are an important component of the City's goal to provide a viable range of housing alternatives. To ensure that multiple family units are developed in an equitable and consistent manner, and to provide assurance that such developments are appropriately maintained and managed, City Staff recommended that GNP's be adopted for all multiple family development, not just those subject to discretionary review.

Since approximately the year 2000, general practice has been to include specific conditions of approval for discretionary permits to address maintenance and management for multi-family developments. During that time, Staff's initial review and comments for multi-family residential projects that did not require discretionary review were provided to applicants on an advisory bases only. However, on June 5, 2006, the City Council (per Resolution No. 2006-63 and Ordinance No. 2006-11) adopted the GNP's as City regulations for all multi-family projects.

Moreover, the 12-unit multi-family site was developed at a time when the City did not implement the GNP's. As stated in this report, and the Planning Commission report dated May 14, 2007, the request to divide the site into separate parcels provided Staff the opportunity to incorporate the GNP's into the conditions of approval for the parcel map. In by doing so, the project conditions would ensure that ongoing maintenance is required, and enables City Staff to enforce these conditions upon all responsible parties if the site was neglected and left in a distressed state.

Additional Information:

Code and Police Contact History at the Project Site: The previous owner of the site had received a code compliance letter in July of 2001. This letter was issued due to the property being in violation of City ordinances. This violation related to the storage, depositing and accumulation of items on the property that caused visual blight and reduced the aesthetic appearance of the neighborhood. The code violations were resolved and the property has since been acquired by a new owner. The current property owner acquired the site in 2006 and recently removed items from the site that otherwise would have required code enforcement action.

Furthermore, Staff has received a list of calls for police service to this site. The list identifies a total of 67 calls for service over a nine year period.

Community Outreach: Representatives of the Washington Neighborhood Improvement Association were contacted and attended the public hearing. The association has been supportive of efforts to achieve and maintain higher standards of property maintenance in their community. Staff believes that the inclusion of the GNP's and property maintenance condition (Conditions No. 4) are consistent with the association's goals.

Santa Fe Avenue Improvements: Improving Santa Fe Avenue has been planned on the City's Capital Improvement Program (CIP) as a priority project. The goal is to establish this arterial road as a full north/south corridor connecting new developments in the south (such as the South East Area Specific Plan [SEASP]) to the new residential, commercial and public facilities in the north (such as the Sports Park).

Included in this corridor will be a bridge across Highway 198 and establishment of Santa Fe Avenue as a primary commercial street in the East Downtown area. The City recently spent over \$1 million to acquire additional right-of-way along Santa Fe Street between St. John's River and Avenue 272. This will enable Santa Fe to be widened to the full arterial status with bicycle and pedestrian facilities. This effort will place greater emphasis on Santa Fe as a north-south thoroughfare across the community and access way to downtown. The upgrading of Santa Fe will increase traffic flows, create investment opportunities, and may warrant future study of zoning along the corridor to encourage infill and lands uses that will benefit from the elevated street status (such as professional offices and mixed use projects).

It is anticipated that the value and importance of individual properties fronting Santa Fe Avenue, such as the project site, necessitate these properties being developed and maintained concurrent with the commitment of public resources being made for the above-noted street improvements.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: The Planning Commission held a public hearing on May 14, 2007 approving Tentative Parcel Map No. 2006-01 on a 4-0 vote with one commissioner absent.

Alternatives:

The City Council may:

1. Amend the conditions of approval to specify special conditions for Tentative Parcel Map No. 2006-01; or
2. Deny the map entirely; or
3. Refer the matter back to the Planning Commission; or
4. Continue the matter to a future City Council hearing for additional information if necessary.

Attachments:

- Resolution Denying Appeal
- Exhibit "A" – Appellant's Appeal of Planning Commission Action
- Tentative Parcel Map No. 2006-01
- Planning Commission staff report dated May 14, 2007
- Unsigned Resolution Approving Tentative Parcel Map No. 2006-01
- Letter from Applicant dated May 7, 2007
- Site Plan for Parcel Map
- Location Sketch
- Aerial Photo
- Zoning Map
- General Plan Map

Recommended Motion (and Alternative Motions if expected): I move to deny the appeal and uphold the Planning Commission's approval of Tentative Parcel Map No. 2006-01.

Environmental Assessment Status

CEQA Review: Categorical Exemption No. 2007-33 was adopted for the project.

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

RESOLUTION NO. 2007-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
DENYING THE APPEAL AND APPROVING TENTATIVE PARCEL MAP NO. 2006-01
LOCATED AT 523 E. CYPRESS AVE.

WHEREAS, Tentative Parcel Map No. 2006-01 is a request by Wayne Scott to divide 0.55-acre into three lots. The site is located at 523 E. Cypress Ave. (APN: 097-101-001); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on May 14, 2007; and

WHEREAS, the Planning Commission of the City of Visalia, after conducting a public hearing, approved Tentative Parcel Map No. 2006-01; and

WHEREAS, an appeal of the Planning Commission's approval of Tentative Parcel Map No. 2006-01 was received on May 24, 2007; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on June 18, 2007; and

WHEREAS, the Council of the City finds the subdivision in accordance with Section 16.16.120 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the project is exempt from further environmental review pursuant to CEQA section 15315.

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

1. That the proposed Tentative Parcel Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
 - The map is consistent with all provisions prescribed by the Zoning Ordinance for a subdivision map in the R-M-3 Zone.
 - The accompanying Conditional Use Permit was for a private driveway only, and there was no request for any reduced zoning standards.
2. That the proposed Tentative Parcel Map would be compatible with adjacent land uses because it complies with the City's zoning standards for multi-family residences in the R-M-3 Zone.
3. That the proposed Tentative Parcel Map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the requested action is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2007-033).

BE IT FURTHER RESOLVED that the City Council denies the applicant's appeal approves the subdivision on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia and subject to the following conditions:

1. That the final map be developed in substantial compliance with Exhibit "A," of the Staff Report.
2. That the parcel map be developed consistent with the comments and conditions of Site Plan Review No. 2005-213.
3. Before recordation of the final map, an operational management plan (Plan) shall be established for the long term maintenance and management of the project. The Plan shall include but not be limited to the following:
 - a. The maintenance of landscaping for the associated properties;
 - b. The maintenance of private drives and open space parking;
 - c. The maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages;
 - d. Enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property ; and
 - e. Enforcing all provisions of the Model Good Neighbor Policies as specified by Resolution of the Planning Commission.

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

A. Maintenance and Operations

1. All development standards, city codes and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, and debris.
2. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
3. A deteriorated condition of an individual apartment unit, even attributable to normal wear and tear, the Owner shall make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
4. Maintain all electrical, plumbing, heating, and other facilities in good working order.
5. Maintain all dwelling units and other on-site structures and facilities in reasonably weather tight condition and good exterior appearance.
6. Remove graffiti within 24 hours of it having been observed.
7. Provide 24-hour availability for Visalia Police Department to Owner or Maintenance and Management Staff. Owner or Maintenance and Management Staff shall be either on-site or available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
8. At least one Owner or Manager of the multi-family complex, or another provided by the property management company, shall be available at all times to respond to management and maintenance issues raised by any concerned individual.
9. Establish and conduct a regular program of routine maintenance for the multi-family residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.

B. Landscape Care and Maintenance

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

C. Driveways and Parking

1. The parking of recreational vehicles, boats, trucks (one-ton capacity and over), trailers and any inoperative vehicles in the apartment/residential complex is not allowed.

D. Tenant Agreement (Renters Contract or Lease) - The rules and regulations to be included with the Tenant Agreement, and any subsequent changes, must be submitted to the City for approval, and must include rules and regulations that cover the following:

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

E. The tenant shall be required to read and sign the Tenant Agreement and have a copy provided to them prior to occupancy.

4. Legal documentation to the City that provides evidence that the property owner(s) have contracted with a professional property management company to manage all of the lots. This documentation shall be provided to the City prior to recording of the final map. However this requirement may be waived for a parcel that is owner occupied, and the affected owner provides evidence that the property will be maintained in accordance with the standards identified in Resolution No. 2007-32.
5. Comply with the California Water Service Company's memorandum dated April 17, 2007.
6. That all other city codes and ordinances be met.
7. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Tentative Parcel Map No. 2006-01, prior to the recording of the final map.

**of Visalia
Agenda Item Transmittal**

Meeting Date: June 18, 2007

Agenda Item Number (Assigned by City Clerk): 13

Agenda Item Wording:

Public hearing for:

1. Appeal of Planning Commission approval of Tentative Parcel Map No. 2007-04, a request by Visalia Development Holdings Ltd. (property owner) to divide 17.4 acres into four parcels in the P-C-N (Planned Neighborhood Commercial) zone. The site is located on the east side of North Demaree Street between West Goshen and West Houston Avenues. (APN: 089-030-035).

Deadline for Action: June 25, 2007, per VMC section 16.04.040, an appeal before the City Council must be heard within 30 days of the appeal filing date. This appeal was filed on May 24, 2007.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Paul Bernal, Associate Planner 713-4025
Fred Brusuelas, AICP 713-4364

Department Recommendation: The Planning Commission has approved Tentative Parcel Map 2007-04. This approval is based upon the following:

- The map is consistent with all provisions prescribed by the Zoning Ordinance for a subdivision map in the P-C-N Zone.

On May 24, 2007, staff received an appeal from Councilmember Collins (see Exhibit "A"). The reason for his appeal pertains to the Policy 3.5.6 of the Land Use Element as applied to the tentative parcel map. Policy 3.5.6 sets forth policies for the locations of neighborhood commercial centers and to ensure they are compatible with the surrounding neighborhoods. Staff recommends Council consider the policy issues being raised by Council Member Collins and take action as appropriate. As this matter constitutes an appeal, Council can (1) Affirm the Commission's action and approve the tentative map with conditions as recommended by staff; (2) approve the map in modified form or with modified conditions, or (3) deny the map if it finds that compliance with Policy 3.5.6 has not been achieved. Staff requests that Council provide direction on its appropriate action and staff will return on June 25, 2007, with the appropriate resolution for adoption. Council can also refer the map back to the Commission to consider additional information on the project.

Background: On May 14, 2007, the Planning Commission approved Tentative Parcel Map No. 2007-04 by a 4-0 vote with one Commission member absent (Commissioner Segure). The parcel map is a request to divide 17.4 acres into four parcels. The parcel map was approved as part of an overall Planned Development for a Shopping Center that consisted of a Conditional Use Permit (CUP) and Variance applications. The CUP was a request to develop the overall site with 154,500 square feet of building area which consisted of several retail businesses while

For action by:

- City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

- Work Session
 Closed Session

Regular Session:

- Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):20

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

the variance was a request to establish a sign program for the Country Club Shopping Center. Planning staff had recommended Commission approval of the Parcel Map and CUP application

Analysis: During the May 14, 2007, Planning Commission hearing, staff presented their analysis of the proposed Country Club Shopping Center which consisted of Conditional Use Permit No. 2007-10, Variance No. 2007-05 and Tentative Parcel Map No. 2007-04. These applications are for the phased to the development of a 17.4 acre site with 154,500 square feet of building area consisting of major anchor tenants and ancillary retail businesses. In addition, the variance requested to establish a sign program for the center while the parcel map requested to subdivide the site. The hearing largely evolved around three major issues, which included, the proposed mid-block traffic signal, phasing of the project, and alcohol sales for the convenience store and service station.

Mid-block Traffic Signal: During the hearing, City staff stated that it could not support the proposed mid-block traffic signal given its proximity to two major intersections that are already signalized, interference with the west bound dual left lanes in West Houston Avenue and stacking delays at the intersection of North Demaree Street and West Goshen Avenue. The Planning Commission agreed with the staff recommendation.

Project Phasing: The applicant is proposing a phasing plan which proposes development along the western portion of the site (i.e., North Demaree St.) during the initial phase. During this phase, the applicant is proposing a C.V.S. Pharmacy, a bank and a service station. In addition, the applicant would construct parking associated with the uses, pedestrian links, landscaping and the construction of the main entrances along North Demaree Street and West Houston Avenue. Phase One also includes the development of the major street improvements.

Phase Two would consist of the remaining 129,000 square feet of building area which includes the major anchor tenants and other retail uses. The applicant's intention is to establish these buildings for the future grocery store and major tenants. However, the applicant has not identified tenants and has stated that they are in the processes of recruiting potential tenants.

During the Planning Commission hearing, staff recommended approval, which was the also the action of the Commission . The Commission's determination for approval was based on project conditions that ensure the development of the shopping center is coordinated in a cohesive, integrated and compatible manner as related to Policy 3.5.6 of the Land Use Element. This includes measures that minimize potential dust generated during construction, noise, traffic, on-site circulation, pedestrian connectivity, landscaping and architectural compatibility with the surrounding neighborhood.

Design: The overall design of the shopping center can generally be described as Mediterranean with a stucco finish and a tile roof, reminiscent of Santa Barbara.. Each building contains architectural elements that are repeated throughout the site. This includes the color scheme, façade treatments, lighting, parapets, cornices, etc. Furthermore each building contains design elements on all four sides, thus the buildings will stimulate interest and will not contain monolithic walls. Furthermore, the buildings will provide 12-foot high walls around the loading areas that will shield loading areas from neighboring properties. These walls are a continuation of the building walls and thus will be designed in a manner compatible to the architectural theme of the building from which these walls extend.

Pedestrian access to the site will be provided via on-site connections to the residential neighborhood to the east, the regional trail located along the southern boundary and along Demaree Street. These paths will connect with on-site pedestrian paths that are depicted on the site plan.

Alcohol Sales: The CUP for the site did not identify a specific tenant for the convenience store and service station. The Commission requested that the sale of alcohol from this site be brought back to the Commission for consideration. Staff stated that the convenience store and service station will be brought before the Commission for its consideration as an amendment to the CUP once a tenant is identified and precise site and elevation plans are submitted to the Planning Division. This amendment could also include alcohol sales if requested for the future service station/mini-mart.

Upon closing the public hearing, the Planning Commission discussed various aspects of the project as presented by Staff and the applicant. The Planning Commission ultimately approved the project, subject to the modifications as outlined in the attached Planning Commission Resolutions.

Appeal of Tentative Parcel Map No. 2007-04: The appellant has filed an appeal on the proposed parcel map as related to Policy 3.5.6 of the Land Use Element. Policy 3.5.6 pertains to the development of neighborhood shopping centers with a major anchor tenant (i.e., grocery stores) and supporting businesses. The policy emphasizes that these developments be located at the intersections of arterial streets and should not be closer than one mile from the nearest built or planned neighborhood/community shopping center. Moreover, the policy requires that these centers be built to a scale and should be compatible in terms of design with surrounding residential development. This includes architectural design, access, on-site circulation, parking, signage, noise attenuation and landscaping.

Although the parcel map is a request to divide the site into four parcels, the Planning Commission formed that the map will not create a piecemeal approach to the design of the site. As previously noted, a master site plan was submitted depicting the placement of the proposed buildings, on-site circulation, pedestrian connectivity, parking, signage and landscaping. In addition, elevations for the pharmacy, bank and retail building were provided and depict a cohesive architectural theme for these buildings. This architectural theme is required to be implemented on the remaining buildings once specific tenants are identified.

It should be noted that is not uncommon for the owner of major shopping center to create various parcels of a larger parcel. The parcelization of these sites allows the owner to sell individual parcels to the future businesses that will develop within that parcel. In other cases, parcel maps are used as a tool to finance the development of these large retail centers. In short, creating individual parcels would not result in the site being fragmented in terms of design nor function, as allowed by the Visalia Municipal Code.

Moreover, the CUP and Variance applications are held in abeyance until a decision on the map is determined. Although these two applications are not contingent upon the parcel map, the CUP and Variance were submitted as one complete project for the development of the entire site and thus placed on hold until the parcel map is either approved or denied.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: The Planning Commission held a public hearing on May 14, 2007, approving Conditional Use Permit No. 2007-10, Variance No. 2007-05 and Tentative Parcel Map No. 2007-04 on a 4-0 vote with one Commission member absent.

Alternatives:

The City Council may:

1. Amend the conditions of approval to specify special conditions for Tentative Parcel Map No. 2007-04; or
2. Deny the map entirely; or
3. Refer the matter back to the Planning Commission; or
4. Continue the matter to a future City Council hearing for additional information if necessary.

Attachments:

- Exhibit "A" – Appellant’s Appeal of Planning Commission Action
- Exhibit "B" – Tentative Parcel Map No. 2007-04
- Exhibit "C" – CUP Site Plan
- Exhibit "D" – Phasing Plan
- Exhibit "E" – Elevations
- Planning Commission staff report dated May 14, 2007
- Unsigned Resolution Approving Tentative Parcel Map No. 2007-04
- Unsigned Resolution Approving Conditional Use Permit No. 2007-10
- Location Sketch
- Aerial Photo
- Zoning Map
- General Plan Map

Recommended Motion (and Alternative Motions if expected): After considering the issues raised by Councilmember Greg Collins, Council may (1) Affirm the Commission’s action and approve the tentative map with conditions as recommended by staff; (2) approve the map in modified form or with modified conditions, or (3) deny the map if it finds that compliance with Policy 3.5.6 has not been achieved. Council can also refer the map back to the Commission to consider additional information on the project. Staff requests that Council provide direction on its appropriate action and staff will return on June 25, 2007, with the appropriate resolution for adoption.

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: June 18, 2007

Agenda Item Number: 14

Agenda Item Wording:

Public hearing for:

1. General Plan Amendment No. 2007-06. A request by the City of Visalia to change the Land Use Designation from Service Commercial to Shopping / Office Commercial for 1.65 acres. The site is located on the south side of East Goshen Avenue, approximately 250-feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055. **Resolution 2007-53 required.**
2. Change of Zone No. 2007-05. A request by the City of Visalia to change the zoning from C-S (Service Commercial) to C-SO (Shopping / Office Commercial) for 1.65 acres. The site is located on the south side of East Goshen Avenue approximately 250-feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055. **Ordinance No. 2007-11 required.**

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Paul Bernal, 713-4025
Fred Brusuelas, AICP 713-4364

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Recommendation and Summary: On May 29, 2007, the Planning Commission adopted Resolution Nos. 2007-37 and 2007-38 and recommends that the City Council approve General Plan Amendment No. 2007-06 and Change of Zone 2007-05. The amendment and change of zone are being proposed in order to facilitate the future development of the site with an office building, including office uses for governmental purposes. This would be a conditionally permitted use in the C-SO (Shopping / Office Commercial) zone but is not allowed in the C-S (Service Commercial) zone. The proposed action would change the land use designation on approximately 1.65 acres from Service Commercial to Shopping / Office Commercial, and to change the zone from C-S (Service Commercial) to C-SO (Shopping / Office Commercial).

Related Projects:

Although no formal development application has been submitted, if the proposed changes are approved, this request may facilitate the site with the development of office-type uses similar to the new offices that have recently developed immediately to the west of this site.

Land Use Consistency

The Land Use Element of the Visalia General Plan contains policies that identify areas suitable for C-SO and C-S development. Policy 3.5.7 of the Land Use Element states that C-SO properties should be designated in areas that were previously designated for local retail, neighborhood, community and regional commercial uses which generally can be characterized as strip or linear development which includes the area along the east side of Ben Maddox between Main and Houston. Policy 3.5.17 states that C-S properties should be designated in locations that provide for a mix of wholesale and heavy commercial uses and services which are not suited for less intense commercial type uses.

Although this area has predominantly been developed with a mix of heavy commercial type uses the plan amendment and change of zone would be in fulfillment of Policy 3.5.7. The project site is located in an area that has gone through a transition from heavy commercial type uses, and any future C-SO type development of the site would be compatible and complementary with the existing restaurant and office complex that abut this site to the west.

In addition, the Land Use Element contains several goals and policies which encourage the strengthening and development of the urban core with professional offices and places of employment to serve as an activity center which would minimize vehicle trips. The proposed land use and zone change would facilitate compatible government offices with existing uses in the area because the C-SO land use designation and zoning would complement the future development of the Civic Center and the East Downtown Areas. This would provide the community a broadened and centralized location to conduct a wide variety of office and commercial activities in and around the downtown area.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on May 29, 2007 and recommended approval of General Plan Amendment No. 2007-06 and Change of Zone No. 2007-05, (4-0, Logan, Peck, Perez, Salinas, Segrue – absent).

Commissioner Logan stated that the City needed to be cognizant of eliminating property planned and zoned for Service Commercial uses within the boundaries of the East Downtown Plan. Commissioner Logan commented that Service Commercial properties were becoming scarce in and around the downtown area, and the City should identify areas where displaced service commercial uses could relocate. Staff stated that this issue is being analyzed as part of the East Downtown Plan, and that recent small lot development activities in the light industrial zones are helping to address this issue.

Alternatives:

None recommended

Attachments:

- Resolution for General Plan Amendment

- Ordinance for Change Zone
- Exhibit “1” – Proposed Land Use Map
- Exhibit “2” – Proposed Zoning Map
- Environmental Document
- Aerial Photo
- Location Map
- Planning Commission Staff Report

City Manager Recommendation:

Recommended Motion: I move to approve General Plan Amendment No. 2007-06 and introduce the ordinance for Change of Zone 2007-05.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:
Required: A Categorical Exemption has been prepared for the project.

NEPA Review:
Required? No
Review and Action: Prior:
Required:

Tracking Information:
Anticipated schedule of review: No further actions if denied, if approved the change of zone would require a second reading.

RESOLUTION NO. 2007-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, APPROVING GENERAL PLAN AMENDMENT NO. 2007-06, A REQUEST TO CHANGE THE LAND USE DESIGNATION FROM SERVICE COMMERCIAL TO SHOPPING / OFFICE COMMERCIAL ON 1.65 ACRES, LOCATED ON THE SOUTH SIDE OF EAST GOSHEN AVENUE APPROXIMATELY 250-FEET EAST OF THE INTERSECTION OF NORTH BEN MADDOX WAY AND EAST GOSHEN AVENUE.

WHEREAS, an application for General Plan Amendment No. 2007-06, requested by the City of Visalia to change the General Plan Land Use Designation from Service Commercial to Shopping / Office Commercial, located on the south side of East Goshen Avenue approximately 250-feet east of the intersection of North Ben Maddox Way and East Goshen Avenue. APN: 098-142-055; and

WHEREAS, the Planning Commission of the City of Visalia, after twenty-one (20) days published notice, held a public hearing before said Commission on May 29, 2007; 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 recommended approval of the general plan amendment; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on June 18, 2007; and

WHEREAS, the City Council of the City of Visalia finds the General Plan Amendment to be 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, a Categorical Exemption was prepared which disclosed that no significant environmental impacts would result from this project.

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

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves 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. 2007-06 would result in an efficient land use pattern, consistent with the area's surrounding commercial land uses.
2. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2007-35).
3. 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.

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.

ORDINANCE NO. 2007- 11

AN ORDINANCE OF THE CITY OF VISALIA, APPROVING CHANGE OF ZONE NO. 2007-05, TO CHANGE THE ZONING FROM C-S (SERVICE COMMERCIAL) TO C-SO (SHOPPING / OFFICE COMMERCIAL) ON APPROXIMATELY 1.65 ACRES

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 of Zone No. 2007-05, to change the zoning from C-S (Service Commercial) to C-SO (Shopping / Office Commercial), for commercial/office development, on the south side of East Goshen Avenue approximately 250-feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055.

Section 2: This property and Zoning Map of the City of Visalia is hereby amended to show said property changes.

Section 3: This ordinance shall become effective 30 days after passage hereof.