

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY, MARCH 12, 2018; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - Planning Division Fee Amendments: Consideration of revisions to the Planning Division fees as contained in City of Visalia Fee Resolution No. 2017-38.
5. PUBLIC HEARING – Andy Chamberlain
Variance No. 2018-01: A request by Central Valley Sweeping to exceed the 25% office area limit in the Industrial Zone, allowing a 36% office area totaling approximately 1,925 sq. ft. of office in a 5,438 sq. ft. building, in the Industrial (I) Zone. The site is located at 10313 W. Legacy Avenue. (APN: 073-220-003).The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-01
6. PUBLIC HEARING – Paul Scheibel
 - a. Lowery West Tentative Subdivision Map TSM 5564: A request to subdivide 48 acres into 218 lots for residential units, including a 17.5-acre portion proposed as a Planned Residential Development (PRD) with 94 residential lots with gated access and private streets. The project site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size), is located near the northeast corner of Riggan Ave. and Akers St. (APNs 077-060-006 and -028) The project has been found to be consistent with Mitigated Negative Declaration No. 2016-63.
 - b. Conditional Use Permit CUP 2017-32: A request for a Planned Residential Development (PRD) on a 17.5-acre portion of a proposed 48-acre, 218-unit residential subdivision. The PRD proposes to develop 94 residential lots with gated access and private streets, modifications to the minimum standards of the R-1-5 Zoned District, including lots that are smaller than 5,000 square feet less than 50 feet in width, and reduced yard setbacks. The site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size), located near on the northeast corner of Riggan Ave. and Akers St. (APNs 077-060-006 and -028) The project has been found

to be consistent with Mitigated Negative Declaration No. 2016-63.

7. REGULAR HEARING-Paul Scheibel
 - 2017 Annual Housing Element Progress Report
8. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

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

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, MARCH 22, 2018 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MARCH 26, 2018



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: March 12, 2018

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

SUBJECT: Lowery West Tentative Subdivision Map TSM 5564: A request to subdivide 48 acres into 218 lots for residential units, including a 17.5-acre portion proposed as a Planned Residential Development (PRD) with 94 residential lots with gated access and private streets. The project site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size), is located near the northeast corner of Riggan Ave. and Akers St. (APNs 077-060-006 and -028)

Conditional Use Permit CUP 2017-32: A request for a Planned Residential Development (PRD) on a 17.5-acre portion of a proposed 48-acre, 218-unit residential subdivision. The PRD proposes to develop 94 residential lots with gated access and private streets, modifications to the minimum standards of the R-1-5 Zoned District, including lots that are smaller than 5,000 square feet less than 50 feet in width, and reduced yard setbacks. The site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size), located near on the northeast corner of Riggan Ave. and Akers St. (APNs 077-060-006 and -028)

STAFF RECOMMENDATION

Tentative Subdivision Map No. 5564

Staff recommends approval of Tentative Subdivision Map No. 5564, as conditioned, based on the findings and conditions in Resolution No. 2017-70. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances.

Conditional Use Permit No. 2017-32

Staff recommends approval of Conditional Use Permit No. 2017-32, as conditioned, based on the findings and conditions in Resolution No. 2017-68. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approved Tentative Subdivision Map No. 5564, based on the findings and conditions in Resolution No. 2017-70.

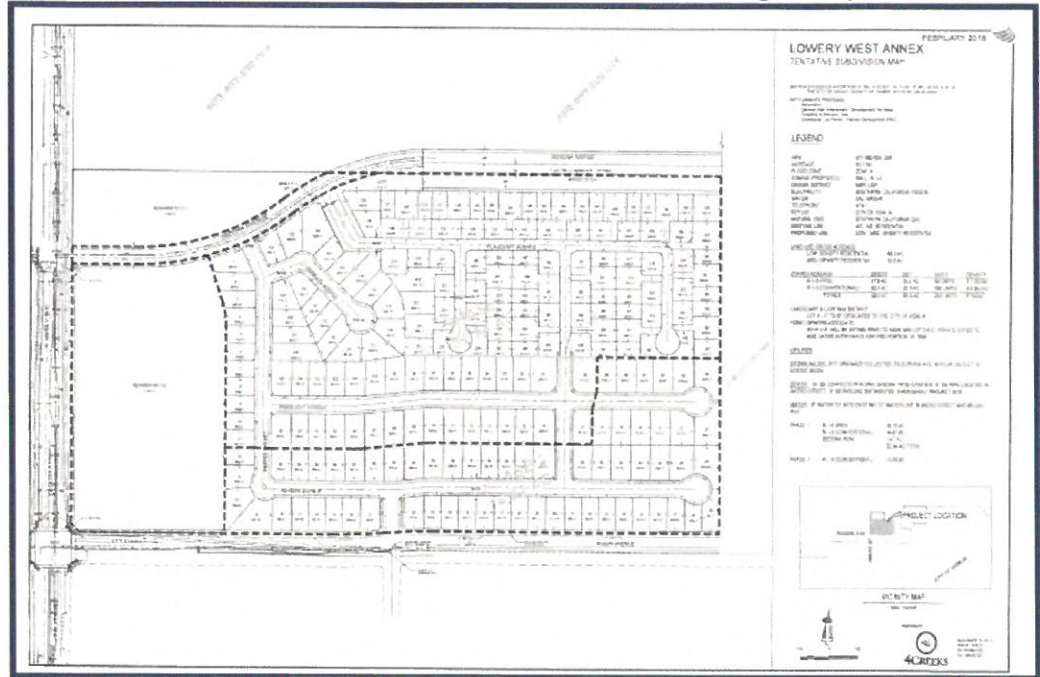
I move to approve Conditional Use Permit No. 2017-32, based on the findings and conditions in Resolution No. 2017-68.

PROJECT DESCRIPTION

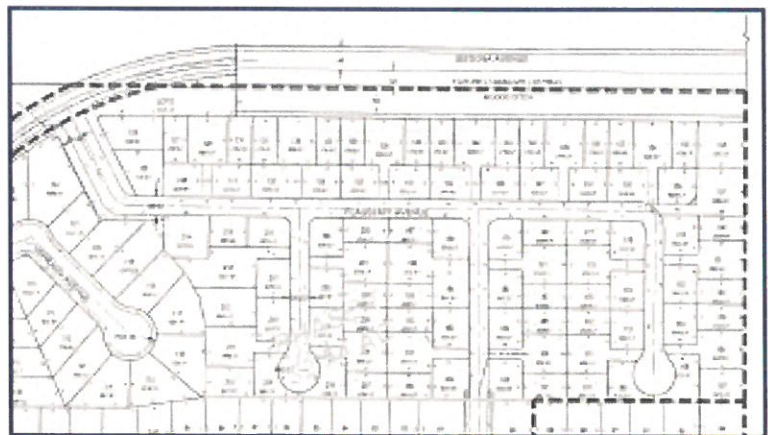
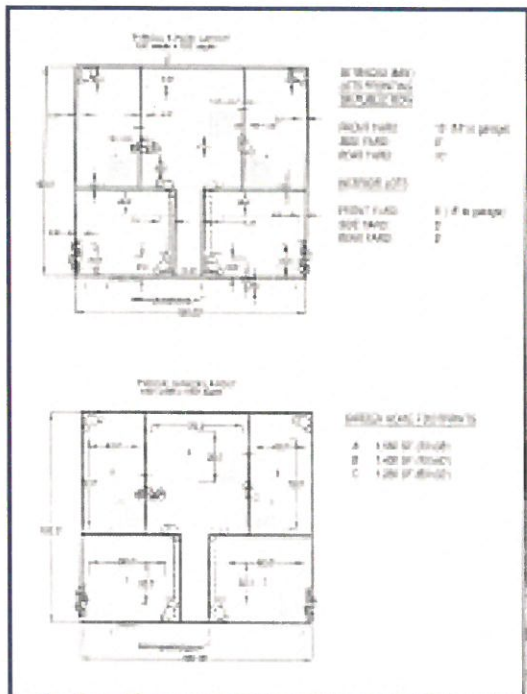
The Lowery West Tentative Subdivision Map (TSM) No. 5564 and Conditional Use Permit (CUP) No. 2017-32 is a Planned Residential Development (PRD) project to subdivide 48 acres

into 218 single-family residential lots. This includes a 17.5-acre portion of the site that proposes a Planned Residential Development (PRD) with 94 residential lots within a gated portion of the project site with private streets.

Primary access to the subdivision will be from Sedona Avenue, a designated Collector road that will be extended to Akers Street to the west. An additional entrance will be at the alignment of Crenshaw Street at Riggan Avenue. This access point will be a $\frac{3}{4}$ -access intersection (Left and right turns in, right turn out only). Both Akers St. and Riggan Ave. are being built out as a result of Parcel Map No. 2017-03, which was approved on January 22, 2018, and has since been recorded.



The PRD will feature lot sizes that are



less than 5,000 square feet, have shared driveways, and reduced yard setbacks. The lot configuration that clusters five lots around one shared driveway is commonly referred to as a "5-pack" design. All units within the PRD will be single-story units.

The area within the PRD, including streets and common areas (including perimeter walls and landscaping), as well as individual units driveways and front yards, will be

maintained and regulated through a Homeowners Association (HOA).

Pursuant to Zoning Ordinance Chapter 17.26 (Planned Development), development standards may be deviated in order to maximize the benefits that may be derived from a more unique

project that could not otherwise be accommodated by adherence to the Code standards. The proposed project is being processed under this Code provision. The project proposes to deviate from the R-1 (Single-family Residential) in order to create a mixed-density residential development. The PRD portion of the project proposes a development density of 5.37 units per acre. This is within the upper half of the City's density range for the RLD (Low Density Residential) Land Use designation; and it is over 20% greater than the average density of 4.4 units per acre for single-family residential subdivisions that are typical in the City. Overall, the entire subdivision is proposed to be developed at 4.54 units per acre. This is still above the City's average density for residential subdivisions.

Pursuant to Chapter 17.26, the applicant is requesting special setbacks and standards, as follows:

COMPARISON OF SETBACK STANDARDS					
	Front to Living Spaces	Front to Garages	Rear	Side	Side Street
STANDARD CODE FOR R-1-5 SINGLE-STORY UNITS	15	22	20	5	10
PROPOSED EXTERIOR LOTS ADJACENT TO PRIVATE STREETS	15	22	20	5	5
PROPOSED EXTERIOR LOTS NOT ADJACENT TO ON PRIVATE STREETS	5	5	5	5	
PROPOSED LOTS ADJACENT TO STANDARD R-1 LOTS (As measured from adjacent block wall/fence)			10	10	

The remaining 124 lots will be standard single-family residential lots ranging in size from 5,736 sq.ft. to 14,002 sq.ft. These lots will be accessed by standard local streets built to City local residential street design standards (40-foot-wide curb to curb width within a 60-foot Right-of-way, including sidewalks and parkway strips on both sides of the roadway), and dedicated to and maintained by the City. No special setbacks or deviations from the City's zoning or subdivision standards are being requested in conjunction with TSM 5564.

BACKGROUND INFORMATION

General Plan Land Use Designation:	RLD (Residential Low Density)
Zoning:	R-1-5 (Single-family Residential, 5,000 sq.ft. lot area per unit)
Surrounding Land Use and Zoning:	North: RLD /County A-20/ Vacant South: RLD/R-1-5/Subdivision East: Q-P (Quasi-Public)/C (Conservation)/Modoc

	Basin
West:	RMD/R-M-2/Vacant
Environmental Review:	Mitigated Negative Declaration No. 2016-63
Special Districts:	None
Site Plan Review No:	2017-185B

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies.

RELATED ACTIONS

General Plan Amendment GPA 2016-10: A Request by Harvey May & 4-Creeks, Inc. to amend the General Plan Land Use Map by revising the Tier 1 and Tier 2 Growth Boundaries to move a 66.2-acre site from the Tier 2 Growth Boundary to the Tier 1 Growth Boundary; and, to move a 58-acre site from the Tier 1 Growth Boundary to the Tier 2 Growth Boundary. The affected sites are located generally near the northeast corner of North Akers Street and West Riggan Avenue, and south of West Riverway Drive (APN's 077-060-006, 077-060-023, 077-060-024 (partial), and 077-060-028). This GPA was approved by the City Council on May 1, 2017.

Lowery West Annexation No. 2016-02: A request by Harvey May & 4-Creeks, Inc. to annex two parcels totaling 66.2 acres into the City limits of Visalia, and to detach from Tulare County Service Area No.1. Upon annexation, approximately 50.4 acres of the site would be zoned R-1-6 (Single-Family Residential 6,000 square foot minimum site area), which is consistent with the General Plan Land Use Designation of Low Density Residential. The remaining approximately 15.8 acre parcel would be zoned R-M-2 (Multi-Family Residential 3,000 square feet per unit), which is consistent with the General Plan Land Use Designation of Medium Density Residential. The site is located on the northeast corner of North Akers Street and West Riggan Avenue (APNs: 077-060-006 and 077-060-028). This Annexation was approved by the Tulare Local Agency Formation Commission (LAFCO) on July 12, 2017.

Lowery West Tentative Subdivision Map No. 5557: A request by Harvey May & 4-Creeks, Inc. to subdivide 50.4 acres into a 184-lot single-family residential subdivision, and a 15.77 remainder parcel. The 50.4-acre portion is proposed to be zoned R-1-6 (Single-family Residential, 6,000 square foot minimum lot size) upon annexation into the City of Visalia. The 15.8-acre remainder parcel is proposed to be zoned R-M-2 (Multi-Family Residential 3,000 square feet per unit) upon annexation into the City of Visalia. The site is located on the northeast corner of North Akers Street and West Riggan Avenue (APNs: 077-060-006 and 077-060-028). This was approved by the Planning Commission on March 27, 2017.

Tentative Subdivision Map No. 5558: A request to subdivide 8.76 acres into 51 lots for residential development. The project is zoned R-M-2 (Multi-family Residential, 3,000 sq. ft. of lot area per unit), and is located on the south side of Ferguson Ave., approximately 650 feet west of Dinuba Blvd. (APN 090-280-004); and, **Conditional Use Permit No. 2017-02:** A request by Joe Gong for a Planned Development to allow 51 single-family residential units with modified development standards on 8.76 acres. The project site is zoned R-M-2 (Multi-family Residential, 3,000 sq. ft. of lot area per unit), and is located on the south side of Ferguson Ave.,

approximately 650 feet west of Dinuba Blvd. (APN 090-280-004). This project was approved by the Planning Commission on March 13, 2017.

Lowery West Tentative Parcel Map TPM 2017-03: A request to subdivide 66.15 acres into four parcels and a remainder. The project site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size) and R-M-2 (Multi-family Residential, 3,000 sq. ft. of lot area per unit), located on the northeast corner of Riggan Ave. and Akers St. (APNs 077-060-006 and -028). This was approved by the Planning Commission on January 22, 2018.

PROJECT EVALUATION

Staff recommends approval of the Lowery West TSM 5564, and CUP 2017-32, as conditioned, based on the project's consistency with the Land Use Element Policies of the General Plan, Zoning Ordinance, and the Subdivision Ordinance.

Planned Residential Development

The proposed "5-pack" small lot subdivision offers an integral mix of single-family housing units within a larger standard residential subdivision that will complement the overall range of new housing options in the northern portion of the City. The proposed development density (5.37 units per acre) of the PRD component is more than 20% higher than the current average (4.4 units per acre) single-family residential development density in the City. The higher density of the PRD facilitates an overall subdivision density of 4.54 units per acre which is still above the City's historical average for single-family residential subdivisions.

Staff is supportive of the proponent's intent to establish a Homeowners Association (HOA) to maintain the roads, common area property and landscaping. These areas would be required to be owned and maintained by an HOA under current City standards that require common area ownership for non-dedicated streets and landscape lots. Staff fully supports the proponent's intent to also include the shared private driveways and front yard landscaping. These will help ensure the overall development is maintained in a uniform standard among the privately owned lots.

The proposed modifications to the SFR lot sizes can generally be supported on the basis that the resulting buildable lots, as conditioned, will be fully functional without undue intrusion or conflict with the lot configurations of future adjacent residences. Specifically, all of the residences within the PRD will be single-story units, which will reduce the potential privacy concerns among adjacent residences, and will minimize the perception of overcrowded development relative to the buildings placed on more compact lots.

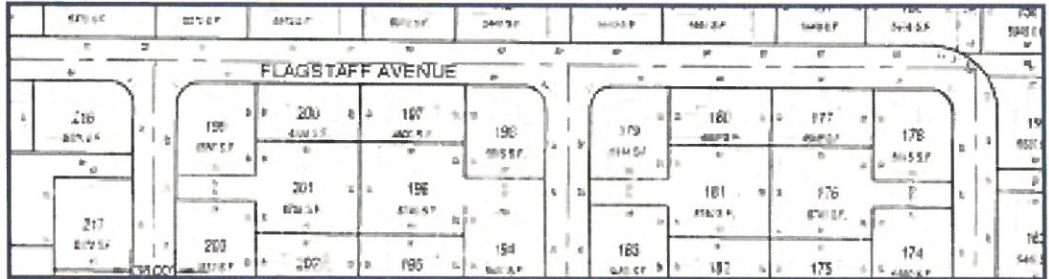
Further, a minimum 10-foot yard setback will be maintained for all units adjacent to standard R-1-5 lots. This will help preserve the privacy of the future standard lot residences to the south and west. All other lots will have a minimum 5-foot rear yard. These setbacks can be supported on the basis that the 5-foot rear yard setback for these reduced-sized lots is proportionate with the 20-foot rear yard setbacks that is standard for a 5,000 sq.ft. residential lot, and in consideration that the setbacks still provide a degree of privacy for future residences that will be located adjacent to the PRD development. However, staff is proposing a ten-foot side street setback (Special Condition No. 1a) that is discussed in detail below.

Recommended Special Conditions

In addition to the standard conditions applicable to a TSM and CUP project, staff recommends the following Special Conditions to be placed on the both the TSM and CUP components of the project. The Condition number corresponds to the subdivision conditions. However, they are also contained in the CUP conditions, but under different condition numbers.

- Condition No. 1a- The side street setback shall be a minimum of 10 feet on corner lots.

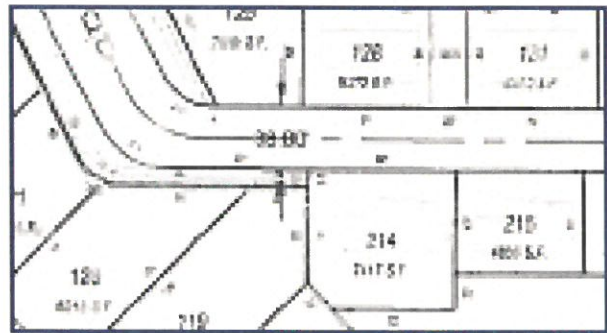
This Special Condition is recommended to minimize potential sight visibility at intersections within the PRD portion of the subdivision.



The proponent is proposing side yard setbacks of 5 feet, without distinction for corner lots. Staff concurs with this proposal, except where the side yard coincides with a side street, such as potential interface conflicts with the existing residences that are adjacent to the east.

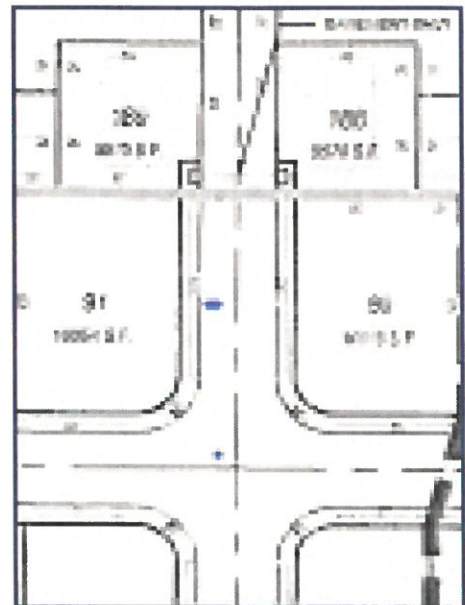
- Condition No. 1b- The driveway servicing Lot 214 shall be to the east side of the lot.

This is intended to minimize potential site line conflicts since this lot is located at the apex of the curving road at the PRD entry point.

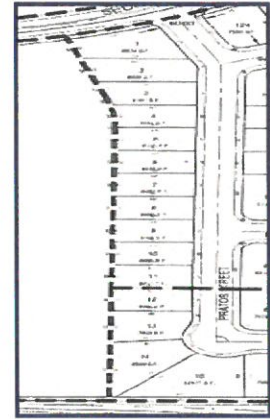


- Condition No. 1c- The portion of the 58-foot roadway and landscape parkway/sidewalks corresponding to the southern gated exit, between lots 90 and 91, and extending to the northern curb returns on Prescott Avenue, shall be included as a Homeowners Association lot, and maintained by the HOA. This shall include the block walls on both the east and west sides of the roadway segment. The final design shall be as approved by the City Engineer.

This condition is necessary because the proposed transition from the private street and gated exit onto the public street segment will not function as a public roadway. Rather, it will only benefit the HOA lots in the PRD. Consequently, the City Engineer is recommending that the map be revised to reflect that roadway segment be part of the HOA common area and roadway, and that it be constructed and maintained as part of the HOA.



- Condition No. 9- Fencing with anti-graffiti finish shall be installed along the western perimeter, coincidental with the R-M-2 Zoned property.



This is recommended to ensure for a uniform perimeter fence that will be visible from Akers Street.

- Condition No. 10- A disclosure document be included in all home sales within the subdivision: Sellers will be required to provide a written disclosure of the R-M-2 multiple family zoned Remainders to all purchasers of the project lots; and, Sellers will be required to provide a written disclosure of the “Garden” lots to all purchasers of the standard subdivision lots.

This is recommended to ensure that future residential homeowners are fully aware that portions of the site and residents adjacent off-site will be developed with other than standard single-family residences

- Condition No. 8- All Mitigation Measures contained in Mitigated Negative Declaration No. 2016-63 shall be addressed and incorporated into the grading plans for the project.

Pursuant to AB 52, early consultation and coordination with representatives of the five Native American tribes with historic ties to the area occurred between November 2016 and February 2017. This included a site visit. No direct evidence of archeological or significant Native American resources were found on the site. However, based on the recommendation of Tribal representatives, all grading activities shall include a procedure for ceasing grading activities to consult with subject matter experts in the event potential resources are discovered.

General Plan Consistency

The project specifically supports General Plan Land Use policies related to efficient land use absorption (Policy LU-P-19, LU-P-45), and with policies related to encouraging a variety of housing products (LU-P-50). The project, as conditioned, is not inconsistent with any General Plan policies.

Subdivision Map Act Findings

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven “negative” findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff’s analysis are below. Recommended findings in response to this Government Code section are included in the recommended findings for the approval of the tentative parcel map.

GC Section 66474 Finding	Analysis
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision Map. There are no specific plans applicable to the proposed map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision Map. There are no specific plans applicable to the proposed map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Low Density Residential. This is included as recommended Finding No. 3 of the Tentative Subdivision Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Low Density Residential. This is included as recommended Finding No. 4 of the Tentative Subdivision Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvement of the map has been not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat. This finding is further supported by the project's Mitigated Negative Declaration under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 6 of the Tentative Subdivision Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has been found to not cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Subdivision Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 5 of the Tentative Subdivision Map.

Environmental Review

Mitigated Negative Declaration No. 2016-63 was prepared for Annexation 2016-02, General Plan Amendment GPA 2016-10, and Tentative Subdivision Map TSM No. 5557 on the current project site. MND 2016-63 also analyzed a multi-family residential development component on the site. The current project is a less intense project as compared with TSM 5557. The current project poses no new impacts that would potentially have a significant environmental impact pursuant to the California Environmental quality Act (CEQA). The mitigation measures apply to

the potential for archeological and Native American resources being unearthed during grading operations. The project site was the subject of an early consultation and coordination process among the City and the five Tribes with historic ties to the area. A 30-day review and comment period through the State Clearing House for the Initial Study began on February 23, 2017, and ended on March 27, 2017. No formal comments were received. Consequently, the Mitigated Negative Declaration for the project is determined to be adequate and applicable to the current project.

RECOMMENDED FINDINGS

Tentative Subdivision Map No. 5564

1. That the proposed location and layout of the Lowery West Tentative Subdivision Map TSM 5564, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The project site is specifically consistent with General Plan Land Use policies related to efficient land use absorption (Policy LU-P-19, LU-P-45), and to encouraging a variety of housing products (LU-P-50).
2. That the proposed Lowery West Tentative Subdivision Map TSM 5564, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the vicinity, nor is it likely to cause serious public health problems. That the proposed tentative public health, safety, or welfare, nor materially injurious to properties or improvements in the subdivision map would be compatible with adjacent land uses. The project site is bordered by arterial roadways and vacant lands.
3. That the site is physically suitable for the proposed tentative subdivision map. The Lowery West Tentative Subdivision Map TSM 5564 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. The completion of the street connection proposed by the subdivision provides connection to arterial roadways for improved path of travel for vehicles and pedestrians of the surrounding area.
4. That the site is physically suitable for the proposed tentative subdivision map and the project's density is consistent with the underlying Low Density Residential General Plan Land Use designations. The proposed location and layout of the project, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
5. That the proposed Lowery West Tentative Subdivision Map TSM 5564 design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The completion of the local street connection proposed within the subdivision provides connection to existing neighborhoods. The construction of this local street connection provides an improved path of travel for vehicles and pedestrians of the surrounding area. The project site was analyzed a multi-family residential development component on the site.
6. That Mitigated Negative Declaration No. 2016-63 was prepared for Annexation 2016-02, General Plan Amendment GPA 2016-10, and Tentative Subdivision Map TSM No. 5557 on the current project site. MND 2016-63 also contains mitigation measures that apply to the potential for archeological and Native American resources being unearthed during grading operations. The project site was the subject of an early consultation and coordination process among the City and the five Tribes with historic ties to the area. No formal comments were received as a result of circulation of the Intent to Adopt MND 2016-63, and

the MND was ultimately adopted by the City Council of the City of Visalia on May 5, 2017. Consequently, the Mitigated Negative Declaration for the project is determined to be adequate and applicable to the current project.

Conditional Use Permit No. 2017-02

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - A. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
 - C. That the proposed project is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The project specifically supports General Plan Land Use policies related to efficient land use absorption (Policy LU-P-19, LU-P-45), and to encouraging a variety of housing products (LU-P-50).
3. That Mitigated Negative Declaration No. 2016-63 was prepared for Annexation 2016-02, General Plan Amendment GPA 2016-10, and Tentative Subdivision Map TSM No. 5557 on the current project site. MND 2016-63 also contains mitigation measures that apply to the potential for archeological and Native American resources being unearthed during grading operations. The project site was the subject of an early consultation and coordination process among the City and the five Tribes with historic ties to the area. No formal comments were received as a result of circulation of the Intent to Adopt MND 2016-63, and the MND was ultimately adopted by the City Council of the City of Visalia on May 5, 2017. Consequently, the Mitigated Negative Declaration for the project is determined to be adequate and applicable to the current project.

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Subdivision Map No. 5564

1. The final tentative subdivision map shall be prepared in substantial compliance with Exhibit "A" and Exhibit "B", excepting that:
 - a. The side street setback shall be a minimum of 10 feet on corner lots.
 - b. The driveway servicing Lot 214 shall be to the east side of the lot.
 - c. The portion of the 58-foot roadway and landscape parkway/sidewalks corresponding to the southern gated exit, between lots 90 and 91, and extending to the northern curb returns on Prescott Avenue, shall be included as a Homeowners Association lot, and maintained by the HOA. This shall include the block walls on both the east and west sides of the roadway segment. The final design shall be as approved by the City Engineer.
 - d. All buildings shall be single-story units within the PRD portion of the project.

2. That the tentative subdivision map shall be developed consistent with the comments and conditions of Site Plan Review No. 2017-185B, incorporated herein by reference.
3. That Conditional Use Permit No. 2017-32 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That Tentative Subdivision Map No. 5564 shall be null and void unless Conditional Use Permit No. 2017-32 is approved.
5. That prior to the issuance of a building permit on the site, the applicant / developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
6. That all other federal and state laws and city codes and ordinances be complied with.
7. Prior to recordation of the final map, the proponent shall form a Homeowner's Association (HOA) for the administration and maintenance of all common areas, and for individual lot front yard landscaping, and common driveways.
8. All Mitigation Measures contained in Mitigated Negative Declaration No. 2016-63 shall be addressed and incorporated into the grading plans for the project.
9. Fencing with anti-graffiti finish shall be installed along the western perimeter, coincidental with the R-M-2 Zoned property.
10. A disclosure document be included in all home sales within the subdivision: Sellers will be required to provide a written disclosure of the R-M-2 multiple family zoned Remainders to all purchasers of the project lots; and, Sellers will be required to provide a written disclosure of the "Garden" lots to all purchasers of the standard subdivision lots.
11. The setbacks for the PRD portion of the project shall be as follows:

SETBACK STANDARDS					
	Front to Living Spaces	Front to Garages	Rear	Side	Side Street
PROPOSED EXTERIOR LOTS ADJACENT TO PRIVATE STREETS	15	22	20	5	5-10
PROPOSED EXTERIOR LOTS NOT ADJACENT TO ON PRIVATE STREETS	5	5	5	5	
PROPOSED LOTS ADJACENT TO STANDARD R-1 LOTS (As measured from adjacent block wall/fence)			10	10	10

Conditional Use Permit No. 2017-32

1. That the planned development be prepared in substantial compliance with Exhibit "A" and "Exhibit "B", excepting that:
 - a. The side street setback shall be a minimum of 10 feet on corner lots.
 - b. The driveway servicing Lot 214 shall be to the east side of the lot.
 - c. The portion of the 58-foot roadway and landscape parkway/sidewalks corresponding to the southern gated exit, between lots 90 and 91, and extending to the northern curb returns on Prescott Avenue, shall be included as a

Homeowners Association lot, and maintained by the HOA. This shall include the block walls on both the east and west sides of the roadway segment. The final design shall be as approved by the City Engineer.

- d. All buildings shall be single-story units within the PRD portion of the project.
2. That the planned development shall be developed consistent with the comments and conditions of Site Plan Review No. 2017-185B, incorporated herein by reference.
 3. That Tentative Subdivision Map No. 5564 shall be approved, and that requirements of the subdivision map which relate to this conditional use permit shall be fulfilled.
 4. That Conditional Use Permit No. 2017-32 shall be null and void unless Tentative Subdivision Map No. 5564 is approved.
 5. That all of the conditions and responsibilities of Conditional Use Permit No. 2017-32 shall run with the land, and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
 6. That all applicable federal, state, regional, and city policies and ordinances be met.
 7. Prior to recordation of the final map, the proponent shall form a Homeowner's Association (HOA) for the administration and maintenance of all common areas, and for individual lot front yard landscaping, and common driveways.
 8. All Mitigation Measures contained in Mitigated Negative Declaration No. 2016-63 shall be addressed and incorporated into the grading plans for the project.
 9. The setbacks for the PRD portion of the project shall be as follows:

SETBACK STANDARDS					
	Front to Living Spaces	Front to Garages	Rear	Side	Side Street
PROPOSED EXTERIOR LOTS ADJACENT TO PRIVATE STREETS	15	22	20	5	5-10
PROPOSED EXTERIOR LOTS NOT ADJACENT TO ON PRIVATE STREETS	5	5	5	5	
PROPOSED LOTS ADJACENT TO STANDARD R-1 LOTS (As measured from adjacent block wall/fence)			10	10	10

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the City Clerk.

Attachments:

- Related Plans & Policies
 1. Resolution No. 2017-70 (Tentative Subdivision Map No. 5564)
 2. Resolution No. 2016-68 (Conditional Use Permit No. 2017-32)
 - Exhibit "A" – Tentative Subdivision Map 5564 /CUP 2017-32 (Lowery West)
 - Exhibit "B" - Elevations for CUP 2017-32 (Lowery West)
 3. Operational Statement
 4. Site Plan Review Comments 2017-185B
 5. Mitigated Negative Declaration No. 2016-63
 6. General Plan Land Use Map
 7. Zoning Map
 8. Aerial Map

RELATED PLANS AND POLICIES

City of Visalia General Plan Land Use Element

LU-P-19 Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. *The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.*

LU-P-45 Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan. *Techniques to be used include designation of infill opportunity zones as part of the implementation process and provision of incentives, such as reduced parking and streamlined review, and residential density bonuses, and floor area bonuses for mixed use and/or higher-density development, subject to design criteria and findings of community benefit.*

LU-P-50 Provide development standards to ensure that a mix of detached and attached single-family and multi-family housing types can be compatible in a single development. *Development standards may include but not be limited to requiring heights, setbacks, and building massing to be in scale with surrounding uses or to provide a transition in scale and character; and establishing the spacing of curb cuts and location of parking.*

City of Visalia Subdivision Ordinance [Title 16 of Visalia Municipal Code]

16.16.030 Tentative subdivision maps.

A. The tentative map shall be prepared by a registered civil engineer or a licensed land surveyor in accord with the provisions of the Subdivision Map Act and this title and shall be filed with the city planner. Such filing shall be prior to the completion of final surveys of streets and lots and before the start of any grading or construction work within the proposed subdivision.

B. A minimum of thirty (30) copies of the tentative map, and accompanying reports and statements shall be submitted to the city planner at the time of filing. Filing of required documents will be deemed official upon written receipt from the city planner. (Ord. 9605 § 32 (part), 1996: prior code § 9100)

16.16.090 Staff reports.

Any report or recommendation on a tentative map by the staff of the commission or council shall be in writing and a copy thereof served on the subdivider at least three days prior to any hearing or action on such map by the commission or council. (Prior code § 9135)

16.16.100 Hearing and notice.

A. The city planning commission shall hold a public hearing on an application for a tentative subdivision map or vesting tentative subdivision map.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area proposed for subdivision. (Prior code § 9140)

16.16.110 Commission approval.

Within fifty (50) days after the tentative map has been filed with the city planner or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by state law and local ordinances, the commission shall report in writing to the subdivider their decision regarding approval, conditional approval, or disapproval of the map and the conditions on which such action is based. (Ord. 9605 § 32 (part), 1996: prior code § 9145)

16.16.120 Council action.

The city council may overrule or modify any ruling or determination of the commission in regard to a tentative map and may make conditional exceptions if special circumstances pertaining to the property involved justify a variance from the provisions of this title. (Prior code § 9150)

16.16.130 Expiration of maps and extensions.

A. Expiration. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

B. Extension. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the city planner who shall forward it to the planning commission for action. Such application shall be filed before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension.

C. Time Limit on Extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of three years. (Ord. 9605 § 32 (part), 1996: prior code § 9155)

Section 16.28.080 Appeals.

If the applicant is dissatisfied with the decision of the planning commission, he may, within ten days after the decision of the planning commission, appeal in writing to the council for a hearing thereon. Such hearing need not be concluded on the day thus set but may be continued. (Prior code § 9245)

Section 16.28.110 Right-of-way dedications.

A. Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right-of-way and/or easements as may be required by the planning commission.

B. The planning commission may, at its discretion, require that offers of dedication or dedication of streets include a waiver of direct access rights to any such streets from any property shown on the final map as abutting thereon, in accord with the provisions of the Subdivision Map Act. (Prior code § 9260)

Chapter 16.28: PARCEL MAPS

Section 16.28.020 Advisory agency.

The planning commission is designated as the advisory agency referred to in Article 2 of the Subdivision Map Act and is charged with the duty of making investigations and reports on the design and improvement of proposed divisions of land under this chapter. The city planner is designated as the clerk to the advisory agency with authority to receive parcel maps. (Ord. 9605 § 32 (part), 1996: prior code § 9215)

Section 16.28.060 Hearing and notice.

A. The city planning commission shall hold a public hearing on an application for a tentative parcel map or vesting tentative parcel map.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area proposed for subdivision. (Prior code § 9235)

Section 16.28.070 Consideration of tentative parcel maps.

The commission shall review the tentative parcel map and approve, conditionally approve, or disapprove the map within thirty (30) days after the receipt of such map, or at such later date as may be required to concurrently process the appurtenant environmental impact require documents required by state law and local regulations adopted in implementation thereof. (Prior code § 9240)

Section 16.28.080 Appeals.

If the applicant is dissatisfied with the decision of the planning commission, he may, within ten days after the decision of the planning commission, appeal in writing to the council for a hearing thereon. Such hearing need not be concluded on the day thus set but may be continued. (Prior code § 9245)

Section 16.28.110 Right-of-way dedications.

A. Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right-of-way and/or easements as may be required by the planning commission.

B. The planning commission may, at its discretion, require that offers of dedication or dedication of streets include a waiver of direct access rights to any such streets from any property shown on the final map as abutting thereon, in accord with the provisions of the Subdivision Map Act. (Prior code § 9260)

City of Visalia Zoning Ordinance [Title 17 of Visalia Municipal Code]

Chapter 17.26: PLANNED DEVELOPMENT

Section 17.26.010 Purpose and intent.

The purpose and intent of the PD regulations contained in this chapter is to provide for land development consisting of a related group of residential housing types or commercial uses, including but not limited to, attached or detached single-family housing, cluster housing, patio homes, town houses, apartments, condominiums or cooperatives or any combination thereof and including related open spaces and community services consisting of recreational, commercial and offices, infrastructure, maintenance and operational facilities essential to the development, all comprehensively planned. Such land development normally requires deviation from the normal zoning regulations and standards regarding lot size, yard requirements, bulk and structural coverage in an effort to maximize the benefits accruing to the citizens of Visalia. (Ord. 9718 § 2 (part), 1997: prior code § 7410)

17.26.040 Development standards.

The following is a list of development standards considered to be necessary to achieve the purpose and intent of this chapter:

- A. Site Area.
 - 1. The minimum site area for a planned residential development shall be one acre of gross site area.
 - 2. The minimum site area for a planned unit development shall be ten acres.
 - 3. The minimum site area for a planned commercial development shall be five acres.
 - 4. The minimum site area for a planned industrial development shall be twenty (20) acres.
 - 5. Parcels smaller than the minimums stated above may be considered if the planning commission finds there are unique circumstances (shape, natural features, location, etc.) which would deprive the land owner of development potential consistent with other properties classified in the same underlying zone.
- B. Density. The average number of dwelling units per net area shall not exceed the maximum density prescribed by the site area regulations or the site area per dwelling in which the planned unit development is located, subject to a density bonus which may be granted by the city council upon

recommendation by the planning commission. A density bonus may be granted as part of a planned development based on the following guidelines:

Percent of Net Site in Usable Open Space	Area Percent of Density Bonus
6% to 10%	6%
11% to 20%	10%
21% to 25%	16%
Over 25%	20%

C. Usable Open Space. Usable open space shall be provided for all planned developments which include residential uses, except as provided in this section. Such open space shall include a minimum of five percent of the net site area of the residential portion of a planned development. The requirement for mandatory usable open space may be waived in developments wherein the net lot area of each lot meets or exceeds minimum standard in the underlying zone classification.

D. Site Design Criteria.

1. Location of proposed uses and their relationship to each other with a planned development shall be consistent with general plan policies and ordinance requirements.

2. The natural environment of a site is to be considered as part of the design criteria. Such features as natural ponding areas, waterways, natural habitats, and mature vegetation are to be considered.

3. If a planned development is located adjacent to a major arterial street, or other existing possible land use conflict, adequate buffering shall be included in the plan.

E. Landscaping and Structural Coverage. Landscaping provided within a planned development shall conform with the general standards imposed by the underlying zone. Additional landscaping may be required as part of a planned development due to unusual circumstances.

F. Circulation.

1. Vehicle circulation shall be based on a street pattern as outlined within the circulation element of the general plan. Use of private streets and variations to normal city street standards are encouraged.

2. There shall be no direct vehicle access from individual lots onto major arterial streets.

3. Pedestrian access and bicycle paths should be incorporated within planned developments. Such paths and bikeways to be separated from vehicle streets when possible.

G. Parking.

1. Required parking shall conform with the existing parking standards required under the zoning ordinance.

2. Guest parking and storage parking shall be encouraged and may be required in planned development.

3. All parking shall be screened from adjacent public right-of-way. Such screening may include dense plantings, fences, landscaped berms, or grade separation.

4. Parking clusters shall be provided rather than large (single) parking areas.

H. Trash Enclosures.

1. Trash enclosures shall be provided as specified by the city solid waste department.

2. Such enclosures shall be screened from view from adjacent structures and roadways and be provided with solid gates. (Ord. 9718 § 2 (part), 1997: prior code § 7413)

Chapter 17.38: CONDITIONAL USE PERMITS

Section 17.38.110 Action by planning commission.

A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;

2. That the proposed location of the conditional use and the conditions under which it would

be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.

C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

RESOLUTION NO 2017-70

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE SUBDIVISION MAP NO. 5564, A REQUEST TO SUBDIVIDE 48 ACRES INTO 218 LOTS FOR RESIDENTIAL UNITS, INCLUDING A 17.5-ACRE PORTION PROPOSED AS A PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH 94 RESIDENTIAL LOTS WITH GATED ACCESS AND PRIVATE STREETS. THE PROJECT SITE IS ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM LOT SIZE), IS LOCATED NEAR THE NORTHEAST CORNER OF RIGGIN AVE. AND AKERS ST. (APNS 077-060-006 AND -028)

WHEREAS, Lowery West Tentative Subdivision Map 5564 is a request to subdivide 48 acres into 218 lots for residential units, including a 17.5-acre portion proposed as a Planned Residential Development (PRD) with 94 residential lots with gated access and private streets. The project site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size), is located near the northeast corner of Riggins Ave. and Akers St. (APNs 077-060-006 and -028); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on March 12, 2018; and

WHEREAS, the Planning Commission of the City of Visalia finds the tentative subdivision map in accordance with Section 16.16 of the Subdivision Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds that Mitigated Negative Declaration No. 2016-63 was prepared for Annexation 2016-02, General Plan Amendment GPA 2016-10, and Tentative Subdivision Map TSM No. 5557 on the current project site. MND 2016-63 also contains mitigation measures that apply to the potential for archeological and Native American resources being unearthed during grading operations. The project site was the subject of an early consultation and coordination process among the City and the five Tribes with historic ties to the area. No formal comments were received as a result of circulation of the Intent to Adopt MND 2016-63, and the MND was ultimately adopted by the City Council of the City of Visalia on May 5, 2017. Consequently, the Mitigated Negative Declaration for the project is determined to be adequate and applicable to the current project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia approves the proposed tentative subdivision map based on the following specific findings and based on the evidence presented:

1. That the proposed location and layout of the Lowery West Tentative Subdivision Map TSM 5564, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning

Ordinance, and Subdivision Ordinance. The project site is specifically consistent with General Plan Land Use policies related to efficient land use absorption (Policy LU-P-19, LU-P-45), and to encouraging a variety of housing products (LU-P-50).

2. That the proposed Lowery West Tentative Subdivision Map TSM 5564, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the vicinity, nor is it likely to cause serious public health problems. That the proposed tentative public health, safety, or welfare, nor materially injurious to properties or improvements in the subdivision map would be compatible with adjacent land uses. The project site is bordered by arterial roadways and vacant lands.

3. That the site is physically suitable for the proposed tentative subdivision map. The Lowery West Tentative Subdivision Map TSM 5564 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. The completion of the street connection proposed by the subdivision provides connection to arterial roadways for improved path of travel for vehicles and pedestrians of the surrounding area.

4. That the site is physically suitable for the proposed tentative subdivision map and the project's density is consistent with the underlying Low Density Residential General Plan Land Use designations. The proposed location and layout of the project, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.

5. That the proposed Lowery West Tentative Subdivision Map TSM 5564 design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The completion of the local street connection proposed within the subdivision provides connection to existing neighborhoods. The construction of this local street connection provides an improved path of travel for vehicles and pedestrians of the surrounding analyzed a multi-family residential development component on the site.

6. That Mitigated Negative Declaration No. 2016-63 was prepared for Annexation 2016-02, General Plan Amendment GPA 2016-10, and Tentative Subdivision Map TSM No. 5557 on the current project site. MND 2016-63 also contains mitigation measures that apply to the potential for archeological and Native American resources being unearthed during grading operations. The project site was the subject of an early consultation and coordination process among the City and the five Tribes with historic ties to the area. No formal comments were received as a result of circulation of the Intent to Adopt MND 2016-63, and the MND was ultimately adopted by the City Council of the City of Visalia on May 5, 2017. Consequently, the Mitigated Negative Declaration for the project is determined to be adequate and applicable to the current project.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative subdivision map on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.16.030 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. The final tentative subdivision map shall be prepared in substantial compliance with Exhibit "A", excepting that:
 - a. The side street setback shall be a minimum of 10 feet on corner lots.
 - b. The driveway servicing Lot 214 shall be to the east side of the lot.
 - c. The portion of the 58-foot roadway and landscape parkway/sidewalks corresponding to the southern gated exit, between lots 90 and 91, and extending to the northern curb returns on Prescott Avenue, shall be included as a Homeowners Association lot, and maintained by the HOA. This shall include the block walls on both the east and west sides of the roadway segment. The final design shall be as approved by the City Engineer.
 - d. All buildings shall be single-story units within the PRD portion of the project.
2. That the tentative parcel map shall be developed consistent with the comments and conditions of Site Plan Review No. 2017-185B, incorporated herein by reference.
3. That Conditional Use Permit No. 2017-32 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That Tentative Subdivision Map No. 5564 shall be null and void unless Conditional Use Permit No. 2017-32 is approved.
5. That prior to the issuance of a building permit on the site, the applicant / developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
6. That all other federal and state laws and city codes and ordinances be complied with.
7. Prior to recordation of the final map, the proponent shall form a Homeowner's Association (HOA) for the administration and maintenance of all common areas, and for individual lot front yard landscaping, and common driveways.
8. All Mitigation Measures contained in Mitigated Negative Declaration No. 2016-63 shall be addressed and incorporated into the grading plans for the project.

9. Fencing with anti-graffiti finish shall be installed along the western perimeter, coincidental with the R-M-2 Zoned property.
10. A disclosure document be included in all home sales within the subdivision: Sellers will be required to provide a written disclosure of the R-M-2 multiple family zoned Remainders to all purchasers of the project lots; and, Sellers will be required to provide a written disclosure of the "Garden" lots to all purchasers of the standard subdivision lots.
11. The setbacks for the PRD portion of the project shall be as follows:

SETBACK STANDARDS					
	Front to Living Spaces	Front to Garages	Rear	Side	Side Street
PROPOSED EXTERIOR LOTS ADJACENT TO PRIVATE STREETS	15	22	20	5	5-10
PROPOSED EXTERIOR LOTS NOT ADJACENT TO ON PRIVATE STREETS	5	5	5	5	
PROPOSED LOTS ADJACENT TO STANDARD R-1 LOTS (As measured from adjacent block wall/fence)			10	10	10

**LOWERY WEST ANNEX
TENTATIVE SUBDIVISION MAP**

BEING A DIVISION OF A PORTION OF THE S 10 SEC. 14 T. 18S. R. 4E. M. 6. N. W. THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA.

- ENTITLEMENT PROCESSES:
- California High-Speed Rail - Development Fee Study
 - Tentative Subdivision Map
 - Conditional Use Permit - Planned Development (PUD)

LEGEND

APN	077-005-000-029
ACREAGE	83.7 AC.
FLOOD ZONE	ZONE 3
ZONING (PROPOSED)	RM-2 R-1.4
DESIGN DISTRICT	MOR LDR
ELECTRICITY	SOUTHERN CALIFORNIA EDISON
WATER	CAL WATER
TELEPHONE	ATA*
REFUSE	CITY OF VISALIA
NATURAL GAS	SOUTHERN CALIFORNIA GAS
EXISTING USE	AG, RESIDENTIAL
PROPOSED USE	LOW- / MED-DENSITY RESIDENTIAL

LAND USE GROSS ACREAGE

LOW-DENSITY RESIDENTIAL	48.0 AC.
MED-DENSITY RESIDENTIAL	35.6 AC.

ZONING ACREAGE	GRID#	LOT	UNIT#	DEVELOP.
R-1.2 (CONV.)	17.4 AC.	12	40 UNITS	17.4 AC.
RM-2 (CONV.)	30.9 AC.	20	124 UNITS	30.9 AC.
TOTAL	48.0 AC.	32.0 AC.	218 UNITS	6 LOTS

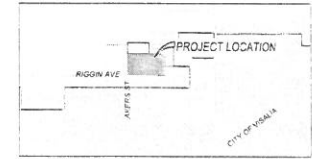
LANDSCAPE & LIGHTING DISTRICT

LOT A, C TO BE DEDICATED TO THE CITY OF VISALIA HOME OWNERS ASSOCIATE. AN A.D.A. WILL BE ESTABLISHED TO MAINTAIN LOT D & E PRIVATE STREETS AND GATED ENTRYWAYS FOR PRO PORTION OF TSA.

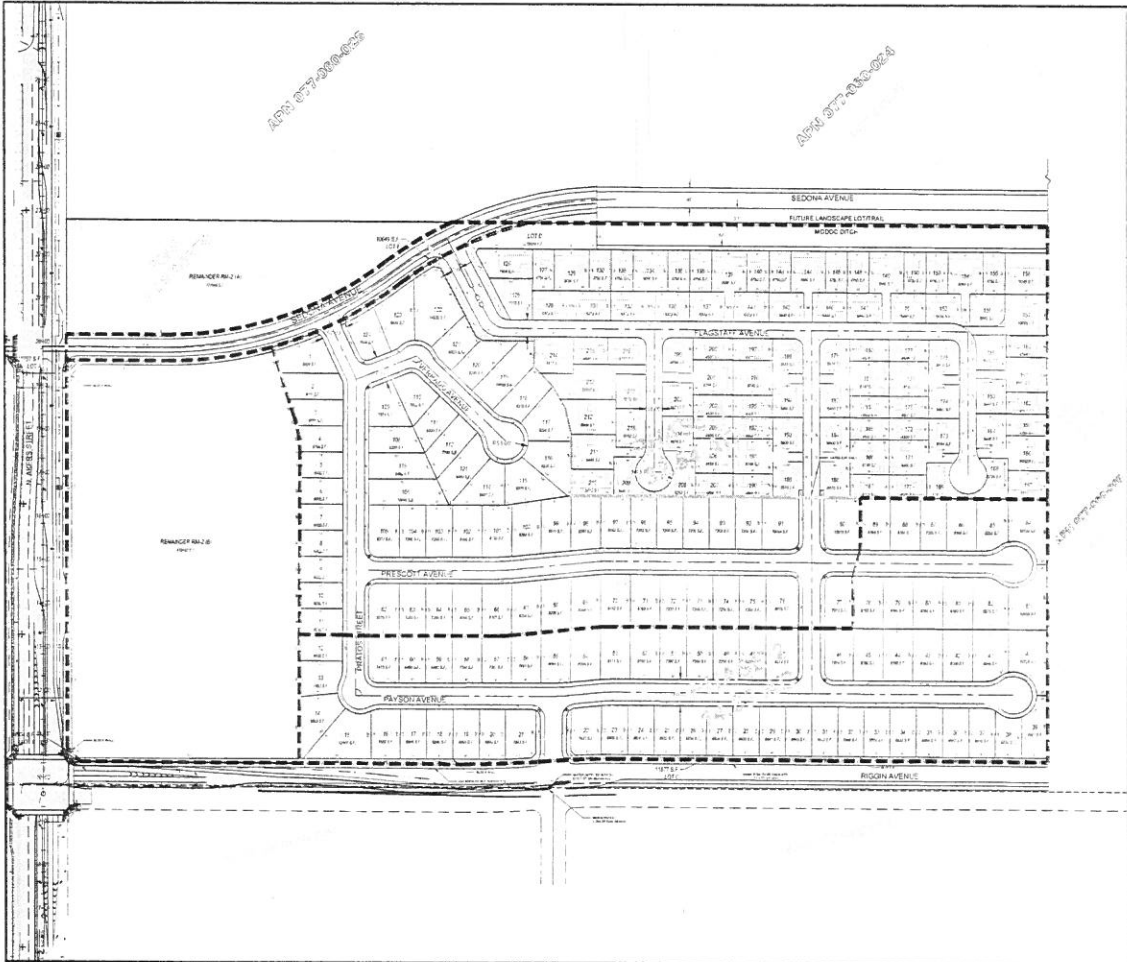
UTILITIES

STORM WATER, SITE DRAINAGE COLLECTED TO CORNVIA AVE. WITH 24" OUTLET TO MODOC BASIN.
SEWER: 10" SS CONNECTIONAL DWD SEDONA FROM EXISTING 15" SS PIPE LOCATED IN ALERS STREET. 8" SS PIPELINE DISTRIBUTED THROUGHOUT PROJECT SITE.
WATER: 8" WATER TO INTO EXISTING 12" WATER LINE IN WAKERS STREET AND 100' IN

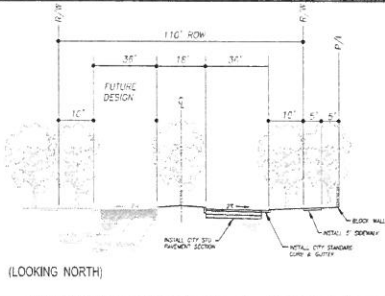
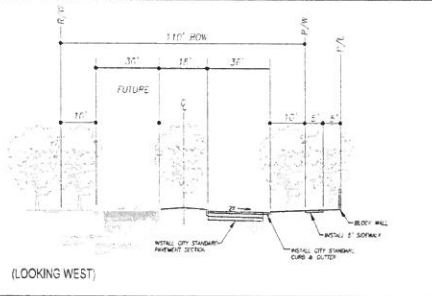
PHASE 1:	R-1.5 (PRO)	16.15 AC.
	R-1.5 (CONVENTIONAL)	14.87 AC.
	SEDONA (PRO)	1.92 AC.
	32.94 AC. TOTAL	
PHASE 2:	R-1.5 (CONVENTIONAL)	14.63 AC.



4CREEKS
30 S. MATHIE ST. #100
VISALIA, CA 93291
PH: 559.233.4444

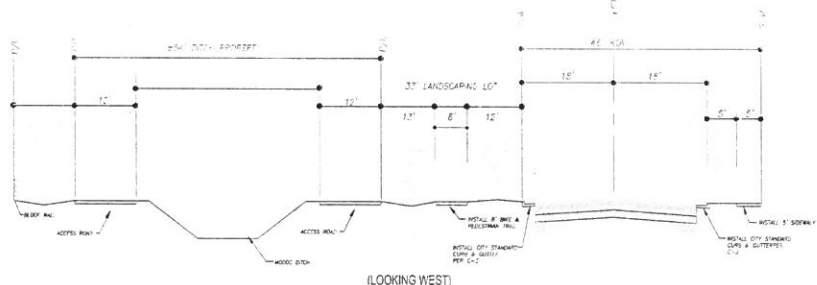
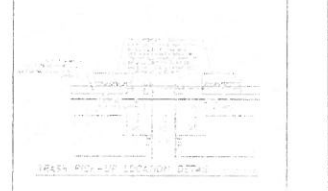


LOWERY WEST ANNEX CROSS SECTION DETAILS

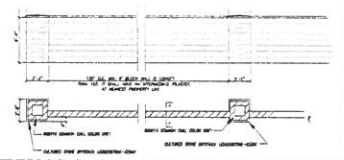


RIGGIN AVENUE CROSS SECTION NTS

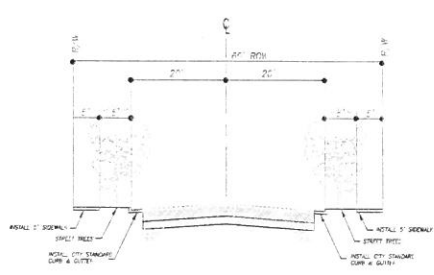
AKERS STREET CROSS SECTION NTG



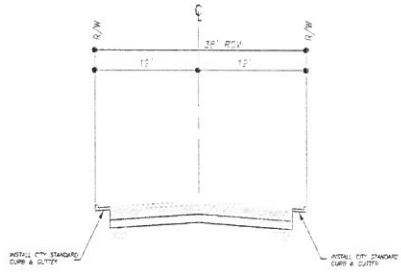
MODOC DITCH GREENSPACE AND SEDONA AVENUE CROSS SECTION NTS



TYPICAL BLOCK WALL DETAIL NTS



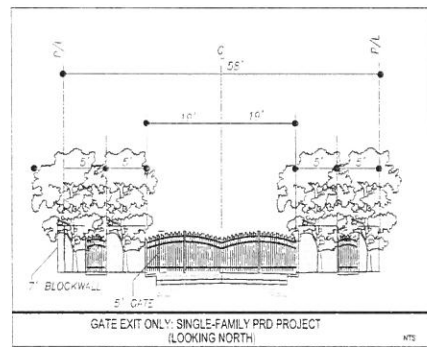
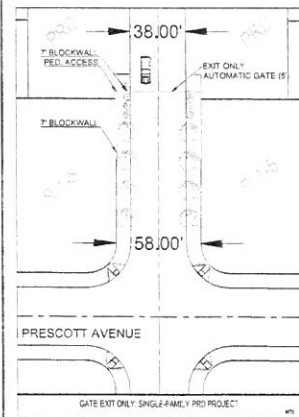
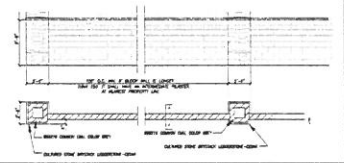
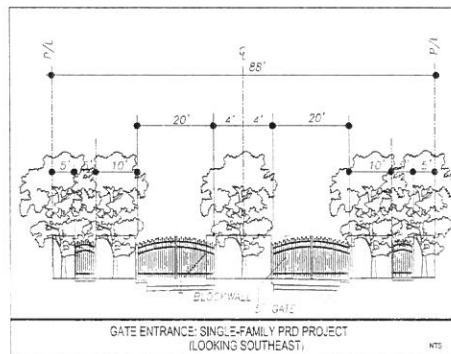
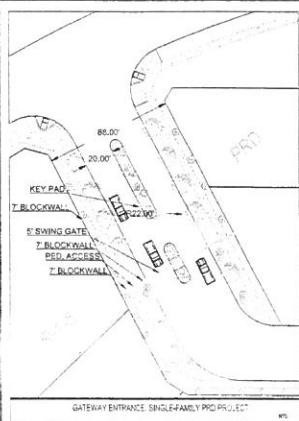
TYPICAL 60' RW STREET CROSS SECTION NTS



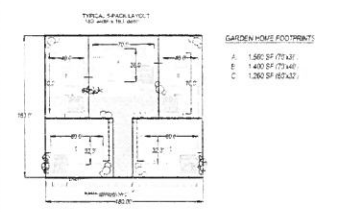
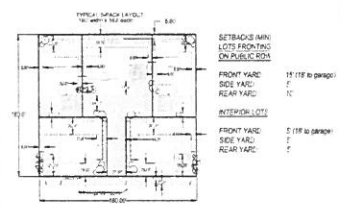
PRIVATE STREET CROSS SECTION NTS

LOWERY WEST ANNEX

GATED ENTRYWAY DETAILS



TYPICAL BLOCK WALL DETAIL



RESOLUTION NO. 2017-68

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2017-32 A REQUEST FOR A PLANNED RESIDENTIAL DEVELOPMENT (PRD) ON A 17.5-ACRE PORTION OF A PROPOSED 48-ACRE, 218-UNIT RESIDENTIAL SUBDIVISION. THE PRD PROPOSES TO DEVELOP 94 RESIDENTIAL LOTS WITH GATED ACCESS AND PRIVATE STREETS, MODIFICATIONS TO THE MINIMUM STANDARDS OF THE R-1-5 ZONED DISTRICT, INCLUDING LOTS THAT ARE SMALLER THAN 5,000 SQUARE FEET LESS THAN 50 FEET IN WIDTH, AND REDUCED YARD SETBACKS. THE SITE IS ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM LOT SIZE), LOCATED NEAR ON THE NORTHEAST CORNER OF RIGGIN AVE. AND AKERS ST. (APNS 077-060-006 AND -028)

WHEREAS, Conditional Use Permit No. 2017-32, is a request for a Planned Residential Development (PRD) on a 17.5-acre portion of a proposed 48-acre, 218-unit residential subdivision. The PRD proposes to develop 94 residential lots with gated access and private streets, modifications to the minimum standards of the R-1-5 Zoned District, including lots that are smaller than 5,000 square feet less than 50 feet in width, and reduced yard setbacks. The site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size), located near on the northeast corner of Riggins Ave. and Akers St. (APNs 077-060-006 and -028); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on March 12, 2018; and,

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2017-32, as conditioned, to be in accordance with Chapter 17.26.10 of the Zoning Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, Mitigated Negative Declaration No. 2016-63 was prepared for Annexation 2016-02, General Plan Amendment GPA 2016-10, and Tentative Subdivision Map TSM No. 5557 on the current project site. MND 2016-63 also contains mitigation measures that apply to the potential for archeological and Native American resources being unearthed during grading operations. The project site was the subject of an early consultation and coordination process among the City and the five Tribes with historic ties to the area. No formal comments were received as a result of circulation of the Intent to Adopt MND 2016-63, and the MND was ultimately adopted by the City Council of the City of Visalia on May 5, 2017. Consequently, the Mitigated Negative Declaration for the project is determined to be adequate and applicable to the current project.

NOW, THEREFORE, BE IT RESOLVED, that Mitigated Negative Declaration No. 2016-63 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and its finding of conformance with CUP 2017-32 is made in accordance with CEQA.

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

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - A. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
 - C. That the proposed project is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance. The project specifically supports General Plan Land Use policies related to efficient land use absorption (Policy LU-P-19, LU-P-45), and to encouraging a variety of housing products (LU-P-50).
3. That Mitigated Negative Declaration No. 2016-63 was prepared for Annexation 2016-02, General Plan Amendment GPA 2016-10, and Tentative Subdivision Map TSM No. 5557 on the current project site. MND 2016-63 also contains mitigation measures that apply to the potential for archeological and Native American resources being unearthed during grading operations. The project site was the subject of an early consultation and coordination process among the City and the five Tribes with historic ties to the area. No formal comments were received as a result of circulation of the Intent to Adopt MND 2016-63, and the MND was ultimately adopted by the City Council of the City of Visalia on May 5, 2017. Consequently, the Mitigated Negative Declaration for the project is determined to be adequate and applicable to the current project.

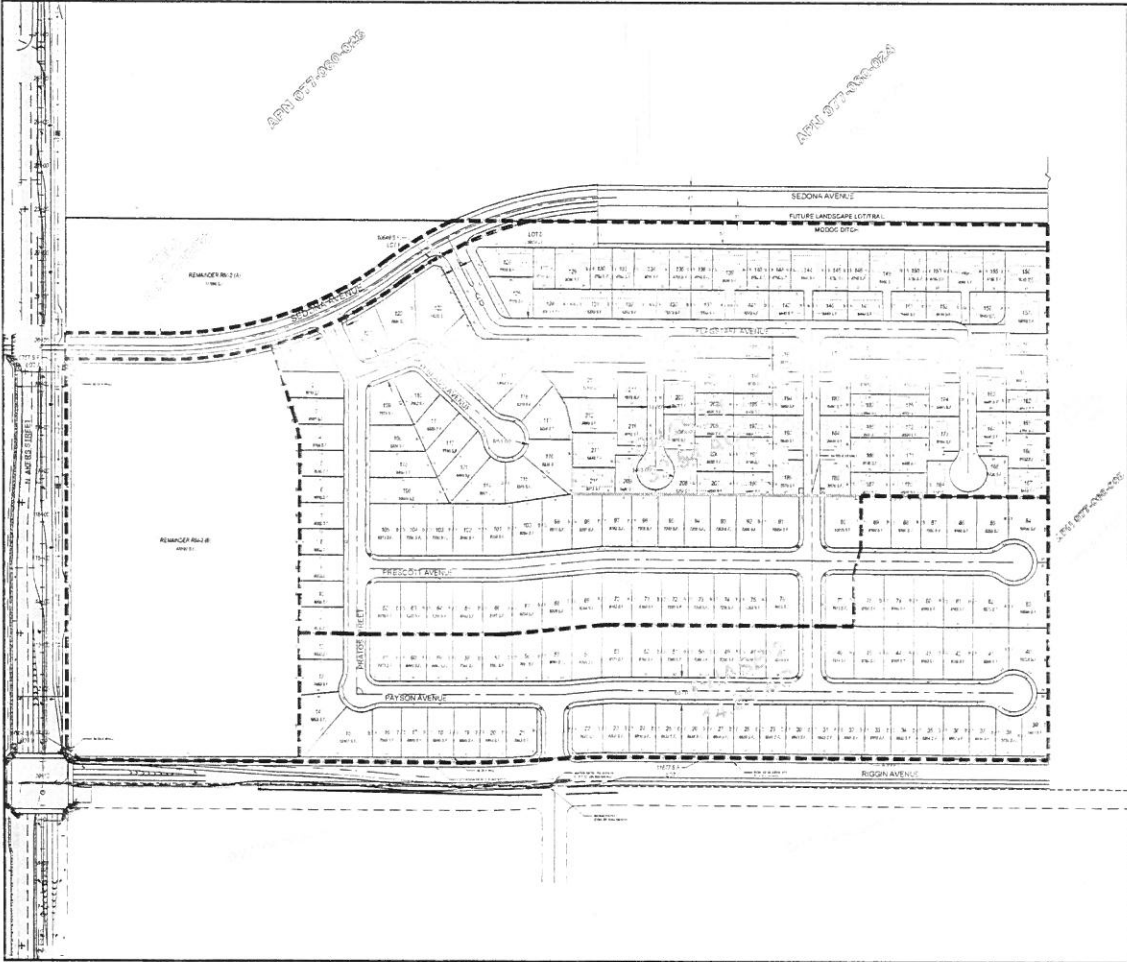
BE IT FURTHER RESOLVED that the Planning Commission hereby approves Conditional Use Permit CUP 2017-32 on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.26.10 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the planned development be prepared in substantial compliance with Exhibit "A" and Exhibit "B", excepting that:
 - a. The side street setback shall be a minimum of 10 feet on corner lots.
 - b. The driveway servicing Lot 214 shall be to the east side of the lot.
 - c. The portion of the 58-foot roadway and landscape parkway/sidewalks corresponding to the southern gated exit, between lots 90 and 91, and extending to the northern curb returns

on Prescott Avenue, shall be included as a Homeowners Association lot, and maintained by the HOA. This shall include the block walls on both the east and west sides of the roadway segment. The final design shall be as approved by the City Engineer.

- d. All buildings shall be single-story units within the PRD portion of the project.
2. That the planned development shall be developed consistent with the comments and conditions of Site Plan Review No. 2017-185B, incorporated herein by reference.
 3. That Tentative Subdivision Map No. 5564 shall be approved, and that requirements of the subdivision map which relate to this conditional use permit shall be fulfilled.
 4. That Conditional Use Permit No. 2017-32 shall be null and void unless Tentative Subdivision Map No. 5564 is approved.
 5. That all of the conditions and responsibilities of Conditional Use Permit No. 2017- 32 shall run with the land, and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
 6. That all applicable federal, state, regional, and city policies and ordinances be met.
 7. Prior to recordation of the final map, the proponent shall form a Homeowner's Association (HOA) for the administration and maintenance of all common areas, and for individual lot front yard landscaping, and common driveways.
 8. All Mitigation Measures contained in Mitigated Negative Declaration No. 2016-63 shall be addressed and incorporated into the grading plans for the project.
 9. The setbacks for the PRD portion of the project shall be as follows:

SETBACK STANDARDS					
	Front to Living Spaces	Front to Garages	Rear	Side	Side Street
PROPOSED EXTERIOR LOTS ADJACENT TO PRIVATE STREETS	15	22	20	5	5 -10
PROPOSED EXTERIOR LOTS NOT ADJACENT TO ON PRIVATE STREETS	5	5	5	5	
PROPOSED LOTS ADJACENT TO STANDARD R-1 LOTS (As measured from adjacent block wall/fence)			10	10	10



FEBRUARY 2018
LOWERY WEST ANNEX
 TENTATIVE SUBDIVISION MAP

BEING A DIVISION OF A PORTION OF THE S 10 SEC. 14 T. 18S. R. 2E. W. 8 E. A.M. IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA.

ENTITLEMENTS PROPOSED:
 - Approval
 - General Plan Amendment - Development Fee Grant
 - Tentative Subdivision Map
 - Conditional Use Permit - Planned Development (PUD)

LEGEND

APN	077-000-006 020
ACREAGE	83.7 AC
FLOOD ZONE	ZONE 3
ZONING (PROPOSED)	RM-2, R-1.6
DESIGN DISTRICT	MDR LDR
ELECTRICITY	SOUTHERN CALIFORNIA EDISON
WATER	CAL WATER
TELEPHONE	AT&T
REFUSE	CITY OF VISALIA
NATURAL GAS	SOUTHERN CALIFORNIA GAS
EXISTING USE	AG, AG RESIDENTIAL
PROPOSED USE	LOW - MED. DENSITY RESIDENTIAL

LAND USE GROSS ACREAGE

LOW DENSITY RESIDENTIAL	48.0 AC
MED. DENSITY RESIDENTIAL	35.7 AC
TOTALS	83.7 AC

ZONING ACREAGES

RM-2	17.5 AC	124 UNITS	5.6 DU/AC
R-1.6 (CONVENTIONAL)	30.5 AC	124 UNITS	5.6 DU/AC
TOTALS	48.0 AC	248 UNITS	8 DU/AC

LANDSCAPE & LIGHTING DISTRICT
 LOT A - C TO BE DEDICATED TO THE CITY OF VISALIA
 HOME OWNERS ASSOCIATE
 AN H.O.A. WILL BE ESTABLISHED TO MAINTAIN LOT D & E, PRIVATE STREETS AND GATED ENTRYWAYS FOR PUD PORTION OF TSA.

UTILITIES
 STORM WATER, SITE DRAINAGE COLLECTED TO CORVINA AVE. WITH 24" OUTLET TO MOODOC BASIN.

SEWER: 10" SS CONNECTION ALONG SEDONA FROM EXISTING 12" SS PIPE LOCATED IN AKERS STREET. 8" SS PIPELINE DISTRIBUTED THROUGHOUT PROJECT SITE.

WATER: 8" WATER TIE INTO EXISTING 12" WATER LINE IN AKERS STREET AND RIGGIN AVE.

PHASE 1: R-1.6 (PUD) 16.15 AC
 R-1.6 (CONVENTIONAL) 14.87 AC
 SEDONA ROW 1.42 AC
32.44 AC TOTAL

PHASE 2: R-1.6 (CONVENTIONAL) 14.83 AC

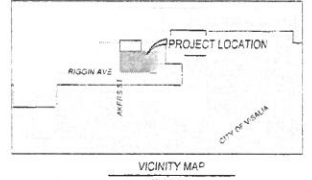
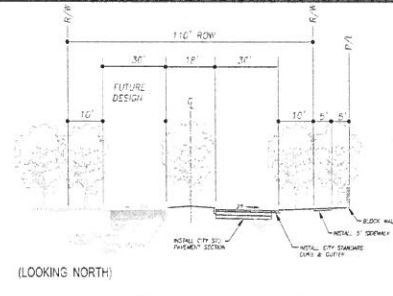
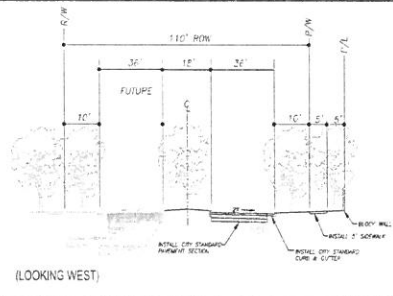


EXHIBIT A

LOWERY WEST ANNEX CROSS SECTION DETAILS

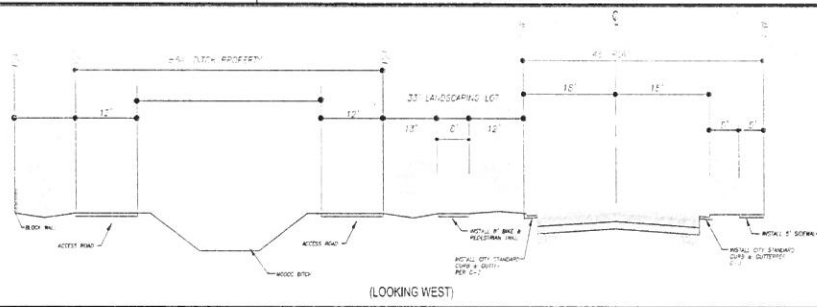


RIGGIN AVENUE CROSS SECTION

NTS

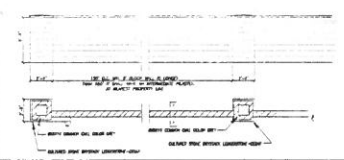
AKERS STREET CROSS SECTION

NTS



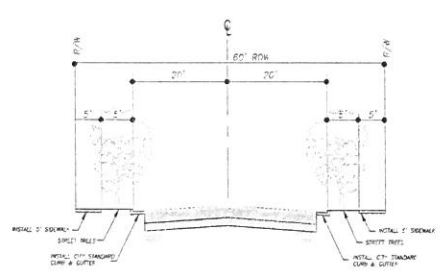
MODOC DITCH GREENSPACE AND SEDONA AVENUE CROSS SECTION

NTS



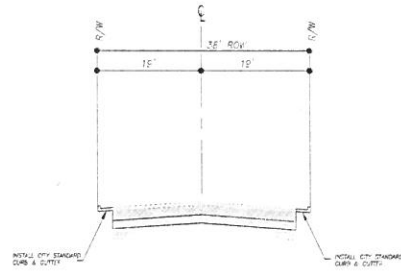
TYPICAL BLOCK WALL DETAIL

NTS



TYPICAL 60' RW STREET CROSS SECTION

NTS



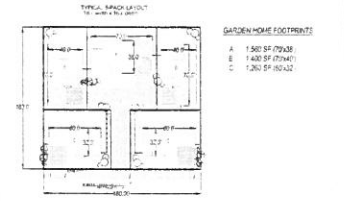
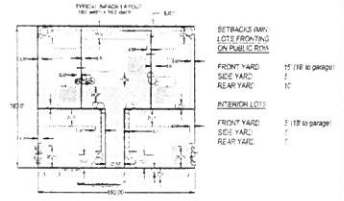
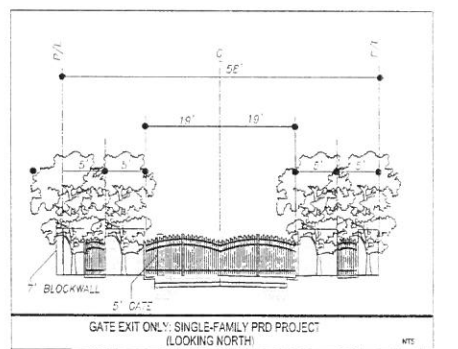
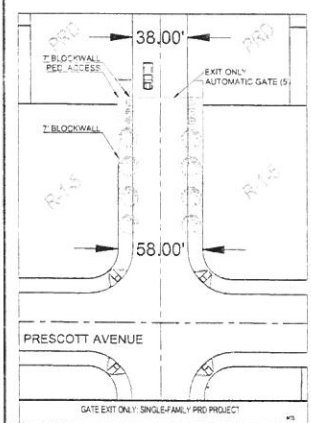
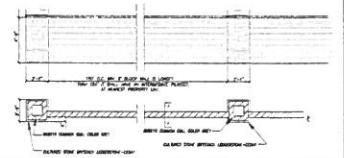
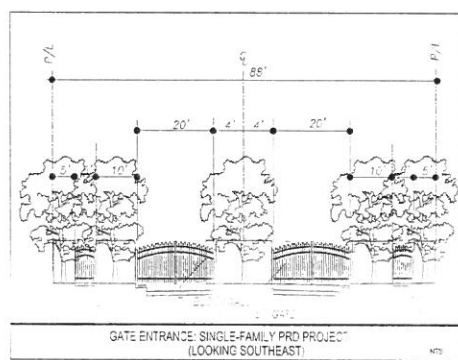
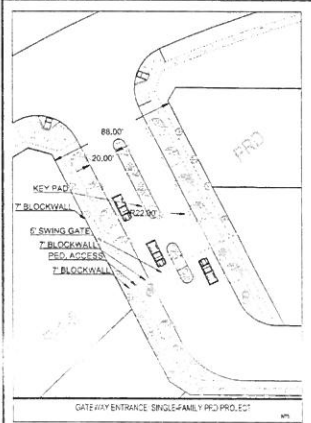
PRIVATE STREET CROSS SECTION

NTS



LOWERY WEST ANNEX

GATED ENTRYWAY DETAILS



San Joaquin Valley Homes

Ashton Park

Plan A: 1,597 SF

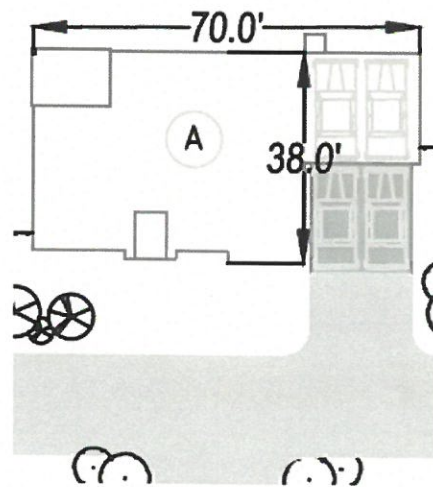
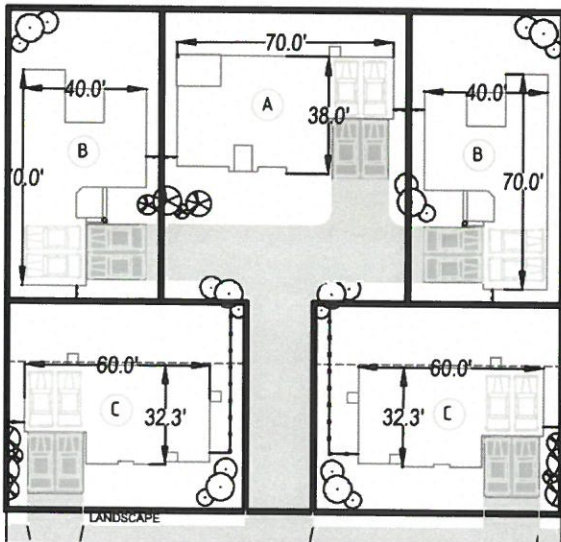
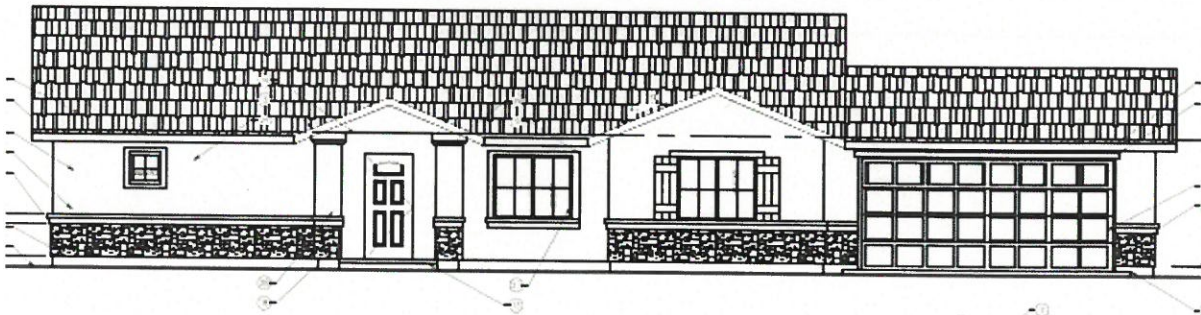
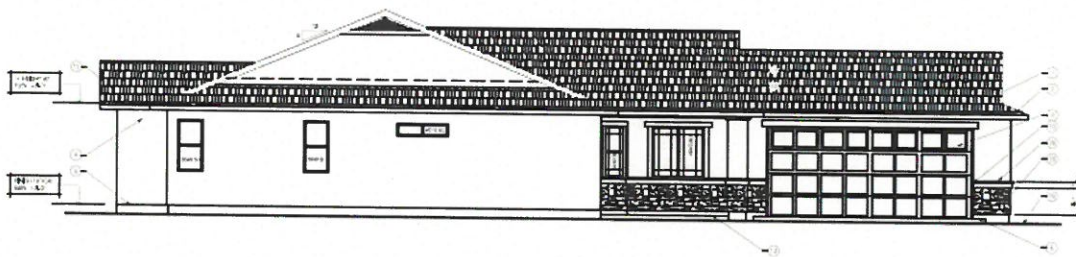
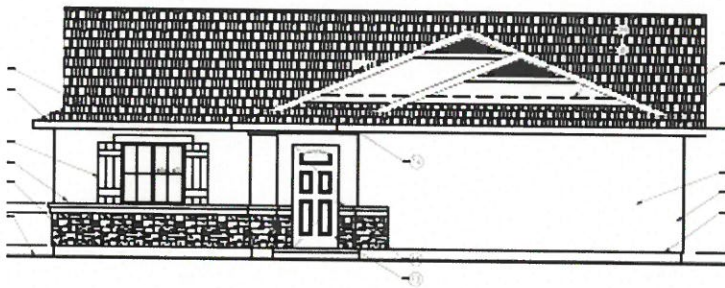
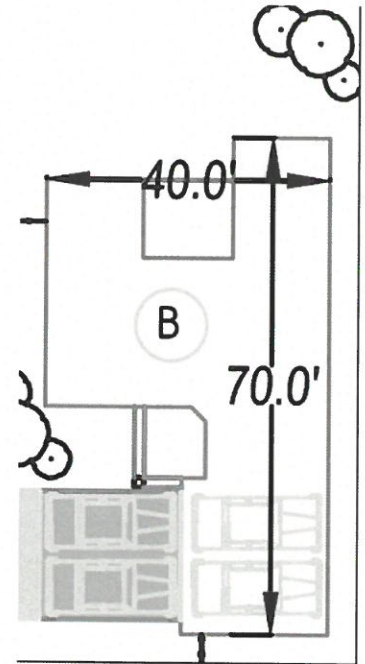
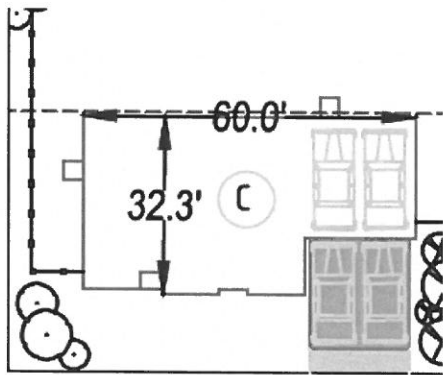


EXHIBIT B

Plan B: 1,426 SF (Courtyard view)



Plan C: 1,297 SF



LOTS A-C: LLD

LOTS D-E: HOA

FEBRUARY 2018

LOWERY WEST ANNEX TENTATIVE SUBDIVISION MAP

REPLA DITCH OF AUBURN PLUMES 111° 11' 11" N 71° 11' 11" E 111.100 8.0 8.0 8.0 111
THE CITY OF LOS ANGELES COUNTY OFFICE OF THE COUNTY CLERK
APPROVED FOR THE CITY OF LOS ANGELES COUNTY OFFICE OF THE COUNTY CLERK
APPROVED FOR THE CITY OF LOS ANGELES COUNTY OFFICE OF THE COUNTY CLERK
APPROVED FOR THE CITY OF LOS ANGELES COUNTY OFFICE OF THE COUNTY CLERK

LEGEND

- ADP 077,000,000,000
- ACREAGE 61.7 AC
- FLOOD ZONE ZONE X
- ZONING (PROPOSED) RM-2, R-1.6
- DESIGN DISTRICT COUNCIL OF CALIFORNIA ESDSON
- ELECTRICITY CAL WATER
- WATER AT&T
- TELEPHONE CITY OF VISALIA
- REFURSE SOUTHERN CALIFORNIA GAS
- NATURAL GAS SOUTHERN CALIFORNIA GAS
- PROPOSED USE LOW-MED DENSITY RESIDENTIAL

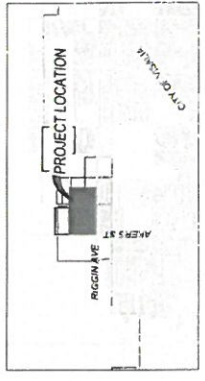
LAND USE	GROSS ACREAGE	NET ACREAGE	NET ACREAGE	NET ACREAGE	NET ACREAGE	DENSITY
LOW DENSITY RESIDENTIAL	48.7 AC					21 UNITS
MED DENSITY RESIDENTIAL	15.5 AC					21 UNITS
TOTALS	64.2 AC	64.2 AC	64.2 AC	64.2 AC	64.2 AC	42 UNITS

LANDSCAPE & LIGHTING DISTRICT
LOT A-C TO BE DEDICATED TO THE CITY OF VISALIA
HOME OWNERS ASSOCIATE
AN H/OA WILL BE ESTABLISHED TO MAINTAIN LOT D & E PRIVATE STREETS
AND GATED ENTRANCES FOR PROTECTION OF TSI

UTILITIES

STORMWATER: SITE DRAINAGE COLLECTED TO CORNWA AVE 107H 24" OUTLET TO
10000' BURN
SEWER: 10" SS CONNECTION ALONG SEDONA FROM EXISTING 12" SS PIPE LOCATED IN
AKERS STREET, 8" SS PIPELINE DISTRIBUTED THROUGHOUT PROJECT SITE.
WATER: 8" WATER TE INTO EXISTING 12" WATER LINE IN AKERS STREET AND RIGON
AVE

PHASE	ACREAGE	NET ACREAGE	NET ACREAGE	NET ACREAGE	NET ACREAGE
PHASE 1	16.15 AC				
PHASE 2	14.87 AC				
PHASE 3	14.24 AC				
TOTAL	45.26 AC	45.26 AC	45.26 AC	45.26 AC	45.26 AC



VICINITY MAP



4CREKS



SEDONA AVENUE

SEDONA AVENUE

FLAG INT AVENUE

PRECINCT AVENUE

RIGON AVENUE

AKERS STREET

AKERS STREET

AKERS STREET

AKERS STREET

AKERS STREET

SEDONA AVENUE

SEDONA AVENUE

SEDONA AVENUE

SEDONA AVENUE

SEDONA AVENUE



February 12, 2018

Paul Scheibel
Planning Division
315 East Acequia Ave
Visalia, CA 93291

RE: OPERATIONAL STATEMENT

Entitlements Required:

Tentative Subdivision Map & Conditional Use Permit (PRD)

Project Description:

Lowery West Tentative Subdivision Map (TSM) is being submitted by 4Creeks, Inc. on behalf of San Joaquin Valley Homes and pertains to 48 acres of property located at APN: 077-060-006 & -028 at the northeast corner of Riggan Ave. and Akers St. and is currently R-1-5 (Single-Family Residential) zoned districts. The project is also consistent with the City's General Plan with the Residential Low Density (RLD) land use designation. The project will require a Conditional Use Permit (No. 2017-32) for a Planned Residential Development and gated community.

The proposed development will consist of standard Single Family Residential parcels and PRD (Garden Home) lots. The Garden Homes portion of the TSM will have a PRD Zoning and a gross acreage of 17.5 acres. This section of the development will consist of 94 lots with gated access at a density of 7.1 dwelling units per acre. The standard Single-Family piece will have an R-1-5 Zoning and a gross acreage of 30.5 acres. This section of the development will consist of 124 lots with at a density of 5.6 dwelling units per acre.

Operational Details:

The existing site is currently vacant without any dwelling units or other buildings or improvements for habitation or human use. The proposed project is for residential development and would be inhabited 24 hours per day with activity at any hour of the day. However, each owner should adhere to any noise standards set forth by the City of Visalia Code. Other facts pertinent to this project are as follows:

The PRD project, "Ashton Park," will be gated with private streets. The private street will start at the south right of way line of Sedona Avenue. The main gate will be located on Sedona Avenue with an emergency gate located on the south side of the subdivision. A block wall will surround all boundaries of the PRD. A Homeowners Association will be established to maintain the PRD portion of the TSM. The landscaping outside the block wall along Sedona Avenue adjacent to the PRD will be maintained by the HOA (Lots D and E designated on TSM). The front yards of the homes will

Visalia Office

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P: (559) 802.3052
F: (559) 802.3215

Porterville Office

881 W. Morton Ave., Suite D
Porterville, California 93257
P: (559) 781. 0102
F: (559) 781.6840

www.4-creeks.com



be maintained by the HOA. Maintenance of the concrete common driveways will be maintained by the HOA. Each home will have a two-car garage and a driveway that will accommodate two cars. Additional visitor parking will be located on the street. Enforcement of the parking rules will be provided by the HOA. City of Visalia Public Works will service the trash and yard waste cans from designated areas on private street curb; HOA is responsible for curb paint to designate receptacle locations and "No Parking" signs to designate trash and yard waste collection dates. All homes within the PRD will be single-story. For exterior lots fronting on private streets, the rear yard setback is 20 feet. The setback to the garage is a minimum of 22 feet. Side yard setbacks are 5 feet. Lots that are interior, not adjacent to private street frontage, front yard setbacks are 5 feet, side yard setbacks are 5 feet, and rear yard setbacks are 5 feet. Lots adjacent to R-1-5 portion to TSM will keep a 10-foot setback from the block wall / property line. Every lot in the PRD will have a backyard area ranging from 20'x65', 20'x 54' and 15'x80', providing over 1,000 square feet open space for each home. All homes within the PRD will have backyard patios.

The standard R-1-5 single-family residential, "Greystone," will dedicate standard City of Visalia local street right of ways throughout the R-1-5 portion of the TSM. Lots A-C will be dedicated to the City of Visalia as Landscape Lighting Districts to be maintained by the City. The project will be developed in two (2) stages as designated in the TSM.

Project will incorporate all other conditions of approval as provided in Revise and Proceed letter for SPR17-185 dated November 1, 2017.

Visalia Office

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www.4-creeks.com

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

**NOTICE OF A PROPOSED
MITIGATED NEGATIVE DECLARATION**

Project Title: Annexation No. 2016-02, General Plan Amendment (GPA) 2016-10 and Tentative Subdivision Map No. 5557 (Lowery West Annexation)

Project Description: The project proponents are requesting to annex and subdivide 66.2 acres, and to amend the General Plan Land Use Map to include the annexation site in the Tier 1 Urban Growth Boundary, and to remove an adjacent 58-acre site from the Tier 1 Growth Boundary, herein referred to as the project. The project area is located in the County of Tulare.

Lowery West Annexation No. 2016-02: A request by Harvey May & 4-Creeks, Inc. to annex two parcels totaling 66.2 acres into the City limits of Visalia, and to detach from Tulare County Service Area No.1. Upon annexation, approximately 50.4 acres of the site would be zoned R-1-6 (Single-Family Residential 6,000 square foot minimum site area), which is consistent with the General Plan Land Use Designation of Low Density Residential. The remaining approximately 15.8 acres parcel would be zoned R-M-2 (Multi-Family Residential 3,000 square feet per unit), which is consistent with the General Plan Land Use Designation of Medium Density Residential. The site is located on the northeast corner of North Akers Street and West Riggins Avenue (APNs: 077-060-006 and 077-060-028).

General Plan Amendment GPA 2016-10: A Request by Harvey May & 4-Creeks, Inc. to amend the General Plan Land Use Map by revising the Tier 1 and Tier 2 Growth Boundaries to move a 66.2-acre site from the Tier 2 Growth Boundary to the Tier 1 Growth Boundary; and, to move a 58-acre site from the Tier 1 Growth Boundary to the Tier 2 Growth Boundary. The affected sites are located generally near the northeast corner of North Akers Street and West Riggins Avenue, and south of West Riverway Drive (APN's 077-060-006, 077-060-023, 077-060-024 (partial), and 077-060-028).

Lowery West Tentative Subdivision Map No. 5557: A request by Harvey May & 4-Creeks, Inc. to subdivide 50.4 acres into a 184-lot single-family residential subdivision, and a 15.77 remainder parcel. The 50.4-acre portion is proposed to be zoned R-1-6 (Single-family Residential, 6,000 square foot minimum lot size) upon annexation into the City of Visalia. The 15.8-acre remainder parcel is proposed to be zoned R-M-2 (Multi-Family Residential 3,000 square feet per unit) upon annexation into the City of Visalia. The site is located on the northeast corner of North Akers Street and West Riggins Avenue (APNs: 077-060-006 and 077-060-028).

Project Location: The 66.2-acre project site (requested for annexation and designation in Tier 1) is located on the northeast corner of Akers Street and Riggins Avenue (APNs 077-060-006 and 077-060-028). The 58-acre site (requested for re-designation from Tier 1 to Tier 2) is located approximately 1,800 feet northeast of the northeast corner of Akers St. and Riggins Ave., and south of Riverway Drive (Aps 077-060-023 and 077-060-024 (partial)).

Contact Person: Paul Scheibel, AICP, Principal Planner Phone: (559) 713-4369

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

Reasons for Mitigated Negative Declaration: Initial Study No. 2016-63 has not identified any significant, adverse environmental impact(s) that may occur because of the project that cannot be mitigated to a level of non-significance. Mitigation measures to be applied to this project are as follows:

MITIGATED NEGATIVE DECLARATION

Project Title: Annexation No. 2016-02, GPA 2016-10, and Tentative Subdivision Map No. 5557

Project Description: The project proponents are requesting to annex and subdivide 66.2 acres, and to amend the General Plan Land Use Map to include the annexation site in the Tier 1 Urban Growth Boundary, and to remove an adjacent 58-acre site from the Tier 1 Growth Boundary, herein referred to as the project. The project area is located in the County of Tulare.

Lowery West Annexation No. 2016-02: A request by Harvey May & 4-Creeks, Inc. to annex two parcels totaling 66.2 acres into the City limits of Visalia, and to detach from Tulare County Service Area No.1. Upon annexation, approximately 50.4 acres of the site would be zoned R-1-6 (Single-Family Residential 6,000 square foot minimum site area), which is consistent with the General Plan Land Use Designation of Low Density Residential. The remaining approximately 15.8 acres parcel would be zoned R-M-2 (Multi-Family Residential 3,000 square feet per unit), which is consistent with the General Plan Land Use Designation of Medium Density Residential. The site is located on the northeast corner of North Akers Street and West Riggan Avenue (APNs: 077-060-006 and 077-060-028).

General Plan Amendment GPA 2016-10: A Request by Harvey May & 4-Creeks, Inc. to amend the General Plan Land Use Map by revising the Tier 1 and Tier 2 Growth Boundaries to move a 66.2-acre site from the Tier 2 Growth Boundary to the Tier 1 Growth Boundary; and, to move a 58-acre site from the Tier 1 Growth Boundary to the Tier 2 Growth Boundary. The affected sites are located generally near the northeast corner of North Akers Street and West Riggan Avenue, and south of West Riverway Drive (APN's 077-060-006, 077-060-023, 077-060-024 (partial), and 077-060-028).

Lowery West Tentative Subdivision Map No. 5557: A request by Harvey May & 4-Creeks, Inc. to subdivide 50.4 acres into a 184-lot single-family residential subdivision, and a 15.77 remainder parcel. The 50.4-acre portion is proposed to be zoned R-1-6 (Single-family Residential, 6,000 square foot minimum lot size) upon annexation into the City of Visalia. The 15.8-acre remainder parcel is proposed to be zoned R-M-2 (Multi-Family Residential 3,000 square feet per unit) upon annexation into the City of Visalia. There is no development proposed for the site at this time. The site is located on the northeast corner of North Akers Street and West Riggan Avenue (APNs: 077-060-006 and 077-060-028).

No development entitlements beyond the tentative parcel map have been filed for the project. Future development plans will be subject to the City's Site Plan Review process and may be subject to further environmental and/or discretionary review.

Project Location: The 66.2-acre project site (requested for annexation and designation in Tier 1) is located on the northeast corner of Akers Street and Riggan Avenue (APNs 077-060-006 and 077-060-028). The 58-acre site (requested for re-designation from Tier 1 to Tier 2) is located approximately 1,800 feet northeast of the northeast corner of Akers St. and Riggan Ave., and south of Riverway Drive (Apsns 077-060-023 and 077-060-024 (partial)).

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

Attachments:

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

DECLARATION OF NO SIGNIFICANT EFFECT:

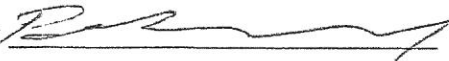
This project will not have a significant effect on the environment for the following reasons:

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

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

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

APPROVED
Paul Scheibel, AICP
Environmental Coordinator

By: 

Date Approved: 2-17-17

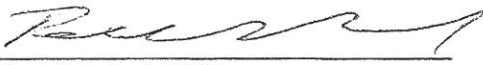
Review Period: 30 days

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<p>Cultural Resources Mitigation Measure 5.1: In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and , if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.</p>	<p>City and Project Applicant</p>	<p>Mitigation Measure 5.1 shall be included as an advisory condition in all grading permits issued for the project; and shall be enforced and carried out as part of the project development.</p>
<p>Tribal Cultural Resources Mitigation Measure 18.1: In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and , if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.</p>	<p>City and Project Applicant</p>	<p>Mitigation Measure 18.1 shall be included as an advisory condition in all grading permits issued for the project; and shall be enforced and carried out as part of the project development.</p>

Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA.

Comments on this proposed Mitigated Negative Declaration will be accepted from February 21, 2017, to March 24, 2017.

Date: 2-17-17

Signed: 
 Paul Scheibel, AICP
 Environmental Coordinator
 City of Visalia

INITIAL STUDY

I. GENERAL

Lowery West Annexation No. 2016-02: A request by Harvey May & 4-Creeks, Inc. to annex two parcels totaling 66.2 acres into the City limits of Visalia, and to detach from Tulare County Service Area No. 1. Upon annexation, approximately 50.4 acres of the site would be zoned R-1-6 (Single-Family Residential 6,000 square foot minimum site area), which is consistent with the General Plan Land Use Designation of Low Density Residential. The remaining approximately 15.8 acres parcel would be zoned R-M-2 (Multi-Family Residential 3,000 square feet per unit), which is consistent with the General Plan Land Use Designation of Medium Density Residential. The site is located on the northeast corner of North Akers Street and West Riggan Avenue (APNs: 077-060-006 and 077-060-028).

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B. Identification of the Environmental Setting:

The 66.2-acre project is located on the northeast corner of Akers Street and Riggan Avenue (APNs 077-060-006 and 077-060-028). The 58-acre site is located approximately 1,800 feet northeast of the northeast corner of Akers St. and Riggan Ave., and south of Riverway Drive (APNs 077-060-023 and 077-060-024 (partial)).

The surrounding uses are as follows:

APNs 077-060-006 and 077-060-028	General Plan (2014 Land Use)	Zoning (1993)	Existing uses
North:	Mix of RLD and RMD	R-1-6 eastern 1/3, A-20 (Tulare County Zoning) western 2/3.	Modoc Ditch, orchards
South:	RLD	R-1-6	Riggan Ave., Single-family subdivision beyond
East:	C (Conservation)	QP (Quasi-Public)	Modoc Detention Basin
West:	P (Parks and Recreation) and PI (Public Institution)	Q-P (Quasi-Public)	Akers St., Vacant and new VUSD Middle School under construction beyond

APNs 077-060-023 and 077-060-024	General Plan (2014 Land Use)	Zoning (1993)	Existing uses
North:	Community Node (Mix of RLD, RMD, PI, CN)	A-20	Orchards
South:	Mix of RLD and RMD	A-20	Orchards
East:	RLD (Low Density Residential)	R-1-6	Orchard
West:	RLD	A-20 (County)	Farm house and orchards

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

C. Plans and Policies: The General Plan Land Use Diagram, adopted October 14, 2014, generally designates the project area as Residential. The Zoning Map, adopted in 1993, designates the proposed Annexation site as County zoning. If successfully annexed, the entire 66.2-acre parcel would be zoned R-1-6 and RM-2, which is consistent with the General Plan Land Use Designation of Low Density and Medium Density Residential, as noted in Table 9-1 Consistency Between the Plan and Zoning of the General Plan.

The proposed project is consistent with Land Use Policies LU-P-19 and LU-P-20 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy," while LU-P-20 states, "allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram." The project is located in the Tier 2 UDB. However, GPA 2016-10 would amend the UDB to place this site in the Tier 1 UDB. In exchange, an adjacent 58-acre site, also owned by the project proponent, will be moved from the Tier 1 UDB to the Tier 2 UDB.

Furthermore, the project is consistent with Policy LU-P-34. The conversion of the site from an agricultural use does not require mitigation to offset the loss of prime farmland as stated in Policy LU-P-34. The policy states; "the mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I."

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project that cannot be mitigated to a non-significant level. The City of Visalia Land Use Element, Circulation Element, Zoning and Subdivision Ordinances contain policies and regulations that are designed to mitigate impacts to a level of non-significance.

To ensure that these requirements are met for the proposed project, the project shall be developed and shall operate in substantial compliance with the standard zoning and subdivision standards of the Visalia Municipal Code, and by the special conditions placed on the project through the City's discretionary authority.

The City of Visalia Zoning Ordinance contains guidelines, criteria, and requirements for the mitigation of potential impacts including, but not limited to light/glare, visibility screening, noise, biological, cultural, safety, and transportation mobility to eliminate and/or reduce potential impacts to a level of non-significance.

In addition to the codes and standards noted above, mitigation measures have been applied to the project as follows:

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
Cultural Resources Mitigation Measure 5.1: In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and , if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.	City and Project Applicant	Mitigation Measure 5.1 shall be included as an advisory condition in all grading permits issued for the project; and shall be enforced and carried out as part of the project development.
Tribal Cultural Resources Mitigation Measure 18.1: In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and , if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.	City and Project Applicant	Mitigation Measure 18.1 shall be included as an advisory condition in all grading permits issued for the project; and shall be enforced and carried out as part of the project development.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

The proposed project would be compatible with the General Plan, Zoning and Subdivision Ordinances as it relates to surrounding properties.

V. SUPPORTING DOCUMENTATION

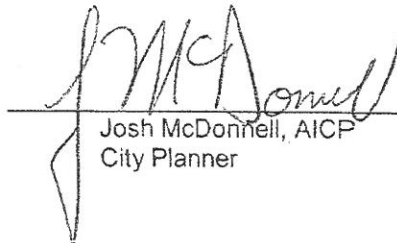
The following documents are hereby incorporated into this Negative Declaration and Initial Study by reference:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan), passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.
- Annexation Exhibit, Lowery West Tentative Subdivision Map and Tier Boundary Exchange.
- Letter from Chairman Kenneth Woodrow, Eshom Valley Band of Indians/Wuksachi Tribe, dated 12/23/16.

VII. NAME OF PERSON WHO PREPARED INITIAL STUDY



Paul Scheibel, AICP
Principal Planner



Josh McDonnell, AICP
City Planner

**INITIAL STUDY
 ENVIRONMENTAL CHECKLIST**

Name of Proposal	Annexation No. 2016-02, General Plan Amendment GPA 2016-10 & Tentative Subdivision Map No. 5557		
NAME OF PROPONENT:	Harvey May and 4-Creeks, Inc.	NAME OF AGENT:	David Duda – 4Creeks, Inc.
Address of Proponent:	324 S. Santa Fe St., Ste. A, Visalia CA 93292	Address of Agent:	324 S. Santa Fe St. Ste. A Visalia CA 93292
Telephone Number:	(559) 802-3052	Telephone Number:	(559) 802-3052
Date of Review	February 17, 2017	Lead Agency:	City of Visalia

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

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

I. AESTHETICS

Would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest

Protocols adopted by the California Air Resources Board. Would the project:

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

III. AIR QUALITY

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

- 2 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 2 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 2 c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 2 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 2 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES

Would the project:

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

VI. GEOLOGY AND SOILS

Would the project:

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

VII. GREENHOUSE GAS EMISSIONS

Would the project:

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

IX. HYDROLOGY AND WATER QUALITY

Would the project:

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

X. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local

coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- 1 c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

XI. MINERAL RESOURCES

Would the project:

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

XII. NOISE

Would the project:

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

XIII. POPULATION AND HOUSING

Would the project:

- 2 a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- 1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- 1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIV. PUBLIC SERVICES

Would the project:

- 1 a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- 1 i) Fire protection?

- 1 ii) Police protection?

- 2 iii) Schools?

- 1 iv) Parks?

- 1 v) Other public facilities?

XV. RECREATION

Would the project:

- 2 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XVI. TRANSPORTATION / TRAFFIC

Would the project:

- 1 a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- 2 b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the

county congestion management agency for designated roads or highways?

- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 1 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- 1 f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 1 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 2 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 2 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 1 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 1 e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- 1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- 2 a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- 3 b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

IXX. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2 b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- 3 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors*, (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656. Revised 2009

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

- a. This project will not adversely affect the view of any scenic vistas. The Sierra Nevada mountain range may be considered a scenic vista, but views of the range will not be adversely impacted or significantly altered by the project.
- b. There are no scenic resources on the site.
- c. Future development plans will be subject to the City's Site Plan Review process and may be subject to further environmental and/or discretionary review. Thus, the project would not substantially degrade the existing visual character of the site and its surroundings.
- d. The project, when developed, will create new sources of light that are typical of urban development.

I. AGRICULTURAL RESOURCES

- a. The 66.2-acre annexation and development portion of the project is on property that is identified as Prime Farmland on maps prepared by the California Resources, and will involve the conversion of the property to non-agricultural use. The site was under Williamson Act Contract 03617, which was cancelled by notice of non-renewal in 2003.

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

The 66.2-acre annexation site is within the Urban Development Tier 2 Boundary, and is proposed to

be placed in the Tier 1 UDB by action of GPA 2016-10. Development of residential, commercial, and industrial lands in Tier 1 may occur at any time. The proposed project is consistent with Land Use Policies LU-P-19 and LU-P-20 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy," while LU-P-20 states; allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram. GPA 2016-10 proposes to place 58 acres of equally rated prime farmland that is currently in the Tier 1 UDB into the Tier 2 UDB. The 58-acre site is at a farther distance to existing urban development and infrastructure than that of the 66.2-acre annexation site. Consequently, the project would not have a significant impact on agricultural resources, although it would benefit the goal of facilitating compact urban development projecting from existing urban development, which was identified as a mitigating factor to preserving the viability of agricultural lands in or near the City of Visalia.

The project will be consistent with Policy LU-P-34 upon approval of GPA 2016-10. The conversion of the site from an agricultural use to urban development does not require mitigation to offset the loss of prime farmland as stated in Policy LU-P-34. The policy states; "the mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I." The exchange of Tier boundaries with the 58-acre site adjacent to the north, which will place the 58-acre site into the Tier 2 UDB constitutes an approximately even offset of agricultural land being converted to immediate urban use.

- b. The 66.2-acre unincorporated portion of the project area has a County AE-20 zoning designation. The project is bordered by existing urban development to the south and west.
- c. There is no forest or timber land currently located on the site.
- d. There is no forest or timber land currently located on the site.
- e. The proposed annexation and subdivision map will result in the conversion of farmland to a non-agricultural use. The City's General Plan designates this property for urban development by designating the site for Residential. In addition, the project proposes to locate the development project in the

City's Urban Development Tier 1 Boundary. Development of lands in Tier 1 may occur at any time consistent with the City's Land Use Diagram. The request to annex the project and subdivide the site is consistent with Land Use Policies LU-P-19 and LU-P-20 of the General Plan. Policy LU-P-19 states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy," while LU-P-20 states; allow annexation and development of residential, commercial, and industrial land to occur within the "Tier 1" Urban Development Boundary (UDB) at any time.

Furthermore, the project is consistent with Policy LU-P-34. The conversion of the site from an agricultural use to urban development does not require mitigation to offset the loss of prime farmland as stated in Policy LU-P-34. The policy states; "the mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I."

II. AIR QUALITY

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

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

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

- c. Tulare County is designated non-attainment for certain federal ozone and state ozone levels. The project will result in a net increase of criteria pollutants. This site was evaluated in the Visalia General Plan Update EIR for conversion into urban development. Development under the General Plan will result in increases of construction and operation-related criteria pollutant impacts, which are considered significant and unavoidable. General Plan policies identified under Impacts 3.3-1, 3.3-2, and 3.3-3 serve as the mitigation, which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

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

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

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

III. BIOLOGICAL RESOURCES

- a. City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR) for conversion to urban use. In addition, staff conducted an on-site visit to the site in December 2016 to observe biological conditions and did not observe any evidence or symptoms that would suggest the presence of a sensitive, candidate, or special species.

Based on the above, the site has no known species

identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The project would therefore not have a substantial adverse effect on a sensitive, candidate, or special species.

- b. There are no riparian habitats in the project area. Modoc Ditch is a confined waterway that is denuded of any vegetation and dredged regularly thus eliminating the potential to foster riparian habitat.
- c. There are no jurisdictional waterways on the project site.
- d. This development would not act as a barrier to animal movement. This site was evaluated in the Visalia General Plan Update EIR for conversion to urban use.
- e. The City has a municipal ordinance in place to protect valley oak trees. All existing valley oak trees on the project will be under the jurisdiction of this ordinance. Any oak trees to be removed from the site are subject to the jurisdiction of the municipal ordinance.
- f. There are no local or regional habitat conservation plans for the area.

IV. CULTURAL RESOURCES

- a. There are no known historical resources located within the project area. If some potentially historical or cultural resource is unearthed during development all work shall cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- b. There are no known archaeological resources located within the project area. If some archaeological resource is unearthed during development all work shall cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- c. There are no known unique paleontological resources or geologic features located within the project area. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.
- d. There are no known human remains buried in the project vicinity. If human remains are unearthed during development all work should cease until the

proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

V. GEOLOGY AND SOILS

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

VI. GREENHOUSE GAS EMISSIONS

- a. The project is expected to generate Greenhouse Gas (GHG) emissions in the short-term as a result of the construction of residences and long-term as a result of day-to-day operation of the proposed residences.

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

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

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

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

VII. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. Construction activities associated with development of the project may include maintenance of on-site construction equipment, which could lead to minor fuel and oil spills. The use and handling of any hazardous materials during construction activities would occur in accordance with applicable federal, state, regional, and local laws. Therefore, impacts are considered to be less than significant.
- c. There is one school located within one-quarter mile from the project (Ridgeview Middle School). There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites within one-quarter mile.
- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- e. The project area is not located within two miles of a public airport.
- f. The project area is not within the vicinity of any private airstrip.
- g. The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- h. There are no wild lands within or near the project area.

VIII. HYDROLOGY AND WATER QUALITY

- a. The project will not violate any water quality standards of waste discharge requirements. The

site, when developed, will meet the City's improvement standards for directing storm water runoff to existing City storm water drainage systems; consistent with the City's adopted City Storm Drain Master Plan.

- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project will be served by a water lateral for domestic, irrigation, and fire protection use. California Water Service issued a Will Serve Letter, dated December 12, 2016, stating that water is available to serve the project. The determination of water availability shall remain valid for two years from the date of their letter. The letter also states that if the project does not commence within the two-year time frame, Cal Water will be under no obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming water availability. In addition, the letter can be rescinded at any time in the event that water supply is severely reduced by legislative, regulatory or environmental factors.
- c. The project will not result in substantial erosion on- or off-site.
- d. The project will not substantially alter the existing drainage pattern of the site or area, alter the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
- e. The project will not create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- f. There are no reasonably foreseeable reasons why the project would result in the degradation of water quality.
- g. The project area is located within Zone X, which indicates that the project site is not in a flood zone area.
- h. The project area is located within Zone X, which indicates that site is not in a flood zone area.
- i. The project would not expose people or structures to risks from failure of levee or dam. The project is located downstream from the Terminus Dam; in the case of dam failure, there will be 4 hours of warning to evacuate the site.
- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, which will contribute to the lack of impacts by mudflow occurrence.

IX. LAND USE AND PLANNING

- a. The project will not physically divide an established community. The General Plan Land Use Diagram, adopted October 14, 2014, designates the 66.2-acre portion of the site as Residential. The 58-acre site to

the north is also designated Residential. The project includes a request to annex the 66.2-acre portion that is currently in unincorporated Tulare County. The project also proposes GPA 2016-10 to exchange the Tier Boundary designations between the two properties. The 66.2-acre site would be placed in Tier 1 UDB, the 58-acre site would be placed in Tier 2 UDB. If GPA 2016-10 is approved, the project will be consistent with General Plan Land Use policies that encourage concentric growth, avoiding pre-mature conversion of farmland and maintaining the viability of existing farmland by avoiding potential conflicts between agricultural production and urban uses.

- b. The project will not physically divide an established community. The General Plan Land Use Diagram, adopted October 14, 2014, designates the entire project area as Residential. There are no uses in the area that will directly conflict with the proposed residential development of the project area.

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

- c. The project does not conflict with any applicable habitat conservation plan or natural community conservation plan as it is located on a vacant dirt lot with no significant natural habitat present.

X. MINERAL RESOURCES

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

XI. NOISE

- a. The project will result in noise generation typical of urban development, but not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. Noise levels will increase temporarily during the construction of these facilities but shall remain within the noise limits and restricted to the allowed hours of construction defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.

Furthermore, the Visalia General Plan contains multiple policies, identified under Impact N-P-3 through N-P-5, that work to reduce the potential for noise impacts to sensitive land uses. With implementation of Noise Impact Policies and existing City Standards, noise impacts to new noise sensitive lands uses would be less than significant.

- b. Ground-borne vibration or ground-borne noise levels may occur as part of construction activities associated with the project. Construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. Ambient noise levels will increase beyond current levels as a result of the project, however these levels will be typical of noise levels associated with urban development and not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. Noise associated with the establishment of new urban uses was previously evaluated with the General Plan for the conversion of land to urban uses.

Furthermore, the Visalia General Plan contains multiple policies, identified under Impact N-P-3 through N-P-5, that work to reduce the potential for noise impacts to sensitive land uses. With implementation of Noise Impact Policies and existing City Standards, noise impacts to new noise sensitive lands uses would be less than significant.

- d. Noise levels will increase during the construction of the project but shall remain within the limits defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.
- e. The project area is not within two miles of a public airport. The project will not expose people residing or working in the project area to excessive noise levels.
- f. There is no private airstrip near the project area.

XII. POPULATION AND HOUSING

- a. The project will not directly induce substantial population growth that is in excess of that planned in the General Plan.
- b. Development of the site will not displace any housing on the site.
- c. Development of the site will not displace any people on the site.

XIII. PUBLIC SERVICES

- a.
 - i. Fire protection facilities are located at the Visalia Station 55 and can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's proportionate impact on these facilities.
 - ii. Current police protection facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate the project's

proportionate impact on these facilities.

- iii. The project will generate new students for which existing schools in the area may accommodate. In addition, to address direct impacts, the project will be required to pay residential impact fees. These fees are considered to be conclusive mitigation for direct impacts. The project includes residential units that will create a need for park facilities.
- iv. Other public facilities can adequately serve the site without a need for alteration.

XIV. RECREATION

- a. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.
- b. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

XV. TRANSPORTATION AND TRAFFIC

- a. Development and operation of the project is not anticipated to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness of the City's circulation system. The project will result in an increase in traffic levels on arterial and collector roadways, although the City of Visalia's Circulation Element has been prepared to address this increase in traffic.
- b. Development of the site will result in increased traffic in the area, but will not cause a substantial increase in traffic on the city's existing circulation pattern. This site was evaluated in the Visalia General Plan Update Environmental Impact Report (EIR) for urban use.
- c. The project will not result in nor require a need to change air traffic patterns.
- d. There are no planned designs that are considered hazardous.
- e. The project will not result in inadequate emergency access.
- f. The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVI. UTILITIES AND SERVICE SYSTEMS

- a. Future development of the site will connect to, and/or extended existing City sanitary sewer lines, consistent with the City Sewer Master Plan.
- b. The project will not result in the construction of new water or wastewater treatment facilities or expansion

of existing facilities, the construction of which could cause significant environmental effects.

- c. There are currently stubbed storm drain lines in Akers and Riggan. The project, when developed, will be required to extend these storm drain lines connecting to the existing City storm water drainage lines that handle on-site and street runoff. Usage of these lines shall be consistent with the City Storm Drain Master Plan. These improvements will not cause significant environmental impacts.
- d. California Water Service Company has determined that there are sufficient water supplies to support the site, and that service can be extended to the site. California Water Service issued a Will Serve Letter, dated December 12, 2016, stating that water is available to serve the project. The determination of water availability shall remain voided for two years from the date of their letter. The letter also states that if the project does not commence within the two-year time frame, Cal Water will be under no obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming water availability. In addition, the letter can be rescinded at any time in the event that water supply is severely reduced by legislative, regulatory or environmental factors.
- e. The City has determined that there is adequate capacity existing to serve the site's projected wastewater treatment demands at the City wastewater treatment plant.
- f. Current solid waste disposal facilities can adequately serve the site without a need for alteration.
- g. The project will be able to meet the applicable regulations for solid waste. Removal of debris from construction will be subject to the City's waste disposal requirements.

XVIII. TRIBAL CULTURAL RESOURCES

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further:

- a. The site is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- b. The site has been determined to not be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency

shall consider the significance of the resource to a California Native American tribe.

The EIR (SCH 2010041078) for the 2014 General Plan update included a thorough review of sacred lands files through the California Native American Heritage Commission. The sacred lands file did not contain any known cultural resources information for the Visalia Planning Area.

Additionally, invitations for early consultation were sent to the five Tribes with a historic presence in the Visalia Planning Area. The Tribal representative of the Wuksachi Tribe requested formal consultation pursuant to AB 52. Following extended conversations and an onsite visit conducted on January 19, 2017, no specific concerns relative to the project site or surrounding areas were identified. No further information was received from the Tribal representative. Consequently, the City, acting as the Lead Agency determined that mitigation measures requiring stop work and expert review and clearance of potential resources uncovered during grading operations is adequate to mitigate potentialities as suggested by the Tribal representative.

Mitigation Measure 18.1 has been added to this MND and will be included as project conditions of approval. These measures require that, in the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and , if necessary, develop appropriate treatment measures in consultation

with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

IXX MANDATORY FINDINGS OF SIGNIFICANCE

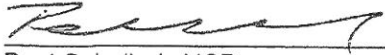
- a. The project will not affect the habitat of a fish or wildlife species or a plant or animal community. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia's General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- b. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for the area's conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- c. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

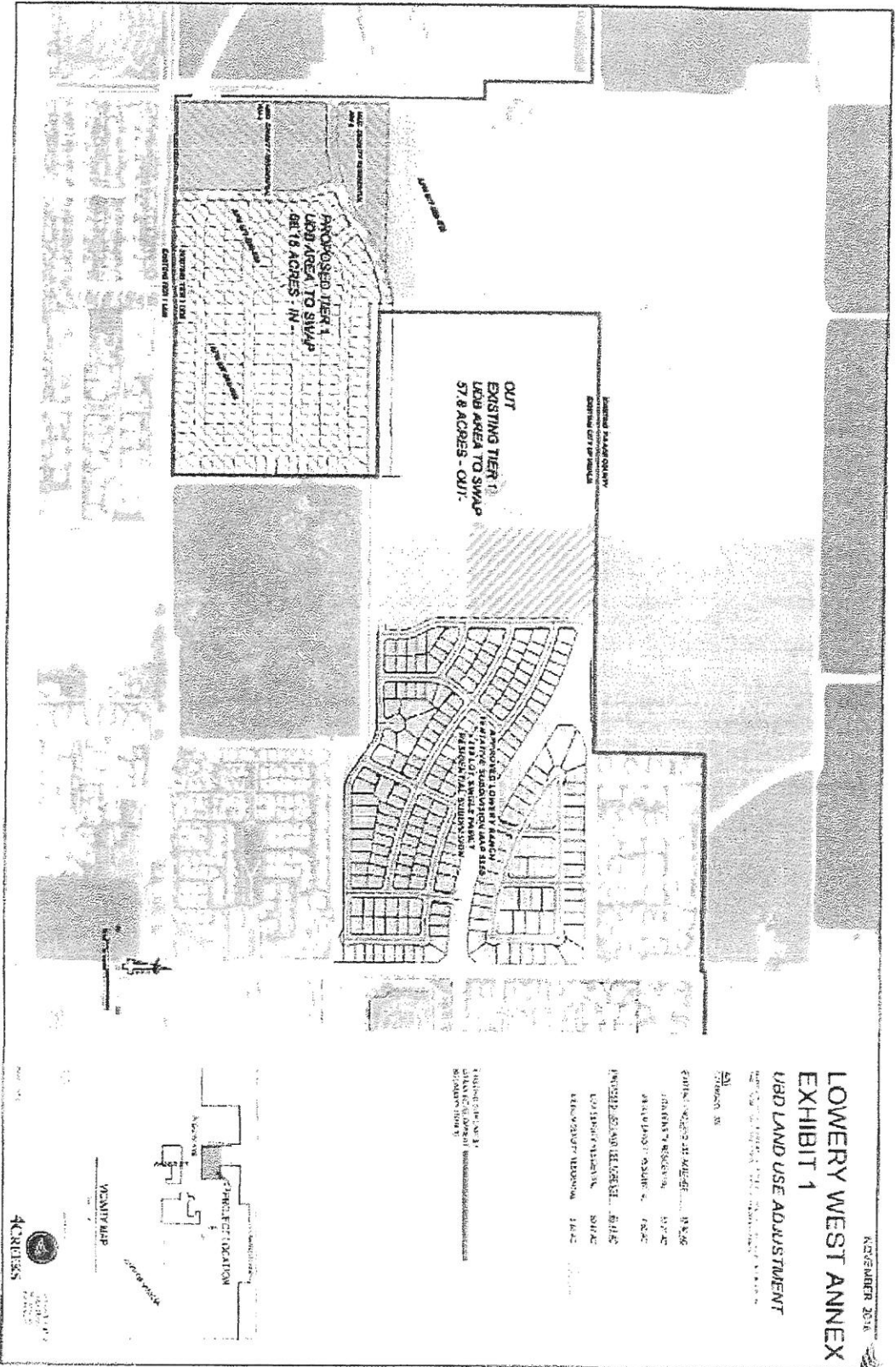
- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program

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



Paul Scheibel, AICP
Environmental Coordinator

February 21, 2017
Date



NOVEMBER 2016

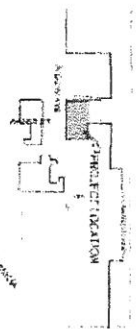
**LOWERY WEST ANNEX
 EXHIBIT 1**

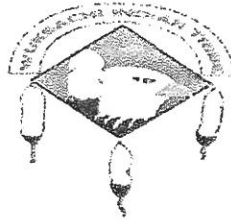
UAD LAND USE ADJUSTMENT

SCALE

- PROPOSED TIER 1 URBAN AREA TO SWAP 18.16 ACRES
- EXISTING TIER 1 URBAN AREA TO SWAP 57.8 ACRES
- APPROVED LOWERY ANNEX 10.4 ACRES
- LOWERY WEST ANNEX 10.4 ACRES
- UTILITY ALIGNMENT 1.6 ACRES

1. ALL LOTS SHOWN ARE 1/4 ACRES
 UNLESS OTHERWISE NOTED
 2. ALL LOTS SHOWN ARE 1/4 ACRES
 UNLESS OTHERWISE NOTED





12/23/2016
Susan Currie
Planner assistant
City of Visalia
315 E Acequia Ave
Visalia, Ca 93291

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subs. (b), (d) and (e) for Lowery west annexation No 2016-02. General plan amendment GPA 2016-10 Lowery West Tentative Subdivision Map No 5557

Dear Susan Currier:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. The Wuksachi Indian Tribe, requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on December 122016 regarding the above referenced project.

The Wuksachi Indian Tribe, Requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

The Wuksachi Indian Tribe also requests consultation on the following Discretionary topics checked below (Public Resources Code section 210803.2, subd. (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:
 1. (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;

2. (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 1. Protecting the cultural character and integrity of the resource;
 2. Protection the traditional use of the resource; and
 3. Protecting the confidentiality of the resource.
3. (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. (4) Protecting the resource.

Additionally, The Wuksachi Indian tribe would like to receive any cultural Resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and •
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.
2. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at <http://www.nahc.ca.gov/isif/request.html>.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The Wuksachi Indian Tribe., expects to begin consultation within 30 days of your receipt of this letter. Please contact The Wuksachi Indian Tribe lead contact person identified in the attached request for notification.

Kenneth Woodrow
Chair Wuksachi Indian Tribe.
1179 Rockhaven Ct
Salinas Ca 93906

831-443-9702
Kwood8934@aol.com

Cordially yours,



Kenneth Woodrow
Chair Wuksachi Indian

CC: Native American Heritage Commission

SITE PLAN REVIEW COMMENTS

Andrew Chamberlain 713-4003

Date: November 15, 2017

SITE PLAN NO: 2017-207
PROJECT TITLE: LOWERY WEST Tentative Parcel Map
DESCRIPTION: Tentative Parcel Map
APPLICANT: 4 Creeks
PROP. OWNER: L. Richie
LOCATION TITLE: NE CORNER OF AKERS AND RIGGIN
APN TITLE: 077-060-006, 028
GENERAL PLAN: Medium and Low Density Residential
ZONING: R-1-5 & R-M-2 – Single-Family Residential 5,000 sq. ft. min. lot area & Multi-family Residential 3,000 sq. ft. min. site area per unit

Planning Division Recommendation:

- Revise and Proceed
 Resubmit
 Revise and Proceed Off Agenda

Related actions:
SPR 2017-131
SPR 2017-187

Off-Agenda based upon the following:

Match the TPM with the TSM through the Off-Agenda process, including TSM items below

Provide the following for the TSM

- a. Detail the "Access Easement" for the Garden Homes – Prior to submitting the proposed tentative subdivision map and conditional use permit, the access easement or the alternative access point north to Sedona Avenue must be approved by Engineering, Fire, Solid Waste, and Planning.
- b. Provide details of the areas identified by Planning at the SPR meeting.
- c. Provide call-outs for block walls.
- d. Show bus turn-out on Riggin Ave.
- e. Other as needed for completion of materials to be used for discretionary application.

Project Requirements

- Parcel Map
- Tentative Subdivision Map
- Conditional Use Permit (Gated Planned Residential Development)
- Development Plan for Garden Home Lot Development

PROJECT SPECIFIC INFORMATION: 11/15/2017

1. The TPM, TSM, and CUP will need to be processed at the same time, based upon the configuration of the two maps.

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature _____

TSM Comments

PROJECT SPECIFIC INFORMATION: 11/01/2017

General Plan Consistency

1. The subdivision for the proposed R-1 zoned property is consistent with the Low Density Residential and R-1 zoning designation.

PROJECT SPECIFIC INFORMATION: 10/11/2017

General Plan Consistency

1. The subdivision for the proposed R-1 zoned property is consistent with the Low Density Residential and R-1 zoning designation.
2. Per LAFCO Annexation conditions, no change of zone can be undertaken within two years of annexation.
3. All conditions associated with the Annexation for the area shall be complied with including frontage improvements along the Remainder including but not limited to Akers St., Riggin Ave. and Sedona Ave.

Subdivision Design for standard Lot SFR Development

1. Convert the east cul-de-sac along Payson Avenue and provide a local street connection to Riggin Avenue. This local street connection will provide "right-in/right-out" turning movements.
2. Payson Avenue shall be designed to provide a local street connection east as depicted on the site plan/map exhibit.

Subdivision Design for Garden Home Lot SFR Development

1. A tentative subdivision map is required.
2. A Conditional Use Permit is required for the "Garden Home" Planned Residential development.
3. Relocate the secondary gate from the east side of the map to the south providing access into the private street subdivision from Payson Ave. The gated entrance to Modoc Basin is not feasible at this time.
4. A Home Owners Association is required for the gated subdivision. The Homeowners Association will be responsible for landscaping maintenance along Crenshaw Street and Sedona Avenue.
5. Provide a development plan that depicts the proposed setbacks for each of the "Garden Home" lots. The development plan shall call out all areas maintained by the Home Owners Association.
6. Identify the block wall areas along Lots 98, 204 and 205.
7. Provide a turn-around area for the gated subdivision.
8. Clearly depict how driveway access is provided to Lots 132, 178 and 205.
9. Provide an enlarged site plan exhibit of the clustered lot pattern that clearly notes setbacks, fence locations, turning radius for private looped drives, etc.
10. Are these all single story structures?
11. All frontage improvements along the major streets shall be installed with the first phase of development.
12. The shared driveways should have property lines reflective of the benefitting lots.
13. Depict how driveway access is provided for Lots 106, 107, 108 and 109.

CITY GENERAL PLAN CONSISTENCY

- Staff initial finding is that the proposed development of the Low Density Residential Land Use Designation is CONSISTENT with the City General Plan. Because this project requires

discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

R-1-5 Single Family Residential Zone [17.12]

Maximum Building Height: 35 Feet

Minimum Setbacks:

	Building	Landscaping
A. Front	15 Feet	15 Feet
B. Front Garage (garage w/door to street)	22 Feet	22 Feet
C. Side	5 Feet	5 Feet
D. Street side on corner lot	10 Feet	10 Feet
E. Rear	25 Feet*	25 Feet

Minimum Site Area: 5,000 square feet

Accessory Structures:

Maximum Height: 12 feet (as measured from average grade next to the structure)

Maximum Coverage: 20% of required Rear Yard (last 25 feet by the width)

Reverse Corner Lots: No structure in the 25 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

Parking:

1. Parking shall be provided at two covered parking spaces per unit (see Zoning Ordinance Section 17.34.020).

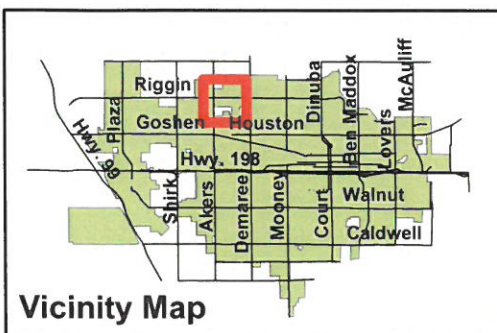
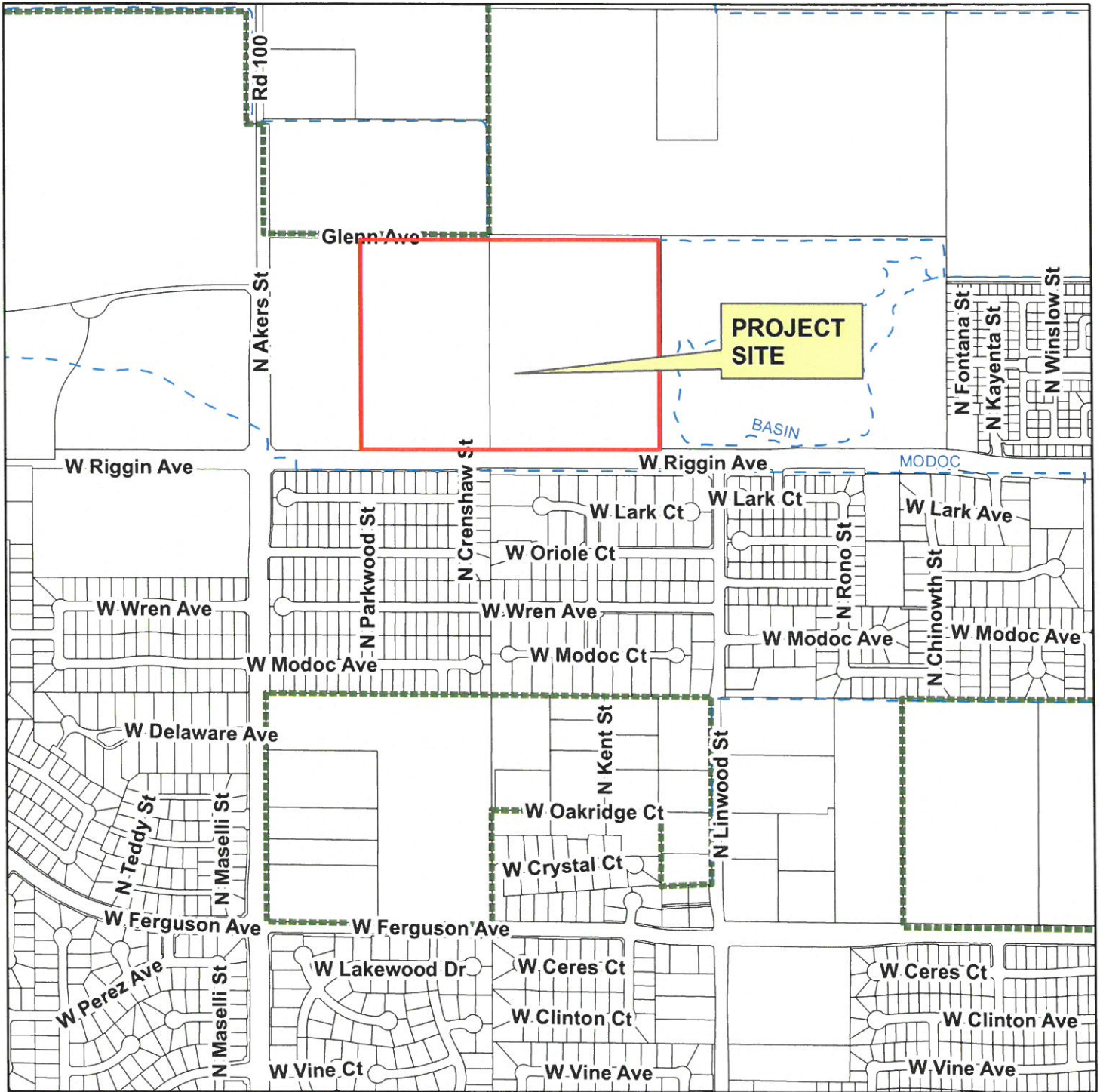
Fencing and Screening:

1. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

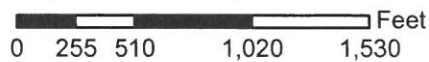
Landscaping:

1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.130.C).

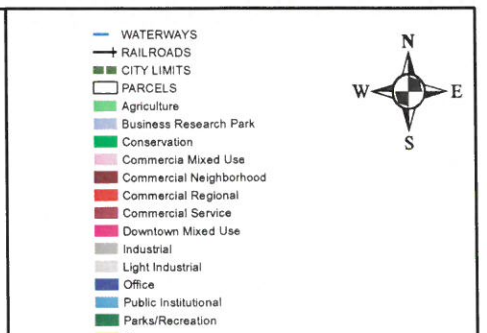
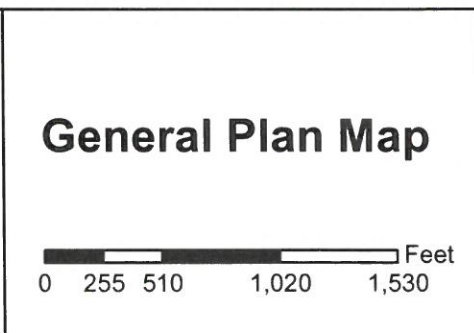
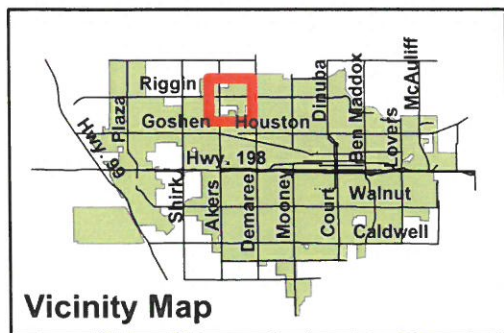
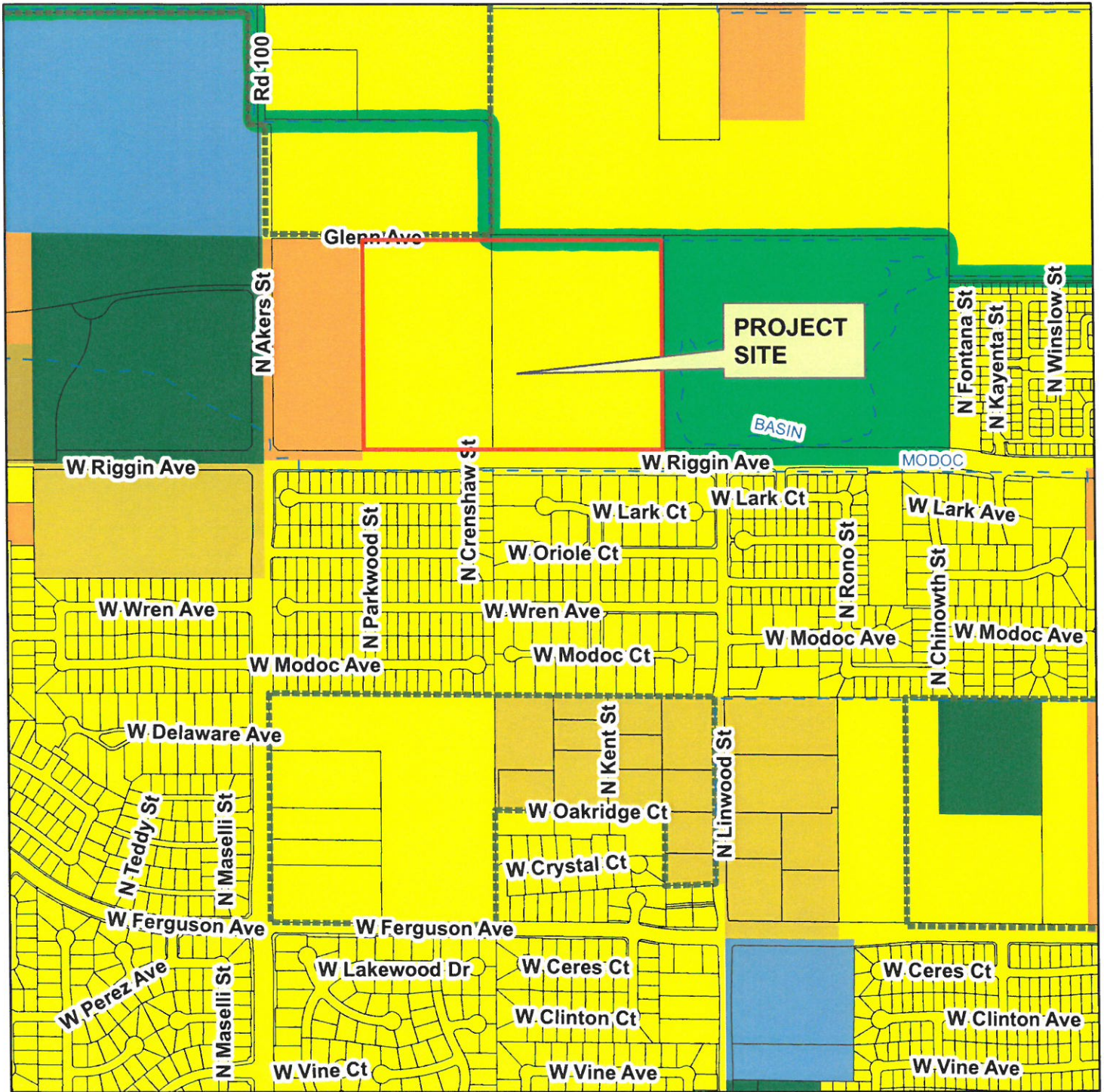
TSM 5564 AND CUP 2017-32 (LOWERY WEST)



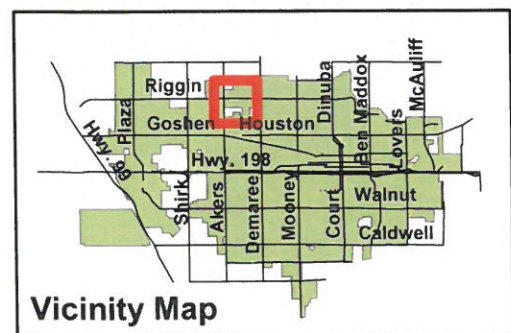
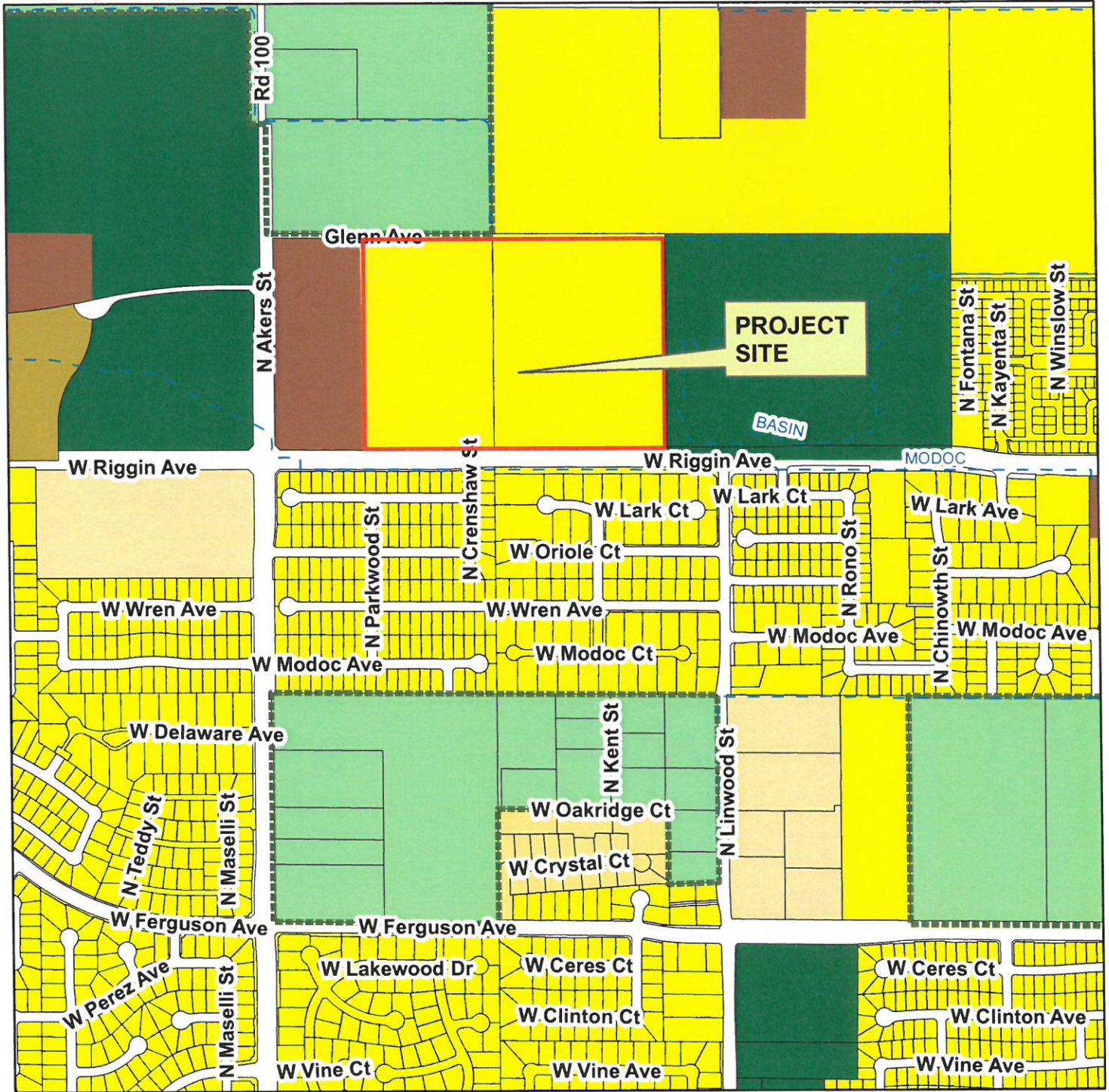
Vicinity Map



TSM 5564 AND CUP 2017-32 (LOWERY WEST)



TSM 5564 AND CUP 2017-32 (LOWERY WEST)



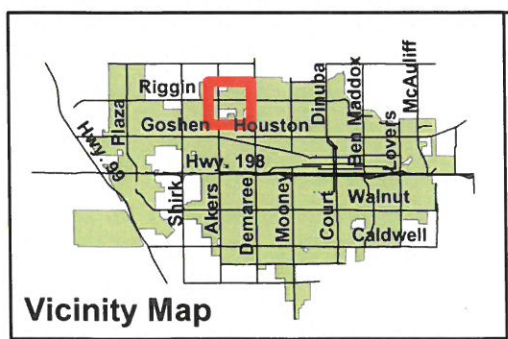
Zoning Map



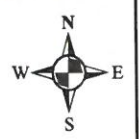
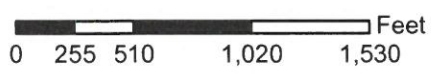
- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS
- A - Agriculture
- AP - Airport
- BRP - Business Research Park
- C-N - Neighborhood Commercial
- C-R - Regional Commercial
- C-S - Service Commercial
- C-MU - Mixed Use Commercial
- D-MU - Mixed Use Downtown
- I - Industrial
- I-L - Light Industrial
- O-PA - Prof. / Admin. Office
- O-C - Office Conversion
- QP - Quasi-Public
- OS - Open Space
- R-1-20 - 20,000 SF Min Site Area
- R-1-12.5 - 12,500 SF Min Site Area
- R-1-5 - 5,000 SF Min Site Area
- R-M-2 - 3,000 SF Min Site Area



TSM 5564 AND CUP 2017-32 (LOWERY WEST)



Aerial Map



— WATERWAYS
 — RAILROADS