

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

**TUESDAY, MAY 29, 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.
  - a. Time Extension for Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09.
  - b. Time Extension for Conditional Use Permit No. 2016-07.
  - c. Request for a General Plan Finding of Consistency Pursuant to Public Resource Code §21151.2 and Government Code §65402 for the Disposition of Real Property Owned by College of the Sequoias located on the southeast corner of S. Mooney Blvd. and W. Myrtle Ave. (APN: 096-035-010).
  - d. Request for General Plan Consistency Finding Pursuant to Public Resource Code §21151.2 and Government Code §65402 for Visalia Unified School District's Acquisition of 649 S. County Center Dr. located on the northwest corner of S. County Center Dr. and W. Campus Ave. (APN: 095-010-063).
5. PUBLIC HEARING – Andy Chamberlain  
Conditional Use Permit No. 2018-06: A request by Champions Center, Crystal Hernandez to allow individual and group counseling in the OC (Office Conversion) zone. The site is located at 910 W. Center Street. (APN: 093-224-004) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-19.
6. PUBLIC HEARING – Andy Chamberlain  
Variance No. 2018-05: A request by Brandon Gee to allow a variance to fence setback standards in the OC (Office Conversion) zone. The site is located at 201 E. Noble Avenue (APN: 097-052-009). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-18.

7. PUBLIC HEARING – Paul Scheibel  
Rose Estate Tentative Subdivision Map No. 5567: A request to subdivide 2.98 acres into six numbered lots and two lettered lots. Located within the R-1-5 (Single-family Residential, minimum 5,000 square foot lot size) Zone. The project site is located on the northwest corner of Roeben Street and Walnut Avenue (APN: 087-442-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2018-31.
8. PUBLIC HEARING – Andy Chamberlain
  - a. Conditional Use Permit No. 2018-05: A request by River Management Group to install a new 105-foot high Monopine with a 100-foot high telecommunications tower, and outdoor equipment enclosure at the base of the tower. The site is zoned C-MU (Commercial Mixed Use). The site is located at 537 E. Houston Avenue. (APN: 094-130-005) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-17.
  - b. Variance No. 2018-04: A request by River Management Group to install a new 105-foot high Monopine with a 100-foot high telecommunications tower which is less than the required 1 to 5 (vertical height to horizontal separation) from a property line. The site is zoned C-MU (Commercial Mixed Use). The site is located at 537 E. Houston Avenue. (APN: 094-130-005) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-17.
9. PUBLIC HEARING – Brandon Smith  
Candelas Tentative Subdivision Map No. 5566: A request by Lennar Homes of California, Inc. to subdivide five parcels totaling 33.71-acres into 149-lots for single-family residential use, five lettered lots for landscaping and lighting district purposes, and two remainder lots. This subdivision map will also modify the property lines of two existing parcels with existing residential uses that total 1.11 acres and will become the remainder parcels. The project site has a zoning designation of R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size). The site is located on the northwest corner of McAuliff Street and Tulare Avenue within the City of Visalia, situated in Tulare County. (APN: 101-300-014, 017, 018; 101-310-010, 011) An Initial Study was prepared for the tentative subdivision map. Initial Study No. 2018-09 disclosed that environmental impacts are determined to be not significant. The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. Staff concludes that the Environmental Impact Report adequately analyzed and addressed the proposed project.
10. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-
  - a. Reappointment of Commissioners.
  - b. ARCO Appeal Update.

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 Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

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 FRIDAY, JUNE 8, 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JUNE 11, 2018**



# City of Visalia

## **Memo**



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: May 29, 2018  
Re: Time Extension for Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of Maddox at Caldwell VII Tentative Subdivision Map No. 5531 (a.k.a. Brackenwood Tentative Subdivision Map) and Conditional Use Permit No. 2007-09, to expire on April 23, 2019, pursuant to Section §66452.6(e) of the Subdivision Map Act.

### **BACKGROUND:**

On April 23, 2007, the Visalia Planning Commission approved Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09 through adoption of Resolution Nos. 2007-22 and 23. Maddox at Caldwell VII Tentative Subdivision Map was a request to subdivide the southwest and southeast corners of Ben Maddox Way and K Avenue, which included the subdivision of 8.35 acres on the southeast corner into 43 lots for 50 units. Conditional Use Permit (CUP) No. 2007-09 was a request to create a Planned Residential Development for the Maddox at Caldwell VII Subdivision Map with modified lot sizes, setbacks, and detached and attached units (i.e. duplex units) in the R-M-2 zone.

On July 10, 2017, the Visalia Planning Commission approved The Grove Tentative Subdivision Map No. 5562, which re-subdivided the southwest corner of Ben Maddox Way and K Avenue. The Planning Commission also approved Conditional Use Permit No. 2017-15, which amended CUP No. 2007-09 by removing the duplex units from the Planned Residential Development on the southeast corner portion of the Maddox at Caldwell VII Subdivision Map. However, the expiration date for the CUP continued to be tied to the expiration date for the Maddox at Caldwell VII Subdivision Map approved on April 23, 2007.

Please note, the exhibits submitted in association with The Grove subdivision and CUP No. 2017-15 referred to the subdivision on the southeast corner of Ben Maddox Way and K Avenue as "Bracken Wood Tentative Subdivision Map" rather than Maddox at Caldwell VII.



## **STATE LEGISLATURE TIME EXTENSIONS:**

The original expiration date for the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and CUP No. 2007-09 was April 23, 2009, two years from the date of approval by the Planning Commission. This map along with all tentative map entitlements approved throughout the state remained in effect by a series of State legislative time extensions enacted between July 2008 and October 2015. The most recent State legislative bill enacting a 24-month time extension of tentative maps (Assembly Bill 1303) was approved in October 2015. Consequently, the expiration date for the subdivision and CUP was ultimately extended to April 23, 2018.

## **REQUEST:**

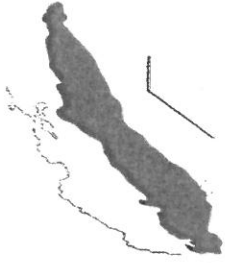
The proponents of the Tentative Subdivision Map have submitted a written request dated April 23, 2018 – the map's current expiration date – for a one-year time extension. Time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. This would be the first time extension applied for under this code for the Tentative Subdivision Map.

Staff recommends that the one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission, will extend the expiration date of the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and CUP No. 2007-09 from April 23, 2018 to April 23, 2019.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date to record a final subdivision map(s). If the request is denied, the applicant would have to file a new tentative subdivision map.

## **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2007-23 for Subdivision Map No. 5531
3. Approved Resolution No. 2007-22 for CUP No. 2007-09
4. Tentative Subdivision Map submitted with CUP No. 2017-15 ("Bracken Wood")
5. Location Map



# **GREAT VALLEY BUILDERS, INC.**

**1969 Hillman • Tulare, CA 93274**  
**559•625•4852 • FAX 559•686•4854**  
**Cell 559-799-6993**  
**License # 859278**

Re:

Brackenwood Subdivision

To: City of Visalia

Brandon Smith,

RECEIVED  
APR 23 2018  
COMM. DEVELOP.  
CITY OF VISALIA

Please accept this written request to extend the Brackenwood tentative subdivision map 12 months.

Greg Nunley



RESOLUTION NO 2007-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2007-09, A REQUEST TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT IN THE R-M-2 ZONE. THE SITE IS LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF BEN MADDOX WAY AND K AVENUE

**WHEREAS**, Conditional Use Permit No. 2007-09: A request by DLF Company (California Planning & Engineering, Agent) to allow a Planned Residential Development in the R-M-2 Zone. The site is located at the southwest and southeast corners of Ben Maddox Way and K Avenue (APNs: 126-120-050, 065, 066; 126-590-008; 126-560-060; and 126-640-074); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 23, 2007; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that Negative Declaration No. 2007-20 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia approves the proposed conditional use permit based on the following specific findings and based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.

- The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA; which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2007-20 is hereby adopted.

**BE IT FURTHER RESOLVED** that the Planning Commission approves the conditional use permit on the real property herein described in accordance with the terms of this resolution under the provisions of Section 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2006-211.
2. That the site be developed substantially consistent with the site plan shown in Exhibit "A," unless otherwise noted herein.
3. That the development shall be subject to Model Good Neighbor Policies as set forth in Section 17.16.190 of the City of Visalia Zoning Ordinance.
4. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.
5. That the curbs of all cul-de-sacs shall be painted red to preclude on street parking.
6. That all applicable city codes and ordinances be met.
7. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2007-09.



Commissioner Segrue offered the motion to this resolution. Commissioner Perez seconded the motion and it carried by the following vote:

AYES: Commissioners Segrue, Peck, Logan, Perez  
NOES:  
ABSTAINED:  
ABSENT: Commissioner Salinas

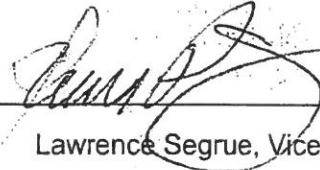
STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Fred Brusuelas, AICP  
Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2007-22, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 23, 2007.



Fred Brusuelas, AICP  
Community Development Assistant Director



Lawrence Segrue, Vice Chairperson

RESOLUTION NO 2007-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING PARK PLACE TENTATIVE SUBDIVISION MAP 5494, A REQUEST TO DIVIDE 4.1 ACRES INTO 16 LOTS. THE SITE IS LOCATED APPROXIMATELY 400 FEET WEST OF LOVERS LANE, BETWEEN CALDWELL AVENUE AND SUNNYSIDE AVENUE.

**WHEREAS**, Maddox at Caldwell Unit No. 7, Tentative Subdivision Map No. 5531 : A request by DLF Company (California Planning & Engineering, Agent) to divide 13.5 acres into 115 lots. The site is located at the southwest and southeast corners of Ben Maddox Way and K Avenue (APNs: 126-120-050, 065, 066; 126-590-008; 126-560-060; and 126-640-074); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on April 23, 2007; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** that Negative Declaration No. 2007-20 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

1. That the proposed location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the tentative subdivision map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2007-20 is hereby adopted.

**BE IT FURTHER RESOLVED** that the Planning Commission approves the subdivision on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia and subject to the following conditions:



1. That the site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2006-211.
2. That the final map be developed in substantial compliance with the approved tentative subdivision map shown in Exhibit "B," unless otherwise noted herein.
3. That vehicular connectivity from K West be provided to the west for future development.
4. That a bus turn-out shall be provided along Ben Maddox Way and the necessary right-of-way dedicated to accommodate the improvement. The exact location of the turn-out shall be coordinated with the City Engineer and VCC.
5. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.
6. That Tentative Subdivision Map No 5531 shall be null and void unless Conditional Use Permit No. 2007-09 is approved.
7. That all other city codes and ordinances be met.

Commissioner Segrue offered the motion to this resolution. Commissioner Perez seconded the motion and it carried by the following vote:

AYES: Commissioners Segrue, Peck, Logan, Perez  
 NOES:  
 ABSTAINED:  
 ABSENT: Commissioner Salinas


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

ATTEST: Fred Brusuelas, AICP  
 Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2007-23, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 23, 2007.



Fred Brusuelas, AICP  
Community Development Assistant Director



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Lawrence Segrue, Vice Chairperson







**EXHIBIT MAP**  
**CONDITIONAL USE PERMIT**  
**Bracken Wood at "K" Ave.**  
**UNIT NO. 7 - "K" AVENUE**  
**A MASTER PLANNED DEVELOPMENT**

BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SECTION 36, TOWNSHIP 14 NORTH, RANGE 18 WEST, OF THE SOUTHWEST QUARTER AND ALL SECTIONS 35, 36, 37 AND 38, TOWNSHIP 14 NORTH, RANGE 18 WEST, IN THE CITY OF VESALE, COUNTY OF TULARE, STATE OF CALIFORNIA.

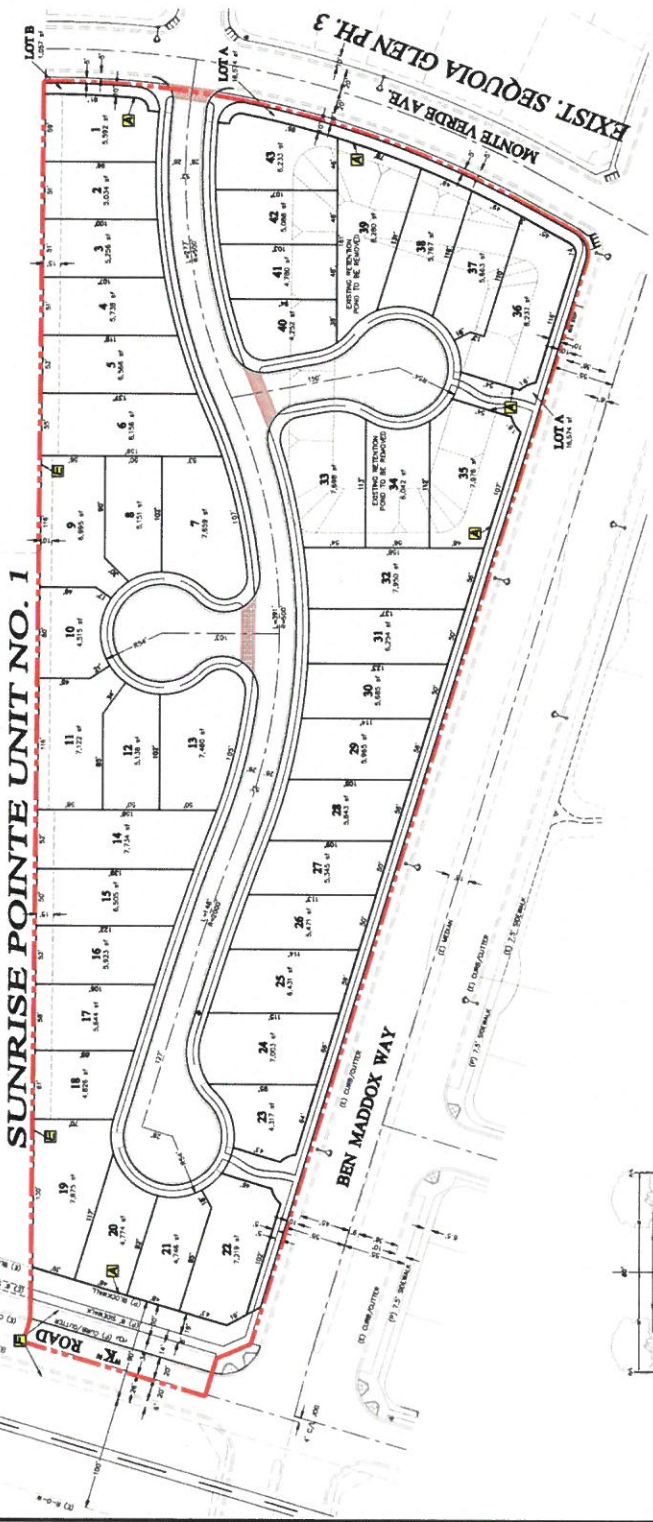
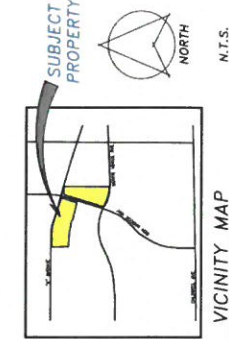
**DEVELOPER:**  
**SWIFT HOMES**  
 1849 WILLIAM ST.  
 TULARE, CA 95324  
 (559) 791-0953  
 A.P.N. #128-120-020-045.046  
 128-120-04-128-250-60,  
 128-140-74

**LEGEND**

- (P) STREET LIGHT
- (C) STREET LIGHT
- (H) FIRE HYDRANT
- (F) FIRE HYDRANT
- (E) FIRE HYDRANT
- (T) POWER POLE TO BE REMOVED
- (D) E.O.P. EDGE OF PAVEMENT
- (C) TOP OF CURB
- (S) SMARTWAY SIGN
- (S) STORM DRAIN
- (E) EXISTING
- (P) PROPOSED

**SITE NOTES**

- 1) EXISTING USE: VACANT
- 2) PROPOSED USE: SINGLE FAMILY/MULTI FAMILY RES.
- 3) EXISTING UTILITIES: CITY OF VESALE WATER SUPPLY; CAL. WATER CO. GAS; S.W.P. POWER CO. ELECTRIC
- 4) LOT AREA: 2,100 SQ. FT. (MIN.) TO 4,800 SQ. FT. (MAX.)
- 5) TOTAL AREA: 112 THE GROVE & 4 SHADEN
- 6) ZONING: RM-2
- 7) REAR SETBACKS ALONG SOUTH LINE OF PHASE 2 TO BE 10'
- 8) CONSTRUCT 6" CONC. BLOCK WALL (CITY STD. 16-4)
- 9) EXISTING 6" CONC. BLOCK WALL (CITY STD. 16-4)
- 10) ALL EXISTING UTILITIES AND SPOKE SYSTEMS SHALL BE MAINTAINED AND PROTECTED
- 11) LOTS 4-6 TO BE REPAVED & MAINTAINED BY LANDSCAPE/LOOKING DISTRICT
- 12) EXISTING 6" CONCRETE BLOCK WALL ON P/A
- 13) EXISTING 6" WOOD FENCE ON P/A
- 14) EXISTING "X" ROAD RIGHT OF WAY
- 15) CONSTRUCT MEDIAN ISLAND PER CITY REQUIREMENTS

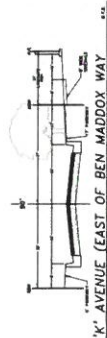
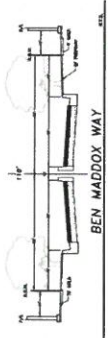
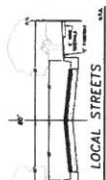


**UNIT COUNTS**

PREVIOUS UNITS	BRACKEN WOOD	50 UNITS, 12 LOTS
	TOTAL UNITS	135
	TOTAL LOTS	175
PROPOSED UNITS	THE GROVE	45 UNITS, 63 LOTS
	THE GROVE	97 UNITS, 63 LOTS
	TOTAL UNITS	140 (3 PHASES)
	TOTAL LOTS	175

**CONDITIONAL USE PERMIT**

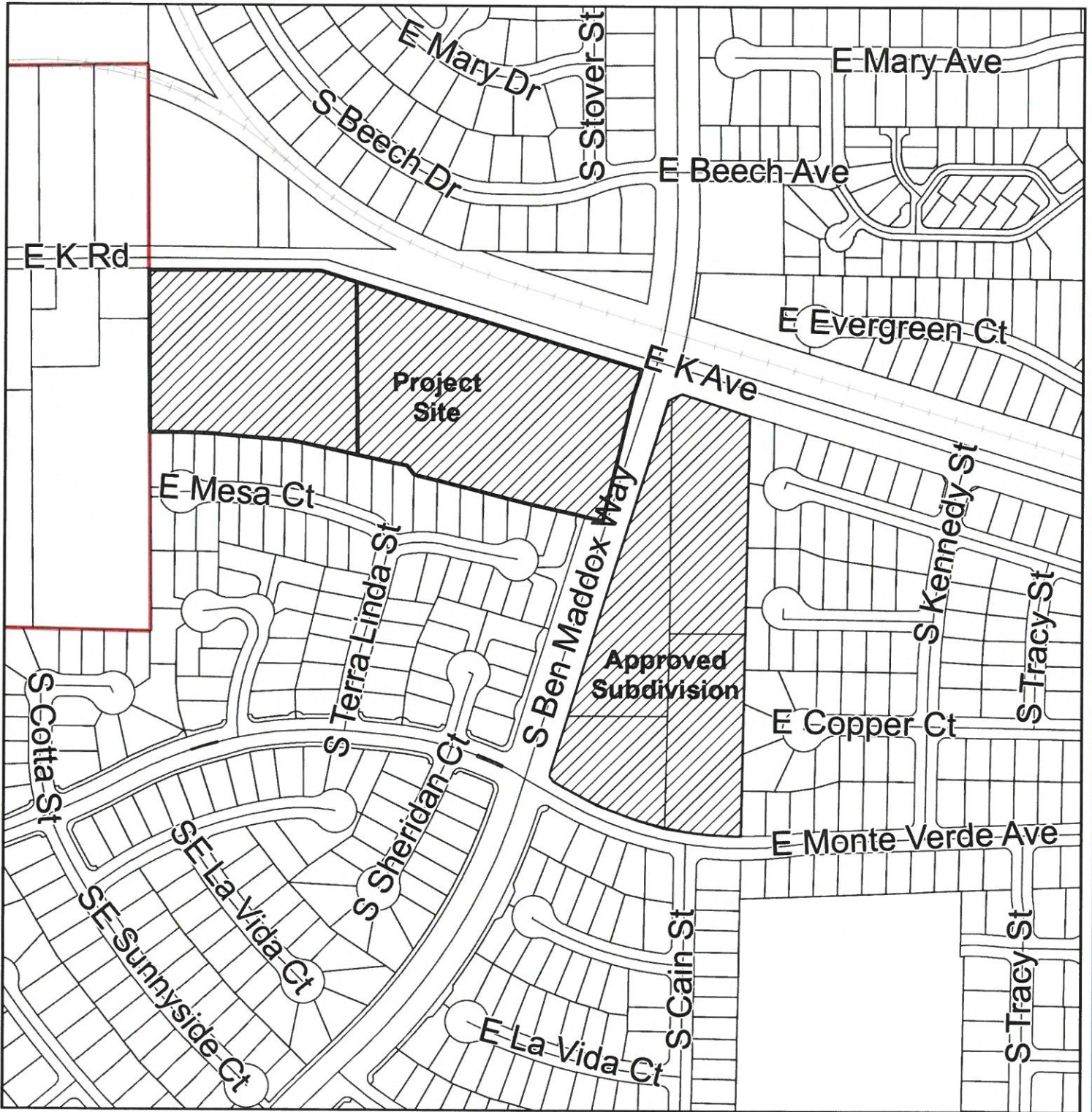
- 1) REPAVED LOT PROBLEMS - See Lots 8 - 12, 18, 22 and 35 - 37.
- 2) FRONT YARD SETBACK - The height of the average existing concrete 20' min. (Floor of Slab) curb shall be 15" min. front property line of garage door with a 20" min. (Floor of Slab) curb (8.0.5.1) to garage door.
- 3) SIDE YARD SETBACK - Minimum side yard setback to existing Sunrise Pointe Unit No. 1 (Center Homes). See Lots 8 - 11. All others 5'.
- 4) CONCRETE LOT - Minimum 10' min. (Floor of Slab) setback to existing Sunrise Pointe Unit No. 1 (Center Homes). See Lots 8 - 11. All others 5'.
- 5) REAR YARD SETBACK - Minimum 10' min. rear yard setback to existing Sunrise Pointe Unit No. 1 (Center Homes). See Lots 8 and 14 thru 16. Otherwise 10' min. Average rear yard setback 10' min. Approximately 200' min. Rear Area (Per 275 sq. ft. (Lot 8, 9, 10)).





# The Grove Tentative Subdivision Map No. 5562 & CUP No. 2017-15

APN: 126-120-065 & 066



## Vicinity Map





# City of Visalia

## **Memo**



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: May 29, 2018  
Re: Time Extension for Conditional Use Permit No. 2016-07

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### **RECOMMENDATION**

Staff recommends that the Planning Commission approve a one-year time extension of Conditional Use Permit No. 2016-07, extending the expiration date to May 9, 2019.

### **BACKGROUND**

On May 9, 2016, the Visalia Planning Commission considered and approved Conditional Use Permit (CUP) No. 2016-07, a request by Valley Oak SPCA (Stanley & Wendy Simpson and Steven & Irene Bargeon property owners), to allow development of a phased facility consisting of an animal shelter, adoption center, and education center, and the establishment of a sign program, on 1.9 acres in the I-L (Light Industrial) zone, located on the west and north sides of Nevada Court approximately 100 feet north of Placer Avenue. (APN: 081-100-049, 050, 051, and 052) The Planning Commission approved the CUP and also approved a Variance to the required setback fronting onto a major road (Goshen Avenue) in the I-L zone. The approved variance reduced the required 40-ft. landscape setback to 20-ft. along Goshen Avenue.

Since the May 2016 approval, Valley Oak SPCA applied for and received approval of a new CUP (CUP No. 2017-16) for an adoption center at 9800 W. Camp Drive. Valley Oak SPCA has established their adoption center at the Camp Drive location. However, according to their time extension request letter, Valley Oak SPCA wants to extend CUP No. 2016-07 for an additional year (2019) at the Nevada Court site since the property owner of the Camp Drive site has not provided a long term lease/purchase agreement for the Valley Oak SPCA facility.

The original expiration date for Conditional Use Permit No. 2016-07 was May 9, 2018, two years following the date of approval by the Planning Commission. The Variance expired on May 9, 2017, one year following the date of approval by the Planning Commission. No time requests were ever applied for Variance No. 2016-03.

## **REQUEST**

The proponents of the Conditional Use Permit submitted a written request dated May 2, 2018, for a one year time extension. Time extensions may be granted pursuant to Visalia Municipal Code Section 17.38.030 for conditional use permits for a maximum of one year.

Staff recommends that the applicant's request for a one-year time extension be granted. The extension request, if approved by the Planning Commission for one year, will extend the expiration date of Conditional Use Permit No. 2016-07 from May 9, 2018, to May 9, 2019.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date to obtain an approved building permit and commence construction. In addition, the facility site plan would need to be revised in order to meet the required setback along Goshen Avenue, which is now a 25-foot setback as established with the approval of the 2017 Zoning Ordinance update. A request to reduce the setback along Goshen Avenue less than the 25-ft. requirement requires the filing of a new Variance application with approval determined by the Planning Commission. If the time extension request for the CUP is denied, the applicant would have to re-file a new CUP application.

## **ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2016-14 for Conditional Use Permit No. 2016-07
3. Conditional Use Permit site plan
4. Location Map



**MICHAEL L. SCHULTE**

**ATTORNEY AT LAW**

6737 N Milburn, Suite 160, Fresno, CA 93722

PH: 559-696-2312 // FX: 888-855-6631

Email: [mls.schulte@gmail.com](mailto:mls.schulte@gmail.com)

.....

May 2, 2018

**VIA HAND DELIVERY**

**Mr. Brandon Smith, Sr. Planner**  
**City of Visalia**  
**315 E. Acequia St.**  
**Visalia, CA 93291**

**RE: Extension of CUP**  
**Valley Oaks SPCA – CUP No. 2016-07**  
**Site Plan No. 16-007 // APN: 081-100-049, 050, 051, AND 052**

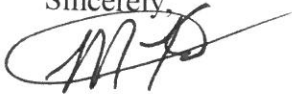
Dear Mr. Smith:

On behalf of Valley Oak SPCA, I am hereby tendering this request for extension, as well as a check in the amount of \$216 representing the extension fee. It is my understanding that this will extend the conditions of the CUP (see attached letter) from May 9, 2018 until May 9, 2019.

As you know, VOSCPA recently obtained a CUP on their Camp Drive location. Unfortunately, the owner of that site is unable to provide a long term lease/purchase arrangement, and so VOSPCA is back to "Plan-A" – the Nevada Street property referenced above. It is likely that VOSCPA will be seeking slight changes to the site plan in order to accommodate some value engineering issues. I do not believe any of those are substantive. Regardless, we will coordinate a review after we have drafted our requested changes.

Thank you for your assistance. Should you have any questions, please do not hesitate to call me directly.

Sincerely,



Michael Schulte,  
Attorney at Law

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2016-07: A REQUEST BY VALLEY OAK SPCA (STANLEY & WENDY SIMPSON AND STEVEN & IRENE BEARGEON PROPERTY OWNERS), TO ALLOW DEVELOPMENT OF A PHASED FACILITY CONSISTING OF AN ANIMAL SHELTER, ADOPTION CENTER, AND EDUCATION CENTER, AND THE ESTABLISHMENT OF A SIGN PROGRAM, ON 1.9 ACRES IN THE I-L (LIGHT INDUSTRIAL) ZONE. THE PROJECT SITE IS LOCATED ON THE WEST AND NORTH SIDES OF NEVADA COURT APPROXIMATELY 100 FEET NORTH OF PLACER AVENUE. (APN: 081-100-049, 050, 051, AND 052)

**WHEREAS**, Conditional Use Permit No. 2016-07 is a request by Valley Oak SPCA (Stanley & Wendy Simpson and Steven & Irene Bargeon property owners), to allow development of a phased facility consisting of an animal shelter, adoption center, and education center, and the establishment of a sign program, on 1.9 acres in the I-L (Light Industrial) zone. The project site is located on the west and north sides of Nevada Court approximately 100 feet north of Placer Avenue. (APN: 081-100-049, 050, 051, and 052); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on May 9, 2016; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Conditional Use Permit No. 2016-07, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15332.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health,

safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2016-17).

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

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2016-007.
2. That the site be developed in compliance with the site plan shown in Exhibit "A"; floor plans shown in Exhibits "C", "E", and "G"; and elevation plans shown in Exhibits "D", "F", and "H". Substantial changes to the site plan, floor plan, and/or elevation plan may require an amendment to the Conditional Use Permit.
3. That the project shall operate in compliance with the operation statement shown in Exhibit "J". Substantial changes to the operation statement may require an amendment to the Conditional Use Permit.
4. That no portion or entirety of the buildings may be leased or re-occupied for office space or educational facilities, unless first determined by the City Planner to be consistent with the allowed uses for the zoning designation.
5. That the 20 foot building and landscape setback shown along Goshen Avenue not be allowed unless Variance No. 2016-03 is approved.
6. That any project signage shall be obtained under separate permits.
7. That all project signage shall comply with all City codes and ordinances, except as otherwise regulated in the sign program attached as Exhibit "K".
8. That prior to the development of the Adoption Center (Phase 1) or the Animal Boarding Facility (Phase 3), an agreement shall be entered into that allows for vehicular cross access and parking across parcel lines within the project site as shown in Exhibit "A". This condition is not required if a lot line adjustment is completed to remove the parcel lines across the parking lot prior to development.
9. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
10. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2016-07, prior to the issuance of any building permits for this project.

# SITE PLAN

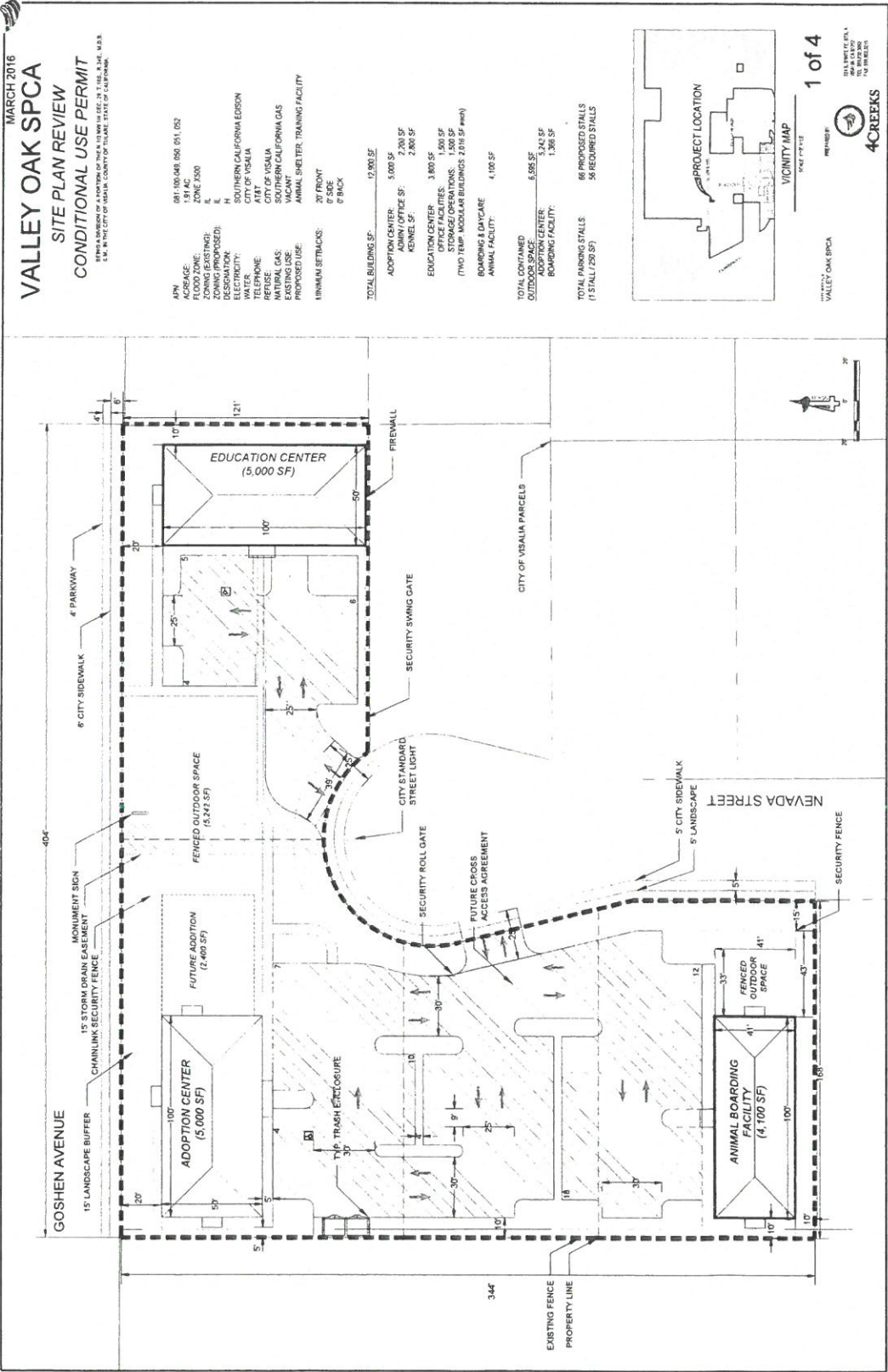
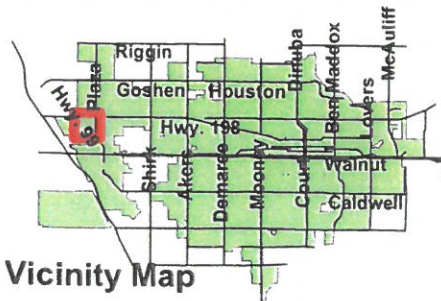
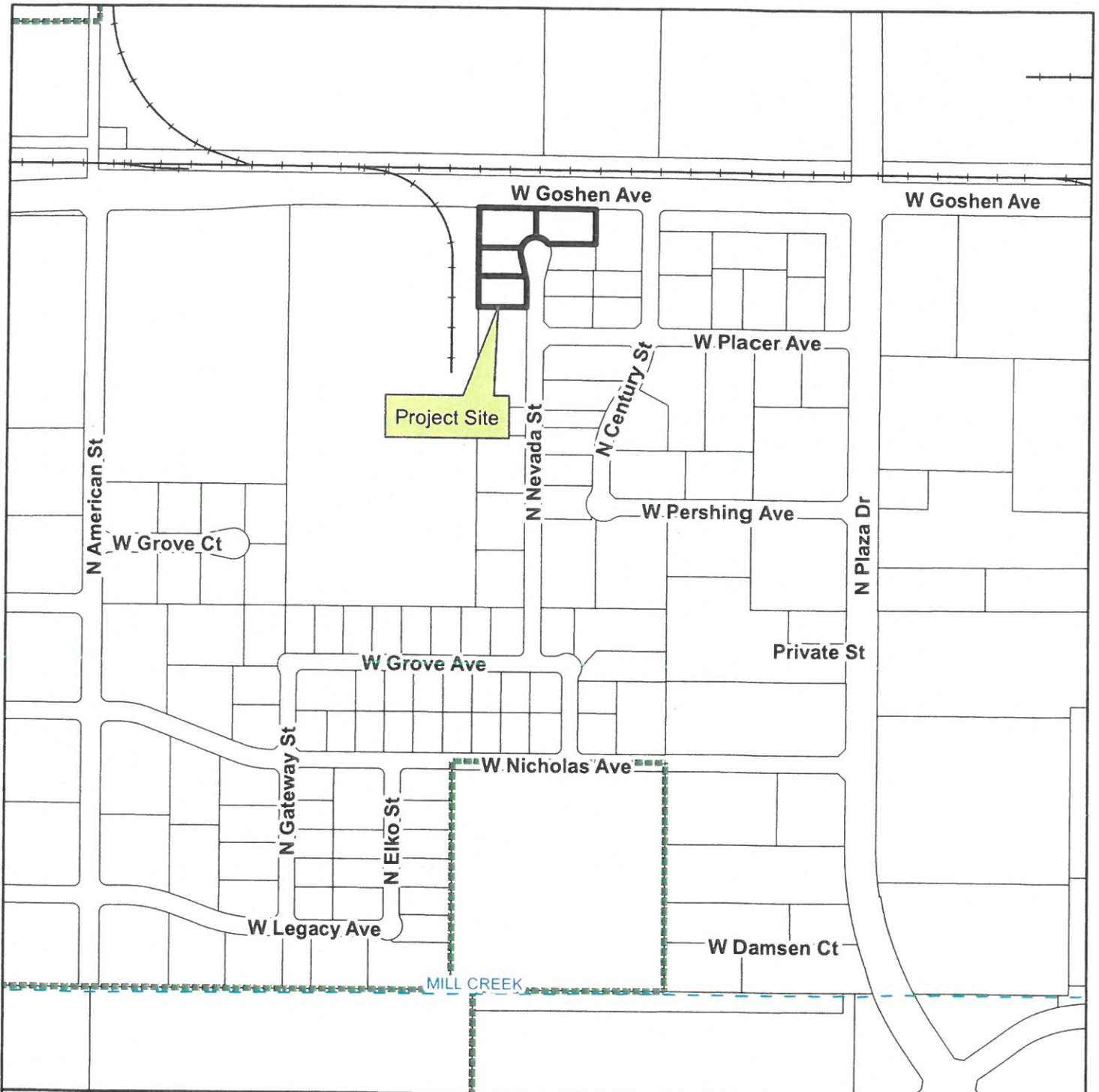


Exhibit "A"



# Conditional Use Permit No. 2016-07 & Variance No. 2016-03

The project site is located on the west and north sides of Nevada Court approximately 100 feet north of Placer Avenue. (APN: 081-100-049, 050, 051, and 052)



## Location Map



- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS

# City of Visalia



**To:** Planning Commission

**From:** Paul Bernal, City Planner (713-4025)

**Date:** May 29, 2018

**Re:** Request for a General Plan Finding of Consistency Pursuant to Public Resource Code §21151.2 and Government Code §65402 for the Disposition of Real Property Owned by College of the Sequoias located on the southeast corner of S. Mooney Blvd. and W. Myrtle Ave. (APN: 096-035-010)

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## **RECOMMENDATION:**

Staff recommends that Planning Commission make a General Plan Consistency determination that the disposition of real property owned by the College of Sequoias to a future buyer is consistent with the underlying Commercial Mixed Use General Plan Land Use Designation and C-MU (Commercial Mixed Use) Zoning. Any proposed future development of the 0.82-acre site shall be subject to the City of Visalia's development review process. The 0.82-acre site identified as "Parking Lot 5" is located on the southeast corner of S. Mooney Blvd. and W. Myrtle Ave.

## **DISCUSSION:**

Staff received a letter from the College of the Sequoias on May 14, 2018, requesting the Planning Commission make a determination of consistency with the General Plan for the disposition of real property in accordance with Public Resource Code Section 21151.2 and Governmental Code Section 65402.

Government Code Section 65402(a) requires that the sale of publically-owned real property be submitted to and reported upon by the planning agency as to conformity with the adopted General Plan. The text of that Section reads as follows:

*"65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.*

*If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature."*

College of the Sequoias intends to sell property identified as surplus property and commonly known as "Parking Lot 5" to the highest bidder after completing the public bid process. Proposed development of the site by the future owner/developer will be subject to the City of Visalia's development review process including compliance with federal, state and local laws and ordinances.

**ACTION:**

Planning Commission approval of this memorandum constitutes a Finding of General Plan Consistency based upon the contents of this memorandum.

**ATTACHMENTS:**

- College of the Sequoias letter dated May 9, 2018
- Aerial Photo of the surplus property site



May 9, 2018

Paul Bernal, City Planner  
City of Visalia  
315 E. Acequia Avenue  
Visalia, CA 93291

Re: Notice of Property Disposition  
COS Property APN 096-035-010

Dear Mr. Bernal,

This letter is to notify the City of Visalia Planning Commission that the College of the Sequoias Community College District plans on selling property that it has identified as surplus to the highest bidder after a public process for receiving bids is completed.

The subject surplus property is located on the east side of South Mooney Boulevard near West Myrtle Avenue, APN 096-035-010, it is commonly known as "Parking Lot 5" and consists of a parking area approximately 35,779 square feet.

The District is notifying the Planning Commission of the proposed disposition of real property as required by California Government Code section 65402, to confirm the proposed real property disposition is in conformity with the general plan for the City of Visalia.

The District has attempted to lease the property, but received no interest in a lease of the property. The District identified the property as surplus property at its Board of Trustees Meeting on October 9, 2017. (Copy of November 13, 2017 Board Resolution and cover memo are attached for reference.) The District has complied with relevant provisions of the Education Code, sections 81360-81382 to notify other agencies of the surplus property available for purchase. The notified agencies have not indicated they are interested in purchasing the property. The District plans to conduct a public bid process to sell the surplus property "as-is" to the highest bidder, assuming bids are received above the minimum value to be set by the District Board of Trustees.

The District requests a finding of consistency for this proposed real property disposition. The property is being sold "as-is" without conditions on future use, the buyer will be responsible for meeting all applicable building and zoning requirements to develop the property.

As stated in Government Code section 65402(c), if no response is received from the Planning Commission within forty days from the date of this notice the District will conclude the proposed disposition conforms with the general plan.

If you have any questions, please contact me at 559-730-3734.

Thank you,



Christine Statton  
Vice President, Administrative Services



**COLLEGE OF THE SEQUIOIAS COMMUNITY COLLEGE DISTRICT  
RESOLUTION NO. 2017-17**

**A RESOLUTION OF THE BOARD OF TRUSTEES DECLARING SURPLUS REAL  
PROPERTY, AND DIRECTING STAFF TO SOLICIT OFFERS FOR THE PURCHASE  
OF THE SURPLUS REAL PROPERTY**

**WHEREAS**, the College of the Sequoias (the "District") is the owner in fee of real property designated as APN 096-035-010, consisting of approximately 35,779 square feet, across from the District's Visalia Campus located at 915 South Mooney Boulevard, Visalia, California (the "Property"); and

**WHEREAS**, the Board of Trustees of the District (the "Board") has determined it would be in the best interest of the District to sell the Property; and

**WHEREAS**, the Property is not, and will not be, needed by the District for school classroom buildings at the time of sale or delivery for the above-stated purposes; and

**WHEREAS**, before declaring any real property as surplus property, a community college district governing board, in a regular open meeting, by two-thirds vote of all of its members, must adopt a resolution declaring the real property as surplus property; and

**WHEREAS**, the governing board may offer the surplus property for sale and solicit offers for the purchase of the property according to Education Code Title 3, Subsections 81360 - 81382:

(a) First, the property shall be offered for park or recreational purposes

(b) Second, the property shall be offered for sale, at fair market value;

(1) In writing, to the Director of General Services, the Regents of the University of California, the Trustees of the California State University, the county and city in which the property is situated, and to any public housing authority in the county in which the property is situated; and

(2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to nonprofit charitable corporations according to statute.

(c) Third, the property may be disposed of in any other manner authorized by law; and

**WHEREAS**, this Board expects to receive fair market value terms for the sale of the Property based on a current commercial appraisal; and

**WHEREAS**, the disposal of surplus real property is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resource Code section 21084 and California Code of Regulations, Title 14, sections 15061(b)(2) and 15312.

**NOW, THEREFORE**, in accordance with Education Code section 81360 *et seq.*, the Board of Trustees of the District hereby finds, resolves, determines, and orders, as follows:

1. The recitals listed above are true and correct, and the Board so finds and determines.

2. The District hereby declares the Property surplus and declares its intentions to sell said property according the steps prescribed in the Education Code Title 3, Subsections 81360-81382.

3. The Board hereby instructs District administration to make the Property available for sale to government entities and other agencies according to steps and protocols set forth in Education Code Title 3, Subsections 81360-81382.

4. The District's Vice President of Administrative Services is authorized and directed to give notice of the adoption of this resolution by offering the property for sale in the manner authorized by law.

5. The disposal of said Property is found to be exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resource Code section 21084 and California Code of Regulations, Title 14, sections 15061(b)(2) and 15312. (A Notice of Exemption regarding the disposal of said Surplus Property will be approved upon actual sale of the property and a Notice of Exemption will be properly filed with the County Clerk)

6. This Resolution is effective immediately upon its adoption.

The foregoing Resolution was duly adopted by the Board of Trustees of the College of the Sequoias at a regularly scheduled meeting of the Board on November 13, 2017, by the following vote:

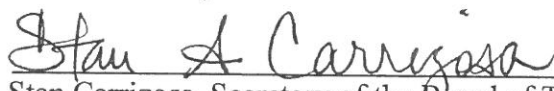
AYES: Cardoza, Mann, Nunes, Sherman, Zumwalt

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

I, Stan Carrizosa, Secretary of the Board Trustees, do hereby certify that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Governing Board at its regularly called and conducted meeting held on November 13, 2017.

  
\_\_\_\_\_  
Stan Carrizosa, Secretary of the Board of Trustees

COLLEGE OF THE SEQUOIAS COMMUNITY COLLEGE DISTRICT  
Board of Trustees Meeting  
November 13, 2017

**RESOLUTION DECLARING SURPLUS REAL  
PROPERTY AND INTENTION TO SELL SURPLUS REAL  
PROPERTY (Resolution No. 2017-17)**

**15**

**Status:** *Action (Roll Call Vote)*

**Presented by:** Christine Statton,  
Vice President, Administrative Services

**Issue**

The District owns property that has not been utilized for Administrative or Instructional purposes. Property Description: Vacant lot across from Visalia Campus on east side of South Mooney Boulevard, near West Myrtle Avenue, Visalia (APN 096-035-010; 35,779 square feet).

In the late 1990's, the District researched the possibility of sale or development of this property, but no additional steps were taken by Administration. Again in 2016, the College of the Sequoias sought bidders for a long-term lease of Mooney Boulevard property, known as "Parking Lot 5" of the District. No responsive bids were received.

Administration now proposes that this property be declared surplus for the purpose of selling the property. The District must follow surplus property disposition procedures including notification of the property's availability to numerous agencies. The declaration of surplus property, and delegation to staff to notify agencies of the available property, occurs through Board of Trustee approval of the attached resolution. Any proposed sale resulting from this process must be approved by the Board of Trustees at a subsequent meeting.

**Background**

College of the Sequoias has maintained ownership of a vacant lot on the east side of South Mooney Boulevard. This lot is currently used as a parking lot available to the public, and is not supervised or controlled by the COS Police Department. Since the District's work toward a long term lease of the property for this purpose did not produce a viable lessee, it is hoped a sale of the property may result in amenities being built by an outside party that are suitable and desirable for District students and constituents.

Education Code 81360-81382 allows a community college district to sell any surplus real property belonging to the district. There are strict guidelines and multiple required steps to sell this property. Administration now recommends declaring the real property as surplus, and working toward a sale of the real property.

## Analysis

Important components of the process:

- This resolution declares said real property to be surplus property
- The property will be offered as-is
- An appraisal of the property will be obtained
- Education Code required steps for offering surplus property for sale will be enacted:
  - a) First, the property shall be offered for park or recreational purposes
  - b) Second, the property shall be offered for sale, at fair market value;
    - 1) In writing, to the Director of General Services, the Regents of the University of California, the Trustees of the California State University, the county and city in which the property is situated, and to any public housing authority in the county in which the property is situated; and
    - 2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to nonprofit charitable corporations according to statute
    - 3) The entity desiring to purchase or lease the property shall, within 60 days after the third publication of notice, notify the community college district of its intent to purchase the property. If the entity desiring to purchase or lease the property and the district are unable to arrive at a mutually satisfactory price during the 60-day period, the property may be disposed of as otherwise provided in this section.
  - c) Third, the property may be disposed of in any other manner authorized by law.
    - 1) If the District has offered the property to public entities as set forth above and the property remains unsold, the District may proceed to sell the property to the public through a competitive and open bidding process.
    - 2) This process will include Board declaration of intention to sell, notice of resolution, and bid-opening meeting and acceptance of a proposal.
- The disposal of said Property will be found to be exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resource Code section 21084 and California Code of Regulations, Title 14, sections 15061(b)(2) and 15312.
- The site is zoned 'Commercial-Shopping Office' (CSO) under the City of Visalia Zoning Ordinance, and 'Commercial – Mixed Use' under the City's recently adopted General Plan.
- The final proposed sale of the real property will be brought before the Board of Trustees for approval.

## Recommended Action

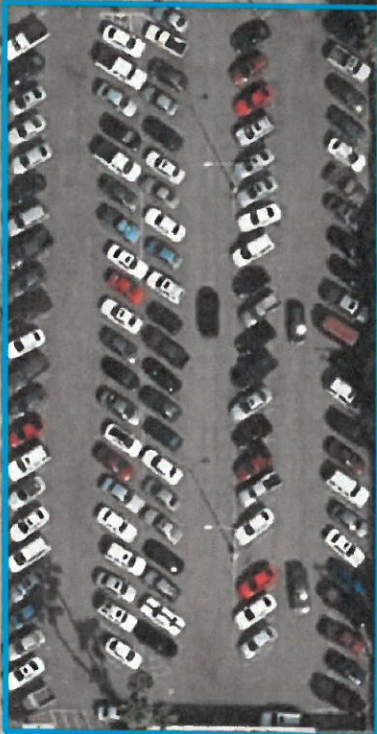
It is recommended that the Board of Trustees adopt Resolution No. 2017-17, declaring the Mooney Boulevard property (APN 096-035-010) as surplus property, and approving the District to offer the property for sale to prospective buyers in accordance and compliance with Education Code Title 3, Subsections 81360-81382.





W Myrtle Ave

S Mooney Blvd



# Aerial Photo

## COS Parking Lot 5





# City of Visalia



**To:** Planning Commission

**From:** Paul Bernal, City Planner (713-4025)

**Date:** May 29, 2018

**Re: Request for General Plan Consistency Finding Pursuant to Public Resource Code §21151.2 and Government Code §65402 for Visalia Unified School District's Acquisition of 649 S. County Center Dr. located on the northwest corner of S. County Center Dr. and W. Campus Ave. (APN: 095-010-063)**

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## **RECOMMENDATION:**

Staff recommends that Planning Commission make a General Plan Consistency determination that Visalia Unified School District's acquisition of 649 S. County Center Dr., for use as a future K through 12 charter school site is consistent with the underlying Commercial Mixed Use General Plan Land Use Designation and Commercial Mixed Use (C-MU) zoning designation subject to the filing a Finding of Consistency (FOC) to the approved Conditional Use Permit No. 2007-21, which approved development of the site for a private college.

## **DISCUSSION:**

Staff received a letter from the Visalia Unified School District on May 07, 2018, requesting the City make a determination of consistency with the General Plan for the acquisition of property located at 649 S. County Center Dr. in accordance with Public Resource Code Section §21151.2 and Governmental Code Section §65402. Visalia Unified School District intends to use the building for use as a future K-12 charter school site.

Government Code Section 65402(a) requires that the sale of publically-owned real property be submitted to and reported upon by the planning agency as to conformity with the adopted General Plan. The text of that Section reads as follows:

*"65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.*

*If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature."*

The site has both a Commercial Mixed Use Land Use and Zoning designation. Schools / High Schools are "Conditionally" Permitted uses in the C-MU zone.

Conditional Use Permit No. 2007-21, approved by the Planning Commission on June 25, 2007, approved the 649 S. County Center Dr. site with a new 21,600 square foot building of which 18,000 sq. ft. would be used for a private college with classroom facilities and administrative offices. It is anticipated that VUSD's purchase of the property for future use as a K-12 charter school site would be consistent in nature and intensity as the private college currently occupying the building/site, subject to VUSD filing a Finding of Consistency with CUP No. 2007-21.

Based on future use of the site with a K-12 charter school, consistency with the General Plan, subject to filing a Finding of Consistency to CUP No. 2007-21, can be made.

**ACTION:**

Planning Commission approval of this memorandum constitutes a Finding of General Plan Consistency based upon the contents of this memorandum.

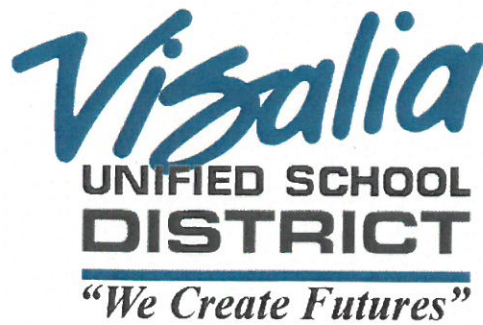
**ATTACHMENTS:**

- Visalia Unified School District Letter received May 07, 2018
- Aerial Photo of 649 S. County Center Dr. site

Todd Oto, Ed.D.  
Superintendent

Robert Gröeber  
Assistant Superintendent  
Administrative Services

Gerry Lemus  
Director of Facilities



**Board of Education**

John L. Crabtree  
William A. Fulmer  
Juan R. Guerrero  
Jim L. Qualls  
Charles E. Ulmschneider  
Lucia D. Vazquez  
Trustee Area 5 (Seat Vacant)

*Via Certified Mail*

Paul Bernal  
City Planner  
Planning Division, City of Visalia  
315 E. Acequia Ave.  
Visalia, CA 93291



Re: Visalia Unified School District- Acquisition of 649 South County Center Drive, Visalia Marketplace; Notification Pursuant to Public Resources Code § 21151.2 and Government Code § 65402

Dear Mr. Bernal:

Visalia Unified School District intends to purchase 649 South County Center Drive, Visalia Marketplace (APN 095-010-063-000), for use as a future K-12 charter school site. The purpose of this letter is to fulfill our legal obligation to provide you with formal notice of the possible acquisition pursuant to Public Resources Code section 21151.2 and Government Code section 65402. For your convenience, copies of Public Resources Code section 21151.2 and Government Code section 65402 are also attached.

Please process this Notice in accordance with Public Resources Code section 21151.2. If you have any questions, please feel free to give me a call. Thank you.

Sincerely,

VISALIA UNIFIED SCHOOL DISTRICT

A handwritten signature in blue ink, appearing to be "Gerry Lemus".

Gerry Lemus  
Director of Facilities

Encl.

cc: Megan Macy, Lozano Smith, LLP



## ATTACHMENT I

### RELEVANT LAW

#### **Public Resources Code section 21151.2**

21151.2. To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.

#### **Government Code section 65402**

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding

that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.



# 649 S. County Center Dr.

APN: 095-010-063



## Legend

2018 AERIAL

