

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

COMMISSIONERS: Mary Beatie, Chris Gomez, Marvin Hansen, Sarrah Peariso, Adam Peck

MONDAY, JANUARY 25, 2021

VISALIA CONVENTION CENTER

LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA

MEETING TIME: 7:00 PM

Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. 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. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. 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.
 - No items on the Consent Calendar
6. PUBLIC HEARING – Cristobal Carrillo, Associate Planner
 - a. Annexation No. 2020-02: A request by TMT, LLC to annex a 38.5 acre portion of a 99.27-acre parcel into the City Limits of Visalia, and to detach from Tulare County Service Area No. 1. Upon annexation, the 38.5 acre site will be zoned C-R (Regional Commercial), which is consistent with the General Plan Land Use Designation of Regional Commercial. The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056). An Initial Study was prepared for the tentative subdivision map consistent with CEQA. Initial Study No. 2020-64 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. The Environmental Impact Report adequately analyzed and addressed the proposed project.

- b. Tentative Parcel Map No. 2020-08: A request by TMT, LLC to subdivide a 99.27-acre parcel into one parcel and a remainder for commercial and right-of-way use, located within the C-R (Regional Commercial) zone. The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056). An Initial Study was prepared for the tentative subdivision map consistent with CEQA. Initial Study No. 2020-64 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. The Environmental Impact Report adequately analyzed and addressed the proposed project.

7. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. Next Planning Commission Meeting is Monday, February 8, 2021.
- b. Preliminary Distribution of Draft Vehicle Miles Travelled (VMT) Thresholds and Implementation Guidelines.

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 THURSDAY, FEBRUARY 4, 2021 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 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 8, 2021



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: January 25, 2021

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone: (559) 713-4443
Email: cristobal.carrillo@visalia.city

SUBJECT: Annexation No. 2020-02: A request by TMT, LLC to annex a 38.5 acre portion of a 99.27-acre parcel into the City Limits of Visalia, and to detach from Tulare County Service Area No. 1. Upon annexation, the 38.5 acre site will be zoned C-R (Regional Commercial), which is consistent with the General Plan Land Use Designation of Regional Commercial. The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056).

Tentative Parcel Map No. 2020-08: A request by TMT, LLC to subdivide a 99.27-acre parcel into one parcel and a remainder for commercial and right-of-way use, located within the C-R (Regional Commercial) zone. The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward Annexation No. 2020-02 to the City Council with a finding that the annexation of the site is consistent with the Visalia General Plan.

Staff recommends approval of Tentative Parcel Map No. 2020-08 based upon the findings and conditions in Resolution No. 2020-64. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and the Visalia Zoning and Subdivision Ordinances.

RECOMMENDED MOTION

I move to find that Annexation No. 2020-02 is consistent with the Visalia General Plan based on the findings in Resolution No. 2020-63.

I move to approve Tentative Parcel Map No. 2020-08 based on the findings and conditions contained in Resolution No. 2020-64.

PROJECT DESCRIPTION

Tentative Parcel Map (TPM) No. 2020-08 is a request to divide a 99.27 acre parcel into one 43.27 acre lot (Parcel 1) with an approximately 56 acre remainder (Remainder), as shown in Exhibit "A". The TPM divides the project site primarily along the General Plan Tier I and Tier III Urban Development Boundaries (UDB). This includes the northern 55 linear feet of the overall project site, which is encompassed within the boundaries of Parcel 1, for the future widening of Visalia Parkway. Parcel 1 is within the Tier I UDB, while the Remainder is within Tier III. Location of Parcel 1 within the Tier I UDB designates the lot as eligible for annexation into the City Limits, consistent with General Plan Land Use Policy LU-P-20, which allows for the "...annexation and development of residential, commercial, and industrial land to occur within the Tier I Urban Development Boundary at any time, consistent with the City's Land Use Diagram".

Annexation No. 2020-02 is proposed along with the TPM to annex 38.5 acres of Parcel 1 into the City of Visalia. As shown in Exhibit "B" the western 201 feet of Parcel 1 are not a part of the annexation entitlement, as they are already within City Limits. The Remainder is not proposed for inclusion in the annexation request due to this area being within the Tier III UDB. The Remainder cannot be annexed until General Plan expansion criteria are met, allowing for annexation of Tier III lands. Upon annexation of the applicable portion of Parcel 1, the area will be pre-zoned C-R (Regional Commercial) as required by the underlying Regional Commercial General Plan land use designation applicable to this parcel.

The TPM and annexation will facilitate improvement of Parcel 1 with a future master-planned commercial development, submitted through a separate application (see Related Actions below). Future development of Parcel 1 will include right-of-way improvements and widening of Mooney Blvd., Visalia Parkway, and Mid Valley Avenue.

The project site is currently employed for the agricultural production of wheat and corn. No structures exist on the property, except for an irrigation well on the Remainder parcel which is located on the southeast corner of the overall project site. No physical development of the project site shall occur as a result of the annexation and TPM request proposed and evaluated within this staff report.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Regional Commercial (Tier I), Residential Medium Density, Residential High Density, Parks/Recreation, and Residential Low Density (Tier III)
Zoning:	C-R (Regional Commercial), Tulare County Jurisdiction (AE-20, Exclusive Agriculture, 20 Acre Minimum Site Area)
Surrounding Land Use and Zoning	<p>North: C-R, R-M-3 (Multi-Family Residential, 1,200 sq. ft. min. site area), R-1-5 (Single-family residential, 5,000 sq. ft. min. site area) / Commercial shopping centers, South Cameron Creek residential subdivision, vacant commercial and multi-family residential land.</p> <p>South: C-R, County Jurisdiction (AE-20) / Active agricultural lands, single family residences.</p> <p>East: County Jurisdiction (AE-20) / Active agricultural lands, single family residence.</p> <p>West: C-R, C-N (Neighborhood Commercial), R-1-5 / Commercial development, Westlake Village Mobile Home Park, vacant commercial land (under development for shopping center on 11 lots).</p>
Environmental Review:	Initial Study No. 2020-64
Special Districts:	N/A
Site Plan:	2019-167, 2020-012

RELATED ACTIONS (Pending)

Conditional Use Permit No. 2020-30: A request by TMT, LLC to allow a master-planned commercial development on a 38.5 acre parcel in the C-R (Regional Commercial) Zone, for the development of approximately 211,520 square feet of commercial shopping center space consisting of an Aldi supermarket, six drive-thru restaurants, two gas station/convenience stores, a carwash facility, two sit-down restaurants, and 23 retail pads. The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056). The project is currently in the application review stage. No public hearing before the Planning Commission has been set at this time.

Tentative Parcel Map No. 2020-09: A request by TMT, LLC to subdivide 38.5-acres into 22 lots for commercial and right of way use, in the C-R (Regional Commercial) Zone. The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056). The project is currently in the application review stage. No public hearing before the Planning Commission has been set at this time.

PROJECT EVALUATION

General Plan Consistency

The portion of the site proposed for annexation (Parcel 1) is within the current Tier I Urban Development Boundary and Sphere of Influence. The Remainder is within Tier III and is not proposed for annexation at this time. The City's General Plan designates the majority of Parcel 1 for Regional Commercial use, which corresponds to the C-R (Regional Commercial) Zone. The "panhandle" portion of Parcel 1 is designated for Residential Low, Medium, and High Density use, and is within Tier III. However, the panhandle portion of Parcel 1 is proposed for annexation solely to provide the area for future right-of-way widening of Visalia Parkway upon development. The site does not contain any land that is under a Williamson Act Agriculture Preserve or Land Conservation Contract.

There are no residences within the project area. The project proponents are the sole owners of the project site and have all consented to the annexation. The annexation would be considered "uninhabited" since there are less than 11 registered voters residing on site. Following review of the proposal by the Planning Commission, the annexation would be forwarded to the Visalia City Council for review for possible initiation of Annexation No. 2020-02. If the City Council adopts the resolution initiating the annexation, staff will prepare an annexation application and file it with the Tulare County Local Agency Formation Commission (LAFCO), who has final say to authorize annexations.

Land Use Compatibility

No development is proposed with the annexation and TPM request. Parcel sizes proposed would exceed site area minimums for the respective land use designations and C-R zoning. Future plans for the development of a commercial shopping center on Parcel 1 would be conditionally permitted in the C-R zone subject to approval of a Conditional Use Permit.

The project is consistent with General Plan Land Use Policies LU-P-19 and LU-P-20. Policy LU-P-19 maintains that growth occur in a compact and concentric fashion. The project site is directly bounded by existing urban development, arterial roadways, and has access to utility infrastructure sufficient to accommodate future development. LU-P-20 states that annexation and development of commercial land occur within the Tier I UDB. The project will divide the project site along the Tier I boundary, and annex the portion within Tier I, facilitating future development of a shopping center consistent with the development pattern in the surrounding

area. If approved, Parcel 1 will also be consistent with other undeveloped C-R sites within the immediate vicinity of the project site.

Given the above, staff concludes that the proposed project is compatible with Land Use Policies LU-P-19 and LU-P-20, the applicable land use designations, and surrounding areas.

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.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(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 Parcel 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 Parcel 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 future affiliated development plan, which is designated as Regional Commercial use. This is included as recommended Finding No. 3 of the Tentative Parcel 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 Regional Commercial use. This is included as recommended Finding No. 4 of the Tentative Parcel 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 Initial Study determination under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 6 of the Tentative Parcel 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 Parcel 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 Parcel Map.

Environmental Review

California Environmental Quality Act Section 15183(a) mandates that projects which are consistent with the development density established by general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Initial Study No. 2020-64 was prepared for this project, which disclosed that the proposed project has no new effects that could occur, or new mitigation measures that 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, and adopted on October 14, 2014. Therefore, staff concludes that the Program Environmental Impact Report adequately analyzed and addressed the annexation and parcel map applications.

RECOMMENDED FINDINGS

Annexation No. 2020-02

1. That Annexation is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Annexation changing 38.5 acres of Tulare County jurisdiction/AE-20 (Exclusive Agriculture) zoned land to C-R (Regional Commercial) zoning will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the proposed Annexation is consistent with General Plan Land Use Policies LU-P-19 and LU-P-20. Policy LU-P-19 maintains that growth occur in a compact and concentric fashion, with LU-P-20 requiring that annexation and development of commercial land occur within the Tier I Urban Development Boundary. The project site is directly bounded by existing urban development, arterial roadways, and has access to utility infrastructure. The project will also divide the project site along the Tier I boundary, annexing only the portion within Tier I consistent with the policy.
4. That an Initial Study was prepared for the requested Annexation and Tentative Parcel Map consistent with CEQA, and that Initial Study No. 2020-64 disclosed the proposed project has no new effects that could occur, or new mitigation measures that 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. Therefore, the Program Environmental Impact Report adequately analyzed and addressed the Annexation and Tentative Parcel Map application.

Tentative Parcel Map No. 2020-08

1. That the proposed location and layout of Tentative Parcel Map No. 2020-08, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
2. That the proposed Tentative Parcel Map No. 2020-08, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site is bordered by existing commercial development to the north, commercial and residential development to the west, and residences and land under agricultural production to the south and east.
3. That the site is physically suitable for the proposed tentative parcel map. Tentative Parcel Map No. 2020-08 is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is bordered by existing commercial development to the north, commercial and residential development to the west, and residences and land under agricultural production to the south and east.
4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Commercial Regional General Plan Land Use Designation. The proposed location and layout of Tentative Parcel Map No. 2020-08, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
5. That the proposed Tentative Parcel Map No. 2020-08, design of the tentative map 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 parcel map. The tentative parcel map is designed to comply with the City's Engineering Improvement Standards.
6. That an Initial Study was prepared for the requested Annexation and Tentative Parcel Map consistent with CEQA, and that Initial Study No. 2020-64 disclosed the proposed project has no new effects that could occur, or new mitigation measures that 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. Therefore, the Program Environmental Impact Report adequately analyzed and addressed the Annexation and Tentative Parcel Map application.

RECOMMENDED CONDITIONS OF APPROVAL

Annexation No. 2020-02

1. Upon annexation, the territory shall be zoned Regional Commercial (C-R) consistent with the pre-zoning designated by the General Plan Land Use Map.
2. That the applicant(s) enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The draft Pre-Annexation Agreement is attached herein as Exhibit "C". The agreement is subject to final approval by the City Council of the City of Visalia.

Tentative Parcel Map No. 2020-08

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2019-167 and Site Plan Review No. 2020-012.
2. Approval of TPM No. 2020-08 shall not become effective unless Annexation No. 2020-02 placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO), and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2020-02.
3. That the tentative parcel map be prepared in substantial compliance with Exhibit "A".
4. That all applicable federal, state, regional, and city policies and ordinances be met.

APPEAL INFORMATION

Annexation

For the Annexation, the Planning Commission's recommendations on these matters are advisory only. The final decisions will be by the Visalia City Council following a public hearing. Therefore, the Planning Commission's recommendation in this matter is not appealable.

Tentative Parcel Map

According to the City of Visalia 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. 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.

Attachments:

- Related Plans and Policies
- Resolution No. 2020-63 – Annexation No. 2020-02
- Resolution No. 2020-64 – Tentative Parcel Map No. 2020-08
- Exhibit "A" – Site Plan – Tentative Parcel Map
- Exhibit "B" – Site Plan – Proposed Annexation and Legal Description
- Exhibit "C" – Pre-Annexation Agreement
- Initial Study No. 2020-64
- Site Plan Review Item No. 2019-167 Comments
- Site Plan Review Item No. 2020-012 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Location Map

RELATED PLANS AND POLICIES

Subdivision Ordinance Chapter 16.28: Parcel Maps

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.

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.

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 documents required by state law and local regulations adopted in implementation thereof.

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.

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.

RESOLUTION NO. 2020-63

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF ANNEXATION NO. 2020-02, A REQUEST BY TMT, LLC TO ANNEX A 38.5 ACRE PORTION OF A 99.27-ACRE PARCEL INTO THE CITY LIMITS OF VISALIA, AND TO DETACH FROM TULARE COUNTY SERVICE AREA NO. 1. UPON ANNEXATION, THE 38.5 ACRE SITE WILL BE ZONED C-R (REGIONAL COMMERCIAL), WHICH IS CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATION OF REGIONAL COMMERCIAL. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF W. VISALIA PARKWAY AND S. MOONEY BOULEVARD
(APN: 126-080-025, 056)

WHEREAS, the project proponents approve to initiate proceedings for annexation to said city of territory described on the attached legal description (See Exhibit "B"); and

WHEREAS, the Planning Commission of the City of Visalia, after a duly published notice, did hold a public hearing on January 25, 2021, and

WHEREAS, the proponent desires to annex said territory to the City of Visalia for the following reasons: 1) The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; 2) Will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and 3) Will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the territory proposed to be annexed is uninhabited; and

WHEREAS, the territory proposed to be annexed is located in Voting District 2 as identified in the Election District Map adopted by the City Council on May 18, 2016 per Resolution No. 2015-19; and

WHEREAS, the Planning Commission reviewed this proposal on January 25, 2021, and found it to be consistent with the General Plan; and

WHEREAS, the Planning Commission hereby makes the following findings with regard to the project:

1. That Annexation is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Annexation changing 38.5 acres of Tulare County jurisdiction/AE-20 (Exclusive Agriculture) zoned land to C-R (Regional Commercial) zoning, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the proposed Annexation is consistent with General Plan Land Use Policies LU-P-19 and LU-P-20. Policy LU-P-19 maintains that growth occur in a compact and concentric fashion, with LU-P-20 requiring that annexation and development of commercial land occur within the Tier I Urban Development Boundary. The project site is directly bounded by existing urban development, arterial roadways, and has access to utility infrastructure. The project will also divide the project site along the Tier I boundary, annexing only the portion within Tier I consistent with the policy.
4. That an Initial Study was prepared for the requested Annexation and Tentative Parcel Map consistent with CEQA, and that Initial Study No. 2020-64 disclosed the proposed project has no new effects that could occur, or new mitigation measures that 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. Therefore, the Program Environmental Impact Report adequately analyzed and addressed the Annexation and Tentative Parcel Map application.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the Annexation described herein, subject to the following conditions:

1. Upon annexation, the territory shall be zoned C-R (Regional Commercial) consistent with the pre-zoning designated by the General Plan Land Use Map.
2. That the applicant(s) enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The draft Pre-Annexation Agreement is attached herein as Exhibit "C". The agreement is subject to final approval by the City Council of the City of Visalia.

RESOLUTION NO. 2020-64

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2020-08, A REQUEST BY TMT, LLC. TO SUBDIVIDE A 99.27 ACRE PARCEL INTO ONE PARCEL AND A REMAINDER FOR COMMERCIAL AND RIGHT-OF-WAY USE, LOCATED WITHIN THE C-R (REGIONAL COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF WEST VISALIA PARKWAY AND SOUTH MOONEY BOULEVARD (APN: 126-080-025, 056)

WHEREAS, Tentative Parcel Map No. 2020-08, is a request by TMT, LLC to subdivide a 99.27-acre parcel into one parcel and a remainder for commercial and right-of-way use, located within the C-R (Regional Commercial) zone. The project site is located on the southeast corner of West Visalia Parkway and South Mooney Boulevard (APN: 126-080-025, 056); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on January 25, 2021; and

WHEREAS, the Planning Commission of the City of Visalia finds the tentative parcel map in accordance with Section 16.28.070 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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds 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 adequately analyzed and addressed this Tentative Parcel Map application.

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:

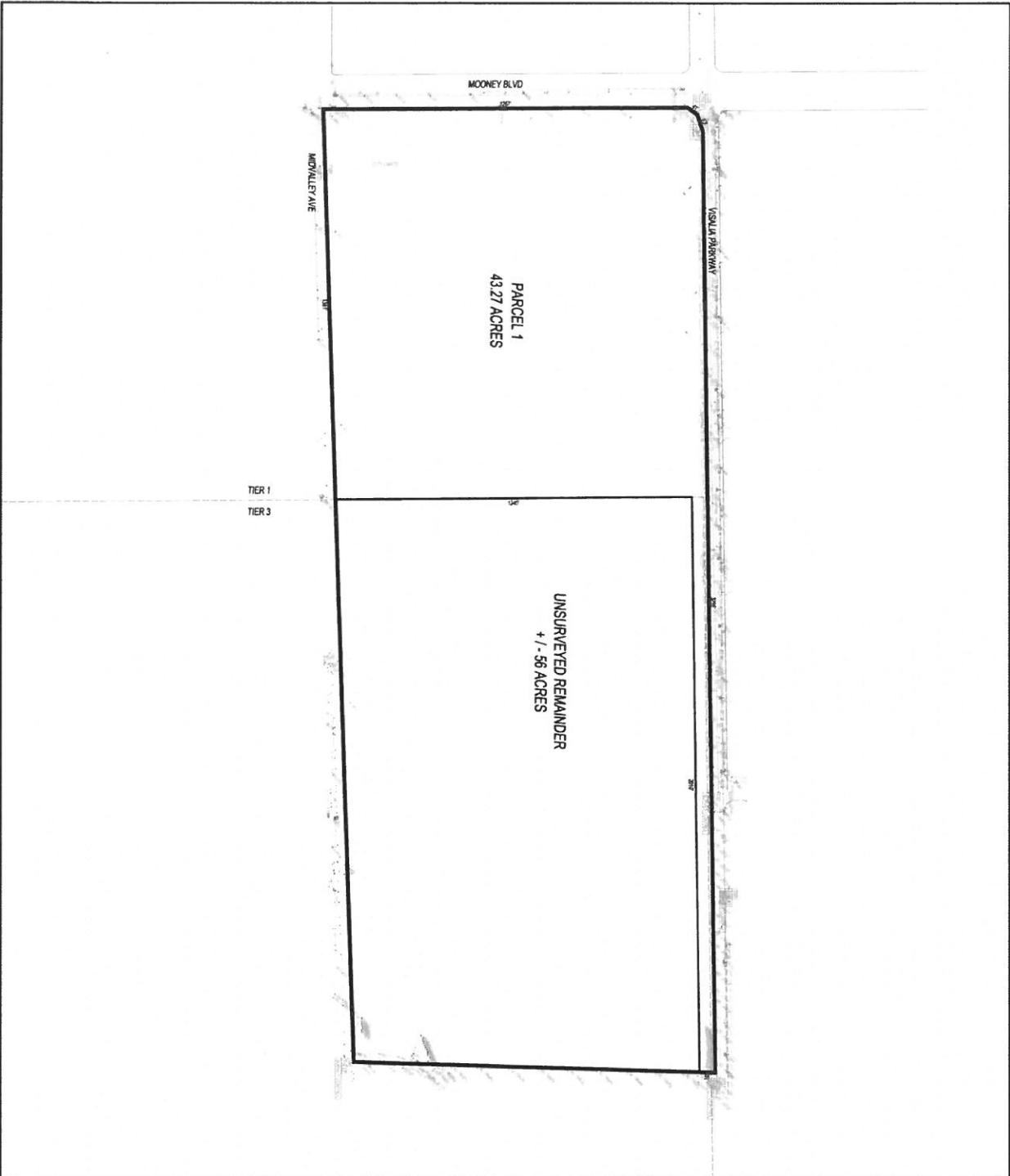
1. That the proposed location and layout of Tentative Parcel Map No. 2020-08, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
2. That the proposed Tentative Parcel Map No. 2020-08, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site is bordered by existing commercial development to the north, commercial and residential development to the west, and residences and land under agricultural production to the south and east.

3. That the site is physically suitable for the proposed tentative parcel map. Tentative Parcel Map No. 2020-08 is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is bordered by existing commercial development to the north, commercial and residential development to the west, and residences and land under agricultural production to the south and east.
4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Regional Commercial General Plan Land Use Designation. The proposed location and layout of Tentative Parcel Map No. 2020-08, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
5. That the proposed Tentative Parcel Map No. 2020-08, design of the tentative map 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 parcel map. The tentative parcel map is designed to comply with the City's Engineering Improvement Standards.
6. That an Initial Study was prepared for the requested Annexation and Tentative Parcel Map consistent with CEQA, and that Initial Study No. 2020-64 disclosed the proposed project has no new effects that could occur, or new mitigation measures that 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. Therefore, the Program Environmental Impact Report adequately analyzed and addressed the Annexation and Tentative Parcel Map application.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Tentative Parcel Map 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 project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2019-167 and Site Plan Review No. 2020-012.
2. Approval of TPM No. 2020-08 shall not become effective unless Annexation No. 2020-02 placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO), and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2020-02.
3. That the tentative parcel map be prepared in substantial compliance with Exhibit "A".
4. That all applicable federal, state, regional, and city policies and ordinances be met.

EXHIBIT "A"



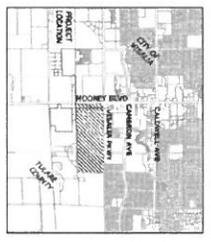
NOVEMBER 23, 2020

VISALIA PARKWAY & MOONEY BLVD TENTATIVE PARCEL MAP

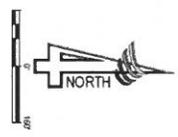
A PORTION OF LOT 7 OF SHANNON BANK CENTRAL SUBDIVISION, RECORDED IN VOL. 46 OF MAPS AND PLANS, COUNTY OF VISALIA, COUNTY OF TULARE STATE OF CALIFORNIA.

SITE DATA:

APN:	126-090-025, 056
PARCEL 1 (TO BE ANNEXED):	43.27 AC
UNSURVEYED REMAINDER:	+/- 56 AC
ZONING (EXISTING):	C-CR COUNTY
ZONING (PROPOSED):	C-R REGIONAL COMMERCIAL
GENERAL PLAN (EXISTING):	REGIONAL COMMERCIAL
GENERAL PLAN (PROPOSED):	REGIONAL COMMERCIAL

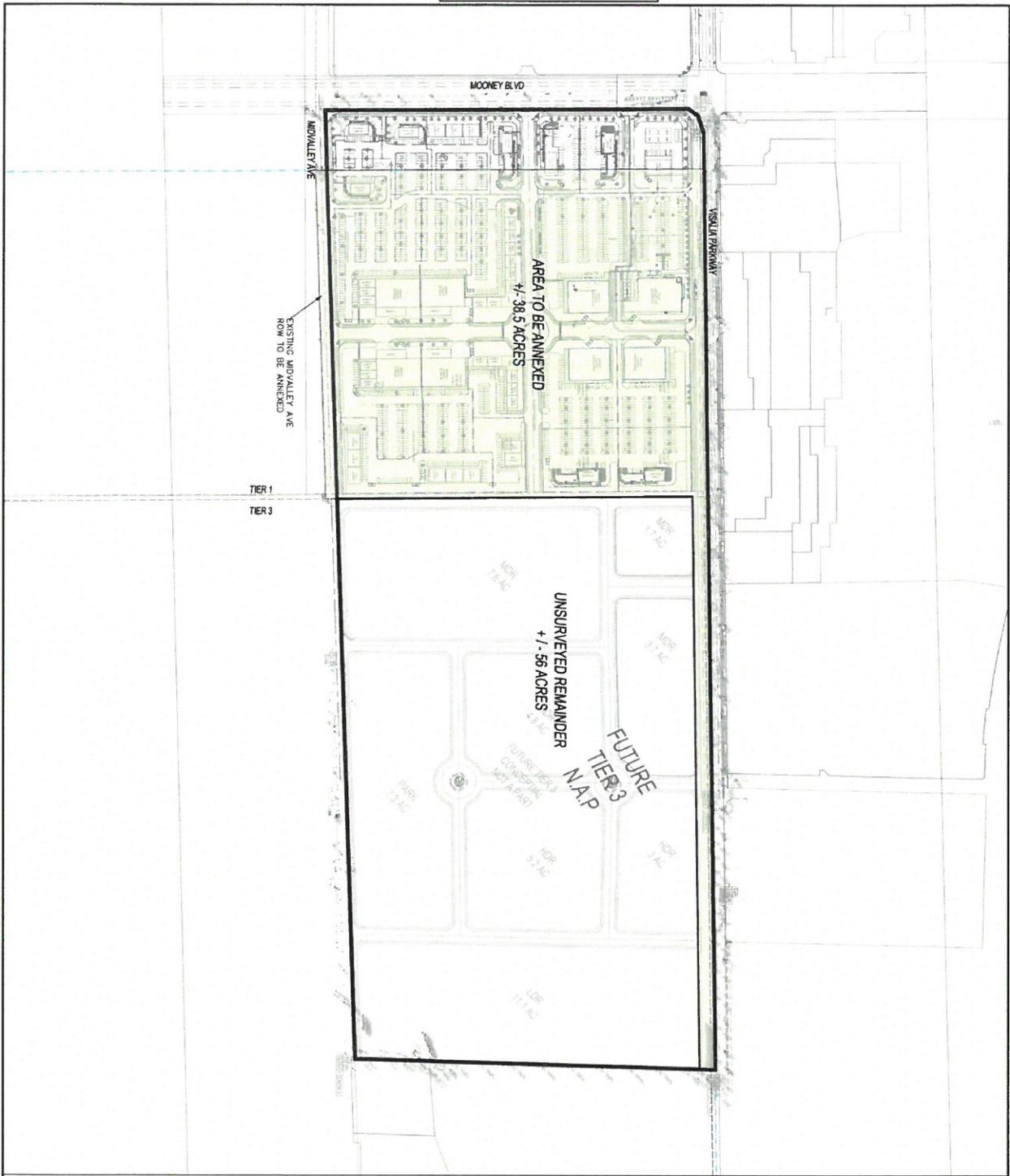


VICINITY MAP



DESIGNED BY
ACREERS
 200 S. WILSON ST., SUITE 100
 VISALIA, CA 93278
 TEL: 559.238.2000
 FAX: 559.238.2001

EXHIBIT "B"



VISALIA PARKWAY & MOONEY BLVD ANNEXATION EXHIBIT

A PORTION OF LOT 2 OF SHARON LAMB CENTRAL SUBDIVISION, RECORDED IN VOL. 49 SOUTH, 24 EAST, MARIANA, IN THE CITY OF VISALIA, COUNTY OF TULARE STATE OF CALIFORNIA

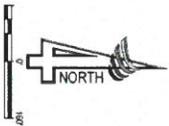
OCTOBER 5, 2020

SITE DATA:

APN: 126-080-025, 056
 AREA TO BE ANNEXED: +/- 38.5 ACRES
 ZONING (EXISTING): COUNTY
 ZONING (PROPOSED): C-R REGIONAL COMMERCIAL
 GENERAL PLAN (EXISTING): REGIONAL COMMERCIAL
 GENERAL PLAN (PROPOSED): REGIONAL COMMERCIAL



VICINITY MAP



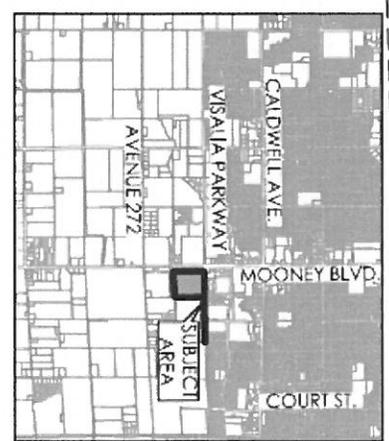
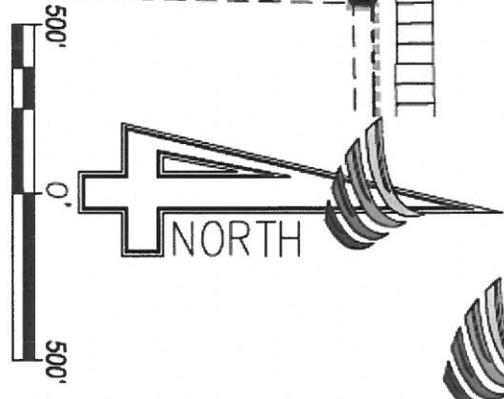
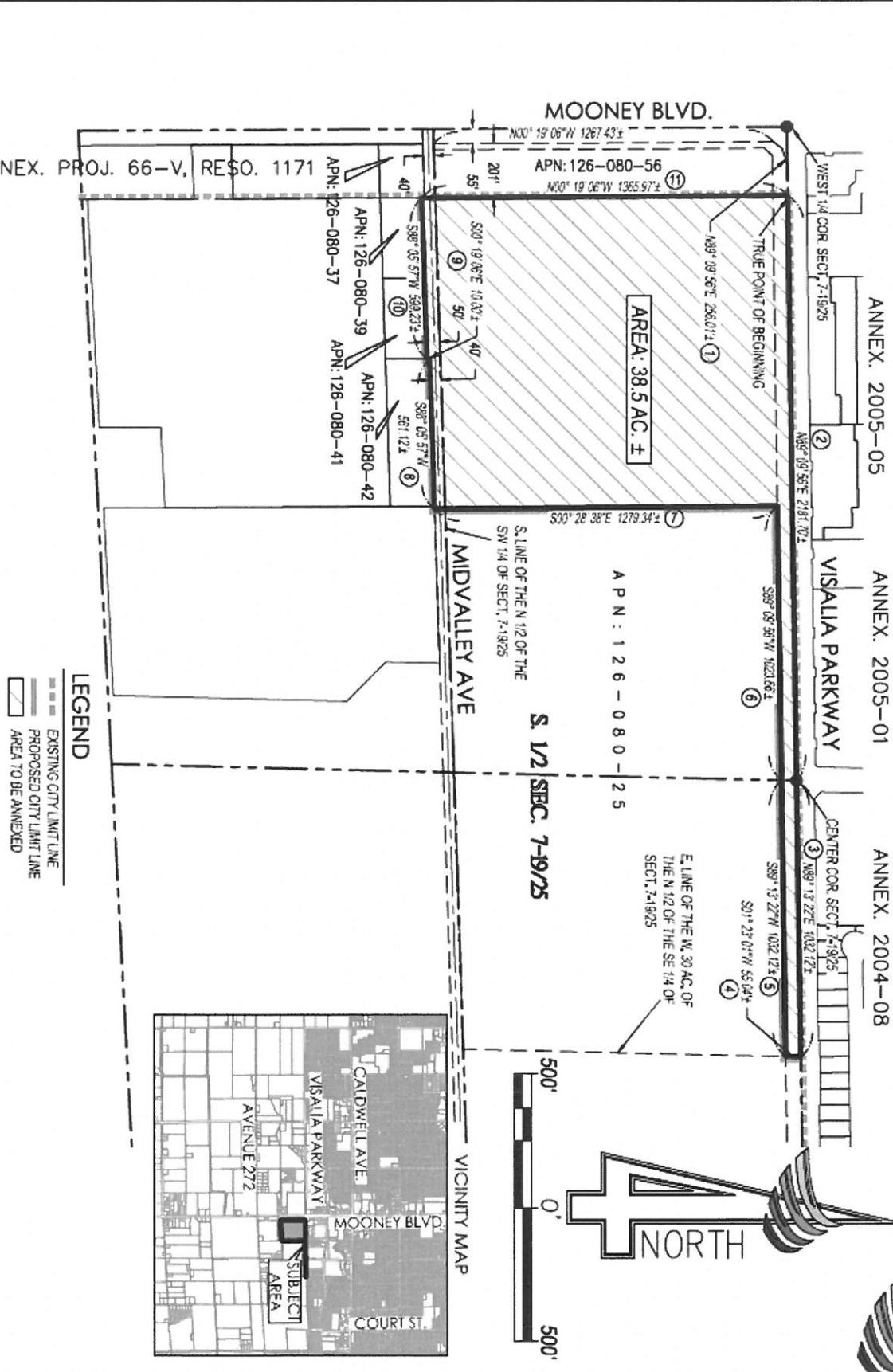
APPROVED BY

 FOR & SHARON LAMB
 VISALIA, CALIFORNIA
 THE 200-80-025
 AND 056



324 S. SANTA FE, STE. A
VISALIA, CA 93292
(559) 802-3082

ANNEXATION NO. _____
TULARE COUNTY, CALIFORNIA



10/23/21	TMT-ANNEX
10/5/20	
1" = 500'	

ANNEXATION NO. _____

That portion of the South half of Section 7, Township 19 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the West quarter corner of said Section 7;

- Course 1: Thence North 89°09'56" East, along the North line of said South half, 256.01 feet more or less, to a line parallel with and 256.00 feet East of the West line of said Section 7, and also being the Existing City Limit Line and the TRUE POINT OF BEGINNING;
- Course 2: Thence continuing North 89°09'56" East, along said North and Existing City limit line, 2181.70 feet more or less, to the Center of said Section 7, and an angle point in said North and Existing City Limit Line;
- Course 3: Thence North 89°13'22" East, along said North and Existing City limit line, 1032.12 feet more or less, to the East line of the West 30 acres of the North half of the Southeast quarter of said Section 7;
- Course 4: Thence South 01°23'01" West along said East line, 55.04 feet more or less, to a line parallel with and 55.00 feet South of the North line of said South half of Section 7;
- Course 5: Thence South 89°13'22" West, along said parallel line, 1032.12 feet more or less, to the West line of said Southeast quarter;
- Course 6: Thence South 89°09'56" West, along said parallel line, 1023.66 feet more or less;
- Course 7: Thence South 00°28'38" East, 1279.34 feet more or less, to a line parallel with and 40.00 feet South of the South line of the North half of said South half of Section 7, said line also being the South Right of Way line of Midvalley Avenue;
- Course 8: Thence South 88°05'57" West, along said parallel and South Right of Way line, 561.12 feet more or less, to an angle point in said South Right of Way line;
- Course 9: Thence South 00°19'06" East, along said South Right of Way line, 10.00 feet more or less, to an angle point therein and a line parallel with and 50.00 feet South of the South line of the North half of said South half of Section 7;
- Course 10: Thence South 88°05'57" West, along said parallel and South Right of Way line, 599.23 feet more or less, to a line parallel with and 256.00 feet East of the West line of said Section 7, and also being said Existing City Limit Line;
- Course 11: Thence North 00°19'06" West, along said parallel and Existing City limit line, 1365.97 feet more or less, to the TRUE POINT OF BEGINNING;

(Consisting of 38.5 acres, more or less)

EXHIBIT "C"

Pre-Annexation Agreement

This Pre-Annexation Agreement ("Agreement") is made and entered into this ____ day of _____, by and among the City of Visalia, a charter law city ("City") and Bernard Alan te Velde and Rebecca Dee te Velde, Trustees of the te Velde Family Trust, Dated October 11, 2000; Jay te Velde, Jr. and Darlene te Velde, Trustees, The Jay te Velde, Jr. and Darlene te Velde Trust dated December 19, 2000; and Lance D. Mouw and Jamie L. Mouw, (hereinafter "Owners");

RECITALS

WHEREAS, Owners are the record owners of a portion of property, currently located in the unincorporated area of the County of Tulare, legally described in Exhibit A and depicted in Exhibit B, which are attached hereto and incorporated herein by reference (hereinafter referred to as the "Property"); and

WHEREAS, the Property is adjacent to and contiguous to the existing corporate boundary of the City, but is not situated within the limits of any municipality; and

WHEREAS, Owners desires to have the Property annexed to the City and to have the Property zoned as C-R, which would permit the Property to be used for Regional Commercial; and

WHEREAS, the Property consists of approximately 38.5 acres, and no electors reside thereon; and

WHEREAS, proper applications have been filed with the City for approval of the annexation, rezoning, and conditional uses as may be required for the Property; and

WHEREAS, the City has, by a resolution requesting initiation of proceedings to annex territory ("Resolution") adopted on _____, initiated proceedings to annex the Property; and

WHEREAS, finding _____ of Resolution No. _____ initiating annexation requires entry into this Annexation Agreement prior to the City submitting an application to the Local Area Formation Commission to commence the proposed annexation; and

WHEREAS, Owners acknowledges that during the term of this Agreement the Property will be subject to all ordinances, resolutions, and other regulations of the City, as they may be amended from time to time, as well as state and federal statutes and regulations, as they may be amended.

WHEREAS, the City is authorized by its police powers to protect the health, safety and welfare of the community, and is entering into this Agreement and executing such authority for said purpose; and

WHEREAS, nothing contained in this Agreement shall constitute a waiver of the City's legislative, governmental, or police powers to promote and protect the health, safety and welfare of the City and its inhabitants, nor shall this Agreement prohibit the enactment or increase by town of any tax, fee, or charge.

NOW, THEREFORE, in consideration of the above Recitals and the following Covenants, it is agreed by and between the parties as follows:

I. AGREEMENT

- A. Parties. The parties to this Agreement are the City and Owners.
- B. Incorporation of Recitals. The parties confirm and incorporate the foregoing Recitals into this Agreement.
- C. Purpose/Limits of Agreement. A specific purpose of this Agreement is to set forth specific terms and conditions of annexation of the Property to City.

II. TERMS AND CONDITIONS OF ANNEXATION; PURPOSE OF AGREEMENT

Generally, each party to this Agreement is benefited and burdened by detachment from the County and annexation to the City. Owners will obtain a variety of services from City and City will obtain additional tax revenues. City has adopted ordinances, regulations, and policies concerning design, improvement, construction, development and use of property within the City. Nothing contained in this Agreement shall constitute a waiver of City's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of City and its inhabitants, nor shall this Agreement prohibit the enactment or increase by City of any tax or fee. The purpose of this Agreement is to spell out additional conditions to which Owners will be subject following annexation and prior to development within the City due to the burden placed on City by Owners desired annexation:

- A. Water Acquisition Policy: Although City's current water service provider, California Water Service, continues to issue will-serve letters, City's Council is aware of the steadily decreasing level of water in the City's underground water aquifers and has determined that increasing development is contributing to this serious problem. Therefore, City's Council has studied the issue and investigated possible solutions in order that it may continue to assure citizens that there will be water available to serve the community's needs. City's Council is actively engaged in water replenishment activities with the Kaweah Delta Water Conservation District and it has adopted a policy, as set forth in Chapter 16.54 of the Visalia Municipal Code, which requires annexation applicants to convey title to water rights to City upon annexation and/or to pay a fee to City (pursuant to an adopted fee schedule) so that City may acquire water for groundwater replenishment and storage in order to serve new development that comes with annexation, including development of the Property (the "Water Acquisition Policy"). Therefore, Owners agrees that, at the time that LAFCO issues a Certificate of Completion finalizing the annexation (and upon the running of all applicable statutes of limitation related thereto), Owners will comply with the Water Acquisition Policy by entering into an agreement with City to either (i) convey to City those water rights vested in the Property, if any, (ii) agree to pay City a fee in lieu thereof, (iii) agree to some combination of an in lieu fee payment and water right conveyance, or (iv) to comply by any other method allowed by the Water Acquisition Policy, provided that such agreement includes a condition precedent requiring City's water supplier to agree to serve the Property with potable water in amount sufficient to meet Owners reasonably anticipated total water demand for the Property, as determined by a valid water supply assessment prepared pursuant to California Water Code § 10910 *et seq.* No post-annexation permit or entitlement approvals concerning the Property will be issued by City unless and until Owners comply with the Water Acquisition Policy in a manner consistent with this subsection II(A). Owners agree that it shall identify all water rights which, to the best of Owners knowledge, have been used by Owners or its agents in connection with the Property, regardless of whether they are considered

“vested” in the Property, and shall comply with the Water Acquisition Policy by entering into an agreement with City to convey such rights, if any, to City. City shall cooperate with Owners in valuing such water rights for the purposes of determining the amount of offset to be applied against the in lieu fee as required pursuant of the Water Acquisition Policy. Owners further agrees that City shall have first right of refusal in acquiring upon mutually acceptable terms any water rights that Owners own that may be in addition to those required to meet Owners obligations under the Water Acquisition Policy. City agrees that water rights need not be conveyed and in lieu fees shall not be made payable until City’s issuance of a building permit covering the Property and, in the event Owners apply to City for its approval of multiple building permits covering the Property, City agrees such water rights conveyance or fee payment obligation shall be allocated on a pro rata basis to each phase of development covered by each building permit, with conveyance of water rights or payment to be made on a per building permit basis upon City’s issuance of each building permit covering the Property.

- B. General Plan Maintenance Fee: On June 21, 2004, the City adopted (by Resolution 2004-63, as corrected) a General Plan Maintenance Fee. Owners agree that, at the time LAFCO issues a Certificate of Completion finalizing the annexation (and upon the running of all applicable statutes of limitation related thereto), Owners will enter into an agreement with City to pay the General Plan Maintenance Fee in an amount equal to \$420 per acre and no post-annexation permit or entitlement approvals concerning the Property will be issued unless and until said agreement is executed. City agrees that such fee shall not be made payable until City’s issuance of one or more building permits covering the Property and, in the event Owners apply to City for its approval of multiple building permits covering the Property, City agrees such fee payment obligation shall be allocated on a pro rata basis to each phase of development covered by each building permit, with payment to be made on a per building permit basis upon City’s issuance of each building permit covering the Property. Owners satisfaction of its obligations under this Section II(B) will satisfy any and all of Owners obligations related to and arising under the General Plan Maintenance Fee.
- C. Plan For Providing Services. The parties agree to cooperate in, and to take such actions as may be necessary to ensure, the diligent preparation of a Plan For Providing Services to the Property, to be submitted to LAFCO along with City’s annexation application, in accordance with Cortese-Knox-Hertzberg Act requirements.

Developer understands and agrees that building permits and other entitlements for development on the Property will not be issued unless and until each and every condition herein is met.

III. TERM

The term of this Agreement shall become effective when fully executed by the parties hereto (the “Effective Date”) and continue for a period of twenty (20) years. This Agreement shall terminate if (a) the annexation proceedings are terminated for any reason; or (b) the completion of the annexation (recordation of a Certificate of Completion) does not occur on or before one (1) year from the Effective Date. Any indemnification provision included herewith shall survive termination and continue until expiration of the statute of limitations applicable to the subject matter thereof.

IV. DEFAULT, REMEDIES AND ENFORCEMENT

In the event of breach or default of any term, condition, covenant or obligation of this Agreement by either party, the other party may exercise any rights available at law or in

equity, including an action for specific performance or other injunctive relief, and all such remedies shall be cumulative. This Agreement shall be enforceable, unless lawfully terminated or cancelled, by any party to the Agreement or any party's successor in interest, notwithstanding any subsequent changes in any applicable law adopted by the City which alters or amends the laws, ordinances, resolutions, rules or policies frozen by this Agreement.

V. INDEMNIFICATION

Owners agree to indemnify and hold harmless City and the City's officers, employees, agents, and contractors, from and against all liability, claims, causes of actions, and demands, including attorney's fees and court costs, which arise out of or are in any manner connected with this Agreement or its operation, or with any other action annexation or other action determined necessary or desirable by the City in order to effectuate the annexation of Owners property, or which are in any manner connected with the City's enforcement of this Agreement. Owners further agree to investigate, handle, respond to, and to provide defense for and defend against or at the City's option to pay the attorney's fees and court costs, which arise out of or are in any manner connected with this Agreement or its operation.

VI. MISCELLANEOUS

- a. Binding Effect/Covenants to Run With Land. The Parties hereto agree to be bound by this Agreement. This Agreement shall be binding upon and shall inure to the benefit of the heirs, transferees, successors and assigns of the parties hereto. The terms and conditions stated herein shall constitute covenants running with the land.
- b. Assignment. Neither party shall assign, delegate or transfer their rights and duties in this Agreement without the written consent of the other party.
- c. Authorized Signatory. The individuals executing this Agreement, by their signature hereto, declare that they are authorized to, and have the legal power, right and actual authority to bind the party to the terms and conditions of this Agreement.
- d. Notices. All notices under this Agreement shall be effective upon personal delivery to City, or Owners, as the case may be, three (3) business days after deposit in the United States Mail, postage fully prepaid, addressed to the respective parties as follows:

To the City: City Manager
 City of Visalia
 220 N. Santa Fe Street
 Visalia, CA 93291

With Copy to: Kenneth J. Richardson
 City Attorney
 Peltzer & Richardson
 3746 West Mineral King
 Visalia, CA 93291

To Owners: Bernard Alan te Velde and Rebecca Dee te Velde, Trustees of the te
 Velde Family Trust, Dated October 11, 2000
 2911 Hanford Armona Road
 Hanford, CA 93230

Jay te Velde, Jr. and Darlene te Velde, Trustees, The Jay te Velde,
Jr. and Darlene te Velde Trust dated December 19, 2000
6656 Avenue 328
Visalia, CA 93291

Lance D. Mouw and Jamie L. Mouw
20799 Road 132
Tulare, CA 93274

Or such other address as the parties may from time to time designate by giving notice as required hereunder.

- e. Entire Agreement. This Agreement represents the entire agreement between the City and Owners as to its subject matter and no prior oral or written understanding shall be of any force or affect.
- f. Amendment. No part of this Agreement may be modified without the written consent of both parties.
- g. Headings. Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning, or intent of the provisions under the heading.
- h. No Third Party Beneficiaries Intended. Except as provided herein, the parties of this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
- i. Exhibits and Recitals. The recitals and any exhibits to this Agreement are fully incorporated by reference and are integral parts of this Agreement.
- j. Conflict With Laws or Regulations/Severability. This Agreement is subject to all applicable laws and regulations. If any provision(s) of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing this subject, the conflicting provision(s) shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the effected party. In all other cases, the remainder of the Agreement shall continue in full force and effect.
- k. Waiver. A waiver of any breach of this Agreement by any party shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provision of this Agreement.
- l. Choice of Law - Venue. This Agreement shall be governed by the laws of the State of California and any questions arising hereunder shall be construed or determined according to such law. Venue for any legal action arising from or in connection with this Agreement or the Property shall be in Tulare County, California.
- m. Attorneys Fees. In the event either party commences any action, arbitration or legal proceedings for the enforcement of this Agreement, the prevailing party, as determined by the court or arbitrator, shall be entitled to recovery of its reasonable fees and costs, including attorneys fees, court costs and arbitration costs incurred in the action brought thereon.

- n. No Agency, Joint Venture or Partnership. It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by City and Owners and that Owners are not an agent of City. City and Owners hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection therewith shall be construed as making City and Owners joint venturers or partners.
- o. Excusable Delays; Extension of Time of Performance. In the event of delays due to strikes, inability to obtain materials, civil commotion, fire, war, terrorism, lockouts, third-party litigation or other legal challenges regarding the annexation, riots, floods, earthquakes, epidemic, quarantine, freight embargoes, failure of contractors to perform, or other circumstances beyond the reasonable control of the parties and which cause substantially interferes with the ability of either party to perform its obligations under this Agreement, then the time for performance of any such obligation shall be extended for such period of time as the cause of such delay shall exist but in any event not longer than for such period of time.
- p. Further Assurances. The parties will execute and deliver, upon demand by the other party, such further documents, instruments and conveyances, and shall take such further actions as such other party may request from time to time to document the transactions set forth herein.
- q. Recordation of Agreement; Counterparts. This Agreement, or an abstract of its material terms and conditions shall be recorded by either party in the Official Records of the Tulare County Recorder. This Agreement may be executed in counterparts and, when all counterparts are combined, shall constitute a single agreement.
- r. Future Development Impact Fees. The Owners hereby acknowledge that the City may, from time to time, adopt additional development impact fees at some time in the future after annexation of the Property. The Owners hereby agree that, in the event that the City adopts an ordinance imposing a development impact fee, in accordance with applicable legal requirements, prior to issuance of a vesting project approval for development of any portion of the Property, Owners will be subject to the requirements of such citywide development impact fee program to the extent applicable at the time Owners seek a vesting project approval for a project on the Property. This provision is not intended to retroactively subject the Property to additional annexation-related fees that may be adopted in the future.
- s. Prezoning. City agrees to promptly process and, after City completes and adopts its environmental review, consider Owners application to prezone the Property, as required by the Cortese-Knox-Hertzberg Act's prezoning requirements. The Regional Commercial (C-R) zoning designation is the adopted prezoning for the Property, in accordance with Visalia Municipal Code Chapter 17.12 and Section 17.06.050(A), which section states that all territory which is annexed into the City shall be classified to the zone as indicated on the Visalia General Plan land use map, as adopted by the City (the "Prezoning"). The Commercial Regional zoning designation permits commercial land uses, as specified by the City of Visalia Municipal Code. Upon execution of this Agreement, City shall use its best efforts to (i) promptly complete its environmental review of the Project and consider its adoption thereof, and (ii) complete its preparation of the proposed prezoning contemplated by this subsection II(E) and consider its approval thereof. If City approves the prezoning contemplated by this subsection II(E), the terms and conditions of such prezoning shall be included in City's application to LAFCO for the annexation of the Property to City, which application shall promptly be submitted to LAFCO by City.

t. Development Impact Fees: The Owners shall pay all applicable development impact fees for any subsequent development on the Property at the time that building permits are issued, or prior to issuance of final occupancy, if applicable, at the discretion of the Community Development Director, or as may be required by ordinance. A list and amount of development impact fees can be located in the City's current version of the Development Fee Schedule.

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IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth next to their signature.

CITY

Date: _____

By: _____
Randy Groom, City Manager

Attest:

Date: _____

By: _____
Michelle Nicholson, City Clerk

Approved as to Form:

Date: _____

By: _____
Kenneth J. Richardson, City Attorney

OWNERS

Date: _____

By: _____
Bernard Alan te Velde, Trustees of the te Velde Family Trust, Dated October 11, 2000

Date: _____

By: _____
Rebecca Dee te Velde, Trustees of the te Velde Family Trust, Dated October 11, 2000

Date: _____

By: _____

Jay te Velde, Jr., The Jay te Velde, Jr. and
Darlene te Velde Trust dated December 19,
2000

Date: _____

By: _____
Darlene te Velde, Trustees, The Jay te Velde,
Jr. and Darlene te Velde Trust dated December
19, 2000

Date: _____

By: _____
Lance D. Mouw

Date: _____

By: _____
Jamie L. Mouw

INITIAL STUDY

I. GENERAL

A. Project Name and Description:

Annexation No. 2020-02: A request by TMT, LLC to annex a 38.5 acre portion of a 99.27-acre parcel into the City Limits of Visalia, and to detach from Tulare County Service Area No. 1. Upon annexation, the 38.5 acre site will be zoned C-R (Regional Commercial), which is consistent with the General Plan Land Use Designation of Commercial Regional.

Tentative Parcel Map No. 2020-08: A request by TMT, LLC to subdivide a 99.27-acre parcel into one lot and a remainder for commercial and right of way use, located within the C-R (Regional Commercial) zone.

Tentative Parcel Map (TPM) No. 2020-08 proposes division of a 99.27 acre parcel into one 43.27 acre lot (Parcel 1), with an approximately 56 acre remainder (Remainder). The TPM divides the project site primarily along the General Plan Tier I and Tier III Urban Development Boundary (UDB), save for the northern 55 feet of the overall project site which is included within the boundaries of Parcel 1 for the widening of the Visalia Parkway right of way. Parcel 1 will remain within the Tier 1 UDB, while the Remainder will stay within Tier III. Location of Parcel 1 within the Tier I boundary designates the lot as eligible for annexation into the City Limits.

Only the western 201 feet of Parcel 1 are currently within City Limits. Annexation (ANX) No. 2020-02 proposes the annexation of the remaining 38.5 acres of Parcel 1 into the City of Visalia. The Remainder is not included in the annexation request, as the site cannot be annexed until General Plan criteria are met allowed for development into the Tier III UDB. Upon annexation Parcel 1 will be pre-zoned to C-R (Regional Commercial), as required per the Regional Commercial General Plan designation applicable to the lot.

The TPM and ANX are proposed to facilitate improvement of Parcel 1 with a master-planned commercial development to be processed and environmentally evaluated through a separate submittal (Conditional Use Permit No. 2020-30 and TPM No. 2020-09) that is currently under review.

The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056), outside of the City of Visalia city limits and situated in Tulare County.

B. Identification of the Environmental Setting:

The project site is currently employed for the agricultural production of wheat and corn. No structures exist on the property, except for an irrigation well on the southeast corner of the Remainder parcel. The Remainder is not currently proposed for annexation or development. As such the irrigation well will remain unaltered until such time as development occurs on the Remainder. The site is not under Williamson Act contract and is not within an Agricultural Preserve.

The project site is bounded by rural residential development and active agricultural lands to the east and south. Areas to the north and west contain active commercial and residential development, or vacant lands planned for future development. The project site abuts three roadways; the four lane State Highway 63/S. Mooney Blvd to the west, the two lane W. Visalia Parkway to the north, and two lane W. Mid Valley Avenue/Avenue 274 to the south.

The project proposal itself only results in division of a lot and a change to jurisdictional boundaries. Though Parcel 1 is planned for development in the future, to include construction of parking lots, onsite landscaping, and improvement of right of way areas along Mooney Blvd., Visalia Parkway, and Mid Valley Avenue, no actual develop will or shall occur as a part of this project proposal.

The surrounding uses, Zoning, and General Plan for the 99.27 acre project site are as follows:

	General Plan (2014)	Zoning (2017)	Existing uses
North:	Regional Commercial, Residential High Density, Residential Low Density	C-R (Regional Commercial), R-M-3 (Multi-Family Residential, 1,200 sq.	Commercial shopping centers, South Cameron Creek residential subdivision, vacant commercial and multi-family residential land.

		ft. min. site area), R-1-5 (Single-family residential, 5,000 sq. ft. min. site area)	
South:	Regional Commercial, Residential Low Density	C-R, County Jurisdiction (AE-20)	Active agricultural lands, single family residences.
East:	Residential Low Density	County Jurisdiction (AE-20)	Active agricultural lands, single family residence.
West:	Regional Commercial, Neighborhood Commercial, Residential Low Density	C-R, C-N (Neighborhood Commercial), R-1-5	Commercial development, Westlake Village Mobile Home Park, vacant commercial land (under development for shopping center on 11 lots).

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

C. Plans and Policies:

The General Plan Land Use Diagram designates approximately the western 1,360 feet of the project site as Regional Commercial. The remainder of the site is designated for a mix of Residential Medium Density, Residential High Density, Parks/Recreation, and Residential Low Density uses. The Zoning Map designates the majority of the project site as under County jurisdiction (AE-20), with only the western 201 feet within City Limits. The area within City Limits is zoned C-R (Regional Commercial).

The project is consistent with General Plan Land Use Policies LU-P-19 and LU-P-20. Policy LU-P-19 maintains that growth occur in a compact and concentric fashion, while LU-P-20 states that annexation and development of commercial land occur within the Tier I UDB. The project will divide the project site along the Tier I boundary, and annex the portion within Tier I, facilitating development of a shopping center consistent with the development pattern in the surrounding area.

II. ENVIRONMENTAL IMPACTS

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

III. MITIGATION MEASURES

There are no mitigation measures for this project. The City of Visalia Zoning Ordinance contains guidelines, criteria, and requirements for the mitigation of potential impacts related to light/glare, visibility screening, noise, and traffic/parking to eliminate and/or reduce potential impacts to a level of non-significance.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

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

V. SUPPORTING DOCUMENTATION

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

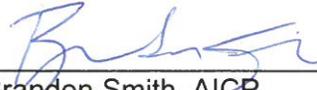
- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.

- 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 Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.

VI. NAME OF PERSON WHO PREPARED INITIAL STUDY



Cristobal Carrillo,
Associate Planner



Brandon Smith, AICP,
Environmental Coordinator

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST**

Name of Proposal	Annexation No. 2020-02 and Tentative Parcel Map No. 2020-08		
NAME OF PROPONENT:	TMT, LLC	NAME OF AGENT:	4Creeks Inc., attn.: Matt Ainley, Molly McDonnel, and David Duda
Address of Proponent:	Attn: Bernard TeVelde 2911 Hanford Armona Road Hanford, CA 93230 Attn: Lance Mouw 20799 Road 132 Tulare, CA 93274 Attn: Jay TeVelde Jr. 665 Avenue 328 Visalia, CA 93291	Address of Agent:	4Creeks, Inc. 324 S. Santa Fe Street, Ste. A Visalia, CA 93292
Telephone Number:	Bernard TeVelde – 559-250-3780 Lance Mouw – 559-686-0245 Jay TeVelde Jr. – 559-730-5850	Telephone Number:	559-802-3052
Date of Review	January 14, 2021	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

Except as provided in Public Resources Code Section 21099, would the project:

- 1 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 public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 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:

- 1 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) 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?
- 2 c) Expose sensitive receptors to substantial pollutant concentrations?
- 1 d) Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 1 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or

regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- 1 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 1 c) Have a substantial adverse effect on federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 1 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 1 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 pursuant to 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?
- 2 d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. ENERGY

Would the project:

- 1 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 1 b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause 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? Refer to Division of Mines and Geology Special Publication 42.
 - 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?

- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. 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?

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards of waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- 1 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 1 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- 1 i) result in substantial erosion or siltation on- or off-site;
- 1 ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
- 1 iii) 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 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. 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?

XIII. NOISE

Would the project result in:

- 2 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Generation of excessive groundborne vibration or groundborne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or 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?

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?

XV. 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?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

XVI. RECREATION

Would the project:

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

XVII. TRANSPORTATION / TRAFFIC

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 2 b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- 1 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

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:

- 1 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
- 1 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 2 b) Have sufficient water supplies available to service the project and reasonable foreseeable future development during normal, dry, and multiple dry years?

Authority: Public Resources Code sections 21083 and 21083.09

Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3/ 21084.2 and 21084.3

- 1 c) 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 d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 1 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

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

Revised 2019

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 and the view will not be adversely impacted by the project.
- b. There are no scenic resources on the site and no state scenic highway designations within the project vicinity.
- c. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. Notwithstanding, the City has development standards related to landscaping and other amenities that will ensure that the visual character of the area is enhanced and not degraded upon any future development. Given the above, the project will not substantially degrade the existing visual character of the site and surrounding areas.
- d. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. The project will facilitate, through a separate proposal, the construction of a shopping center, creating new sources of light that are typical of the use. The City has development standards in place that require light to be directed and/or shielded so it does not fall upon adjacent properties.

II. AGRICULTURAL RESOURCES

- a. The project is not located on property that is identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- b. The project site is currently under agricultural production for wheat and corn. The portion of the project site within City Limits is zoned for C-R (Regional Commercial) use. The remainder of the project site is within Tulare County jurisdiction, with a zoning classification of AE-20 (Exclusive Agriculture, 20 acre minimum site area). However, the portion of the project site planned for annexation (Parcel 1) is designated by the Visalia General Plan for Regional Commercial use. The existing agricultural use of Parcel 1 is therefore inconsistent with the applicable land use designation. The project site is bordered by urban development to the north and west, with areas designated for commercial and residential development to the south and east. There are no known Williamson Act contracts on any areas within the subject property.

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 project will be 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."

Because there is still a significant impact to loss of agricultural resources after conversion of properties within the General Plan Planning Area to non-agricultural uses, a Statement of Overriding Considerations was previously adopted with the Visalia General Plan Update EIR.

The project will only result in the annexation of Parcel 1 which is within the Urban Development Tier 1 Boundary. Development of commercial lands in Tier 1 may occur at any time. The proposed project is consistent with Land Use Policies LU-P-19 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."

- c. There is no forest land or timberland currently located on the site, nor does the site conflict with a zoning for forest land, timberland, or timberland zoned Timberland Production.
- d. There is no forest or timberland currently located on the site.
- e. The project itself involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal.

The proposal will however facilitate development of a commercial shopping center through a separate proposal, resulting in the conversion of active farmland to a non-agricultural use. The subject property is currently designated for an urban rather than agricultural land use. Properties that are vacant may develop in a way that is consistent with their zoning and land use designation at any time. The adopted Visalia General Plan's implementation of a three-tier growth boundary system assists in protecting open space around the City fringe to ensure that premature conversion of farmland to non-agricultural uses does not occur.

Future development proposed for this site would be consistent with the surrounding area and will comply with General Plan Land Use Policy LU-P-19, which states; "Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy." Furthermore, the project is consistent

with General Plan Policy LU-P-34, which allows for the conversion of a project site from an agricultural use to urban development without mitigation to offset the loss of prime farmland, for sites within the Tier I development boundary.

III. AIR QUALITY

a. The project site is located in an area that is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.

b. Future development of the site under the Visalia General Plan may result in emissions that exceed thresholds established by the SJVAPCD for PM10 and PM2.5. However, the project being considered is a request to divide the project site into one parcel and a remainder, with annexation of the parcel included. No physical changes will occur as a result of the proposal. The project itself will not result in emissions that violate air quality standards or contribute substantially to existing or projected air quality violations.

Future development of the project area is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's 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.

c. Tulare County is designated non-attainment for certain federal ozone and state ozone levels. Future development of the project site, which is not being considered at this time, will result in a net increase of criteria pollutants. However, as the proposal is solely for an annexation and parcel, with no physical changes proposed, the project will not result in increases of 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.

Future development will be 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, future development of the site 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. The proposed project will not involve the generation of objectionable odors that would affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

a. 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. As it stands, the project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal.

In addition, staff conducted an on-site visit to the site on January 12, 2021 to observe biological conditions and did not observe any evidence or symptoms that would suggest the presence of a sensitive, candidate, or special species.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain special-status species or their habitats may be directly or indirectly affected by future development within the General Plan Planning Area. This may be through the removal of or disturbance to habitat. Such effects would be considered significant. However, the General Plan contains multiple polices, identified under Impact 3.8-1 of the EIR, that together work to reduce the potential for impacts on special-status species likely to occur in the Planning Area. With implementation of these policies, impacts on special-status species will be less than significant.

b. The project is not located within an identified sensitive riparian habitat or other natural community.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain sensitive natural communities may be directly or indirectly affected by future development within the General Plan Planning Area, particularly valley oak woodlands and valley oak riparian woodlands. Such effects would be considered significant. However, the General Plan contains multiple polices, identified under Impact 3.8-2 of the EIR, that together work to reduce the potential for impacts on woodlands located within in the Planning Area. With implementation of these policies, impacts on woodlands will be less than significant.

c. The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain protected wetlands and other waters may be directly or indirectly affected by future development within the General Plan Planning Area. Such effects would be considered significant. However, the General Plan contains multiple polices, identified under Impact 3.8-3 of the EIR, that together work to reduce the potential for impacts on wetlands and other waters located within in the Planning Area. With implementation of these policies, impacts on wetlands will be less than significant.

- d. This development would not act as a barrier to animal movement as it would only involve the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that the movement of wildlife species may be directly or indirectly affected by future development within the General Plan Planning. Such effects would be considered significant. However, the General Plan contains multiple polices, identified under Impact 3.8-4 of the EIR, that together work to reduce the potential for impacts on wildlife movement corridors located within in the Planning Area. With implementation of these policies, impacts on wildlife movement corridors will be less than significant.

- e. The project will not conflict with any local policies or ordinances protecting biological resources. The City has a municipal ordinance in place to protect valley oak trees; however no oak trees exist on the project site.
- f. There are no local or regional habitat conservation plans for the area.

V. **CULTURAL RESOURCES**

- a. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. However, development of a commercial shopping center is proposed through a separate submittal. A Cultural Resources Study for Parcel 1 of the project site has been commissioned by the applicant for the future development. Upon completion findings will be incorporated into any environmental review for the future development.

At present, there are no known historical resources located within the project area. If some potentially historical or cultural resource is unearthed during future development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.

- b. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. However, development of a commercial shopping center is proposed through a separate submittal. A Cultural Resources Study for Parcel 1 of the project site has been commissioned by the applicant for the future development. Upon completion findings will be incorporated into any environmental review for the future development.

At present, there are no known archaeological resources located within the project area. If some archaeological resource is unearthed during future development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.

- c. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. However, development of a commercial shopping center is proposed through a separate submittal. A Cultural Resources Study for Parcel 1 of the project site has been commissioned by the applicant for the future development. Upon completion

findings will be incorporated into any environmental review for the future development.

At present, 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 future 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.

VI. **ENERGY**

- a. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes or use of energy will occur as a result of the proposal.

Future development of the site will require the use of energy supply and infrastructure. However, the use of energy will be typical of that associated with commercial development associated with the underlying zoning. Furthermore, the use is not considered the type of use or intensity that would result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. Future development will be required to comply with California Building Code Title 24 standards for energy efficiency.

Polices identified under Impacts 3.4-1 and 3.4-2 of the EIR will reduce any potential impacts from future development to a less than significant level. With implementation of these policies and the existing City standards, impacts to energy will be less than significant.

- b. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, based on the discussion above.

VII. **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 project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes or erosion will occur as a result of the proposal.

Future development of the 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 involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. As such, the project does not involve the use of septic tanks or alternative wastewater disposal systems. Future development would use sanitary sewer lines for the disposal of wastewater at this location.
- f. There are no known unique paleontological resources or geologic features located within the project area. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with future development, 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.

VIII. GREENHOUSE GAS EMISSIONS

- a. The project is not expected to generate Greenhouse Gas (GHG) emissions as the project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal.

Future development of a shopping center on the project site is expected to generate Greenhouse Gas (GHG) emissions in the short-term as a result of construction and long-term as a result of day-to-day operation of future commercial development.

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

The Visalia General Plan and the CAP both include policies that aim to reduce the level of GHG emissions emitted in association with buildout conditions under the General Plan. Although emissions will be generated as a result of the project, implementation of the General Plan and CAP policies will result in fewer emissions than would be associated with a continuation of baseline conditions. Thus, the future 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 and to a level 80% below 1990 baseline levels by 2050. In addition, the State has enacted SB 32 which included provisions for reducing the GHG emission levels to a level 40% below 1990 baseline levels by 2030.

The proposed project will not impede the State's ability to meet the GHG emission reduction targets under AB 32 as the project involves only the division of a parcel and the

changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. Current and probable future state and local GHG reduction measures will continue to reduce any future developments contribution to climate change. As a result, the project will not contribute significantly, either individually or cumulatively, to GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. As the project involves only the division of a parcel and the changing of a jurisdictional boundary, no significant hazards are foreseen as a result of accidents. Future construction activities associated with development may include maintenance of on-site construction equipment that could lead to minor fuel and oil spills. The use and handling of any hazardous materials during future 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 .6 miles west of the project site (Cottonwood Elementary School). However, there is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites or areas within one-quarter mile of school sites.
- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- e. Tulare County's adopted Comprehensive Airport Land Use Plan shows the project area is located outside of all Airport Safety Hazard Zones. There are no restrictions for the proposed project related to Airport Zone requirements.
- f. The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- g. There are no wild lands within or near the project area.

X. HYDROLOGY AND WATER QUALITY

- a. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. Future development projects associated with buildout under the Visalia General Plan are subject to regulations that serve to ensure that such projects do not violate water quality standards of waste discharge requirements. These regulations include the Federal Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program. State regulations include the State Water Resources Control Board (SWRCB) and more specifically the Central Valley Regional Water Quality Control Board (RWQCB), of which the project site area falls within the jurisdiction of.

Adherence to these regulations results in projects incorporating measures that reduce pollutants. Future projects will be required to adhere to municipal wastewater requirements set by the Central Valley RWQCB and any permits issued by the agency.

The Visalia General Plan contains multiple polices, identified under Impact 3.6-2 and 3.9-3 of the EIR, that together work to reduce the potential for impacts to water

quality. With implementation of these policies and the existing City standards, impacts to water quality from future development will be less than significant.

- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project will be served by a water main for domestic, irrigation, and fire protection use. The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer. The project will result in an increase of impervious surfaces on the project site, which might affect the amount of precipitation that is recharged to the aquifer. However, as the City of Visalia is already largely developed and covered by impervious surfaces, the increase of impervious surfaces through this project will be small by comparison. The project therefore might affect the amount of precipitation that is recharged to the aquifer. The City of Visalia's water conservation measures and explorations for surface water use over groundwater extraction will assist in offsetting the loss in groundwater recharge.

c.

- i. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur that will result in changes to drainage patterns on the site or surrounding area. Future development of this site will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.

- ii. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur that will result in changes to drainage patterns on the site or surrounding area. Future development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

Policies identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, future impacts to groundwater supplies will be less than significant.

- iii. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur that will result in changes to drainage patterns on the site or surrounding area. Future development of the site will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts to a less than significant level.

Policies identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level. With implementation of these policies and the existing City standards, future impacts to groundwater supplies will be less than significant.

- d. The project area is located within Zone X02, which indicates an area that is not within a flood hazard area. The project area is located sufficiently inland and distant from bodies of water, and outside potentially hazardous areas for seiches and tsunamis. The site is also relatively flat, which will contribute to the lack of impacts by mudflow occurrence. Therefore there will be no impact related to these hazards.

- e. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur that will result in conflict or obstruction of water quality control plans or sustainable groundwater management plans. Future development of the site has the potential to affect drainage patterns in the short term due to erosion and sedimentation during construction activities and in the long term through the expansion of impervious surfaces. Impaired storm water runoff may then be intercepted and directed to a storm drain or water body, unless allowed to stand in a detention area. The City's existing standards may require the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the SWRCB's General Construction Permit process, which would address erosion control measures.

The Visalia General Plan contains multiple policies, identified under Impact 3.6-1 of the EIR, that together work to reduce the potential for erosion. With implementation of these policies and the existing City standards, future impacts to erosion will be less than significant.

XI. LAND USE AND PLANNING

- a. The project will not physically divide an established community. The proposal involves division of a lot with no development onsite. The proposed change to jurisdictional boundaries will not affect established communities onsite or within the vicinity. A future commercial shopping center proposed for the project site will be developed on land designated for commercial use. The project site is surrounded by urban development to the north and west, and is bordered by State Highway 63/Mooney Blvd. to the west, minor arterial street Visalia Parkway to the north, and Local street Mid Valley Avenue/Avenue 274 to the south.

- b. The project as a whole does not conflict with any land use plan, policy or regulation of the City of Visalia, as it only involves elimination of a jurisdictional boundary and division of a lot along the Tier III boundary. Parcel 1's General Plan Land Use Designation of Regional Commercial and pre-zoning designation of C-R (Regional Commercial) is consistent based on the underlying allowed land uses as identified in Table 9-1 "*Consistency between the Plan and Zoning*" of the General Plan.

XII. 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.

XIII. NOISE

- a. The project will not result in noise generation typical of urban development, as it will only divide a property and

eliminate a jurisdictional boundary. Future development 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. The Visalia Noise Element and City Ordinance contain criterion for acceptable noise levels inside and outside residential living spaces. This standard is 65 dB DNL for outdoor activity areas associated with residences and 45 dB DNL for indoor areas.

- b. The annexation and lot split itself will not result in impacts from ground-borne vibration or noise. However, ground-borne vibration or ground-borne noise levels may occur as a result of future construction activities associated with development of a commercial shopping center. Any construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. The project area is located in excess of two miles from a public airport. The project will not expose people residing or working in the project area to excessive noise levels resulting from aircraft operations.

XIV. POPULATION AND HOUSING

- a. The project will not directly induce substantial unplanned population growth that is in excess of that planned in the General Plan. The proposal itself will have no effect as it will only adjust a jurisdictional boundary and divide a parcel.
- b. Development of the site will not displace any housing or people on the site. The project area is currently vacant.

XV. PUBLIC SERVICES

- a. No development is proposed with the project. Future development of the site will not exceed the capacity of public services.
 - i. Current fire protection facilities are located at the Visalia Station 52, located approximately one mile north of the property, 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. Neither the project or future development will generate new students for which existing schools in the area may accommodate. As it stands, to address any impacts, future development will be required to pay commercial impact fees. These fees are considered to be conclusive mitigation for impacts.
 - iv. Current park facilities can adequately serve the site without a need for alteration. Impact fees will be paid to mitigate a future project's proportionate impact on these facilities.
 - v. Other public facilities can adequately serve the site without a need for alteration.

XVI. RECREATION

- a. The proposed project will not affect the use of existing neighborhood and regional parks or other recreational facilities.
- 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

XVII. TRANSPORTATION AND TRAFFIC

- a. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal.
- b. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. Future development of the site will result in increased traffic in the area, but will not cause a substantial increase in traffic on the city's existing circulation pattern.

The City of Visalia, in determining the significance of transportation impacts for land use projects, recognizes the State Office of Planning Research (OPR) recommended threshold as the basis for what constitutes a significant or less than significant transportation impact. The State OPR Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018 ("Technical Advisory") has recommended a 15% reduction target based on its statement that "achieving a 15% lower per capita or per trip distance Vehicle Miles Travelled (VMT) than existing development is both generally achievable and is supported by evidence that connects this level of reduction to the State's emissions goals. The Technical Advisory further states that lead agencies may screen out VMT impacts using maps created with VMT data from a traffic demand model. Criteria will be used for evaluation upon submittal of a development proposal.

- c. There are no planned geometric designs associated with the project.
- d. The project will not result in inadequate emergency access.

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.

- 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).
- 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.

Further, 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.

The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal that could affect tribal cultural resources. However, development of a commercial shopping center is proposed through a separate submittal. A Cultural Resources Study for Parcel 1 of the project site has been commissioned by the applicant for future development. Upon completion findings will be incorporated into any environmental review for future development.

XIX. UTILITIES AND SERVICE SYSTEMS

- a. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur or services be required as a result of the proposal. Future development will connect to existing City sanitary sewer lines, consistent with the City Sewer Master Plan. The Visalia wastewater treatment plant has a current rated capacity of 22 million gallons per day, but currently treats an average daily maximum month flow of 12.5 million gallons per day. The plant has more than sufficient capacity to accommodate impacts associated with future development. The proposed project will therefore not cause significant environmental impacts.
- b. 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. A Will Serve Letter was provided for the annexation on December 3, 2020.
- c. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur or services be required as a result of the proposal. 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 upon future development occurring.
- d. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur or services be required as a result of the proposal. Current solid waste disposal facilities can adequately serve the site without a need for alteration upon future development occurring.
- e. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur or services be required as a result of the proposal. Future development will be required to meet

the applicable regulations for solid waste. Removal of debris from future construction will be subject to the City's waste disposal requirements.

XX. WILDFIRE

- a. The project is located on a site that is adjacent on multiple sides by existing development. The site is further served by multiple points of access. In the event of an emergency response, coordination would be made with the City's Engineering, Police, and Fire Divisions to ensure that adequate access to and from the site is maintained.
- b. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that is likely to exacerbate wildfire risks.
- c. The project is located on a site that is adjacent on multiple sides by existing development. The project involves only the division of a parcel and the changing of a jurisdictional boundary. No physical changes will occur as a result of the proposal. Future development will be required to conduct the installation and maintenance of associated infrastructure; however the infrastructure would be typical of commercial development and would be developed to the standards of the underlying responsible agencies.
- d. The project area is relatively flat and the underlying soil is not known to be unstable. Therefore, the site is not in a location that would expose persons or structures to significant risks of flooding or landslides.

XXI. 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.**



Brandon Smith, AICP,
Environmental Coordinator

Date 1/20/21



Legend

- City Limits
- Streets
- Railroad
- Waterways
- Parcels

**Annexation No. 2020-02
Tentative Parcel Map No. 2020-08**

Aerial Map





September 10, 2020

aaronc@4-creeks.com

Site Plan Review No. 19-167:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **August 12, 2020**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal", is written over a light blue circular stamp.

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

Attachment(s):

- Site Plan Review Comments



#1

MEETING DATE: August 12, 2020
SITE PLAN NO. 19-167 Resubmittal #3
PARCEL MAP NO.
SUBDIVISION:
LOT LINE ADJUSTMENT NO.

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

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

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

Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

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

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

Master CUP

HISTORIC PRESERVATION

OTHER: _____

ADDITIONAL COMMENTS :

If you have any questions or comments, please call (559) 713-4444.

Site Plan Review Committee

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input checked="" type="checkbox"/>	Adrian Rubalcaba	713-4271
<input type="checkbox"/>		713-

ITEM NO: <u>1</u>	DATE: <u>AUGUST 12, 2020</u>
SITE PLAN NO.:	19-167 3 RD RESUBMITTAL (REFER TO 20-012)
PROJECT TITLE:	MOONEY BLVD/ VISALIA PKWY - MASTER CUP
DESCRIPTION:	PROPOSING FOR THE APPLICATION OF AN ANNEXATION, MASTER CUP, TENTATIVE PARCEL MAP, & REZONE/GENERAL PLAN AMENDMENT
APPLICANT:	AARON CARPENTER
PROP OWNER:	VISCA INVESTMENT CO
LOCATION:	SEC MOONEY BLVD & VISALIA PKWY
APN:	126-080-025

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with 35' radius; **VISALIA PKWY & MIDVALLEY AT MOONEY. REFER TO CITY STDS**
- Install curb; gutter **ALL PROJECT STREET FRONTAGES**
- Drive approach size: **MAX 41'** Use radius return; **REFER TO CITY COMMERCIAL STDS**
- Sidewalk: **10'** width; **5'** parkway width at **VISALIA PKWY, SEE ADDITIONAL COMMENTS.**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership. **BY MAP**
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ALL WORK WITHIN CITY RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088; **ALL WORK ON MOONEY BLVD.**
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. **COMMERCIAL PROJECT TO MAINTAIN ALL ONSITE AND PUBLIC PARKWAY LANDSCAPING. A LANDSCAPE AND LIGHTING DISTRICT WILL BE FORMED FOR CITY TO MAINTAIN STREET LIGHTING.**
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 0.20%, V-gutter = 0.25%)

- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications. **VISALIA PKWY (110' ARTERIAL), MOONEY BLVD (SEE CALTRANS DESIGN), AND MIDVALLEY (70' COLLECTOR).**
- Traffic indexes per city standards: **REFER TO CITY ARTERIAL AND COLLECTOR STREET STDS**
- Install street striping as required by the City Engineer. **TBD**
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: **1** each at **300' INTERVALS**
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements.
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities. **REQUIRED WITH PUBLIC STREET CONSTRUCTION**
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50KV shall be exempt from undergrounding. **ANY UTILITIES LOCATED IN FUTURE RIGHT-OF-WAY**
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

REFER TO THE LATEST SITE PLAN REVIEW COMMENTS UNDER SPR NO. 20-012, IN ADDITION TO:

1. Proposed master planned development will be required to widen Visalia Pkwy & Mooney Blvd to their ultimate width which will include modification to existing signal. Refer to City arterial standards and Caltrans. Visalia Pkwy is identified as a funded arterial street in City's Circulation Element and portions of improvements are reimbursable by the City in the form of Transportation Impact Fee credits. Further coordination with City Engineer is required.

2. Per City Active Transportation Plan, a class 1 bike trail is designated along the south side of Visalia Pkwy. Master plan shall incorporate this trail design into the proposed mixed use layout - to be constructed with each phase. Revise accordingly. Class 1 trail design can be found on City website under Active Transportation Plan. Typically, widening of the required 7' sidewalk to 10' will be necessary.

3. A master plan for storm water and sewer to serve entire development will be required with phase one improvements. Per City storm sewer master plans at this time, the project can tie-into and extend from existing trunk lines in Visalia Pkwy.

- 4. Proposed drive approach locations on Visalia Pkwy appear to comply with City min. distance standards however dimensions/distances are not shown and will need to be verified. Additional median breaks to be determined in consideration of existing access points to developments to the north. Refer to Traffic Safety Dept. for further comments and conditions.**
- 5. Maintain min. 200' setback distances from the intersections of Visalia Pkwy & Mooney Blvd. and Midvalley & Mooney for proposed drive approaches. Align proposed main entrance/exit with on Mooney with the development to the west.**
- 6. Midvalley (Ave. 274), a 70' collector street, is not identified as a currently funded street in the City's Transportation Impact Fee program - costs to improve would be sole responsibility of the developer(s). The 70' collector design is no longer a City standard therefore a modified 84' City standard shall be implemented (further coordinate with City Engineer).**
- 7. Midvalley shall be widened to its ultimate right-of-way along project street frontage. Extension of existing sewer stub at Mooney will be required across project frontage. Additional improvements, right-of-way, and transitional work will be required due to the centerline offset at Mooney intersection. Signal modifications may be required. Coordinate with City Engineer and Caltrans.**
- 8. New development will incur impact fees associated with the acreage of improvements and building construction. Refer to page 4 for applicable fees.**
- 9. All commercial developments shall have refuse enclosures located and positioned for a direct-service by a City Solid Waste vehicle. Refer to further requirements by the Solid Waste Dept.**
- 10. Street lights shall be installed per City street lighting standards. Refer to City local, collector, and arterial standards. An electrical plan shall be incorporated into the offsite improvement plans.**
- 11. Refer to project entitlement requirements by the Planning Dept. Revise site plan accordingly prior to CUP submittal.**
- 12. Master CUP to incorporate Caltrans requirements on Mooney.**
- 13. Site plan does not include and clearly show dimension of roadways, cross sections, and setback requirements. Provide this information with master CUP layout - to be further reviewed/confirmed by City Engineer.**
- 14. City Transit Dept. will require a bus stop turnout on south side of Visalia Pkwy, immediately following the intersection at Mooney. Refer to further comments by the Transit Dept and City bus stop standards.**
- 15. Although not shown on this site plan, the master planned development may be required to extend frontage improvements on Visalia Pkwy along the Costco site and up to Stonebrook (subject to available right-of-way). Project will be required to install improvements accordingly to address traffic safety and circulation. Further coordinate with City Engineering Dept.**
- 16. There is currently a City project to partially widen intersection and extend improvements along Visalia Pkwy, east of Mooney intersection. Project phase 1 to coordinate with City Engineer and provide right-of-way as deemed necessary.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 19-167 3rd RESUBMITTAL
Date: 8/12/2020

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

(Fee Schedule Date:8/3/2019 --SUBJECT TO NEW 2020 FEE UPDATE--)
(Project type for fee rates:COMM. RETAIL)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,320/AC
<input checked="" type="checkbox"/> Transportation Impact Fee	SHOPPING \$14,878/1KSF FUELING STATION - REFER TO FEE SCHEDULE
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	COMMERCIAL - VARIES PER USE TREATMENT PLANT FEE: VARIES PER USE
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$44/LF X 4690 (MOONEY & VISALIA PKWY) = \$206,360
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$7,468/AC
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$5,483/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$8,849/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$1,936/AC
<input checked="" type="checkbox"/> Public Facility Impact Fee	VARIES PER USE
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

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



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division, 559-713-4003

Date: August 12, 2020

SITE PLAN NO: 2019-167 - D
PROJECT TITLE: Mooney Blvd/Visalia Parkway – Master CUP
DESCRIPTION: Proposing For the Application of an Annexation, Master CUP, TSM, Rezone/GPA
APPLICANT: Aaron Carpenter (4Creeks, Inc.)
PROP. OWNER: VISCA INVESTMENT CO
LOCATION TITLE: SW Corner of Visalia Parkway & S. Mooney Blvd.
APN TITLE: 126-080-025, 056
GENERAL PLAN: Regional Commercial, Residential Medium Density, Residential High Density, Parks/Recreation, Residential Low Density
EXISTING ZONING: C-R (Regional Commercial), AE-20 (Tulare County Jurisdiction)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit (For CUP portion plan details)

**Reference SPR No. 20-012
and SPR No. 20-013.**

Project Requirements

- Annexation
- Master Conditional Use Permit
- Tentative Parcel Map
- Project IS subject to Valley Air District Rule 9510
- Project is subject to Tribal notification prior to entitlement applications being deemed complete, pursuant to State Law precedent.
- Project required to undergo State Clearinghouse process for the environmental document as Caltrans is a Responsible Agency for the project (State highway)
- Traffic Impact Analysis (TIA)
- Additional information as needed.

PROJECT SPECIFIC INFORMATION: August 12, 2020

1. The Master CUP project may proceed concurrently with the Tentative Parcel Map (SPR 2020-122)
2. At time of Master CUP submittal, staff recommends the applicant provide, in addition to the four sheets provided, a large PDF exhibit showing the entire site.
3. CUP must show pedestrian paths of travel from one pad to another.
4. Additional parking is supported by staff, however, an 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040 & 17.30.015).
5. Comply with all other codes, ordinances, and previous comments which may apply to the project.

PROJECT SPECIFIC INFORMATION: February 26, 2020

1. January 29, 2020 comments made previously on SPR No. 20-012 and SPR No. 20-013 shall be incorporated into this review.
2. The Aldi business proposed for Anchor 2 cannot be classified as a "Specialty Store" as determined by the City Planner. The "Specialty Store" classification is meant to support establishments that draw customers from outside the local economic base, such as Costco, Trader Joes, and Whole Foods. Aldi is considered more in line with a grocery store use, which is not permitted in the C-R Zone. Consult with the City Planner for more information.

PROJECTSPECIFIC INFORMATION: January 22, 2020

1. Provide an Operational Statement clearly describing the requested actions; including, limits of Annexation request.
2. Master CUP will be required, but will entitle the full commercial site.
3. Provide a new SPR number to this portion of the application, and a SPR application for the TPM portion of the project.

PROJECT SPECIFIC INFORMATION: September 18, 2019

3. Staff cannot support the re-zoning of limited Regional Commercial lands in favor of single family residential zoning.
4. Staff cannot support Annexation of land for the above-noted purpose.
5. If the proponent elects to proceed despite the staff recommendation, it is highly encouraged that plans for the full development of the RC component be submitted in plan detail (minimum 24"x36" sheet (1:20 scale). To fully demonstrate project's ability to develop pursuant to the intent and requirements of the RC zone district.
6. Conduct annexation of property located within Tulare County jurisdiction.
7. Obtain a Conditional Use Permit.
8. File for a Tentative Subdivision Map.
9. File for a Rezone and General Plan amendment.

Staff initial finding is that the proposed site plan IS NOT 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.

Chapter 17.16

17.18.070 Development standards in the C-R zone.

The following development standards shall apply to property located in the C-R zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: twenty (20) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: twenty (20) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.

Parking:

1. Provide parking spaces based Zoning Ordinance Section 17.34.020
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot.
3. Provide handicapped space(s).
4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking.
5. A planter is required every other row. (5-9 feet in width containing trees on twenty (20) foot centers.
6. No repair work or vehicle servicing allowed in a parking area.
7. It is highly recommended that bicycle rack(s) be provided on site plan.
8. No parking shall be permitted in a required front/rear/side yard.
9. Design/locate parking lot lighting to deflect any glare away from abutting residential areas.
10. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street or when across from residential property.
11. Front carport area to have a 3 to 6-foot tall screening wall.
12. Provide shopping cart storage areas on site plan.
13. Provide transit facilities on site plan.
14. Provide shared parking/access agreements
15. Provide off-street loading facility.
16. The project should provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant vehicle work trips. The preferential treatment could include covered parking spaces or close-in parking spaces, or designated free parking, or a guaranteed space for the vehicle.
17. Provide a "No Parking" (dead-head) stall at the end of the parking row (for rows over 6 stalls deep with no outlet) to allow vehicles to turn around rather than backing out if no stalls are available.

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide second-story screening for all windows that may intrude into adjacent residential properties. Details and cross-sections will be required to be reviewed and approved prior to issuance of building permits (Zoning Ordinance Section 17.30.130.F).
3. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
4. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
5. Outdoor retail sales prohibited.
6. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.
7. All outdoor storage areas are to be identified on the site plan and they are to be shown with screening (fencing). No materials may be stored above the storage area fence heights (Zoning Ordinance Section 17.30.130.F).
8. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
9. 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 17.30.015-2).
3. In the P(R-M) multi-family residential zone, all multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained. (Zoning Ordinance Section 17.16.180)
4. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
5. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
6. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
7. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
8. Provide a detailed landscape and irrigation plan for review prior to issuance of building permits. Please review Zoning Ordinance section 17.30.130-C for current landscaping and irrigation requirements.
9. Provide a conceptual landscape plan for resubmittal or planning commission review.
10. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
11. Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

Lighting:

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

Drive-thru Performance Standards (Section 17.32.162)

- A. Purpose and Intent: It is the purpose of this section to specify performance standards applicable to uses that seek to incorporate a drive-thru lane in associate with specified use. This section does not apply to carwashes and lube and oil changing stations.
- B. Performance Standards:

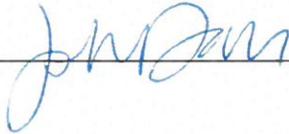
1. Separation from residences: The drive-thru lane shall be no less than 250 feet from the nearest residence or residentially zoned property.
2. Stacking: The drive-thru lane shall contain no less than ten vehicle stacking, measured from the pickup window to the designated entrance to the drive-thru lane. There shall be no less than three vehicles spaces distance from the order menu/speaker (or like device) to the designated entrance to the order window.
3. Circulation: No portion of the drive-thru lane shall obstruct any drive aisles or required on-site parking. The drive thru shall not take ingress or egress from a local residential road.
4. Noise: no component or aspect of the drive-thru lane or its operation shall generate noise levels in excess of 60db between the hours of 7:00 p.m. and 6:00 a.m. daily.
5. Screening: The entire drive-thru lane shall be screened from adjacent street and residential view to a height of three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the City Planner.
6. Menu boards and signage: Shall be oriented or screened to avoid direct visibility from adjacent public

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Please note that the project is subject to SJVAPCD Rule 9510. The applicant is encouraged to do early indirect source modeling consultation with the Air District

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 _____





City of Visalia
Building: Site Plan
Review Comments

SPR19167
TENTATIVE SUBDIVISION
MAP
126080025

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.61 per square foot. Residential \$4.16 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: PROVIDE ACCESSIBLE ROUTE
CONNECTING ALL BUILDING ENTRANCES
LOCATED ON SITE. PROVIDE ACCESSIBLE
ROUTES TO ALL TRASH ENCLOSURES.

VAL GARCIA 8/12/20
Signature

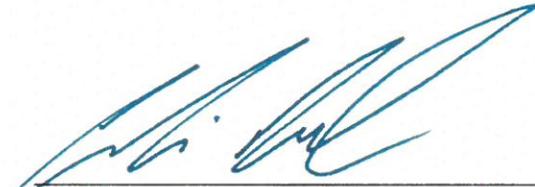


Site Plan Comments

Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

Date	August 12, 2020
Item #	1
Site Plan #	19167 Resubmit
APN:	126080025

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- **Special comments:** See previous comments.



Corbin Reed
Fire Marshal



City of Visalia
 Police Department
 303 S. Johnson St.
 Visalia, CA 93292
 (559) 713-4370

Date: 8-11-20
 Item: #1 - BE-SUB
 Site Plan: SPR19-167
 Name: Agent McEwen

SITE PLAN REVIEW COMMENTS

- No Comment at this time
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact Fee:
 Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
 Effective date – August 17, 2001

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

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

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

- Access Controlled / Restricted etc.:

- Lighting Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

August 12, 2020

<u>ITEM NO: 1</u>	Resubmit
SITE PLAN NO	SPR19167
PROJECT TITLE	Mooney Blvd/Visalia Parkway - Master CUP
DESCRIPTION	Proposing for the Application of an Annexation, Master CUP, Tentative Subdivision Map and Rezone/General Plan Amendment
APPLICANT	Aaron Carpenter
OWNER	VISCA INVESTMENT CO NO COUNTY DATA
APN	126080025
LOCATION	SW Corner of Visalia Parkway & S Mooney Blvd

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at *intersections*.
- Install Stop Signs at *driveway exit locations*.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required (CUP)
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- Additional traffic information required (Non Discretionary)
 - Trip Generation - Provide documentation as to concurrence with General Plan.
 - Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

- Dimensions are not shown on plan. Per COV Design and Improvement Standard, C-32, Drive Approach Locations, Minimum distance from adjacent intersection is 200-ft and minimum distance between driveways is 500-ft. Also, reference is made to COV Design and Improvement Standard, P-12, Typical Median Break Locations, for median break locations. Any nonconformance from City standard is required to be addressed in TIA and approval for deviation is dependant on findings of study.

Leslie Blair

- Median break driveway full opening and $\frac{3}{4}$ access points on Visalia Pkwy to be vetted out in TIA as they are too close to each other as shown on Sheet 3 of 4. See COV Design and Improvement Standard, P-12, Typical Median Break Locations.
- Dimensions and median are not shown on plan for Mooney Blvd. If any median break driveway $\frac{3}{4}$ access point locations are proposed on Mooney Blvd they need to be shown and be vetted out in TIA. If a $\frac{3}{4}$ median access is permitted on Mooney Blvd (require Caltrans approval), access drive to align with proposed development at SW corner of Mooney and Visalia Parkway (westside of Mooney Blvd). See COV Design and Improvement Standard, P-12, Typical Median Break Locations. Also reference is made to COV Design and Improvement Standard, C-32, Drive Approach Locations, Minimum distance from adjacent intersection is 200-ft and minimum distance between driveways is 500-ft.
- VMT analysis required

Leslie Blair

Leslie Blair

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500
COMMERCIAL BIN SERVICE

19167

- No comments.
- See comments below
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ALL refuse enclosures must be R-3 OR R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- Comment Customer to identify solid waste bin enclosure assigned to parcel #15. Once identified the bin enclosures must be R-3 or R4 (City Standard) enclosure and allow for stab load services, with no less than 38' clear space in front of bin, included the front concrete pad. Enclosure gates must open 180 degrees. clear all curbing. and include cain bolts.
Jason Serpa, Solid Waste Manager, 559-713-453;
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532



February 6, 2020

4Creeks, Inc.
Aaron Carpenter
324 S. Santa Fe St., Suite A
Visalia, CA 93292

Site Plan Review No. 2020-012:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **January 29, 2020**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Paul Bernal', is written over a circular blue stamp or seal.

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

Attachment(s):

- Site Plan Review Comments



#1

MEETING DATE: January 29, 2020

SITE PLAN NO. 20-012

PARCEL MAP NO.

SUBDIVISION:

LOT LINE ADJUSTMENT NO.

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

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

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

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

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

CUP + ANNEXATION

HISTORIC PRESERVATION

OTHER: _____

ADDITIONAL COMMENTS :

If you have any questions or comments, please call (559) 713-4444.

Site Plan Review Committee



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input checked="" type="checkbox"/>	Adrian Rubalcaba	713-4271
<input type="checkbox"/>		713-

ITEM NO: 1	DATE: JANUARY 29, 2020
SITE PLAN NO.:	20-012
PROJECT TITLE:	MOONEY BLVD/ VISALIA PKWY - MASTER CUP (NEW)
DESCRIPTION:	PROPOSING FOR THE APPLICATION OF AN ANNEXATION, MASTER CUP, AND TENTATIVE PARCEL MAP
APPLICANT:	AARON CARPENTER
PROP OWNER:	MOUW LANCE D & JAIME LEE (CO TRS)
LOCATION:	4308 S MOONEY BLVD
APN:	126-080-025, 056

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with 35' radius; **VISALIA PKWY & MIDVALLEY AT MOONEY. REFER TO CITY STDS**
- Install curb; gutter **ALL PROJECT STREET FRONTAGES**
- Drive approach size: **MAX 41'** Use radius return; **REFER TO CITY COMMERCIAL STDS**
- Sidewalk: **10'** width; **5'** parkway width at **VISALIA PKWY, SEE ADDITIONAL COMMENTS.**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership. **BY MAP**
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ALL WORK WITHIN CITY RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088; **ALL WORK ON MOONEY BLVD.**
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. **COMMERCIAL PROJECT TO MAINTAIN ALL ONSITE AND PUBLIC PARKWAY LANDSCAPING. A LANDSCAPE AND LIGHTING DISTRICT WILL BE FORMED FOR CITY TO MAINTAIN PUBLIC STREET PAVEMENT AND STREET LIGHTING.**
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 0.20%, V-gutter = 0.25%)

- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications. **VISALIA PKWY (110' ARTERIAL), MOONEY BLVD (SEE CALTRANS DESIGN), MIDVALLEY (70' COLLECTOR), AND 60' LOCAL STREET.**
- Traffic indexes per city standards: **REFER TO CITY ARTERIAL, COLLECTOR, & LOCAL STREET STDS**
- Install street striping as required by the City Engineer. **TBD**
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: **1** each at **300' INTERVALS**
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements.
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities. **REQUIRED WITH PUBLIC STREET CONSTRUCTION**
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding. **ANY UTILITIES LOCATED IN FUTURE RIGHT-OF-WAY**
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

REFER TO PREVIOUS SITE COMMENTS, SPR NO. 19-167, IN ADDITION TO:

1. Proposed master planned development will be required to widen Visalia Pkwy & Mooney Blvd to their ultimate width which will include modification to existing signal. Refer to City arterial standards and Caltrans. Visalia Pkwy is identified as a funded arterial street in City's Circulation Element and portions of improvements are reimbursable by the City in the form of Transportation Impact Fee credits. Further coordination with City Engineer is required.

2. Per City Active Transportation Plan, a class 1 bike trail is designated along the south side of Visalia Pkwy. Master plan shall incorporate this trail design into the proposed mixed use layout - to be constructed with each phase. Revise accordingly. Class 1 trail design can be found on City website under Active Transportation Plan. Typically, widening of the required 7' sidewalk to 10' will be necessary.

3. A master plan for storm water and sewer to serve entire development will be required with phase one improvements. Per City storm sewer master plans at this time, the project can tie-into and extend from existing trunk lines in Visalia Pkwy.

4. *Proposed drive approach locations and median breaks on Visalia Pkwy do not comply with City min. distance standards and will need to be consolidated. Consideration of main access points of existing development to the north and proposed median break locations will need to be addressed. Refer to Traffic Safety Dept. for further comments regarding access and median breaks. Applicant states that the substandard proposal on site plan will be further analyzed and vetted through the required TIA - to be submitted as part of the master CUP application. Further coordinate with City staff.*
5. *Maintain min. 200' setback distances from the intersections of Visalia Pkwy & Mooney Blvd. and Midvalley & Mooney for proposed drive approaches. Align proposed main entrance/exit with on Mooney with the development to the west.*
6. *Midvalley (Ave. 274), a 70' collector street, is not identified as a currently funded street in the City's Transportation Impact Fee program - costs to improve would be sole responsibility of the developer(s). The 70' collector design is no longer a City standard therefore a modified 84' City standard shall be implemented (further coordinate with City Engineer).*
7. *Midvalley shall be widened to its ultimate right-of-way along project street frontage. Extension of existing sewer stub at Mooney will be required across project frontage. Additional improvements, right-of-way, and transitional work will be required due to the centerline offset at Mooney intersection. Signal modifications may be required. Coordinate with City Engineer and Caltrans.*
8. *New development will incur impact fees associated with the acreage of improvements and building construction. Refer to page 4 for applicable fees.*
9. *The north/south local street as shown divided by tier boundaries will be required to be fully improved. As proposed, the right-of-way width is not a City standard at 86' wide. City circulation element does not identify a collector status street in this area therefore the proposed Hall St. can comply with City 60' local street standards.*
10. *All commercial developments shall have refuse enclosures located and positioned for a direct-service by a City Solid Waste vehicle.*
11. *Street lights shall be installed per City street lighting standards. Refer to City local, collector, and arterial standards. An electrical plan shall be incorporated into the offsite improvement plans.*
12. *Refer to project entitlement requirements by the Planning Dept. Revise site plan accordingly prior to CUP submittal.*
13. *Master CUP to incorporate Caltrans requirements on Mooney.*
14. *Site plan does not include and clearly show dimension of roadways, cross sections, and setback requirements. Provide this information with master CUP layout - to be further reviewed/confirmed by City Engineer.*
15. *City Transit Dept. will require a bus stop turnout on south side of Visalia Pkwy, immediately following the intersection at Mooney. Refer to further comments by the Transit Dept and City bus stop standards.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **20-012**
Date: **1/29/2020**

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

(Fee Schedule Date: **8/3/2019**)
(Project type for fee rates: **COMM. RETAIL**)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,320/AC
<input checked="" type="checkbox"/> Transportation Impact Fee	SHOPPING \$14,878/1KSF FUELING STATION - REFER TO FEE SCHEDULE
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	COMMERCIAL - VARIES PER USE TREATMENT PLANT FEE: VARIES PER USE
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$44/LF X 4690 (MOONEY & VISALIA PKWY) = \$206,360
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$7,468/AC
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$5,483/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$8,849/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$1,936/AC
<input checked="" type="checkbox"/> Public Facility Impact Fee	VARIES PER USE
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

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



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

Paul Scheibel, Planning Division (559) 713-4369

Date: January 29, 2020

SITE PLAN NO: 2020-012
PROJECT TITLE: Mooney Blvd./Visalia Pkwy – Master CUP
DESCRIPTION: Proposing for the application of an Annexation, Master CUP and TPM
APPLICANT: Aaron Carpenter
PROP. OWNER: No County Data – MOUW Lance D & Jamie Lee (CO TRS)
LOCATION TITLE: 4308 S Mooney Blvd.
APN TITLE: 126-080-025 & 126-080-056
GENERAL PLAN: CR (Regional Commercial)
ZONING: C-R (Regional Commercial)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Annexation
- Master Conditional Use Permit
- Rezone and General Plan Amendment
- Project IS subject to Rule 9510
- Project is subject to Tribal notification pursuant to State Law precedent to deeming applications complete. Project will require State Clearing House process for the environmental document because Caltrans is a Responsible Agency for the project (State highway)
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: January 29, 2020

1. A Master Conditional Use Permit is required for the proposed.
2. Please be advised the proposed entry points along Visalia Parkway are not consistent with current City Engineering standards. A determination of application completeness and recommendation to the Planning Commission for both the CUP and TPM will be contingent upon the project's access points being in agreement with the recommendations and conclusions of the City Traffic Engineer (and Caltrans relative to Mooney Blvd.)
3. Remove "Specialty Food Store" label from proposed buildings, unless the CUP application fully justifies the lab (e.g.- a qualifying named regional retailer, etc.)
4. Parking stall lines are required to have landscape islands at each ten spaces. Alternately, consider "diamond insert" tree wells at at least the same ratio of parking stalls shaded by trees.
5. Show method of restricting vehicle traffic onto undeveloped pads.
6. Demonstrate that drive-thru s provide a minimum ten spaces between order board and pick up window. Generally demonstrate full compliance of each drive-thru with ZO 17.32.162.
7. Consider methods of restricting vagrancy and panhandling at key locations within the project (such as the roundabout).

8. Proposed loading docks need to demonstrate their ability to serve the truck sizes intended to use the docks.
9. Meet all other Codes and Ordinances, and previous comments.

PROJECTSPECIFIC INFORMATION: January 22, 2020 (SPR 2019-167 B)

1. Provide an Operational Statement clearly describing the requested actions; including, limits of Annexation request.
2. Master CUP will be required, but will entitle the full commercial site.
3. Provide a new SPR number to this portion of the application, and a SPR application for the TPM portion of the project.

PROJECT SPECIFIC INFORMATION: September 18, 2019 (SPR 2019-167)

1. Staff cannot support the re-zoning of limited Regional Commercial lands in favor of single family residential zoning.
2. Staff cannot support Annexation of land for the above-noted purpose.
3. If the proponent elects to proceed despite the staff recommendation, it is highly encouraged that plans for the full development of the RC component be submitted in plan detail (minimum 24"x36" sheet (1:20 scale). To fully demonstrate project's ability to develop pursuant to the intent and requirements of the RC zone district.
4. Conduct annexation of property located within Tulare County jurisdiction.
5. Obtain a Conditional Use Permit.
6. File for a Tentative Subdivision Map.
7. File for a Rezone and General Plan amendment.

CITY GENERAL PLAN CONSISTENCY

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

17.18.070 Development standards in the C-R zone.

The following development standards shall apply to property located in the C-R zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: twenty (20) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;

6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
1. Front: twenty (20) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.

Parking:

1. Provide parking spaces based Zoning Ordinance Section 17.34.020
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot.
3. Provide handicapped space(s).
4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking.
5. A planter is required every other row. (5-9 feet in width containing trees on twenty (20) foot centers.
6. No repair work or vehicle servicing allowed in a parking area.
7. It is highly recommended that bicycle rack(s) be provided on site plan.
8. No parking shall be permitted in a required front/rear/side yard.
9. Design/locate parking lot lighting to deflect any glare away from abutting residential areas.
10. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street or when across from residential property.
11. Front carport area to have a 3 to 6-foot tall screening wall.
12. Provide shopping cart storage areas on site plan.
13. Provide transit facilities on site plan.
14. Provide shared parking/access agreements
15. Provide off-street loading facility.
16. The project should provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant vehicle work trips. The preferential treatment could include covered parking spaces or close-in parking spaces, or designated free parking, or a guaranteed space for the vehicle.
17. Provide a "No Parking" (dead-head) stall at the end of the parking row (for rows over 6 stalls deep with no outlet) to allow vehicles to turn around rather than backing out if no stalls are available.

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide second-story screening for all windows that may intrude into adjacent residential properties. Details and cross-sections will be required to be reviewed and approved prior to issuance of building permits (Zoning Ordinance Section 17.30.130.F).
3. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
4. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
5. Outdoor retail sales prohibited.
6. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.

7. All outdoor storage areas are to be identified on the site plan and they are to be shown with screening (fencing). No materials may be stored above the storage area fence heights (Zoning Ordinance Section 17.30.130.F).
8. Provide minimum of ____-foot high concrete block wall or masonry wall along/around the following: _____
9. Provide minimum of ____-foot high solid wooden residential fence along/around the following: _____
10. Provide minimum of ____-foot high chain-link fence ____ with ____ without slats along/around the following: _____
11. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
12. 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 17.30.015-2).
3. In the P(R-M) multi-family residential zone, all multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained. (Zoning Ordinance Section 17.16.180)
4. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
5. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
6. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
7. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
8. Provide a detailed landscape and irrigation plan for review prior to issuance of building permits. Please review Zoning Ordinance section 17.30.130-C for current landscaping and irrigation requirements.
9. Provide a conceptual landscape plan for resubmittal or planning commission review.
10. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
11. Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is

appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

Lighting:

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

Drive-thru Performance Standards (Section 17.32.162)

A. Purpose and Intent: It is the purpose of this section to specify performance standards applicable to uses that seek to incorporate a drive-thru lane in associate with specified use. This section does not apply to carwashes and lube and oil changing stations.

B. Performance Standards:

1. Separation from residences: The drive-thru lane shall be no less than 250 feet from the nearest residence or residentially zoned property.
2. Stacking: The drive-thru lane shall contain no less than ten vehicle stacking, measured from the pickup window to the designated entrance to the drive-thru lane. There shall be no less than three vehicles spaces distance from the order menu/speaker (or like device) to the designated entrance to the order window.
3. Circulation: No portion of the drive-thru lane shall obstruct any drive aisles or required on-site parking. The drive thru shall not take ingress or egress from a local residential road.
4. Noise: no component or aspect of the drive-thru lane or its operation shall generate noise levels in excess of 60db between the hours of 7:00 p.m. and 6:00 a.m. daily.
5. Screening: The entire drive-thru lane shall be screened from adjacent street and residential view to a height of three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the City Planner.

Menu boards and signage: Shall be oriented or screened to avoid direct visibility from adjacent public

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Please note that the project is subject to SJVAPCD Rule 9510. The applicant is encouraged to do early indirect source modeling consultation with the Air District

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 *Paul [unclear]*



City of Visalia
Building: Site Plan
Review Comments

SPR 20012
VISALIA PARKWAY
4308 S MOONEY
BLVD.

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.61 per square foot. Residential \$3.79 per square foot.
- Park Development fee \$ _____ per unit collected with building permits.
- Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: SEE PREVIOUS COMMENTS.

VAL GARCIA 1/28/20
Signature



Site Plan Comments
Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

Date January 29, 2020
Item # 1
Site Plan # 20012
APN: 126-080-025, 126-080-056

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2016 California Fire Code (CFC), 2016 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Construction and demolition sites prior to and during construction shall comply with the following:
 - **Water supply** for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. 2016 CFC 3312
 - Provide an all-weather, 20 feet width **construction access road** capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. 2016 CFC 3310
- Where a portion of the facility or building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2016 CFC 507.5.1, App B and C
- A **fire apparatus access road(s)** shall be provided and extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. Fire apparatus access roads shall have an unobstructed width of not less than the following (2016 CFC 503.1.1)
 - 20 feet width, exclusive of shoulders (No Parking)
 - More than 26 feet width, exclusive of shoulders (No Parking one side)
 - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)
- Locking **fire department connection (FDC) caps** are required. The caps shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. 2016 CFC 912.4.1
- **Special comments:** See previous Site Plan Review comments.

Corbin Reed
Fire Marshal



City of Visalia
 Police Department
 303 S. Johnson St.
 Visalia, CA 93292
 (559) 713-4370

Date : 1-28-20
 Item: SPR-200126
 Site Plan: #1 ←
 Name: AGENT MCEWEN

SITE PLAN REVIEW COMMENTS

- No Comment at this time
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact Fee:
 Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
 Effective date – August 17, 2001

 Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- Not enough information provided. Please provide additional information pertaining to:

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

- Access Controlled / Restricted etc.:

- Lighting Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

January 29, 2020

ITEM NO: 1
SITE PLAN NO: SPR20012
PROJECT TITLE: Mooney Blvd/Visalia Parkway - Master CUP (New)
DESCRIPTION: Proposing for the application of an Annexation, Master CUP and Tentative Parcel Map
APPLICANT: Aaron Carpenter
OWNER: NO COUNTY DATA
MOUW LANCE D & JAIME LEE (CO TRS)
APN: 126080025
126080056
LOCATION: 4308 S MCONEY BLVD

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at *intersections* Locations.
- Install Stop Signs at *driveway exit* Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required (CUP)
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- Additional traffic information required (Non Discretionary)
 - Trip Generation - Provide documentation as to concurrence with General Plan.
 - Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

- Per COV Design and Improvement Standard, C-32, Drive Approach Locations, Minimum distance from adjacent intersection is 200-ft and minimum distance between driveways is 500-ft. Note – Proposed plan does not meet COV design standards.
- Median break driveway $\frac{3}{4}$ access points on Visalia Pkwy to be vetted out in TIA as they are too close to intersection at Mooney and too close to each other. Several need to be eliminated. See COV Design and

Leslie Blair

Improvement Standard, P-12, Typical Median Break Locations. Proposed $\frac{3}{4}$ access points on southside of Visalia Pkwy should take into consideration major drive aisles on northside of Visalia Pkwy such as main drive aisle in front of Lowes and drive aisle for Costco.

- Median break driveway $\frac{3}{4}$ access point location on Mooney Blvd to be vetted out in TIA. If a $\frac{3}{4}$ median access is permitted on Mooney Blvd (require Caltrans approval), access drive to align with proposed development at SE corner of Mooney and Visalia Parkway (westside of Mooney Blvd). See COV Design and Improvement Standard, P-12, Typical Median Break Locations.



Leslie Blair

COMMERCIAL BIN SERVICE

- No comments.
- See comments below
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ALL refuse enclosures must be R-3 OR R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- Comment** Same as previous comments on your old SPR 19167

Site Plan Review Comments From:

California Water Service
Stuart Skoglund, Superintendent
216 N Valley Oaks Dr
Visalia, CA 93292
559-624-1662 Office
559-735-3189 Fax

Date: 01/29/2020
Item # 1
Site Plan # 20-0012
Project: SEC Mooney/Visalia Pkwy annexation
Description:
Applicant:
Location: 4308 S Mooney
APN:

The following comments are applicable when checked:

- No additional comments at this time. See comments from 9-18-19 site plan # 19-167.

- Fire Hydrants
Comments-

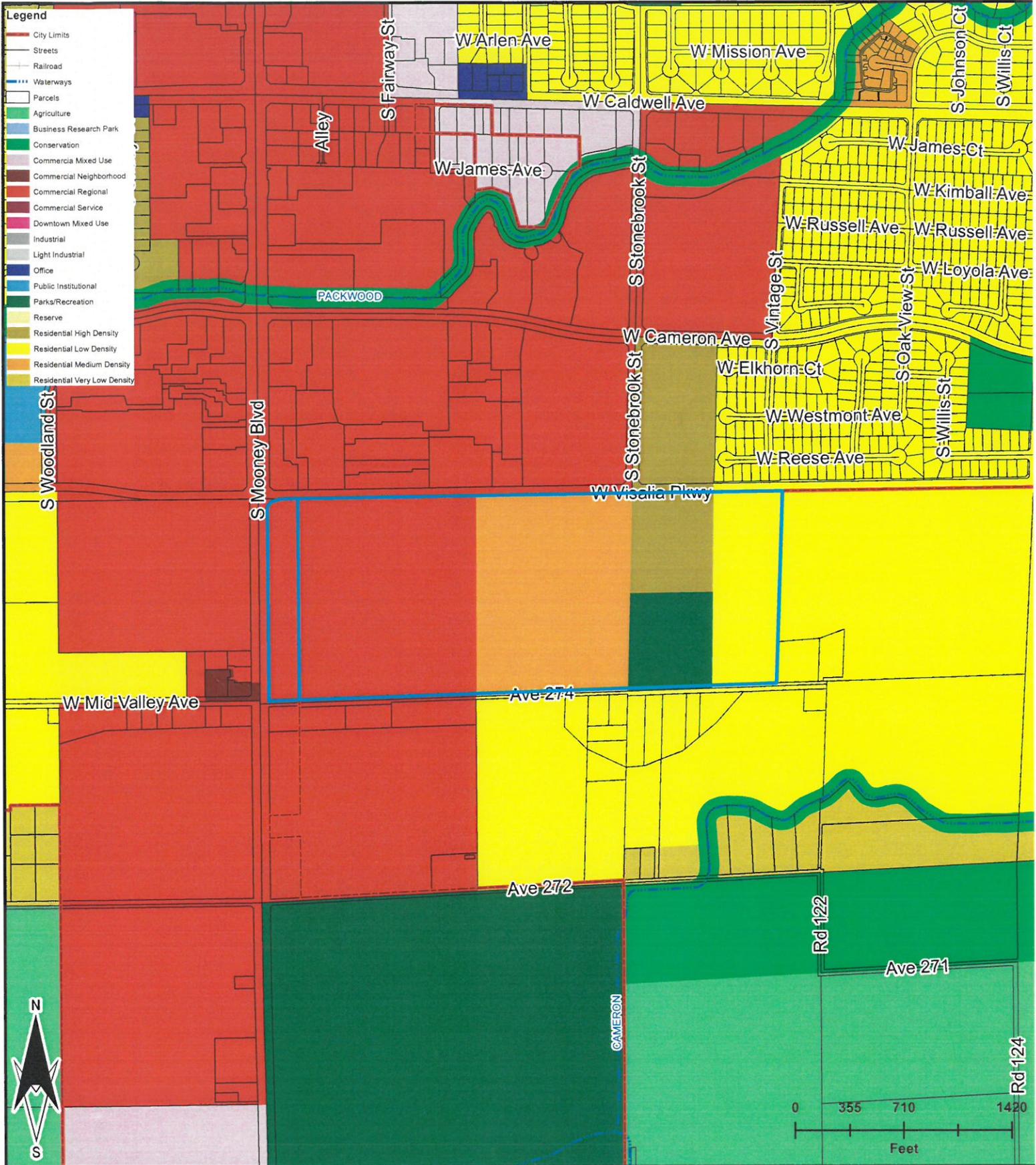
- Services
Comments-

- Mains
Comments-

- Backflow Requirements
Comments-

Additional Comments:

Stuart Skoglund
Superintendent



**Annexation No. 2020-02
Tentative Parcel Map No. 2020-08**

General Plan
Land Use Map



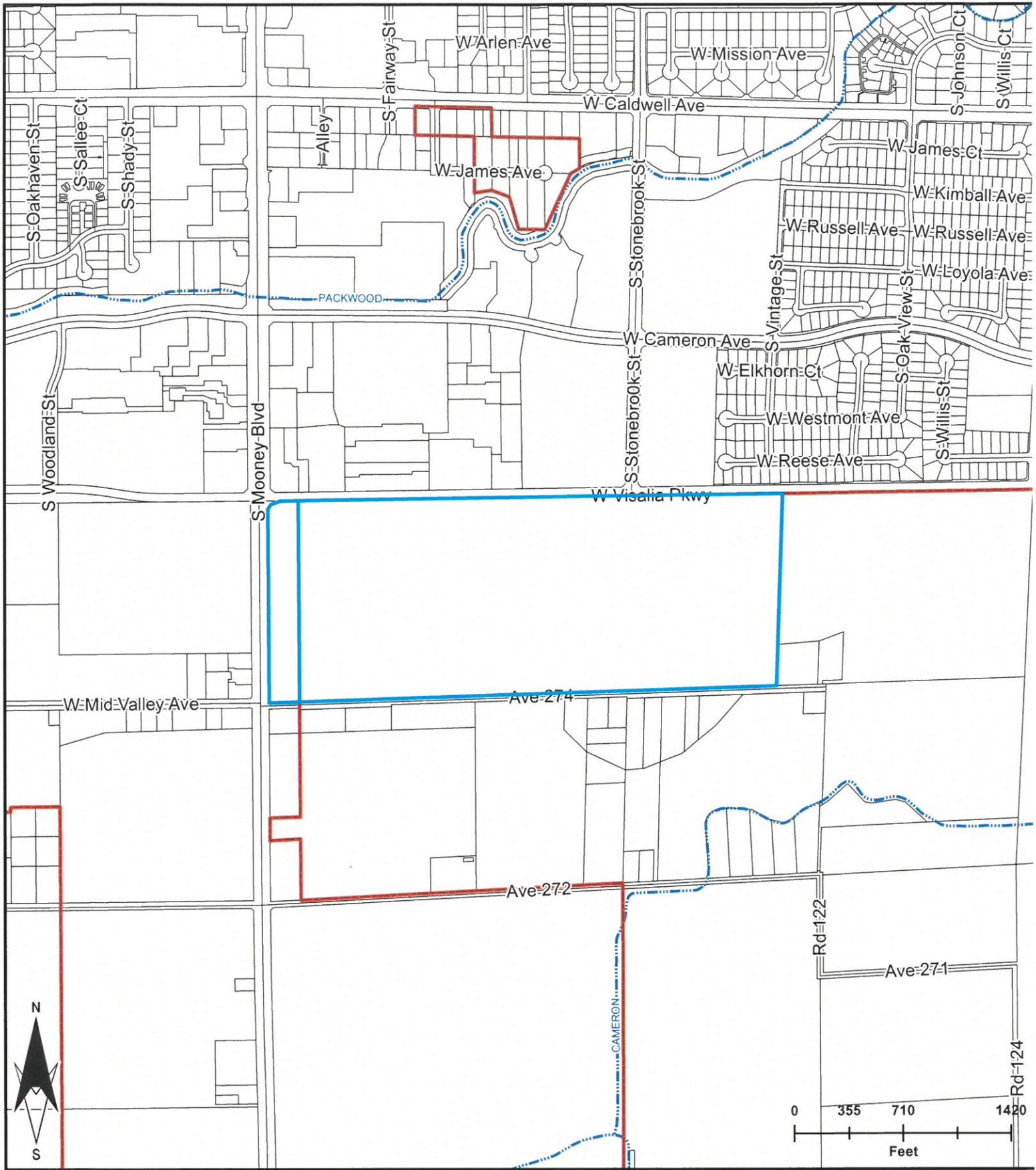
**Annexation No. 2020-02
Tentative Parcel Map No. 2020-08**

Aerial Map

Legend

- City Limits
- Streets
- Railroad
- Waterways
- Parcels





- Legend**
- City Limits
 - Streets
 - Railroad
 - Waterways
 - Parcels

**Annexation No. 2020-02
Tentative Parcel Map No. 2020-08**

Location Map

