

AGENDA SPECIAL MEETING PLANNING COMMISSION

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 54956 that the Planning Commission will conduct a special meeting at 7:00 p.m. on Tuesday, April 27, 2021 at the Visalia Convention Center located at 303 E. Acequia Avenue, Visalia, California. The purpose of said special meeting is to review the items listed below.

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

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

TUESDAY, APRIL 27, 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

Conditional Use Permit No. 2021-08: A request by Walnut-Mooney Center, LLC to establish a dental office in the C-R (Regional Commercial) zone. The site is located at 2040 South Mooney Boulevard, on the southeast corner of S. Mooney Boulevard and W. Walnut Avenue, within the Park Place Promenade Shopping Center (APN: 122-040-048). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2021-10.

7. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2021-01: A request by Tom Hayslett to construct a new church facility for St. Paul's Anglican Church in the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot size) zone. The proposed 18,645 square foot church will include a sanctuary, nave, parish hall, administration offices, classrooms, kitchen, and an interior courtyard. The project site is located at the northeast corner of West Hurley Avenue and North Marcin Street (APN: 085-540-005). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-01 be adopted.

8. PUBLIC HEARING – Paul Bernal, City Planner

- a. Annexation No. 2021-01: A request by Morgan Enterprises, Inc. to annex one parcel totaling 24.75-acres into the City limits of Visalia, and to detach said parcel from Tulare County Service Area No. 1. This parcel is designated Residential Low Density in the Visalia General Plan Map and will be pre-zoned R-1-5 (Single-family Residential) which is consistent with the Residential Low Density land use designation. The project site is located at 2780 North Akers Street on the east side of North Akers Street between West Ferguson and West Modoc Avenues (APN: 077-070-048). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-02 be adopted.
- b. Sycamore Heights Tentative Subdivision Map No. 5577: A request by Morgan Enterprises, Inc. to subdivide a 24.75-acre parcel into 91-lots for residential use with additional lots for landscaping and lighting district lots consistent with the R-1-5 (Single-family Residential) zone. The project site is located at 2780 North Akers Street on the east side of North Akers Street between West Ferguson and West Modoc Avenues (APN: 077-070-048). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-02 be adopted.

9. REGULAR ITEM – Brandon Smith, Senior Planner

Presentation of the 2020 Housing Element Annual Progress Report and Program Reporting

10. CITY PLANNER / PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting is Monday, May 10, 2021.
- Planning Commission Recruitment Update.
- Appeal of Conditional Use Permit No. 2021-06.
- Greystone 3 Annexation Approval by LAFCO.

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

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

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

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS FRIDAY, MAY 7, 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, MAY 10, 2021



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 27, 2021

PROJECT PLANNER: Paul Bernal, City Planner
Phone No.: (559) 713-4025
Email: paul.bernal@visalia.city

SUBJECT: **Annexation No. 2021-01:** A request by Morgan Enterprises, Inc. to annex one parcel totaling 24.75-acres into the City limits of Visalia, and to detach said parcel from Tulare County Service Area No. 1. This parcel is designated Residential Low Density in the Visalia General Plan Map and will be pre-zoned R-1-5 (Single-family Residential) which is consistent with the Residential Low Density land use designation.

Sycamore Heights Tentative Subdivision Map No. 5577: A request by Morgan Enterprises, Inc. to subdivide a 24.75-acre parcel into 91-lots for residential use with additional lots for landscaping and lighting district lots consistent with the R-1-5 (Single-family Residential) zone.

Project Location: The project site is located at 2780 North Akers Street on the east side of North Akers Street between West Ferguson and West Modoc Avenues (APN: 077-070-048).

STAFF RECOMMENDATION

Annexation No. 2021-01

Staff recommends that the Planning Commission recommend that City Council approve Annexation No. 2021-01, as conditioned, based on the findings in Resolution No. 2021-04. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan.

Sycamore Heights Tentative Subdivision Map No. 5577

Staff recommends approval of the Sycamore Heights Tentative Subdivision Map No. 5577, as conditioned, based on the findings and conditions in Resolution No. 2021-05. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances.

RECOMMENDED MOTION

I move to recommend approval of Annexation No. 2021-01, based on the findings and conditions in Resolution No. 2021-04.

I move to approve Sycamore Heights Tentative Subdivision Map No. 5577, based on the findings and conditions in Resolution No. 2021-05.

PROJECT DESCRIPTION

The applicant, Morgan Enterprise, Inc., has filed entitlement applications for the annexation of a 24.75-acre parcel, which is part of a large County Island, and a tentative subdivision map. Annexation No. 2021-01 is a request to annex a 24.75-acre parcel that is part of an overall 60.51-acre County Island in unincorporated Tulare County (see Exhibit "B"). The annexation request seeks to place the development site within the City. Upon annexation, the Zoning

designation for the 24.75-acre parcel will be R-1-5 (Single-family Residential 5,000 square foot minimum site area) for the entire project site.

The Sycamore Heights tentative subdivision map is a request to subdivide the 24.75-acre parcel into a 91-lot single-family residential subdivision at a density of 3.67 dwelling units per acre (see Exhibit "A"). The lots created by the subdivision will utilize City standard setback requirements for the R-1-5 zoning designation. The proposed single-family subdivision will be serviced by 60-foot wide public local streets containing full improvements (curb, gutter, parkway landscaping, sidewalks, and streetlights), sewer lines, storm drainage, and other public infrastructure, utilities, and services (i.e., electricity, gas, and water). Primary access to the subdivision will be from Akers Street, an arterial street, and Ferguson Avenue, a collector street. Both streets will be improved to their ultimate right-of-way width within the boundaries of the Sycamore Heights subdivision. Improvements along these major streets include construction of curb, gutter, sidewalks, block wall, installation of park strip landscaping, streetlights, and undergrounding of overhead utility lines. In addition, the median island in Akers Street at the future Delaware Avenue alignment within the proposed subdivision will result in a left turn pocket being constructed along this segment of Akers Street. This will allow southbound vehicular traffic to enter the subdivision. The street improvements associated with this subdivision are discussed in greater detail in the Akers and Ferguson Street Improvements and Local Street Connectivity section of the staff report.

The lots established by the subdivision will meet the R-1-5 zoning designation standards, including minimum setbacks and site area. The lot sizes proposed with this subdivision are between ±7,500 square feet to ±14,500 square feet (see Exhibit "A").

The setbacks for the R-1-5 zone are as follows:

Minimum Lot Area	Front	Side	Street Side	Rear
5,000 sq. ft.	15-ft. to habitable space. 22-ft. to garage	5-ft.	10-ft.	25-ft.

The subdivision map will also create four lettered lots for Landscaping and Lighting District (LLD) purposes. Four of the LLD lots will contain landscaping and six-foot tall block walls along the Akers Street and Ferguson Avenue street frontages, extending around to the street sides of all corner lots or side-on lots (i.e., Outlots A, B, C, and D).

The 24.75-acre project site, which is part of large County island surrounded by urban uses, is developed with two single-family residences, accessory structures, horse stables, horse track, and ancillary out structures. The site is within an overall 60.51-acre County Island that extends to the west and east of the site and is completely surrounded by urban development. The County Island is predominately developed with 12 estate lots to the east of the project site, which are assessed via private roadway, and four large lots directly to the west that front onto North Akers Street. In addition, there is an active agricultural use (i.e., strawberry field and fruit stand) abutting the project site to the west and southwest.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Residential Low Density
City Zoning:	R-1-5 (Single-family Residential, 5,000 square foot minimum lot size)
Surrounding Zoning and Land Use:	North: R-1-5 / Summerfield residential subdivision South: Ferguson Avenue (Collector street) / Chardonnay gated residential subdivision East: County AE-20 (Agricultural Exclusive 20-acre County jurisdiction) / Estate lots in a County Island West: R-1-5 / Akers Street (Arterial street), large county parcels, Siena gated residential subdivision
Environmental Review:	Initial Study / Negative Declaration No. 2021-02
Special Districts:	None
Site Plan Review:	SPR No. 2019-151

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies.

SIMILAR PROJECTS

Annexation No. 2017-01 and Reimer Tentative Subdivision Map No. 5559 were presented to the Planning Commission at their April 24, 2017 meeting. The Annexation was a request to annex three parcels totaling 15.2 acres into the City limits of Visalia, and to detach from Tulare County Service Area No. 1. The three parcels were part of the large "K Road" County Island. The Reimer Tentative Subdivision Map No. 5559 requested to subdivide 15.2 acres into 65 single-family residential lots with a remainder parcel. The Planning Commission recommend approval of the annexation to the City Council and approved the Reimer Tentative Subdivision Map No. 5559 subject to the annexation being approved by the Tulare Local Agency Formation Commission.

Annexation No. 2015-01 and Kayenta Crossing Tentative Subdivision Map No. 5553 were a request to annex 25-acres of property from a large County Island located on the southwest corner of North Demaree Street and West Riggin Avenue. The subdivision map was a request to subdivide the 25-acres into a 90-lot single-family residential subdivision. The Planning Commission approved the Kayenta Crossing Tentative Subdivision Map No. 5553 at their April 24, 2015 meeting subject to the annexation being approved by the Tulare Local Agency Formation Commission.

PROJECT EVALUATION

Staff supports the annexation based on the project's consistency with the Land Use Element of the General Plan. Specifically, the annexation will facilitate a residential housing development on 24.75-acres developed in a manner that is consistent with residential neighborhoods to the north and south. Furthermore, staff recommends approval of Sycamore Heights Tentative Subdivision Map No. 5577 based on the project's consistency with the Land Use Element of the General Plan, and the Zoning and Subdivision Ordinances for approval of the tentative subdivision map. The following potential issue areas have been analyzed for the proposed project.

General Plan Consistency

The proposed 91-lot single-family residential subdivision on 24.75-acres is compatible with existing residential development surrounding the site. The project is consistent with Land Use Policy LU-P-19 of the 2014 General Plan, which states “ensure that growth occurs in a compact and concentric fashion by implementing the General Plan’s phased growth strategy.” The site that is proposed for development is within a County Island and is bounded on three sides by existing urban residential development. Existing utility infrastructure (i.e., sewer, storm and water) can be extended from nearby urban development to accommodate the project at buildout. Further, the site is in the Urban Development Boundary (UDB) Tier 1, which allows for immediate development upon successful annexation. LU-P-20 states, *“allow annexation and development of residential, commercial, and industrial land to occur within the “Tier I” UDB at any time, consistent with the City’s Land Use Diagram.”*

Furthermore, the project is consistent with Policy LU-P-34. The conversion of the site from an agrarian use to urban residential 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.”*

Compatibility with the surrounding area is required by the General Plan in the decision to approve the proposed subdivision. The proposed 91-lot single-family subdivision will be developed at a gross density of 3.67 units per acre, which is within the Low Density Residential range of 2 to 10 units per acre. The proposed Sycamore Heights Tentative Subdivision Map No. 5577 meets all of the codified standards contained in the Zoning and Subdivision Ordinances, as well as all General Plan policies pertaining to residential development. Staff finds that the proposed tentative subdivision map is compatible with the surrounding area and the Low Density Residential land use designation.

Annexation No. 2021-01

The project proponents have also filed an application to initiate the annexation of the 24.75-acre parcel (i.e., Annexation No. 2021-01). This is necessary to bring the 24.75-acre parcel into the City’s land use jurisdiction. The Annexation can be supported on the basis that the proposed use of the site for residential development is consistent with the Land Use Policy LU-P-20, which supports the annexation of land in the Tier I UDB at any time, and with the Low Density Residential land use designation for the site. Additionally, the site is within a County Island, and is adjacent to existing urban development. It has all the requisite utility and infrastructure available to serve the site upon development. Finally, the annexation will reduce the size of an existing County Island, which is encouraged by Local Agency Formation Commission policies.

Cities may approve tentative maps prior to annexation but cannot approve the final subdivision map until after the land is annexed. The Tulare County Local Agency Formation Commission must approve and record the annexation prior to the map being effective. Staff has included this requirement as Condition No. 3 of the Sycamore Heights Tentative Subdivision Map No. 5577.

Akers and Ferguson Street Improvements and Local Street Connectivity

The developer of the subdivision will be required to construct major street improvements along both Akers Street and West Ferguson Avenue. Improvements along the subdivision frontage for these major streets include widening these streets to their ultimate right-of-way design.

Akers Street is a designated 110-foot wide arterial street. Improvements along Akers Street within the boundaries of the subdivision map include two northbound vehicle travel lanes, a Class II bike lane, curb, gutter, sidewalks, streetlights, block wall and landscaping. The existing curb line along the subject property frontage will be removed and constructed to align with the curb line north of the project site. The landscaping frontage along Akers Street is required to be dedicated to a Landscape and Lighting District which will be formed with the subdivision map. The Landscape and Lighting District lots are identified as Outlots "A" and "B" of the Sycamore Heights tentative subdivision map (see Exhibit "A"). The establishment of the district provides maintenance of the landscape lots, block walls, street pavement and street lighting. Also, as noted in the Engineering Division's Site Plan Review comments, the existing overhead utilities and poles along Akers Street will be placed underground, which is consistent with the development pattern north of the proposed Sycamore Heights subdivision.

In addition, the median island in Akers Street at the future Delaware Avenue street alignment within the proposed subdivision, will result in a new southbound left turn pocket being constructed along this segment of Akers Street allowing southbound vehicular traffic to enter the subdivision. This intersection will be limited to a three-quarter opening which facilitates only right-in, right-out, and left-in traffic movements. The three-quarter opening requirement is included as Condition No. 8 of the Sycamore Heights Tentative Subdivision Map No. 5577.

Furthermore, given that the adjoining properties along Akers Street are not within the boundary of the Sycamore Heights subdivision, street transition improvements will be required along the Akers Street frontage. The street transition along the County parcels fronting Akers Street will be designed similar to the existing street transitions that are currently established between the County island properties and adjacent residential subdivisions. The transition design will be established with the development of the civil engineering plans for the subdivision.

Ferguson Avenue is an 84-foot wide collector street. Full street improvements along Ferguson Avenue include the north side of the new west bound travel lane, a Class II bike lane, curb, gutter, sidewalks, streetlights, block wall and landscaping. The landscaping frontage along Ferguson Avenue is required to be dedicated to a Landscape and Lighting District which will be formed with the subdivision map. These Landscape and Lighting District lots are identified as Outlots "C" and "D" of the Sycamore Heights tentative subdivision map (see Exhibit "A"). In addition, as noted in the Engineering Division's Site Plan Review comments, the existing overhead utilities and poles along Ferguson Avenue will be placed underground which is consistent with the development pattern east of the proposed Sycamore Heights subdivision.

Similar to Akers Street, Ferguson Avenue will be designed with street transition improvements. Street transitions along the County parcels will be designed similar to the existing street transitions that are currently established between the County island properties and adjacent residential subdivisions. The transition design will be established with the development of the civil engineering plans for the subdivision.

Local Street Connectivity: The 91-lot Sycamore Heights subdivision is designed to comply with the City's Engineering Improvement Standards "P-15 – Super Block Connectivity". This improvement standard provides for access via the local street connectivity pattern within a superblock thereby reducing trips onto arterial and collector streets. The superblock connectivity design allows for through movement and good connections between and within neighborhoods. The local street connections proposed within the 91-lot subdivision provides for the local street

connection to North Crenshaw Avenue. However, the Engineering, Planning and Traffic Division's Site Plan Review Comments noted the requirement to redesign Sunnyview Court from a cul-de-sac to a "stub" street which will facilitate future local street connectivity with the "County" parcels to the west in the event these parcels develop with a residential subdivision in the future. Condition No. 9 has been included in the Conditions of Approval for the Planning Commission's consideration requiring that Sunnyside Court be redesigned with a "stub street" to facilitate future local street connectivity to the west.

Development Standards

The proposed subdivision's lots will utilize standard single-family residential standards for lot size and setbacks. The lots will be required to meet R-1-5 zone setback standards, described in further detail in Zoning Ordinance Chapter 17.12 (see attached Related Plans and Policies).

All lots will have lot depths ranging from ± 120 to ± 130 feet, excepting lots located on cul-de-sac or knuckle street bulbs that account for approximately 21% of the total lot count. Lots located on the street bulbs will still have lot depths of ± 100 , such as on Lots 18, 21, 32, 34, 45, 57, and 60. These lots will also be required to utilize standard single-family residential setback standards but are permitted to have a 20-foot setback for front-loading garages as identified in Section 17.12.080.C of the Zoning Ordinance.

Landscape and Lighting Assessment District and Block Walls

A Landscaping and Lighting District (LLD) will be required for the long-term maintenance of the out lots (Lots A through D), which include block walls, landscaping and streets lights as noted on Exhibit "A".

The block walls along the major street frontages will be typical City standard 6-foot, 8-inch block walls. The block wall height shall be reduced to three feet where the block wall runs adjacent to the front yard setback along the front yard areas of the adjoining residential lots (i.e., Lots 1, 36, 79, and 80). The three-foot transition areas can be found between the corner residential lots and the local streets heading into the subdivision from either Akers Street or Ferguson Avenue. Staff has included Condition No. 6 to require the stepped down walls.

Infrastructure

Water Service: Staff received correspondence (Exhibit "C", attached herein) from the California Water Service Company (Cal Water), indicating that Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission. The determination of water availability shall remain valid for two years from the date of their letter, April 6, 2021. The letter also states that if the project does not commence within the two-year time frame, Cal Water will be under no obligation to serve the project site unless the developer receives an updated letter from Cal Water reconfirming water availability. In addition, the letter can be rescinded at any time in the event that water supply is severely reduced by legislative, regulatory or environmental factors.

Staff has included Condition No. 7 that requires the developer to obtain a valid Will Serve Letter from the California Water Service Company if, prior to development of the subdivision, the determination of water availability letter lapses.

Sanitary Sewer: The subdivision will have sanitary sewer flows directed into the City's sewer system. There are major sewer lines located in both Akers Street and Ferguson Avenue. There is a 33-inch diameter main sewer line in Akers Street and a 30-inch diameter main sewer line in Ferguson Avenue. Upon development of the subdivision, sewer lines will be extended throughout the subdivision.

Storm Drainage: The subdivision will have storm-water flows directed into the City's storm drain system. There is an existing 30-inch diameter pipeline located in Akers Street.

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 subdivision 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 Subdivision Map. There are no specific plans applicable to the proposed map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision Map. There are no specific plans applicable to the proposed map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Low Density Residential and developed at a density of 3.67 units per acre. This is included as recommended Finding No. 3 of the Tentative Subdivision Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Low Density Residential. This is included as recommended Finding No. 4 of the Tentative Subdivision Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvement of the map has been not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project's determination of no new effects under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 6 of the Tentative Subdivision Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public	The proposed design of the map has been found to not cause serious public health problems. This is

health problems.	included as recommended Finding No. 2 of the Tentative Subdivision Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 5 of the Tentative Subdivision Map.

Environmental Review

An Initial Study and Negative Declaration were prepared for the proposed project. Initial Study and Negative Declaration No. 2021-02 disclosed that environmental impacts are determined to be not significant. Staff concludes that Initial Study and Negative Declaration No. 2021-02 adequately analyzes and addresses the proposed project and reduces environmental impacts to a less than significant level.

RECOMMENDED FINDINGS

Annexation No. 2020-01

1. That the 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, which will re-designate 24.75-acres of AE-20 (Agricultural Exclusive 20-acre) County zone district to R-1-5 (Single-family Residential) City zone district, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the parcel is not located within an Agricultural Preserve.
4. That the parcel is located within Voting District 1 per the Council Election Voting District Map.
5. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-02, is hereby adopted. Furthermore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish, wildlife or their habitat.

Sycamore Heights Tentative Subdivision Map No. 5577

1. That the proposed location and layout of the Sycamore Heights Tentative Subdivision Map No. 5577, 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. The 24-75-acre project site, which is the site of the proposed 91-lot single-family residential subdivision, is consistent with Land Use Policy 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.”
2. That the proposed Sycamore Heights Tentative Subdivision Map No. 5577, 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 proposed tentative subdivision map will be compatible with adjacent land uses. The project site is bordered by existing residential development and two major streets.

3. That the site is physically suitable for the proposed tentative subdivision map. The Sycamore Heights Tentative Subdivision Map No. 5577 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 adjacent to land zoned for residential development, and the subdivision establishes a local street pattern that will serve the subject site and the future development of vacant parcels located to the west of the subject site.
4. That the site is physically suitable for the proposed tentative subdivision map and the project's density, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Sycamore Heights Tentative Subdivision Map No. 5577, 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. The 24.75-acre project site, which is the site of the proposed 91-lot single-family residential subdivision, is consistent with Land Use Policy 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."
5. That the proposed Sycamore Heights Tentative Subdivision Map No. 5577, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The 91-lot subdivision is designed to comply with the City's Engineering Improvement Standards. The development of the site with a 91-lot single-family residential subdivision would extend local streets, infrastructure improvements, utilities, right-of-way improvements and a residential lot pattern consistent with existing residential development found in the surrounding area. The project will include the construction of local streets within the subdivision, connection to Crenshaw Street to the north and frontage street improvements along both North Akers Street and West Ferguson Avenue.
6. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-02, is hereby adopted. Furthermore, the design of the subdivision or the proposed improvements is not likely to neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

RECOMMENDED CONDITIONS

Annexation No. 2021-01

1. Upon annexation, the territory shall be zoned Single-Family Residential, 5,000 square foot minimum (R-1-5) 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 Attachment "B" of Resolution No. 2021-04. The agreement is subject to final approval by the City Council of the City of Visalia.

Sycamore Heights Tentative Subdivision Map No. 5577

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2019-151, incorporated herein by reference.
2. That the Sycamore Heights Tentative Subdivision Map No. 5577 be prepared in substantial compliance with the subdivision map in Exhibit "A".
3. Approval of the Sycamore Heights Tentative Subdivision Map No. 5577 shall not become effective unless Annexation No. 2021-01, 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. 2021-01.
4. That the developer shall inform and have future homeowners of the Sycamore Heights subdivision sign and acknowledge Tulare County's "Right to Farm" Ordinance. This informs future residential owners that the farming operation located on the northeast corner of North Akers Street and West Ferguson Avenue, which is located in the County, is protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
5. That the setbacks for the single-family residential lots shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) zone district standards for the front, side, street side yard, and rear yard setbacks.
6. That the block walls located within the Landscape and Lighting District lots shall transition to three-foot height within the 15-foot front yard setback areas of the adjoining residential identified as Lots 1, 36, 79, and 80 of the Sycamore Heights Tentative Subdivision Map No. 5577 (Exhibit "A").
7. That if, prior to development of the subdivision the determination of water availability letter lapses, then the applicant/developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
8. That the median island in Akers Street at the future Delaware Avenue street alignment within the proposed subdivision shall be designed as a three-quarter opening restricting vehicular movement to only right-in, right-out, and left-in traffic movements.
9. That Sunnyview Court be redesigned from a cul-da-sac to local street with a "stub" street connection to facilitate future local street connectivity to the west per the City's Engineering Improvement Standards P-15 Super Block Connectivity.
10. That all applicable federal, state, regional, and city policies and ordinances be met.

APPEAL INFORMATION

Annexation

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

Sycamore Heights Tentative Subdivision Map No. 5577

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 North Santa Fe St., Visalia, CA. 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. 2021-04 – Annexation No. 2021-01 (with Attachments “A” & “B”)
- Resolution No. 2021-05 – Sycamore Heights Tentative Subdivision Map No. 5577
- Exhibit "A" – Sycamore Heights Tentative Subdivision Map No. 5577
- Exhibit “B” – Annexation Area
- Exhibit “C” – California Water Service Company Will Serve Letter
- Initial Study / Negative Declaration No. 2021-02
- Site Plan Review Item No. 2019-151 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

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

General Plan Land Use Policies:

- LU-P-19:** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.
- LU-P-20:** Allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram.
- LU-P-45** Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.
- LU-P-46** Adopt and implement an incentive program for residential infill development of existing vacant lots and underutilized sites within the City limits as a strategy to help to meet the future growth needs of the community.

Zoning Ordinance Chapter for R-1 Zone

Chapter 17.12

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts.

17.12.020 Permitted uses.

In the R-1 single-family residential zones, the following uses shall be permitted by right:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;

- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.
- N. Transitional or supportive housing for six (6) or fewer resident/clients.
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

17.12.030 Accessory uses.

In the R-1 single-family residential zone, the following accessory uses shall be permitted, subject to specified provisions:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.12.100(B).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

17.12.040 Conditional uses.

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

- A. Planned development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;

- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

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

Zone	Interior Lot	Corner Lot
R-1-5	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

17.12.060 One dwelling unit per site.

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section 17.12.020(J).

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Sections 17.12.020 legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

- A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.
- B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.28.050.
- C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.
- D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.
- E. The number of multiple family units on the site shall not be increased.
- F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet

- B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.
- C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

17.12.090 Side yards.

- A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.
- B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.
- C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.
- D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

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

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

17.12.100 Rear yard.

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

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

B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits.

17.12.110 Height of structures.

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34.

17.12.130 Fences, walls and hedges.

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

RESOLUTION NO. 2021-04

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF ANNEXATION NO. 2021-01 AND DETACHMENT OF PROPERTY FROM COUNTY SERVICE AREA NO. 1, PERTAINING TO ONE PARCEL TOTALING 24.75-ACRES INTO THE CITY LIMITS OF VISALIA. UPON ANNEXATION, THE SITE WOULD BE ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL 5,000 SQUARE FOOT MINIMUM), WHICH IS CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL. THE PROJECT SITE IS LOCATED AT 2780 NORTH AKERS STREET ON THE EAST SIDE OF NORTH AKERS STREET BETWEEN WEST FERGUSON AND WEST MODOC STREET (APN: 077-070-048).

WHEREAS, the project proponents approve to initiate proceedings for annexation to said city of territory described on the attached legal description included as Attachment "A" of this resolution; and

WHEREAS, the Planning Commission of the City of Visalia, after a duly published notice, did hold a public hearing on April 27, 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 1 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 April 27, 2021, and found it to be consistent with the General Plan; and

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

WHEREAS, the Planning Commission finds that Initial Study No. 2021-02 has identified that the proposed project has no new effects that could occur 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.

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, which will re-designate 24.75-acres of AE-20 (Agricultural Exclusive 20-acre) County zone district to R-1-5 (Single-family Residential 5,000 square foot minimum site area) City zone district, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the parcel is not located within an Agricultural Preserve.
4. That the parcel is located within Voting District 1 per the Council Election Voting District Map.
5. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that the proposed project has no new effects that could occur 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. Furthermore, neither the annexation or the design of the subdivision and proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or their habitat.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt Negative Declaration No. 2021-02 for Annexation No. 2021-01 and Sycamore Heights Tentative Subdivision Map No. 5577 that was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

1. Upon annexation, the territory shall be zoned Single-Family Residential, 5,000 square foot minimum site area (R-1-5) consistent with the pre-zoning designated by the General Plan Land Use Map which designates the site as Low Density Residential.

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 Attachment "B" of Resolution No. 2021-04. The agreement is subject to final approval by the City Council of the City of Visalia.

Attachment “A”

Annexation Legal Description

EXHIBIT 'A'

Annexation No. 2021-01
Lane Engineers, Inc. Job No. 19109
March 29, 2021

Parcel 4 of Parcel Map No. 995, recorded in Book 10 of Parcel Maps, at Page 96, Tulare County Recorder, situated in the Southwest quarter of the Northwest quarter of Section 23, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:

Commencing at the Northwest corner of said Section 23;

COURSE 1

Thence South 1,317.54 feet along the west line of said Section to the Northwest corner of said Parcel to the intersection of said west line and the westerly prolongation of the North line of said Parcel 4;

COURSE 2

Thence South 89°31'53" East 20.00 feet along said prolongation to the Northwest corner of said Parcel 4 and to a point on the existing City limit, said point being the TRUE POINT OF BEGINNING;

COURSE 3

Thence continuing South 89°31'53" East 1,293.83 feet along the North line of said Parcel 4 and existing City limit line to the East line of said Parcel;

COURSE 4

Thence South 00°00'26" West 661.64 feet along said East line to the intersection of the existing City limit line and said East line;

COURSE 5

Thence continuing South 00°00'26" West 661.64 feet along said East line and existing City limit line to the South line of said Parcel 4 and the South line of the Southwest quarter of the Northwest quarter of said Section 23;

COURSE 6

Thence North 89°16'50" West 656.86 feet along said South lines and existing City limit line to the West line of said Parcel 4;

COURSE 7

Thence North 00°00'13" East 990.30 feet along said West line to the South line of said Parcel 4;

COURSE 8

Thence North $89^{\circ}28'08''$ West 636.90 feet along said South line to the West line of said Parcel 4 and the existing City limit;

COURSE 9

Thence North 329.41 feet along said West line and existing City limits to the True Point of Beginning.

CONTAINING 24.75 acres, more or less.

END OF DESCRIPTION

Attachment “B”

Pre-Annexation Agreement

NO FEE REQUIRED PURSUANT
TO GOVT. CODE SECTION 27383
CODE 6103

RECORDING REQUESTED BY
AND MAIL RESPONSE TO:

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

Pre-Annexation Agreement

This Pre-Annexation Agreement (“Agreement”) is made and entered into this ___ day of _____, 2021, by and among the City of Visalia, a charter law city (“City”) and the Putman Land & Cattle Company, c/o James Putman and the Carl S. Windh Revocable Living Trust, c/o Teresa McGowan (hereinafter “Owner”). City and Owner are sometimes each individually referred to herein as a “party” and collectively as the “parties.”

RECITALS

WHEREAS, Owner is the record owner of the property, currently located in the unincorporated area of the County of Tulare, legally described in Exhibit A and depicted in Exhibit B, attached hereto (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, Owner desires to have the Property annexed to the City and to have the Property zoned as Single-family Residential, 5,000 square foot minimum size (R-1-5), as set forth in Chapters 17.12, where the designation would permit the Property to be used for residential uses and associated improvements (the “Project”). The Project includes all required City-issued discretionary land use approvals necessary for Owner’s use of the Project in accordance with the contemplated Rezoning (defined below); and

WHEREAS, the Property consists of approximately 24.75 acres, and is an inhabited annexation; and

WHEREAS, proper applications have been filed with the City for a Resolution of Application to the Tulare County Local Agency Formation Commission (“LAFCO”) to initiate proceedings as may be required for the City’s annexation of the Property; and

WHEREAS, the City has, on _____, adopted a Resolution of Application (City Resolution No. **20XX-XX**) (the “Resolution”) requesting LAFCO to initiate proceedings to annex the Property to the City; and

WHEREAS, on June 21, 2004, the City Council of City adopted a General Plan Maintenance Fee effective June 21, 2004; and

WHEREAS, in certain annexation proceedings, California Land Conservation Act (hereinafter, the “Williamson Act”) issues may arise which may require indemnification of the LAFCO, the County of Tulare, and City and may therefore be required of Owner herein; and

WHEREAS, the Resolution requires entry into this Agreement prior to the City submitting an application to LAFCO to commence the proposed annexation; and

WHEREAS, Owner 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, provided the Property has first been finally annexed to the City, as well as state and federal statutes and regulations, as they may be amended, unless otherwise provided for in this Agreement or agreed to in writing by the parties; and

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, unless otherwise set forth herein, 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 City 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 IN GENERAL

- A. Parties. The parties to this Agreement are the City and Owner.
- 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. Owner will obtain a variety of services from City (including but not limited to potable water, sewer and storm water drainage and treatment, police, and fire services), 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. Unless otherwise set forth herein, 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. One purpose of this Agreement is to spell out

additional conditions to which Owner will be subject following annexation and prior to development within the City due to the burden placed on City by Owner's 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, Owner 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), Owner 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 Owner's 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 Owner complies with the Water Acquisition Policy in a manner consistent with this subsection II(A). Owner agrees that it shall identify all water rights which, to the best of Owner's knowledge, have been used by Owner 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 Owner 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. Owner further agrees that City shall have first right of refusal in acquiring upon mutually acceptable terms any water rights that Owner owns that may be in addition to those required to meet Owner's 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 one or more parcel maps or final subdivision maps covering the Property and, in the event Owner applies to City for its approval of multiple final

maps 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 final subdivision map, with conveyance of water rights or payment to be made on a per map basis upon City's issuance of each final subdivision map 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. Owner agrees 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), Owner will enter into an agreement with City to pay the General Plan Maintenance Fee 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 final subdivision maps covering the Property and, in the event Owner applies to City for its approval of multiple final maps 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 final subdivision map, with payment to be made on a per map basis upon City's issuance of each final subdivision map covering the Property. Owner's satisfaction of its obligations under this Section II(B) will satisfy any and all of Owner's obligations related to and arising under the General Plan Maintenance Fee.
- C. Williamson Act: Williamson Act Indemnification: Occasionally property to be annexed is burdened with Williamson Act contract(s). In such event, the following apply:
- i.) From 1969 to 1971, City protested the creation of agricultural preserves and resulting Williamson Act contracts for land that was within one mile of the City's boundary at the time said contracts were executed. City's form of protest has been, on prior occasions, declared invalid as a "blanket" protest by the California Department of Conservation. City has disagreed with the Department of Conservation in certain situations and in order to allow the annexation to obtain approval by LAFCO without City succeeding to the Williamson Act contract, City has agreed to indemnify LAFCO regarding its finding of a valid protest based on substantial evidence supplied by City. The following language is included in LAFCO's resolutions for situations described above: "The certificate of completion shall not be recorded until the City of Visalia has entered into an Indemnification Agreement to defend and hold LAFCO and the County of Tulare harmless from any action brought by the California State Department of Conservation to void LAFCO action validating the protest and resulting reduction in size or termination of Williamson Act Contract No. 6605". If Owner's property is affected by this contract, Owner agrees it will indemnify City to the full extent City is required to

indemnify LAFCO and the County, as if the terms of said indemnification agreement were incorporated herein by reference.

- ii.) City will not support, participate in, initiate, or otherwise authorize the filing of a petition of cancellation of the Williamson Act contract(s) and will consider any such petition initiated or filed by Owner pursuant to criteria and standards established by state law, based on facts and findings as determined by the City Council.

D. Future Development Impact Fees: The Owner hereby acknowledges 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 Owner hereby agrees 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, Owner will be subject to the requirements of such citywide development impact fee program to the extent applicable at the time Owner seeks 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.

E. Prezoning. City agrees to promptly process and, after City completes and adopts its environmental review, consider Owner's application to prezone the Property, as required by the Cortese-Knox-Hertzberg Act's prezoning requirements. The Single-Family Residential (R-1-5) zoning designation is the adopted prezoning for the Properties, in accordance with Visalia Municipal Code Chapters 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 Single-family Residential Rezoning designation permits dwelling units and other land uses, as specified by the City of Visalia Municipal Code. The Single-Family Residential zoning designation also permits the continuing operation of agricultural land uses presently on the Property as a legally-existing use as further defined and regulated by Chapter 17.12 of the Visalia Municipal Code. The Parties further agree, and the prezoning shall specify, that all urban uses permitted by the Single-Family Residential zoning designation shall automatically be permitted on the Property. 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.

- F. 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.
- G. SB 221 Compliance. To the extent required by law, any tentative map prepared for the Project shall comply with the provisions of Government Code § 66473.7.
- H. Development Impact Fees: The Owner 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, or at the time that a final map is recorded, 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.

III. PROPERTY ZONING

Owner acknowledges and agrees that this Agreement shall not limit City's authority to exercise the full range of its legislative and police powers with respect to development and use of the Property in a manner consistent with this Agreement. Notwithstanding such authority, and provided Owner complies with the requirements of this Agreement, City agrees that the Property shall continue to be designated under the Visalia General Plan land use map for Low Density Residential land use, and zoned Single-Family Residential (R-1-5), as set forth in Chapter 17.12 of the Visalia Municipal Code, during the term of this Agreement, unless otherwise consented to in writing by Owner. The ongoing agricultural use of the Property shall be permitted as a legal nonconforming use for the term of this Agreement in a manner consistent with Chapter 17.40 of the Visalia Municipal Code. Except as expressly set forth herein, neither this paragraph nor any portion of this Agreement shall be construed to protect the Property against changes in City policies, rules, regulations or conditions of development, including but not limited to permitted uses within the indicated zone or development impact fees, which would otherwise be applicable to the Property.

IV. 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 automatically terminate if either (a) the annexation proceedings are terminated for any reason; or (b) the completion of the annexation (recording of a Certificate of Completion) does not occur on or before two (2) years from the Effective Date, which two (2) year period shall be extended in the event of an "Excusable Delay," as such events are contemplated by subsection VII(O) of this Agreement. Notwithstanding the forgoing, Owner or its successors shall have the right, upon ten (10) day's prior written notice to City, to terminate this Agreement prior to LAFCO's issuance

of a Certificate of Completion of the annexation (and the running of all applicable statutes of limitations related thereto) if it determines in its sole discretion that it is in its best interest to do so, and, in such event, City agrees to withdraw the Resolution then pending before LAFCO.

V. 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, damages, 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.

VI. INDEMNIFICATION

Owner agrees to indemnify and hold harmless City and the City's officers, employees, agents, and contractors, from and against all claims, demands, or damages including reasonable attorney's fees and court costs, which arise out of this Agreement or its operation, or with any other annexation action or other action reasonably determined necessary by the City in order to effectuate the annexation of Owner's property, or which are in any manner connected with the City's enforcement of this Agreement.

VII. 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 (which consent shall not be unreasonably withheld).
- 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 Owner, as the case may be, three (3) 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 North Santa Fe Street
Visalia, CA 93291

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

To Owner: Putman Land & Cattle Company
c/o James Putnam
3720 W. Damsen
Visalia, CA 93291

Carl S. Windh Revocable Living Trust
c/o Teresa McGown
719 Newbury Street
Livermore, CA 94951

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 Owner as to its subject matter and no prior oral or written understanding shall be of any force or affect. The parties intend this paragraph to be a conclusive recital of fact pursuant to Section 622 of the California Evidence Code. This Agreement is intended to be a final expression of the agreement of the parties and is an integrated agreement within the meaning of Section 1856 of the California Code of Civil Procedure. This Agreement was jointly drafted by the parties.
- F. Amendment. No part of this Agreement may be modified without the written consent of both parties. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the parties hereto or their successors in interest. City's city manager may execute any such amendment on City's behalf, although the city manager retains the discretion to refer such matters to the City Council.
- 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. 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.
- J. 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.
- K. 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. This Agreement was executed in Tulare County, California, and venue for any legal action arising from or in connection with this Agreement or the Property shall be in Tulare County, California.
- L. Attorneys Fees. In the event either party commences any action or legal proceedings for the enforcement of this Agreement, the prevailing party, as determined by the court, shall be entitled to recovery of its reasonable fees and costs, including reasonable attorneys fees, court costs incurred in the action brought thereon.
- M. 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 Owner and that Owner is not an agent of City. City and Owner 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 Owner joint venturers or partners.

- N. 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.
- O. 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.
- P. 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.

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: _____
Ken Richardson, City Attorney

OWNER

Date: 2/25/21

By: 
James Putnam, Putnam Land & Cattle Company

Date: 3-1-21

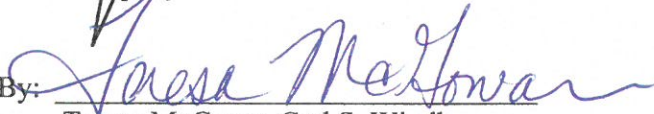
By: 
Teresa McGown, Carl S. Windh Revocable Living Trust

EXHIBIT 'A'

Annexation No. _____
Lane Engineers, Inc. Job No. 19109
October 1, 2020

Parcel 4 of Parcel Map No. 995, recorded in Book 10 of Parcel Maps, at Page 96, Tulare County Recorder, situated in the Southwest quarter of the Northwest quarter of Section 23, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:
Commencing at the Northwest corner of said Section 23;

COURSE 1

Thence South 1,317.53 feet along the west line of said Section to the Northwest corner of said Parcel to the intersection of said west line and the westerly prolongation of the North line of said Parcel 4;

COURSE 2

Thence South 89°31'53" East 20.00 feet along said prolongation to the Northwest corner of said Parcel 4 and to a point on the existing City limit, said point being the TRUE POINT OF BEGINNING;

COURSE 3

Thence continuing South 89°31'53" East 1,293.83 feet along the North line of said Parcel 4 and existing City limit line to the East line of said Parcel;

COURSE 4

Thence South 00°00'26" West 661.64 feet along said East line to the intersection of the existing City limit line and said East line;

COURSE 5

Thence continuing South 00°00'26" West 661.64 feet along said East line and existing City limit line to the South line of said Parcel 4 and the South line of the Southwest quarter of the Northwest quarter of said Section 23;

COURSE 6

Thence North 89°16'50" West 656.86 feet along said South lines and existing City limit line to the West line of said Parcel 4;

COURSE 7

Thence North 00°00'13" East 990.30 feet along said West line to the South line of said Parcel 4;

COURSE 8

Thence North 89°28'08" West 636.90 feet along said South line to the West line of said Parcel 4

and the existing City limit;

COURSE 9

Thence North 329.41 feet along said West line and existing City limits to the True Point of

Beginning.

CONTAINING 24.75 acres, more or less.

END OF DESCRIPTION

RESOLUTION NO 2021-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE SUBDIVISION MAP NO. 5577, A REQUEST TO SUBDIVIDE 24.75 ACRES INTO A 91-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION. THE 24.75 ACRES IS PROPOSED TO BE ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQUARE FOOT MINIMUM LOT SIZE) UPON ANNEXATION INTO THE CITY OF VISALIA. THE PROJECT SITE IS LOCATED AT 2780 NORTH AKERS STREET ON THE EAST SIDE OF NORTH AKERS STREET BETWEEN WEST FERGUSON AND WEST MODOC STREET (APN: 077-070-048)

WHEREAS, Sycamore Heights Tentative Subdivision Map No. 5577 is a request to subdivide 24.75 acres into a 91-lot single-family residential subdivision. The project is pre-zoned R-1-5 (Single Family Residential, 5,000 square foot minimum site area) and is located at 2780 North Akers Street on the east side of North Akers Street between West Ferguson and West Modoc Street (APN: 077-070-048); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on April 27, 2021; and

WHEREAS, the Planning Commission of the City of Visalia finds the Sycamore Heights Tentative Subdivision Map No. 5577 in accordance with Chapter 16.16 of the Subdivision Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

WHEREAS, the Planning Commission finds that Initial Study No. 2021-02 has identified that the proposed project has no new effects that could occur 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt Negative Declaration No. 2021-02 for Annexation No. 2021-01 and Sycamore Heights Tentative Subdivision Map No. 5577 that was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

1. That the proposed location and layout of the Sycamore Heights Tentative Subdivision Map No. 5577, 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. The 24.75-acre project site, which is the site of the proposed 91-lot single-family residential subdivision, is consistent with Land Use Policy 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.”

2. That the proposed Sycamore Heights Tentative Subdivision Map No. 5577, 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 proposed tentative subdivision map will be compatible with adjacent land uses. The project site is bordered by existing residential development and two major streets.
3. That the site is physically suitable for the proposed tentative subdivision map. The Sycamore Heights Tentative Subdivision Map No. 5577 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 adjacent to land zoned for residential development, and the subdivision establishes a local street pattern that will serve the subject site and the future development of vacant parcels located to the west of the subject site.
4. That the site is physically suitable for the proposed tentative subdivision map and the project’s density, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Sycamore Heights Tentative Subdivision Map No. 5577, 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. The 24.75-acre project site, which is the site of the proposed 91-lot single-family residential subdivision, is consistent with Land Use Policy 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.”
5. That the proposed Sycamore Heights Tentative Subdivision Map No. 5577, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The 91-lot subdivision is designed to comply with the City’s Engineering Improvement Standards. The development of the site with a 91-lot single-family residential subdivision would extend local streets, infrastructure improvements, utilities, right-of-way improvements and a residential lot pattern consistent with existing residential development found in the surrounding area. The project will include the construction of local streets within the subdivision, connection to Crenshaw Street to the north and frontage street improvements along both North Akers Street and West Ferguson Avenue.

6. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-02, is hereby adopted. Furthermore, the design of the subdivision or the proposed improvements is not likely to neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

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

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2019-151, incorporated herein by reference.
2. That the Sycamore Heights Tentative Subdivision Map No. 5577 be prepared in substantial compliance with the subdivision map in Exhibit "A".
3. Approval of the Sycamore Heights Tentative Subdivision Map No. 5577 shall not become effective unless Annexation No. 2021-01, 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. 2021-01.
4. That the developer shall inform and have future homeowners of the Sycamore Heights subdivision sign and acknowledge Tulare County's "Right to Farm" Ordinance. This informs future residential owners that the farming operation located on the northeast corner of North Akers Street and West Ferguson Avenue, which is located in the County, is protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
5. That the setbacks for the single-family residential lots shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) zone district standards for the front, side, street side yard, and rear yard setbacks.
6. That the block walls located within the Landscape and Lighting District lots shall transition to three-foot height within the 15-foot front yard setback areas of the adjoining residential identified as Lots 1, 36, 79, and 80 of the Sycamore Heights Tentative Subdivision Map No. 5577 (Exhibit "A").
7. That if, prior to development of the subdivision the determination of water availability letter lapses, then the applicant/developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
8. That the median island in Akers Street at the future Delaware Avenue street alignment within the proposed subdivision shall be designed as a three-quarter opening restricting vehicular movement to only right-in, right-out, and left-in traffic movements.

9. That Sunnyview Court be redesigned from a cul-da-sac to local street with a “stub” street connection to facilitate future local street connectivity to the west per the City’s Engineering Improvement Standards P-15 Super Block Connectivity.
10. That all applicable federal, state, regional, and city policies and ordinances be met.

Exhibit "A"

Sycamore Heights Tentative Subdivision Map No.
5577

Exhibit "B"

Annexation Area

Exhibit “C”

California Water Service Company Will Serve Letter



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 Tel: (559) 624-1600

April 6, 2021

Paul Bernal, City Planner
City of Visalia
Community Development Department
315 E Acequia Ave
Visalia, CA 93291

Will Serve Letter

Annexation No: 2021-01

Tentative Map #: 5577

Developer: **Bill Morgan, Morgan Enterprise**

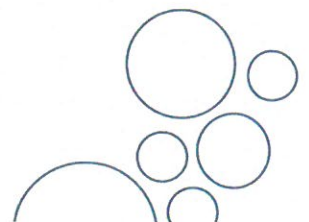
Dear Mr. Bernal:

As a regulated utility, California Water Service Company Visalia district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from City of Visalia, Cal Water will provide water service to the above referenced project. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This will serve letter shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming our commitment to serve the above mentioned project. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable¹ water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells,² in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

¹ This portion of the letter to be modified accordingly in the event the development for which this letter is being generated is to be served with potable and non potable water.

² For the districts that collect facility fees on a per lot basis, delete the reference to wells as a special facility here and add in the following sentence, "Developer will also be required to contribute towards Cal Water's water supply by paying facilities fees on a per lot basis as described in Rule 15"





CALIFORNIA WATER SERVICE

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.

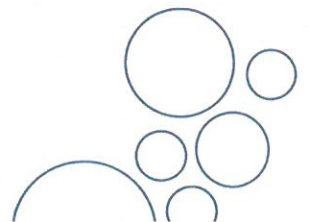
If you have any questions regarding the above, please call me at (559) 624-1600.

Sincerely,

Stephen Johnson

Stephen Johnson
District Manager

cc: Rashmi Kashyap– Cal Water Engineering Dept.
File



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

**NOTICE OF A PROPOSED
INITIAL STUDY AND NEGATIVE DECLARATION**

Project Title: Annexation No. 2021-01 and Sycamore Heights Tentative Subdivision Map No. 5577

Project Description: **Annexation No. 2020-01** is a request by Morgan Enterprises, Inc., to annex one parcel totaling 24.75-acres into the City limits of Visalia, and to detach said parcel from Tulare County Service Area No. 1. The **Sycamore Heights Tentative Subdivision Map No. 5577** is a request to subdivide the 24.75-acre parcel into a 91-lot single-family residential subdivision with additional landscape and lighting district lots. The project will include the construction of local streets within the subdivision, connection to Crenshaw Street to the north and frontage street improvements along both North Akers Street and West Ferguson Avenue. These types of improvements include construction of curb, gutter, sidewalks, and the installation of park strip landscaping and streetlights throughout the subdivision. In addition, the median island in Akers Street at the future Delaware Avenue alignment within the proposed subdivision will result in a left turn pocket being constructed along this segment of Akers Street. This will allow southbound vehicular traffic to enter the subdivision.

The development of the property, if approved, will create additional housing units in the northwest quadrant of the City at a density of 3.67 dwelling units to the gross acre which is consistent with the land use designation of Residential Low Density.

Project Location: The project site is located at 2780 North Akers Street on the east side of North Akers Street between West Ferguson and West Modoc Street, under jurisdiction of the County of Tulare (APN: 077-070-048).

Contact Person: Paul Bernal, City Planner, Phone: (559) 713-4025, Email: paul.bernal@visalia.city

Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on April 27, 2021 at 7:00 p.m. in the Visalia Convention Center located at 303 East Acequia Avenue, Visalia, California.

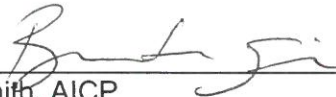
Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the proposed project described herein and has found that the project will not result in any significant effect upon the environment because of the reasons listed below:

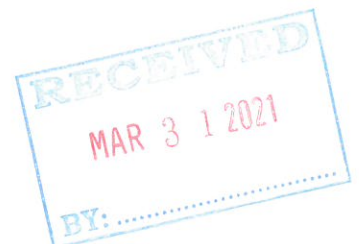
Reasons for Negative Declaration: Initial Study No. 2021-02 has not identified any significant, adverse environmental impacts that may occur because of the project.

Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the Planning Division in City Hall East, at 315 East Acequia Avenue, Visalia, CA. In the event that City Hall front counter services are closed to the public, copies of the initial study and other documents relating to the subject project may be requested by contacting project planner Paul Bernal, City Planner, by phone at (559) 713-4025 or by email at paul.bernal@visalia.city.

Comments on this proposed Negative Declaration will be accepted from April 1, 2021 to April 21, 2021.

Date: 3/29/21

Signed: 
Brandon Smith, AICP
Environmental Coordinator
City of Visalia



NEGATIVE DECLARATION

Project Title: Annexation No. 2021-01 and Sycamore Heights Tentative Subdivision Map No. 5577

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The development of the property, if approved, will create additional housing units in the northwest quadrant of the City at a density of 3.67 dwelling units to the gross acre which is consistent with the land use designation of Residential Low Density.

Project Location: The project site is located at 2780 North Akers Street on the east side of North Akers Street between West Ferguson and West Modoc Street, under jurisdiction of the County of Tulare (APN: 077-070-048).

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

Attachments:

- Initial Study,
- Environmental Checklist,
- Location Map, Subdivision Map

DECLARATION OF NO SIGNIFICANT EFFECT:

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

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

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

APPROVED
Brandon Smith, AICP
Environmental Coordinator

By: Brandon Smith

Date Approved: 3/29/21

Review Period: 20 days - starting
4/1/21

INITIAL STUDY

I. GENERAL

A. Project Name and Description:

Annexation No. 2020-01 is a request by Morgan Enterprises, Inc., to annex one parcel totaling 24.75-acres into the City limits of Visalia, and to detach said parcel from Tulare County Service Area No. 1.

Sycamore Heights Tentative Subdivision Map No. 5577 is a request to subdivide the 24.75-acre parcel into a 91-lot single-family residential subdivision with additional landscape and lighting district lots. The project will include the construction of local streets within the subdivision, connection to Crenshaw Street to the north and frontage street improvements along both North Akers Street and West Ferguson Avenue. These types of improvements include construction of curb, gutter, sidewalks, and the installation of park strip landscaping and streetlights throughout the subdivision. In addition, the median island in Akers Street at the future Delaware Avenue alignment within the proposed subdivision will result in a left turn pocket being constructed along this segment of Akers Street. This will allow southbound vehicular traffic to enter the subdivision.

The development of the property, if approved, will create additional housing units in the northwest quadrant of the City at a density of 3.67 dwelling units to the gross acre which is consistent with the land use designation of Residential Low Density.

Project Location: The project site is located at 2780 North Akers Street on the east side of North Akers Street between West Ferguson and West Modoc Street, under jurisdiction of the County of Tulare (APN: 077-070-048).

B. Identification of the Environmental Setting:

The 24.75-acre project site, which is part of large County island that is surrounded by urban uses, is developed with two single-family residences, accessory structures, horse stables, horse track, and ancillary out structures. The site is within an overall 60.51-acre County Island that extends to the west and east of the site and is completely surrounded by urban development. The County Island is predominately developed with 12 estate lots to the east of the project site, which are assessed via private roadway, and four large lots directly to the west that front onto North Akers Street. In addition, there is an active agricultural use (i.e., strawberry field and fruit stand) abutting the project site to the west and southwest.

The development of the site with a 91-lot single-family residential subdivision would extend local streets, infrastructure improvements, utilities, right-of-way improvements and a residential lot pattern consistent with existing residential development found in the surrounding area. The project will include the construction of local streets within the subdivision, connection to Crenshaw Street to the north and frontage street improvements along both North Akers Street and West Ferguson Avenue. These types of improvements include construction of curb, gutter, sidewalks, and the installation of park strip landscaping and streetlights throughout the subdivision. In addition, the median island in Akers Street at the future Delaware Avenue alignment within the proposed subdivision will result in a left turn pocket being constructed along this segment of Akers Street. This will allow southbound vehicular traffic to enter the subdivision. The project site is bounded by North Akers Street to the west and West Ferguson Avenue to the south. Akers Street is designated as an arterial roadway, and Ferguson Avenue is designated as a collector roadway.

The area surrounding the County Island is predominately developed with single-family homes to the north, south east and west.

The surrounding uses, Zoning, and General Plan are as follows:

	General Plan	Zoning	Existing uses
North:	Residential Low Density	R-1-5 (Single-family residential, 5,000 sq. ft. min. site area)	Summerfield Subdivision
South:	Residential Low Density	R-1-5 (Single-family residential, 5,000 sq. ft. min. site area)	Ferguson Avenue / Chardonnay Gated Subdivision
East:	Residential Low Density & Residential Very Low Density	AE-20 (Agricultural Exclusive 20-acre) County Zoning	Estate lots & Northgate Estates Gated Subdivision
West:	Residential Low Density	R-1-5 (Single-family residential, 5,000 sq. ft. min. site area) and AE-20 (Agricultural Exclusive 20-acre) County Zoning	Akers Street, Estate lots & Siena Gated Subdivision

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

C. Plans and Policies:

The General Plan Land Use Diagram designates the site as Residential Low Density. The annexation will facilitate the development of the site with single-family residential units consistent with the residential development pattern in the surrounding area.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project that cannot be mitigated to a *less than significant impact*. 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.

IV. MITIGATION MONITORING PROGRAM

No mitigation is required for this project to reduce significance.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

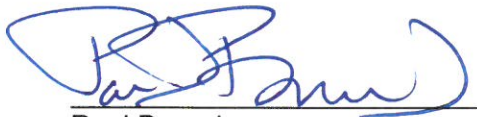
The project is compatible with the General Plan, Zoning and Subdivision Ordinances as the project relates to surrounding properties.

V. SUPPORTING DOCUMENTATION

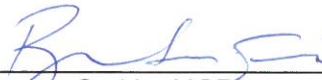
The following documents are hereby incorporated into this Mitigated Negative Declaration and Initial Study by reference:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.
- 2015 Urban Water Management Plan, Visalia District. California Water Service Company, June 2016.

VI. NAME OF PERSON WHO PREPARED INITIAL STUDY



Paul Bernal
City Planner



Brandon Smith, AICP
Environmental Coordinator

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST**

Name of Proposal	Annexation No. 2021-01 and Sycamore Heights Tentative Subdivision Map No. 5577		
NAME OF PROPONENT:	Morgan Enterprises, Inc.	NAME OF AGENT:	Chase Morgan
Address of Proponent:	3600 W. Mineral King Ave. Suite B Visalia, CA 93291	Address of Agent:	3600 W. Mineral King Ave. Suite B Visalia, CA 93291
Telephone Number:	(559) 739-2927	Telephone Number:	(559) 739-2927
Date of Review	March 25, 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:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of 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:

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

- 2 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

III. AIR QUALITY

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

- 2 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 2 b) 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?
- 2 d) Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

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

- 2 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:

- 2 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 2 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:

- 2 a) Violate any water quality standards of waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
- 2 i) result in substantial erosion or siltation on- or off-site;
- 2 ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
- 2 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?
- 2 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 2 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?
- 1 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) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 1 c) 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?
- 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

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

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

- a. This project will not adversely affect the view of any scenic vistas. The Sierra Nevada mountain range may be considered a scenic vista, but views of the range will not be adversely impacted or significantly by the project.

The proposed project is new residential construction which will meet City standards for setbacks, landscaping and height restrictions. The development of the project site with residences will be consistent with the RLD (Residential Low Density) Land Use Designation and R-1-5 zoning.

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

- b. There are no scenic resources on the site and no state scenic highway designations within the project vicinity.
- c. The proposed project includes residential development that will be aesthetically consistent with surrounding development and with General Plan policies. Furthermore, 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. Thus, the project would not substantially degrade the existing visual character of the site and its surroundings.
- d. The project will create new sources of light that are typical of residential development. The City has development standards that require that light be directed and/or shielded so it does not fall upon adjacent properties.

II. AGRICULTURAL RESOURCES

- a. The project is located on property that is identified as Semi-Agricultural and Rural Commercial Land on maps prepared by the California Natural Resources Agency, Department of Conservation, and will involve the conversion of the property to non-agricultural use.

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 polices that together work to limit conversion only to the extent needed to accommodate long-term growth. The General Plan policies identified under Impact 3.5-1 of the EIR serve as the mitigation, which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to

occur within the Planning Area. These policies include the implementation of a three-tier growth boundary system that assists in protecting open space around the City fringe and maintaining compact development within the City limits.

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 development of 24.75 acres for a proposed 91-lot single-family residential subdivision is within the Urban Development Tier 1 Boundary. Development of residential lands in Tier 1 may occur at any time, subject to the site being annexed into the City of Visalia. The proposed project is consistent with Land Use Policy 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."

- b. The project site, if approved and annexed, will facilitate the development of the site with 91 residential lots which is consistent with the urban development pattern in the area. In addition, the proposed urban land use and zoning designations will not conflict with any existing Williamson Act contract.
- 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 proposed 91-lot single-family residential subdivision will not result in conversion of farmland to a non-agricultural use as the site is developed with residential uses, accessory structures, and a horse track. However, the City's General Plan supports infill development opportunities if the site can be designed and developed in a manner consistent with the surrounding land uses. The proposed development is consistent with the surrounding area. By supporting the annexation and subdivision of this site for Low Density Residential development, the site can be developed in a manner that further facilitates housing units within the City's Tier 1 Urban Development Boundary. Development of residential lands in Tier 1 may occur at any time consistent with the City's Land Use Diagram. The request to subdivide the site with a 91-lot single-family residential subdivision is consistent with Land Use Policy 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."

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 in itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.
- b. Tulare County is designated non-attainment for certain federal ozone and state ozone levels. The project will result in a net increase of criteria pollutants. 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 that assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

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

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

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

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

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

- d. 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.

In addition, staff conducted an on-site visit to the site on March 29, 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 policies, 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 policies, 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. 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 City has a municipal ordinance in place to protect valley oak trees. All existing valley oak trees on the project site will be under the jurisdiction of this ordinance. Any oak trees to be removed from the site are subject to the jurisdiction of the municipal ordinance.

There are no Valley Oak trees onsite.

- f. There are no local or regional habitat conservation plans for the area.

V. CULTURAL RESOURCES

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

VI. ENERGY

- a. 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 residential 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. The project 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 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 development of this site will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.
- c. The project area is relatively flat and the underlying soil is not known to be unstable. Soils in the Visalia area have few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area have low expansion characteristics.
- d. Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.
- e. The project does not involve the use of septic tanks or alternative wastewater disposal systems since sanitary sewer lines are used for the disposal of wastewater at this location.
- f. There are no known unique paleontological resources or geologic features located within the project area. In the event that potentially significant cultural resources are discovered during ground disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified Native American Tribal observer, archeologist, or paleontologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Tulare County Museum, Coroner, and other appropriate agencies and interested parties.

VIII. GREENHOUSE GAS EMISSIONS

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

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

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

- b. The 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. Current and probable future state and local GHG reduction measures will continue to reduce the project's contribution to climate change. As a result, the project will not contribute significantly, either individually or cumulatively, to GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. Construction activities associated with development of the project may include maintenance of on-site construction equipment that could lead to minor fuel and oil spills. The use and handling of any hazardous materials during construction activities would occur in accordance with applicable federal, state, regional, and local laws. Therefore, impacts are considered to be less than significant.
- c. Oak Grove Elementary School is located within one-quarter mile southeast of the project at 4445 W. Ferguson Avenue; however, there is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites 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.

The project area is located approximately three miles from the Visalia Airport. The project site is not located in a flight path, collision safety zone, or noise threshold of the airport.

- 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. 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. The project will be required to adhere to municipal wastewater requirements set by the Central Valley RWQCB and any permits issued by the agency.

Furthermore, there are no reasonably foreseeable reasons why the project would result in the degradation of water quality.

The Visalia General Plan contains multiple policies, 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 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 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. 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, impacts to groundwater supplies will be less than significant.

- iii. 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, impacts to groundwater supplies will be less than significant.

Furthermore, the project will be required to meet the City's improvement standards for directing storm water runoff to the new City storm water drainage system consistent with the City's adopted City Storm Drain Master Plan.

- d. 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. 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, impacts to erosion will be less than significant.

XI. LAND USE AND PLANNING

- a. The project will not physically divide an established community; however, the site will divide a large County Island. Division of the County Island will still not physically divide an established community as the remaining portions of the County Island to the west and east do not belong to the same established community and are accessed by separate means. The General Plan Land Use Diagram, adopted October 14, 2014, designates the entire County Island as both Residential Very Low Density and Residential Low Density. The project site has a

County Zoning designation of AE-20 (Exclusive Agriculture) and when annexed into the City of Visalia, the pre-zoning for the project site will be R-1-5 (Single-Family Residential 5,000 square foot minimum lot area) which is consistent with the General Plan Land Use Designation of Residential Low Density.

The project entails annexing 24.75 acres of property to facilitate the subdivision of the project site into a 91-lot single-family residential development, with local street connection throughout the subdivision. The development will help facilitate additional residential units within the Tier 1 Urban Growth Boundary. The proposed subdivision is compatible with the adjacent residential uses.

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

- b. The project site is within the Urban Development Tier 1 Boundary. Development of 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."

The project as a whole does not conflict with any land use plan, policy or regulation of the City of Visalia. The site's General Plan Land Use Designation of Residential Low Density, and the pre-zoning designation of Single-family Residential (R-1-5), is consistent with each other based on the underlying allowed land uses and density ranges as identified in Table 9-1 "*Consistency between the Plan and Zoning*" of the General Plan. The City of Visalia's Zoning Ordinance allows for single-family residences as permitted uses in their respective zones.

The proposed project will be consistent with the Land Use Element of the General Plan, including Policy LU-P-55 for Residential Low Density development, and consistent with the standards pursuant to the Visalia Municipal Code Title 17 (Zoning Ordinance) Chapters 17.12.

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 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.

Ambient noise levels will increase beyond current levels as a result of the project; however, these levels will be typical of noise levels associated with urban development and not in excess of standards established in the City of Visalia's General Plan or Noise Ordinance. The City's standards for setbacks and construction of fences or walls along major streets and between residential uses reduce noise levels to a level that is less than significant. Noise associated with the establishment of new residential uses was previously evaluated with the General Plan for the conversion of land to urban uses.

Noise levels will increase temporarily during the construction of the project but shall remain within the limits defined by the City of Visalia Noise Ordinance. Temporary increase in ambient noise levels is considered to be less than significant.

- b. Ground-borne vibration or ground-borne noise levels may occur as part of construction activities associated with the project. Construction activities will be temporary and will not expose persons to such vibration or noise levels for an extended period of time; thus, the impacts will be less than significant. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. 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.
- b. Development of the site will result in the removal of two non-deed restricted residential structures on the 24.75-acre site. The removal of these structures in addition to several accessory structures and areas dedicated to horse training and storage will help in facilitating the development of this site with 91 new single-family homes at a density of 3.6 units per acre.

XV. PUBLIC SERVICES

- a.
 - i. Current fire protection facilities are located at the Visalia Station 55, located approximately one mile west 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. The project will generate additional dwelling units, for which existing schools in the area may accommodate.
 - iv. Current park 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.
 - v. Other public facilities can adequately serve the site without a need for alteration.

XVI. RECREATION

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

XVII. TRANSPORTATION AND TRAFFIC

- a. Development and operation of the project is not anticipated to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness of the City's circulation system. The project will result in an increase in traffic levels on arterial and collector roadways, although the City of Visalia's Circulation Element has been prepared to address this increase in traffic.
- b. Development of the site will result in increased traffic in the area, but will not cause a substantial increase in traffic on the city's existing circulation pattern.

The City of Visalia, in determining the significance of transportation impacts for land use projects, recognizes the adopted City of Visalia Vehicle Miles Travelled (VMT) Thresholds and Implementation Guidelines ("Guidelines") recommended threshold as the basis for what constitutes a significant or less than significant transportation impact. The Guidelines recommend a 16% reduction target based on the Greenhouse Gas emission reduction target for 2035 for the Tulare County region set by the SB 375 Regional Plan Climate Target. Therefore, residential projects exceeding 16% below the existing VMT per capita is indicative of a significant environmental impact.

For the metric measuring VMT per capita, a map of the City of Visalia, produced by Tulare County Association of Governments (TCAG), provides areas with 84% or less average VMT per trip distance, or 16% below the regional average. In the subject site's TAZ, the current average trip distance experienced is below 10.0 miles and the 16% target reduction of 10.0 miles. Based on this determination, it is presumed that the project will have a less than significant transportation impact.

- c. There are no planned geometric designs associated with the project that are considered hazardous.
- 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.

Additionally, invitations for early consultation were sent on February 23, 2021 to the five Native American tribes with a historic presence in the Visalia Planning Area. No responses were received from the letters that were mailed out.

XIX. UTILITIES AND SERVICE SYSTEMS

- a. The project will be connecting 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. With the completed project, the plant has more than sufficient capacity to accommodate impacts associated with the proposed project. The proposed project will therefore not cause significant environmental impacts.

The project site will be accommodated by an extension of the City's sanitary sewer lines. As part of the project, existing sanitary sewer mains will be extended off-site along Hillside Avenue. Usage of these lines is consistent with the City Sewer System Master Plan. These improvements will 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.
- c. 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.
- d. Current solid waste disposal facilities can adequately serve the site without a need for alteration.

- e. The project will be able to meet the applicable regulations for solid waste. Removal of debris from construction will be subject to the City's waste disposal requirements.

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. New project development will require the installation and maintenance of associated infrastructure; however the infrastructure would be typical of residential 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:

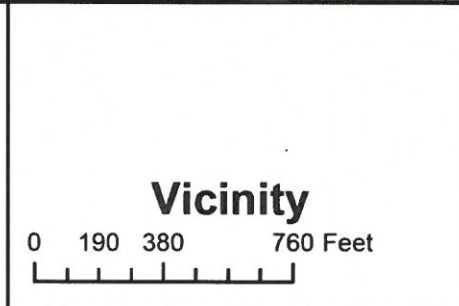
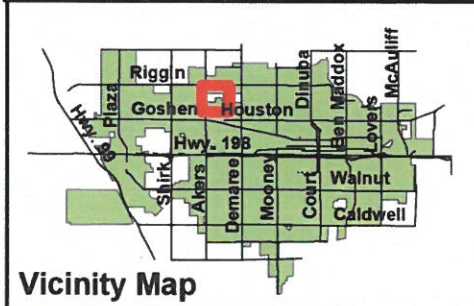
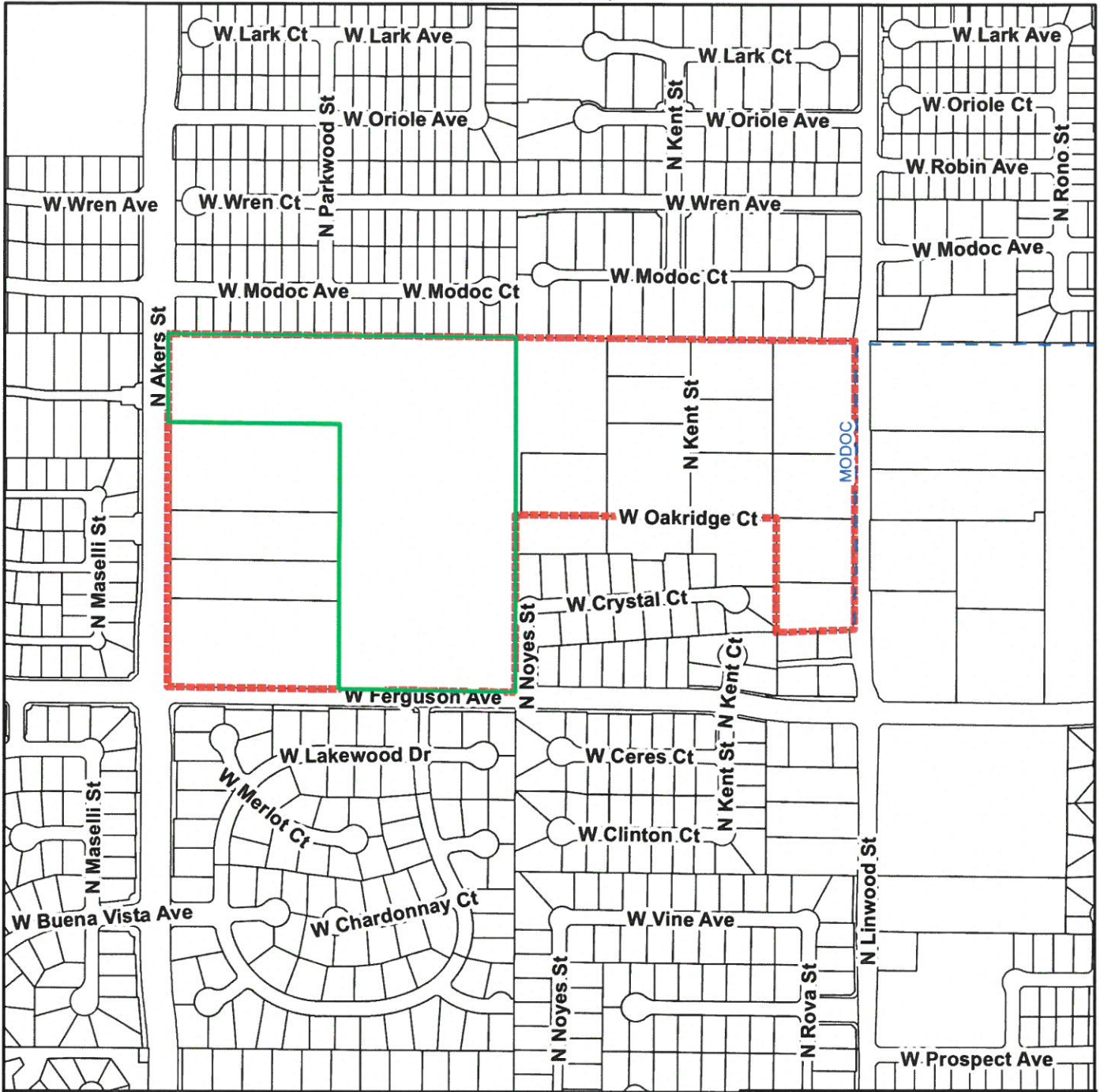
- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation 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.**

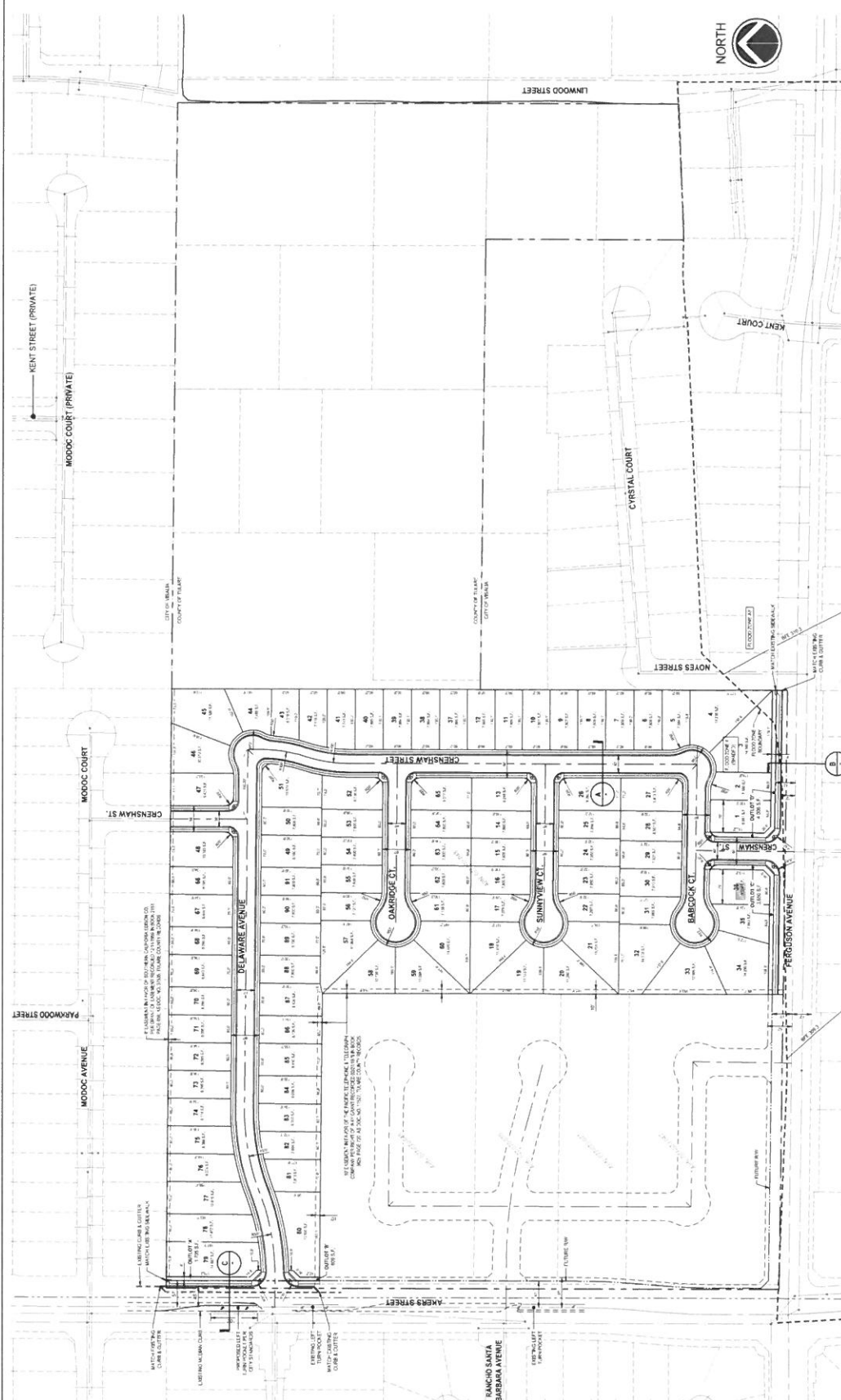
Brandon Smith, AICP
Environmental Coordinator

Date  _____

Annexation No. 2021-01
Sycamore Heights Tentative Subdivision Map No. 5577

The site is located at 2780 N. Akers St.
 on the east side of Akers Street
 between W. Ferguson & W. Modoc Streets
 (APN: 077-070-048)





**SYCAMORE HEIGHTS
TENTATIVE SUBDIVISION MAP**
A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT

NOTE: PORTION OF "K" SERVICES TO BE MATCHED TO THE SUBDIVISION MAP.
MATCH TO THE MATCH TO THE SUBDIVISION MAP.

LEGAL DESCRIPTION:
MAY BE USED FOR THE PURPOSES OF THE MAP ONLY. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES.
SOUTHERN CALIFORNIA GAS COMPANY
SOUTHERN CALIFORNIA GAS COMPANY

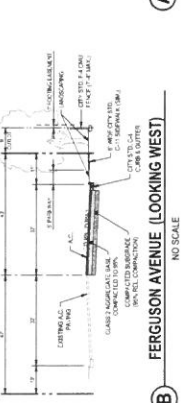
OWNER/DEVELOPER:
AT&T
11000 ZONE
AT&T
11000 ZONE

SITE DATA:
APN: 074-034-001
GROSS AREA: 24.37 AC.
GEN. PLAN LAND USE: LOW DENSITY RESIDENTIAL
CITY OF VISALIA
CITY OF VISALIA
CITY OF VISALIA
SOLID WASTE: CALIFORNIA WATER SERVICE COMPANY
WATER: CALIFORNIA WATER SERVICE COMPANY
SEWER: CALIFORNIA WATER SERVICE COMPANY
GAS: SOUTHERN CALIFORNIA GAS COMPANY
TELEPHONE: AT&T
FLOOD ZONE: AE

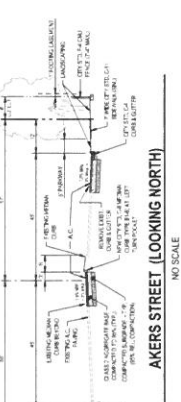
TYPICAL LOCAL STREET
NO SCALE



AKERS STREET (LOOKING NORTH)
NO SCALE



FERGUSON AVENUE (LOOKING WEST)
NO SCALE



SECTION A: CROSS-SECTION AT BELLAIR & SIMLAR





August 5, 2020

Billmorgan41@aol.com

Site Plan Review No. 19-151:

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 **July 22, 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 large, light blue oval shape.

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

Attachment(s):

- Site Plan Review Comments



#1

MEETING DATE: July 22, 2020
SITE PLAN NO. 19-151 Resubmittal
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
- Annexation + TSM
- HISTORIC PRESERVATION OTHER: _____

ADDITIONAL COMMENTS :

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

Site Plan Review Committee

**SUBDIVISION & PARCEL MAP
REQUIREMENTS
ENGINEERING DIVISION**

Adrian Rubalcaba 713-4271
 Diego Corvera 713-4209

ITEM NO: 1 DATE: JULY 22, 2020

SITE PLAN NO.: 19-151 RESUBMITTAL
PROJECT TITLE: RESIDENTIAL DEVELOPMENT
DESCRIPTION: 92 UNIT SINGLE-FAMILY RESIDENTIAL
DEVELOPMENT
APPLICANT: BILL MORGAN
PROP. OWNER: MC GOWAN TERESA
LOCATION: 2780 N AKERS ST
APN: 077-070-048

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (Indicated by checked boxes)
- Submit improvements plans detailing all proposed work; Subdivision Agreement will detail fees & bonding requirements
- Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- A preconstruction conference is required prior to the start of any construction.
- Right-of-way dedication required. A title report is required for verification of ownership. by map by deed
- City Encroachment Permit Required which shall include an approved traffic control plan.
- CalTrans Encroachment Permit Required. CalTrans comments required prior to tentative parcel map approval. CalTrans contacts: David Deel (Planning) 488-4088
- 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.
- 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.
- Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Final Map & Improvements shall conform to the City's Waterways Policy. Access required on ditch bank, 12' minimum. Provide wide riparian dedication from top of bank.
- Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system.
- 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.

- 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 (559)713-4428 for a Valley Oak tree evaluation or permit to remove. Valley Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application. A pre-construction conference is required.
 - Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
 - Relocate existing utility poles and/or facilities. **AKERS & FERGUSON WIDENING**
 - Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding. **AKERS & FERGUSON**
 - Provide "R" value tests: **1** each at **300' INTERVALS**
 - Traffic indexes per city standards: **REFER TO CITY ARTERIAL, COLLECTOR AND LOCAL STDS**
 - 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.
 - All lots shall have separate drive approaches constructed to City Standards.
 - Install street striping as required by the City Engineer.
 - Install sidewalk: **6'-7'** ft. wide, with **5'** ft. wide parkway on **COLLECTOR & ARTERIAL STREETS**
 - Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
 - Subject to existing Reimbursement Agreement to reimburse prior developer:
 - Abandon existing wells per City of Visalia Code. A building permit is required.
 - Remove existing irrigation lines & dispose off-site. Remove existing leach fields and septic tanks.
 - 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:

- 1. Proposed subdivision will be required to complete its street frontages on Akers & Ferguson. Improvements to widen the streets to their ultimate right-of-way designs will include, but may not be limited to, pavement, street lighting, power pole relocations/underground, sidewalk, curb & gutter, landscaping, curb returns, striping, signage, block walls, and median improvements.***
- 2. Akers is a 110' arterial roadway and shall be improved to City arterial standards. A 7' sidewalk, 5' parkway, and 8' landscape lot with a block wall will be required. The block wall shall align with existing to the north - transition existing parkway and sidewalk widths to new standards (match grades). The existing overhead utility poles can be undergrounded as the development to the north had completed.***
- 3. Ferguson is an 84' collector roadway and shall be improved to City collector standards. A 6' sidewalk, 5' parkway, and 9' landscape lot with block wall will be required. Align & match grade with existing curb & gutter & sidewalk to the east. Improvement transitions will be required, at cost of developer. The existing overhead utility poles can be undergrounded as the development to the east had completed.***
- 4. Refer to City left turn pocket design standards for proposed median modifications on Akers. Traffic Safety Dept. to determine feasibility of the proposed left-turn pocket and full access opening - refer to further conditions. Modifications to existing median landscape and irrigation will be required.***

5. The proposed subdivision does not comply with City super block connectivity standards. Per the standard, an additional local street connection should extend to the east and west partially developed land. Due to the private residential (county) development to the east, a stub street to east boundary will not be entertained. The suitable location for a west through local street connection would be Sunnyview St. City will require a hammer head turnaround at the terminus of the street. All street improvements and utility extensions will need to be designed accordingly. This redesign shall be submitted to SPR Committee as an "OFF AGENDA" review.

6. Based on phasing plan, phase 1 will not meet emergency/fire operational standards of two access points to the number of SFD lots to be developed. An extension of Crenshaw to its north connection point to the existing subdivision will be required at a minimum. Full street improvements shall be installed. Refer to further comments by the Fire Dept.

7. Project shall extend utilities to serve all lots and to future developable parcels. There is no storm drain mains to utilize in Ferguson, therefore extension from Akers storm main will be necessary. There are existing sanitary sewer mains in Akers and Ferguson and a sewer stub at the terminus of Crenshaw to which the project can design from. Per City encroachment standards, underground utility crossings on arterials and collectors require boring & jacking.

8. The project frontages along Akers & Ferguson and where landscape lots abut block walls will need to be dedicated to the Landscape and Lighting District to be formed with the subdivision map. The district formed will provide maintenance of the landscape lots, block walls, pavement, and street lighting.

9. Striping and signage required along Akers & Ferguson widening to be further determined at time of permit submittal.

10. Proposed subdivision will incur impact fees associated with the development of the land and each dwelling permit. Refer to page 4 for applicable fees due at time of final map.

11. Any required street improvement transitions will be determined at civil design and subject to existing right-of-way constraints.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **19-151 RESUBMITTAL**
Date: **7/22/2020**

Summary of applicable Development Impact Fees to be collected at the time of final/parcel map recordation:

(Preliminary estimate only! Final fees will be based on approved subdivision map & improvements plans and the fee schedule in effect at the time of recordation.)

(Fee Schedule Date:7/1/2020)
(Project type for fee rates:**SFD SUBDIVISION**)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$808/UNIT X 92 = \$74,336
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$44/LF X 986 (AKERS & FERGUSON) = \$43,384
<input checked="" type="checkbox"/> Storm Drainage Acquisition Fee	\$3,210/AC X 24.75 = \$79,448
<input checked="" type="checkbox"/> Park Acquisition Fee	\$1,590/UNIT X 92 = \$146,280
<input type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$2,621/AC X 24.75 = \$64,870

Additional Development Impact Fees will be collected at the time of issuance of building permits.

City 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 planned 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

Cristobal Carrillo, Planning Division, 559-713-4443

Date: July 22, 2020

SITE PLAN NO: 2019-151 - B
PROJECT TITLE: Residential Development
DESCRIPTION: 92 Unit Single-Family Residential Development
APPLICANT: Bill Morgan
PROP. OWNER: Teresa Mc Gowan (SCSR TR) (C S W REV)
LOCATION TITLE: 2780 N. Akers St.
APN TITLE: 077-070-048
GENERAL PLAN: Low Density Residential
EXISTING ZONING: Tulare County Jurisdiction (AE-20)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Rule 9510 – This project is subject to the Rule 9510 requirements of the San Joaquin Valley Air Pollution Control District – see District web-site for information.

Project Requirements

- Annexation
- Tentative Subdivision Map
- Additional information as needed.

PROJECT SPECIFIC INFORMATION: July 22, 2020

1. Project shall require annexation into the City of Visalia.
2. Project shall requiring filing of a Tentative Subdivision Map.
3. It is no longer recommended that Lots 66 and 67 (Lots 12 & 37 on the July 22, 2020 submittal) be reserved for a future local street extending to the East. Instead it is required that Sunnyview Court be extended westward towards Akers Street to improve overall street connectivity. This shall be made a Condition of Approval of the Tentative Subdivision Map. Any stub street/turnaround required for Sunnyview Court due to the non-participation of properties to the west shall be contained to the project site.
4. Phase 1 of the development shall require two exit points. The project shall fully buildout the entirety of Crenshaw Street within the project site with the first phase of development in order to provide the required exit points.
5. Comply with the requirements of the Engineering Division.
6. See previous comments.

PROJECT SPECIFIC INFORMATION: August 28, 2019

1. Project site must be annexed into the City of Visalia. Strongly recommend that the proponent get participation from the four property owners at the corner of Akers/Ferguson. Alternately, secure at least 51% assessed valuation participation in order to ensure entire area will be annexed thru final LAFCO action. The City prefers to NOT include non-participating properties in an Annexation application. Please contact LAFCO (623-0450) staff for early consultation.
2. File a Tentative Subdivision Map. Recommend Lot 66 or 67 be reserved as a future local street extending to the East.

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

Maximum Building Height: 35 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Front Garage (garage w/door to street)	22 Feet	22 Feet
➤ Side	5 Feet	5 Feet
➤ Street side on corner lot (long side of lot)	10 Feet	10 Feet
➤ Street side on corner to garage door	22 Feet	22 Feet
➤ Rear	25 Feet*	25 Feet

Minimum Site Area: 5,000 square feet

Accessory Structures:

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

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

Reverse Corner Lots: No structure in the 15 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

R-1-12.5 Single Family Residential Zone [17.12]

Maximum Building Height: 35 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front	30 Feet	30 Feet
➤ Side	5 Feet	5 Feet
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	25 Feet	25 Feet

*May encroach up to five feet with prior approval or on cul-de-sac lots.

*Minimum 22 feet to any front loading garage or carport.

Minimum Site Area: 12,500 square feet

R-1-20 Single Family Residential Zone [17.12]

Maximum Building Height: 35 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front	35 Feet	35 Feet
➤ Side	10 Feet	10 Feet
➤ Street side on corner lot	20 Feet	20 Feet
➤ Rear	25 Feet	25 Feet

*May encroach up to five feet with prior approval or on cul-de-sac lots.

Minimum Site Area: 20,000 square feet

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



STR 19151
TENTATIVE MKP
2780 N AKERS RD.

City of Visalia
Building: Site Plan
Review Comments

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 AE * Hazardous materials report. **MEET FEMA FLOOD REQUIREMENTS**
- 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: _____

VAL GARCIA 7/22/20
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 July 21, 2020
Item # 1
Site Plan # 19151
APN: 077070048

- 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.
- Construction and demolition sites prior to and during construction shall comply with the attached **Access & Water Guidelines**.
- Residential developments shall be provided with **fire hydrants** every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided. The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. VMC 16.36.120(5); 2019 CFC §507, App B and C
- **All streets** shall meet the City of Visalia's Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.
- **Special comments:** Two points of Fire Department access shall be provided prior to beginning construction of more than 30 homes.

Corbin Reed
Fire Marshal

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

July 22, 2020

ITEM NO: 1 **Resubmit**
SITE PLAN NO: SPR19151
PROJECT TITLE: Residential Development
DESCRIPTION: 92 Unit Single-Family Residential Development
APPLICANT: Bill Morgan
OWNER: MC GOWAN TERESA(SCSR TR)(C S W REV I
APN: 077070048
LOCATION: 2780 N AKERS RD

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 *local roads with arterial/collector* 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:

- VMT analysis may be required.
- Concern with providing full access opening at Delaware; whereas full opening at Modoc would provide greater connectivity to subdivisions both east and west of Akers. Were conditions placed on access for private Delaware driveway westside of Akers? More information needed regarding connectivity. Note access at Delaware may be restricted to no left ins and outs.

Leslie Blair

- Connect Sunnyview to future extension with Akers.

Leslie Blair

Leslie Blair

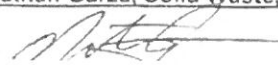
CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500
COMMERCIAL BIN SERVICE

19151

- 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** New homes will be assigned residential 3 can services as accounts are created.

Jason Serpa, Solid Waste Manager, 559-713-453;
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532

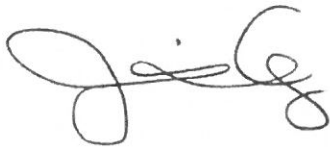
 72430

Ms. Susan Currier – SPR 19151 – SINGLE FAMILY RESIDENTIAL
July 27, 2020
Page 2

6. These recommendations are intended to reduce Vehicle Miles Traveled (VMT) while increasing the likelihood people will use and benefit from a more multi-modal transportation network by improving their health and quality of life.

If you have any other questions, please call Edgar Hernandez, Transportation Planner at (559) 488-4168.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gentry". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Jamaica Gentry, Acting Chief
Transportation Planning – North



Visalia Fire Department Access and Water Guidelines for Residential Construction

Effective July 1, 2019

Model Homes & Non-Model Homes

Model and Non-Model homes may be constructed once all of the following conditions have been met:

1. All portions of proposed residential construction shall be located and accessible within 150 feet of an existing, paved, city street.
2. **Exceptions:** If any portion of a model home or a non-model is located greater than 150 feet from an existing city street, a fire apparatus access road shall be installed and maintained unobstructed at all times. The fire access road, including curb and gutter, shall be installed per City Specifications and City Standard P-1 excluding the Asphalt Concrete layer, but in no circumstance shall have a structural section less than required under City Standard P-25 based on R-Value of existing subgrade unless otherwise specified on approved plans. Compaction tests, including testing of the aggregate base layer, shall be performed under City inspection and reports shall be submitted to the Public Works Inspector prior to City acceptance for the road to be used for fire access. The fire access roads shall be usable and maintained in place until permanent paved access has been provided meeting City standards and specifications.
3. All required fire hydrants shall be installed in the approved locations per the stamped and approved plans and shall be fully operational.

Exception: If fire hydrant installation has not been completed onsite elevated water tank shall be provided. The minimum size of provided water tank shall be 10,000 gallons, and shall be designated as "Fire Department use only". Tanks shall be located within 300 feet travel distance of each structure being developed. Tanks shall remain in place until all fire hydrant installation has been completed and all hydrants are fully operational. Travel distance shall be measured by an approved fire apparatus access route.

Connection provided on water tanks shall be a four and one half inch National Hose thread male fitting and shall be gravity fed, with connection point located between 18 and 36 inches above ground level.

***If at any time the conditions of these guidelines are not being met the Fire Marshal/Fire Chief or his/her designee have the authority to issue a "Stop Work Order" until corrections have been made.**

*** This information is intended to be a guideline. The Fire Marshal and/or Fire Chief shall have the discretion to modify requirements at any time as set forth under CFC Appendix D. The applicability of this guideline will be evaluated on February 1, 2020 by the Fire Marshal or Fire Chief.**



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

Date : 7/21/20
 Item: 1
 Site Plan: RE SUB SPR 19-151
 Name: A. Alvarez A204

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:

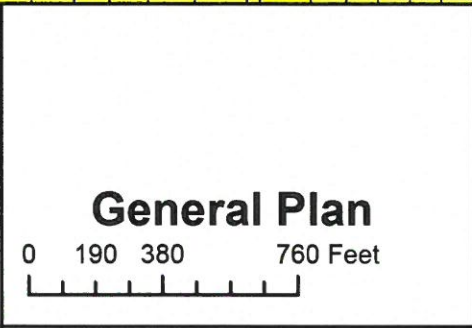
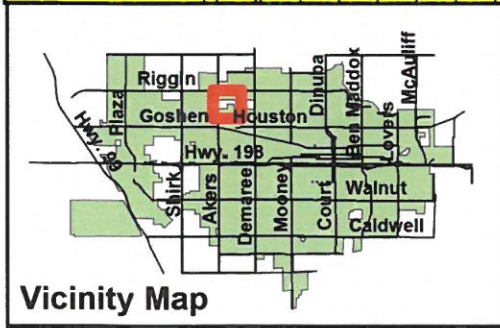
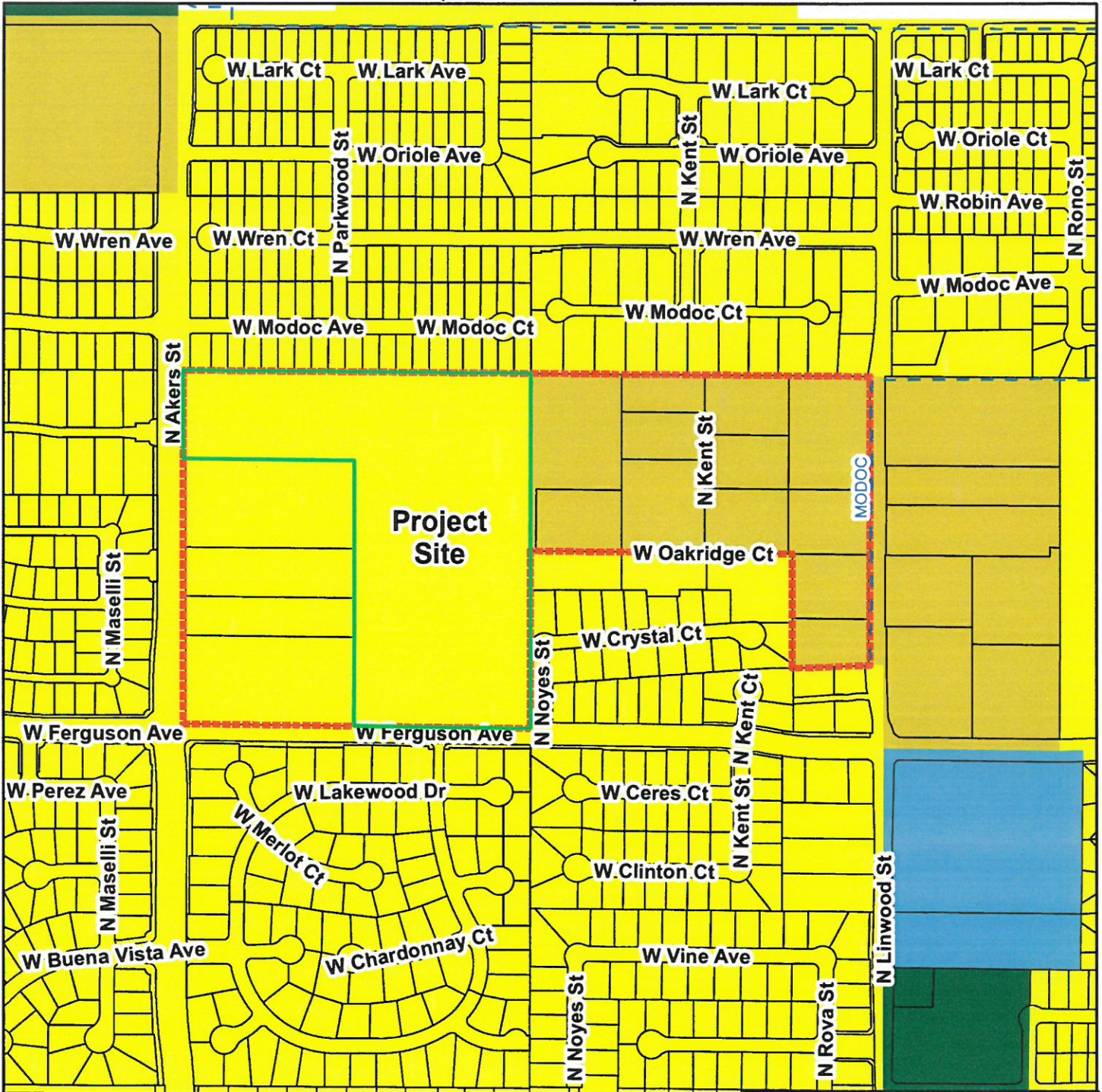
- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:
See prior comments

Annexation No.2021-02 & Sycamore Heights Tentative Subdivision Map No. 5577

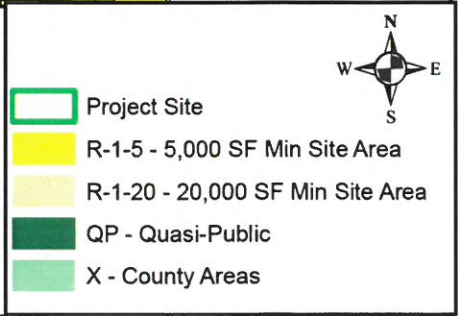
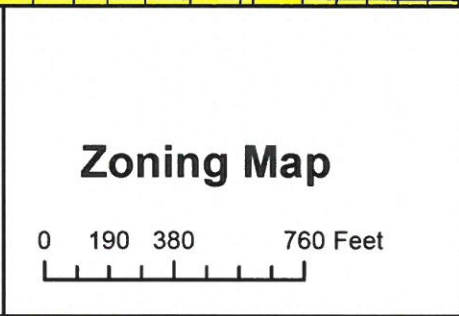
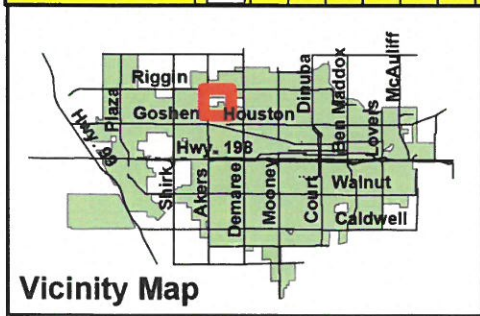
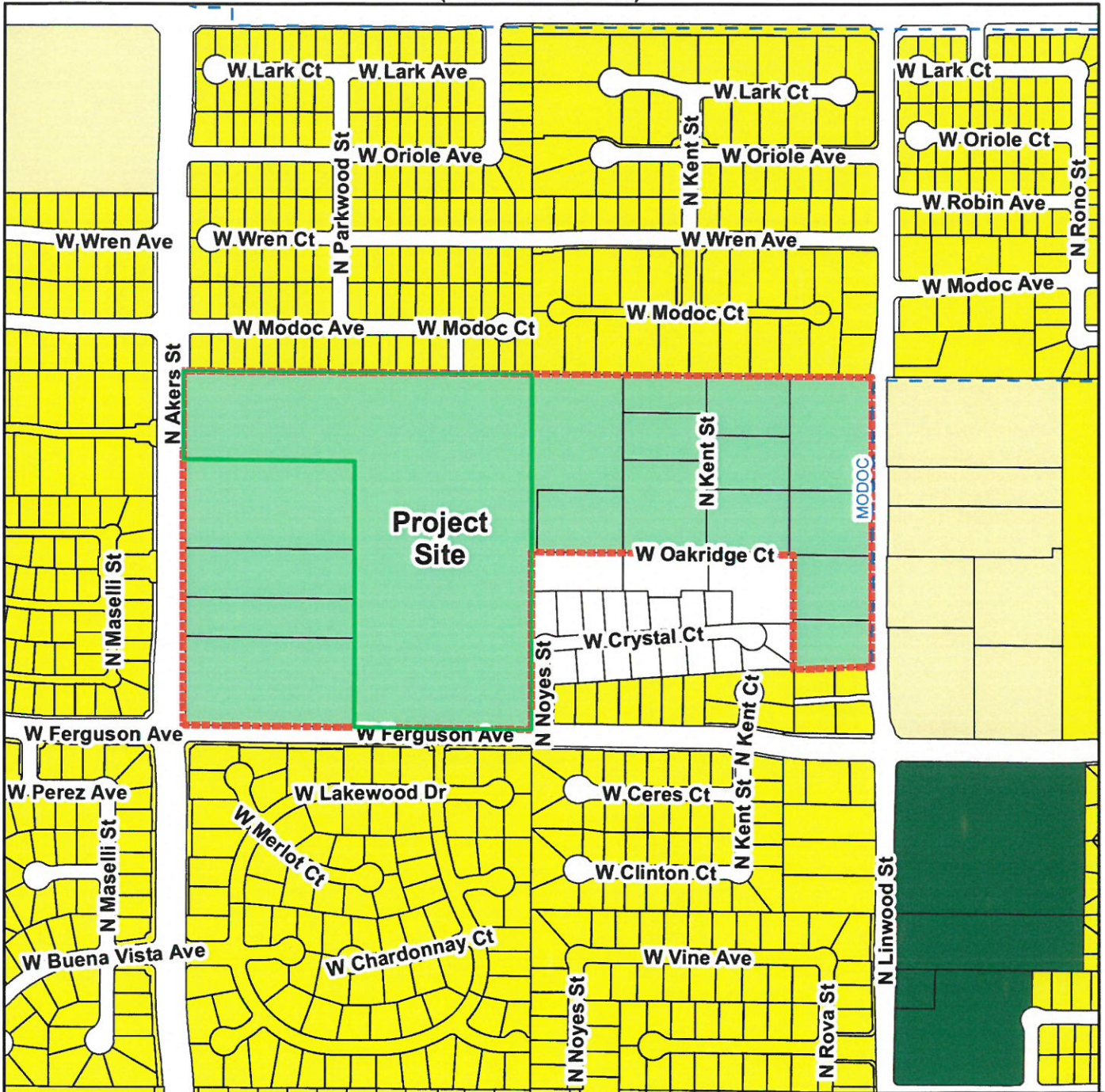
The site is located at 2780 N. Akers Street on the east side of
N. Akers Street between W. Ferguson and W. Modoc Avenues
(APN: 077-070-048)



- Project Site
- Residential Low Density
- Residential Very Low Density
- Public Institutional
- Parks/Recreation

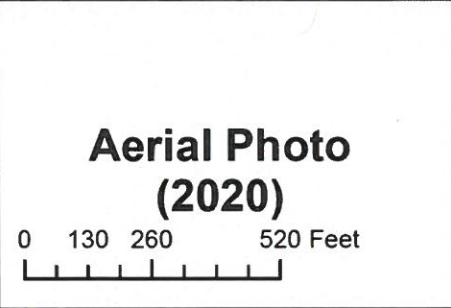
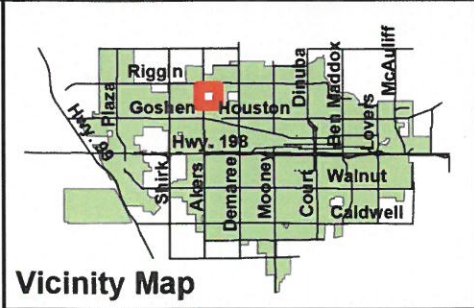
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Project Site

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