



Visalia City Council

Visalia City Council

Meeting Agenda - Final

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Mayor Brett Taylor
Vice Mayor Liz Wynn
Council Member Steve Nelsen
Council Member Emmanuel Hernandez Soto
Council Member Brian Poochigian

Monday, October 20, 2025

7:00 PM

City Council Chambers

ROLL CALL

CALL TO ORDER WORK SESSION - 4:30 PM (Unless otherwise noted)

PUBLIC COMMENTS

Citizens are now invited to comment on issues within the jurisdiction of the Visalia City Council and items listed on the Closed Session agenda. The Council asks that you keep your comments concise and positive. Creative criticism, presented with appropriate courtesy, is welcome. Each speaker will be allowed three minutes, and a timer will notify you when your time is expired. Please begin your comments by stating and spelling your name and providing your city of residence.

WORK SESSION AND ACTION ITEMS (as described)

- 1. New Employee Introductions** [25-0463](#)

Amy Powell, Human Resources Manager (promotion)
Jessica Mendez, Administrative Services Technician
Jarred Olsen, Principal Planner
- 2. Aquatics Facility Presentation** - Management staff from the [25-0473](#)
Parks and Recreation Department will deliver a presentation on
different types of aquatic facilities.
- 3. Recreation Division Overview Presentation** - Parks and [25-0419](#)
Recreation Department management staff will present an overview
of the Recreation Division.

ADJOURN TO CLOSED SESSION - 6:00 PM (Or, immediately following Work Session)

CALL TO ORDER REGULAR SESSION - 7:00 PM

PLEDGE OF ALLEGIANCE

INVOCATION LED BY REV. WARD, ST. PAUL'S EPISCOPAL CHURCH**SPECIAL PRESENTATION / RECOGNITION**

Haunt the Home 2025 Winners

PUBLIC COMMENTS

This is the time for general public comment on issues within the jurisdiction of the Visalia City Council. Each speaker tonight may speak for up to 3 minutes during this general comment period on a matter that is not on this agenda.

The public may also make one comment for up to 3 minutes prior to the consideration of the Consent Calendar, and immediately before any regular agenda item is heard. The Council asks that you keep your comments concise and positive. Creative criticism, presented with appropriate courtesy, is welcome.

Each speaker will be allowed three minutes and a timer will notify you when your time is expired. Please begin your comments by stating and spelling your name and providing your city of residence.

ITEMS OF INTEREST**CONSENT CALENDAR**

Consent Calendar items are considered routine and will be enacted in one motion.

This is the time for members of the public to provide public comment on an item on the Consent Calendar. Comments will not be taken individually by the public if an item is pulled by a Council Member. Each speaker is allowed up to 3 minutes, and a timer will notify you when your time is expired. Please begin your comments by stating and spelling your name and providing your city of residence.

1. **Authorization to read ordinances by title only.** [25-0424](#)
2. **Committee Annual Update** - Review and accept the 2024/2025 Annual Report from the City of Visalia Historic Preservation Advisory Committee. [25-0439](#)
3. **Notice of Completion** - Request authorization to file a Notice of Completion for Victory Oaks Phase 1 subdivision, located on the north side of Ferguson Avenue and approximately 800-feet west of Demaree Street; containing 73 residential lots. [25-0450](#)
4. **Appropriation of Funds** - Authorize an additional appropriation of \$110,000 for the design phase of the Valley Strong Stadium Retaining Wall Project from the Baseball Fund (157). [25-0454](#)

5. **Visalia Parks and Recreation Master Plan, Needs Assessment, and Park Impact Fee Study** - Authorize City Manager to award contract to PROS Consulting of Brownsburg, Inc. for an amount not to exceed \$273,755. [25-0457](#)
6. **Approve Agreements for the 2025-2026 Land Fallowing Program** - Authorize the City Manager to sign the Greater Kaweah Groundwater Sustainability Agency 2025-2026 Fallowing Program contracts for a combined 138.91 field acres in the total amount of \$55,564 to be paid to the City of Visalia. [25-0460](#)
7. **Ordinance Adoption** - Second reading and adoption of Ordinance No. 2025-12, approving the revision to Visalia Municipal Code Chapter 8.40.060 C.1 and 2 "Declaration of Public Nuisance; Issuance of Administrative Enforcement Order". [25-0465](#)
8. **Approve a Basin Excavation Agreement** - Authorize the City Manager to execute an agreement with Granite Construction for the excavation and enlargement of Basin 3 and Basin 4 at the Water Reclamation Facility in coordination with the Caltrans Caldwell Avenue and Highway 99 Widening Project. [25-0466](#)
9. **Membership Agreement** - Continue this item to a future City Council meeting after staff has been able to discuss current and alternative service options with the Tulare County Economic Development Corporation Board of Directors. [25-0472](#)

REGULAR ITEMS AND PUBLIC HEARINGS

Comments related to regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item. The Mayor may reasonably limit or extend the public comment period to preserve the Council's interest in conducting efficient, orderly meetings.

1. **Ordinance Adoption** - Public hearing and first reading of an Ordinance to adopt Zoning Text Amendment No. 2025-03: A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element of the General Plan. The regulations will apply Citywide to properties within the city limits of the City of Visalia. [25-0459](#)
2. **Change of Terms and Conditions** - Ratify Authorized Changes to Terms and Conditions of Employment by and between the City of Visalia and City Manager. [25-0470](#)

CLOSED SESSION REPORT

ADJOURNMENT

UPCOMING CITY COUNCIL MEETINGS**1. Upcoming City Council Meetings****[25-0430](#)**

Thursday, October 23, 2025 @ 5:30 p.m. at 5000 W. Cypress Avenue, Joint VUSD mtg.

Monday, November 3, 2025 @ 7:00 p.m. at 707 W. Acequia

Note: Meeting dates and times are subject to change, check posted agenda for correct details. In compliance with the American Disabilities Act, if you need special assistance to participate in meetings contact 713-4512.

Written materials relating to an item on this agenda submitted to the Council after distribution of the agenda are available for public inspection in the Office of the City Clerk, 220 N. Santa Fe Street, Visalia CA 93292, during normal business hours.



Visalia City Council

Staff Report

Visalia City Council
707 W. Acequia
Visalia, CA 93291

File #: 25-0463

Agenda Date: 10/20/2025

Agenda #: 1.

Agenda Item Wording:
New Employee Introductions

Amy Powell, Human Resources Manager (promotion)
Jessica Mendez, Administrative Services Technician
Jarred Olsen, Principal Planner



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0473

Agenda Date: 10/20/2025

Agenda #: 2.

Agenda Item Wording:

Aquatics Facility Presentation - Management staff from the Parks and Recreation Department will deliver a presentation on different types of aquatic facilities.

Prepared by: Jason Glick, Parks and Recreation Director, (559)713-4042 jason.glick@visalia.gov
Laurissa Roggenkamp, Recreation Manager, (559) 713-4336 laurissa.roggenkamp@visalia.gov;

Department Recommendation: Staff recommend that City Council consider the information provided in the aquatics facility presentation on different types of aquatics facilities and provide comments and guidance. Recommendations provided by City Council will be used by staff to pursue development options for an aquatics facility.

Summary:

In January 2025 at the City Council Strategic Planning Session staff were asked to provide information about aquatics facilities. The Parks and Recreation management staff will provide a presentation providing an overview of the following information:

- History of and Current Aquatics Facilities in Visalia
- Past studies on Aquatics Facilities and Programs
- Current Aquatics Programs offered by the City of Visalia
- An overview of various types of aquatic facilities, which include:
 - o Competition-Only (Outdoor)
 - o Competition-Only (Indoor)
 - o Competition & Recreation (Outdoor)
 - o Competition & Recreation (Indoor)
 - o Recreation-Only (Outdoor)
 - o Recreation-Only (Indoor)

Staff is seeking direction from the City Council on whether there is interest in pursuing the development of an aquatic facility. If so, the Council is asked to consider the following options:

1. Identify a preferred facility type for staff to explore at this time.
2. Take additional time to evaluate the available options.

3. Provide staff with guidance on any further information or analysis needed to support a future decision.

Background Discussion:**Aquatics Facilities in Visalia**

In 1896, Visalia's first pool, a Natatorium Public Pool, was established on the northeast corner of Main Street and Santa Fe Avenue. The facility featured a trapeze and two springboards and was supplied with water from the City's Water Works Plant.

The second pool, known as "The Plunge," was built in 1939 at the southeast corner of Acequia and Bridge Street.

In 1955, the third pool was constructed in Recreation Park. It served both the Redwood High School Aquatics Teams and the Visalia Parks and Recreation Department. This pool remained in use until it was demolished in 1986.

The Visalia Unified School District (VUSD) also developed several aquatic facilities, beginning in the late 1950s. The City of Visalia played a role in financially supporting the construction and remodeling of some of these pools. There are four pools located within VUSD boundaries:

- The Mt. Whitney High School Pool was built in 1958 and remodeled in 1997.
- The Redwood High School Pool was constructed in 1982 by the City of Visalia at a cost of \$500,000. It is located on school district property and is under a 99-year lease agreement with the City, which will expire in 2081.
- The Golden West High School Pool was originally built in 1985. The City purchased an aluminum pool that had been used as a warm-up facility during the 1984 Olympics in Los Angeles. It was remodeled in 1987.
- The El Diamante High School Pool was completed in 2007 and was partially funded by the City.

In 1997, a 25-year joint-use agreement was signed between the City and VUSD for the Mt. Whitney and Golden West pools. The El Diamante pool was added to this agreement in 2007. All joint-use agreements expired in 2022.

Past Studies on Aquatics Facilities and Programs

In 2006-2007, the City of Visalia formed an ad hoc Aquatic Committee to explore the possibility of developing a municipal aquatic center. The plan included hiring a consultant to refine conceptual plans for the facility at several potential sites throughout the city. The proposed study would have provided cost estimates for construction as well as projected annual operation and maintenance expenses. However, the study was ultimately not funded, and the project did not move forward.

On August 6, 2018, an independent group presented to the City Council to express interest in the development of an aquatic center in Visalia. The group requested \$40,000 in funding to hire a consultant who would create a preliminary design, provide construction and annual operation and maintenance cost estimates, and develop a business plan for a 50-meter aquatics and wellness center. The City Council approved the funding and directed the group to collaborate with the Visalia

Parks and Recreation Commission and report their findings back to the Council.

The Visalia Parks and Recreation Commission study focused on the following key areas:

- The number and size of existing pools in Visalia
- Community needs related to aquatic facilities
- Cost estimates to build a new pool and potential City subsidy requirements
- Projected ongoing operational and maintenance costs
- Revenue-generating potential of a new aquatic facility

To gather community input, a statistically valid survey was conducted, featuring 22 questions available in both English and Spanish. The survey was offered online and in-person. Distribution and collection efforts included:

- Three in-person collection events
- Email distribution to 2,104 recipients
- Posting on the City's official website
- Sharing via City and Department social media channels

The Parks and Recreation Commission, along with the independent group, presented their study findings to the Visalia City Council on March 12, 2019. The key findings were as follows:

The existing aquatic facilities in Visalia are over capacity. If there is a desire to expand aquatic opportunities in the city, additional pool space will be needed. In terms of community needs, 40 percent of survey respondents indicated that they or members of their household cannot swim and do not have access to a pool. Meanwhile, 60 percent reported that they or someone in their household uses pools for recreation or play and currently have access to pool facilities.

Regarding the cost to build, aquatic facilities that are most successful in recovering operational costs typically include multiple pools to support a wide variety of programs. A 50-meter pool can accommodate greater use by allowing multiple programs to operate at the same time. The estimated construction cost in 2018-2019 ranged from 12 to 15 million dollars, depending on the type of pool, the size of the facility, and whether it is built indoors or outdoors.

Operations and maintenance costs for a 50-meter pool are significantly higher than for a 35-meter pool. Approximately 60 percent of the total cost is attributed to labor and benefits, with another 24 percent going to utilities. Monthly operations and maintenance costs were estimated at around 50,000 dollars, or roughly 600,000 dollars per year.

As for revenue potential, indoor pools that can be used year-round offer greater opportunities for programming and income generation. Approximately 83 percent of revenue is typically derived from recreation, health and wellness admissions, and swim lessons.

At the conclusion of the 2018-2019 aquatic study, following a presentation from the Parks and Recreation Commission and the independent group, the City Council thanked all parties for their

participation and efforts in completing the study. However, the Council decided to table any decision on the development of an aquatic facility to a later date.

Fiscal Impact: N/A

Prior Council Action: None

Other: None

Alternatives: N/A

Recommended Motion (and Alternative Motions if expected):

No motion required.

Environmental Assessment Status: N/A

CEQA Review: N/A

Deadline for Action: 10/20/2025

Attachments: Aquatics Facility Presentation

Aquatic Facility Presentation

Presented By:
Parks and Recreation

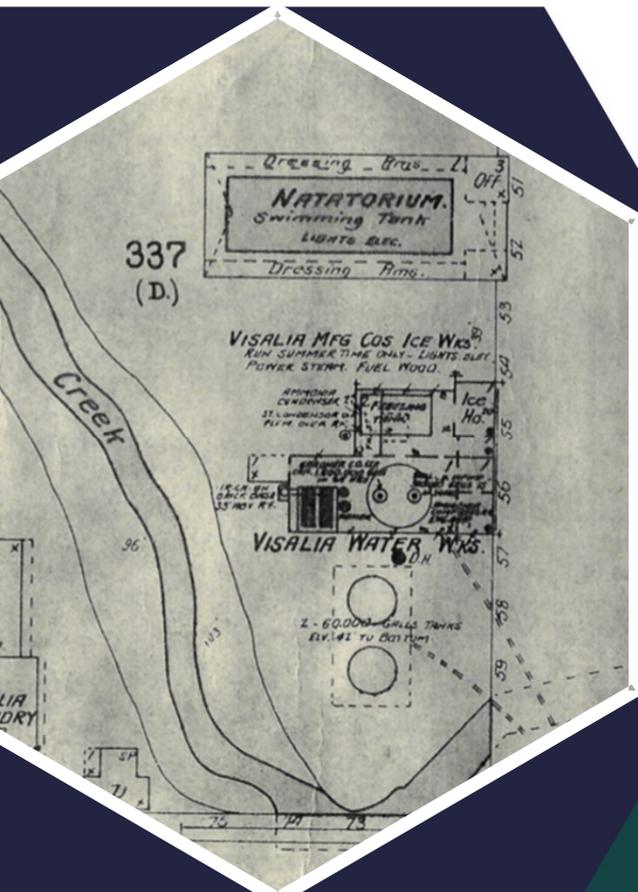


Aquatic Facility Presentation

- ✓ Visalia Aquatic History
- ✓ 2006-07 Aquatic Feasibility Study
- ✓ 2018-19 PR Commission Aquatic Study
- ✓ 2025 Aquatic Facility Design Group Data
- ✓ Large Aquatic Facility Inventory in Tulare and Kings County



VISALIA AQUATIC FACILITY HISTORY



- ✓ 1896 – Natatorium Public Pool
 - Northeast corner of Main & Santa Fe
 - Fed by water from City's Water Works Plant
 - 2 springboards and suspended trapeze
- ✓ 1939 - The Plunge
 - Southeast corner of Acequia & Bridge
- ✓ Recreation Pool demolished in 1986
 - Recreation Park, northwest corner of Main & Jacob
 - Home to Redwood High School Aquatics Teams and Visalia Parks and Recreation Department.



VISALIA AQUATIC FACILITY HISTORY

Visalia Unified School District Pools:

- Mt. Whitney High School Pool
 - 1958 and remodeled in 1997
- Redwood High School Pool
 - 1982 City funded & VUSD maintained
- Golden West High School Pool
 - 1985 and remodeled in 1987
- El Diamonte High School Pool
 - 2007 City Partially Funded

Other Agencies/Businesses Pools:

- College of the Sequoias Pool
 - 1964 and remodeled in 2018
- Lifestyle Center, In Shape Fitness

VISALIA AQUATIC FACILITY HISTORY

City and VUSD – Pool Joint Use Agreements:

City uses pools during the summer break for recreation programs; swim lessons, public swim, aquatics fitness classes, etc.

- 1982 Agreement – Redwood Pool
 - Contract expires in 2081
- 1997 Agreement - Mt. Whitney & Golden West Pools
 - Contract expired in 2022
- 2007 Agreement - El Diamante Pool
 - Contract expired in 2022

2006-07 AQUATIC FACILITY STUDY - AD-HOC COMMITTEE

Ad-Hoc Committee

- Comprised of community members designated by VUSD and the COV

Ad- Hoc Committee Findings/Recommendation

- Aquatics Facility Feasibility Study
 - Hire a consultant to refine plans for an aquatic center at several potential sites in the community.
 - The study would have provided estimated costs to construct a new center and the costs to maintain and or subsidize a facility.

Study was not funded

2018-2019 PARKS AND RECREATION COMMISSION STUDY

- An independent group presented to City Council on August 6, 2018
- Group requested funds \$40,000 be designated to hire a consultant to create:
 - Preliminary design
 - Cost estimates (Capital and O&M)
 - Business plan for a 50-meter aquatics wellness facility
- Council approved the funds
- Council directed the group to work with the PR Commission

2018-2019 PARKS AND RECREATION COMMISSION STUDY

Parks & Recreation Commission Study Focus Points

- Number and size of current pools in Visalia
- Community needs
- Cost to build a new pool & City Subsidy study
- On-going operational & maintenance costs projections
- Potential to generate revenue from aquatic facilities

2018-19 P&R COMMISSION STUDY - USERS

Pool Users

- High school programs
 - Physical Education classes
 - Water Polo & Swim teams
- Community Users - Swim Teams
 - Competitive year-round swim teams

City Use

- Spring – 4 weeks
 - Lifeguard Certification Course
 - Swim Team Skills Test and practices
- Summer – 8 weeks
 - Swim Lessons
 - Swim Team practices and swim meets
 - Enrichment Programs



2018-19 P&R COMMISSION STUDY – COMMUNITY NEEDS

Community Survey

- 22 Questions
- English and Spanish
- Online & In-person
- 439 Responses

Survey Distribution/Collection

- 3 In-person Collections
- Email distributions to 2,104
- Posting on City website
- Posting on City and Department social media outlets

2018-19 P&R COMMISSION STUDY - COMMUNITY NEEDS

Feature/Amenity	Number of Responses	High Interest (4 or 5)	Percentage
Area for Swim Lessons	431	325	75%
Locker Room with Showers	430	302	70%
Cool Water Aerobic Pool (<i>Lap Swim, Fitness Swimming</i>)	424	290	68%
Area for Water Fitness Classes (<i>Aerobics, Walking</i>)	431	286	66%
Recreational Features (<i>Water Slides, Spray Play Area</i>)	428	284	66%
Snack Bar	427	268	62%
Shallow Area for Tiny Tot Play	428	255	59%
Diving Boards	424	249	58%
50-meter Competitive Pool	427	242	56%
Warm Water Therapy Pool	425	226	53%
35-meter Recreational Pool	413	213	51%
Land Area with Outdoor Exercise Equipment	424	207	48%
Hot Tub	426	190	44%

2018-19 P&R COMMISSION STUDY- COST TO BUILD

Study Findings:

Aquatic facilities that are most successful have multiple pools to accommodate a variety of programming.

Pool options include:

- 35- or 50-meter competitive pool
- Differential Water Temperatures: 78°- 82° F for competition vs. 84°- 88° F for recreation
- Wading Pools
- Zero depth beach type entry pools and spray features
- Multi Purpose pools
- Warm water pool for therapeutic programs

- Water park, slides, aqua course

Indoor pools that can be used year-round have more opportunities to provide programs and generate revenue.

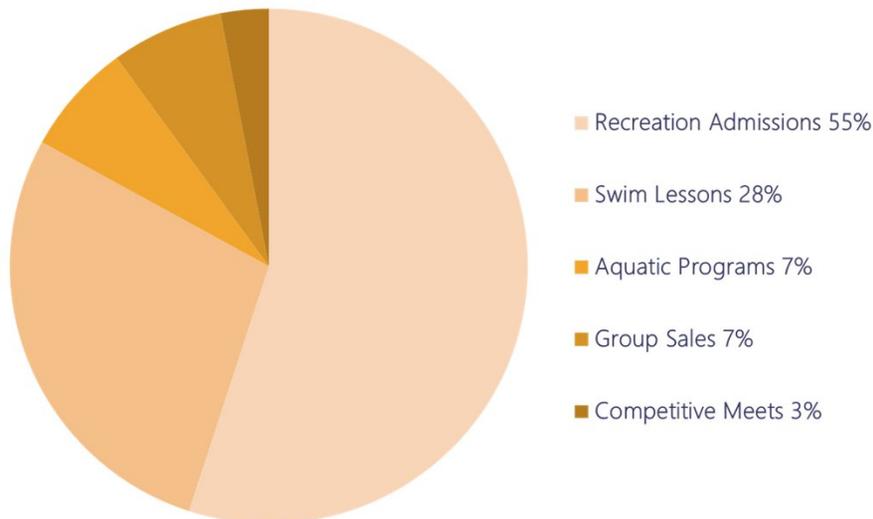
- A 50-meter pool can accommodate more use allowing for multiple programs to be in the water at one time
- The cost to maintain a 50-meter pool is significantly higher than the maintenance cost of a 35-meter pool.

2018-19 P&R COMMISSION STUDY O&M AND REVENUE

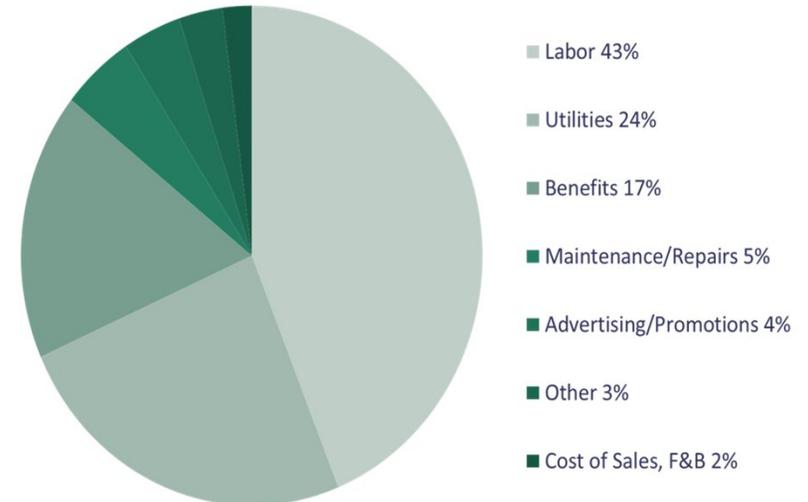
Study Findings – Multiple Pool Complexes (Data Provided by Aquatic Design Group)

- 83% revenue comes from recreation, health & wellness admission, and swim lessons
- 60% expense is labor/benefits, followed by 24% utilities

Revenue Analysis



Expense Analysis



2018-19 P&R COMMISSION STUDY FINDINGS

Parks & Recreation Commission reported findings to City Council March 12, 2019.

Existing Pools:

- Existing aquatic facilities are over capacity
- If there is a desire to expand aquatic opportunities in Visalia, more pool space is needed.

Community Needs:

- 40% indicated that they or members of their household cannot swim & have no access to pools.
- 60% indicated that they or their household use pools for Recreation/Play & have access to pools

2018-19 P&R COMMISSION STUDY FINDINGS

Parks & Recreation Commission reported findings to City Council March 12, 2019.

Cost to Build:

- Aquatic facilities that are most successful at cost recovery have multiple pools to accommodate a variety of programming opportunities.
- A 50-meter pool can accommodate more use allowing for multiple programs to be in the water at one time.
- Construction cost is estimated at \$12-\$15 million depending on type of pool, size of facilities and if indoor or outdoor.

2018-19 P&R COMMISSION STUDY FINDINGS Cont.

Parks & Recreation Commission reported findings to City Council March 12, 2019.

Operations & Maintenance Costs:

- The cost to maintain a 50-meter pool is significantly higher than the maintenance cost of a 35-meter pool.
- 60% expense is labor/benefits, followed by 24% utilities
- O&M Costs estimated at \$50k/month = \$600,000/year

Revenue Potential:

- Indoor pools that can be used year-round have more opportunities to provide programs and generate revenue
- 83% revenue comes from recreation, health & wellness admission, and swim lessons

2025 Aquatic Design Group Data

Projected 2025 Cost Estimates For Different Types of Aquatic Facilities

Competition Only Outdoor :	\$15M - \$25M
Competition Only Indoor :	\$25M - \$35M
Competition & Recreation Outdoor:	\$20M - \$25M
Competition & Recreation Indoor :	\$30M - \$40M
Recreation Only Outdoor :	\$15M - \$25M
Recreation Only Indoor :	\$30M - \$35M

2025 Aquatic Design Group Data

Projected 2025 Operation and Maintenance Costs for Competition Pools
(Does not include the Operation and Maintenance costs for a Recreation Pool)

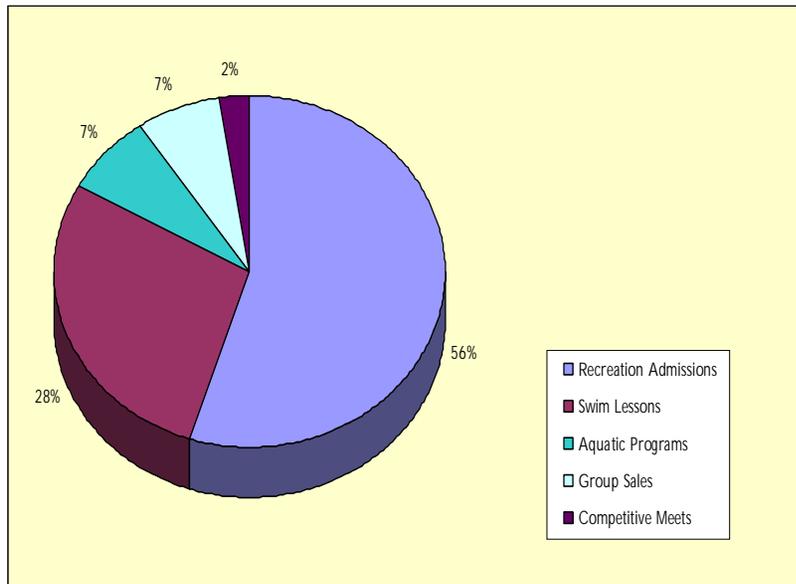
25 Yard x 25 Meter:	\$305,307
25 Yard x 30 Meter:	\$364,218
25 Yard x 35 Meter:	\$423,132
25 Yard x 50 Meter:	\$599,873



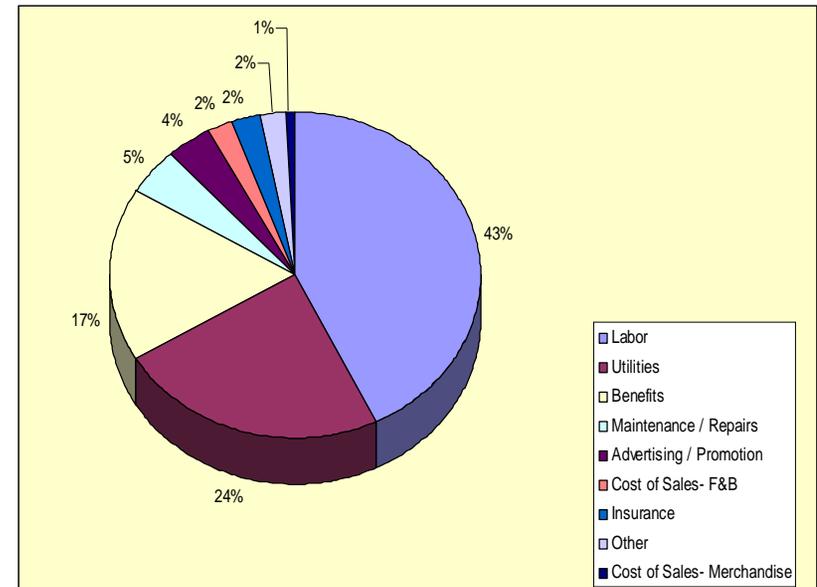
2025 Aquatic Design Group Data

Revenue and Expense Percentage Breakdown (Nearly the same as 2018-2019)

Revenue

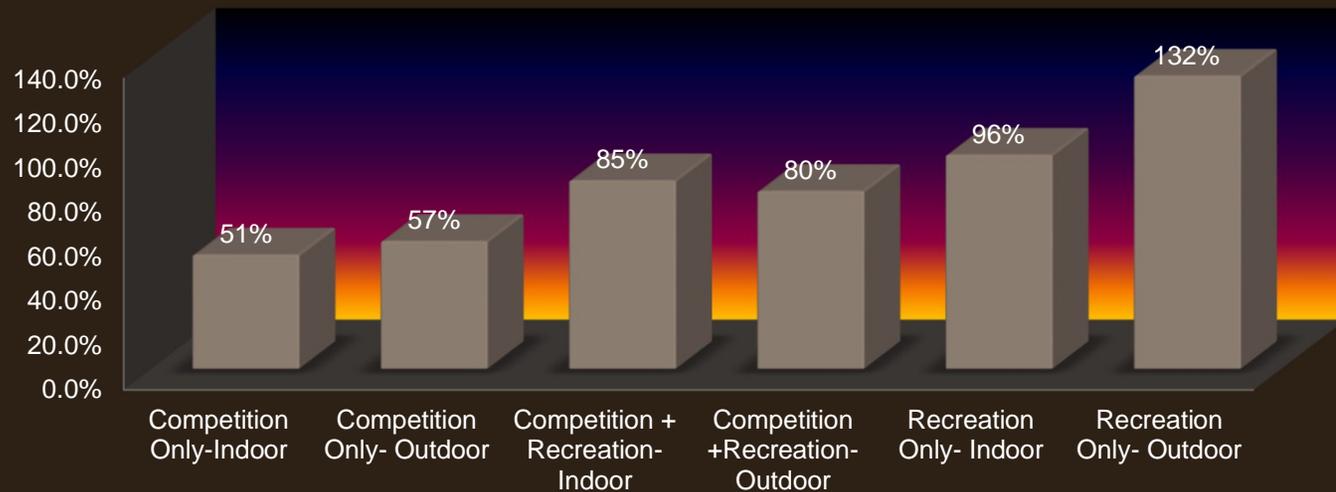


Expenditures



2025 Aquatic Design Group Data

Cost Recovery Analysis for Different Aquatic Facilities



2025 Aquatic Design Group Data

BALANCING COMPETITION AND RECREATION

Water Depth: Deep water for competition vs. shallow water for recreation

Differential Water Temperatures: 78° - 82° F for competition vs. 84° - 88° F for recreation

Infrastructure required for large competitive meets (i.e., spectator seating for 2,500; parking for 800 cars)

Difference in cost recovery between competition and recreation-oriented facilities

2025 Aquatic Design Group Data

Recreation Pool Programming:

- Zero-depth entry points
- Water playgrounds and Waterslides
- Splash play areas and Sunshades
- Shallow Water Area
- Swim Lessons & Aquatic Programming



2025 Aquatic Design Group Data

Competition Pool Programming & Features: (Recreation Aquatic Programming)

No.	Program Description	25Y x 25M	25Y x 30M	25Y x 35M	25Y x 50M
1.0	Swimming:				
1.1	Short Course 25 Yard	X	X	X	X
1.2	Short Course 25 Meter (1)	X	X	X	X
1.3	Long Course 50 Meter	0	0	0	X
2.0	Water Polo:				
2.1	Fixed Cage 25 Yard	X	X	X	X
2.2	Floating Cage 25 Yard	0	X	X	X
2.3	Floating Cage 25 Meter	0	X	X	X
2.4	Floating Cage 30 Meter	0	0	X	X
3.0	Diving:				
3.1	1 Meter Springboard	X	X	X	X
3.2	3 Meter Springboard	X	X	X	X
3.4	5 / 7.5 /10 Meter Platform (2)	X	X	X	X
4.0	Synchronized Swimming:				
4.1	U.S.A. Synchro Minimum (3)	X	X	X	X
4.2	U.S.A. Synchro "Ideal" (3)	0	X	X	X



City Aquatic Program Data

Parks and Recreation Aquatic Revenue the past 3 Years

Year	Revenue
2023	\$152,060
2024	\$172,633
2025	\$172,023

55% of revenue comes from swim team registration (ELOP Funding)

Limited Usage

Programming we cannot offer; Fitness Classes, Senior Options, Limited Youth Enrichment, Advanced Skill Development Classes and Clinics, Public Rentals, Special Events, Youth and Adult Aquatic Leagues.



CURRENT LARGE AQUATIC FACILITY INVENTORY

Tulare County and Kings County

- Mission Oak High School (Tulare) 50 Meter Pool
- Granite Hills High School (Porterville) 50 Meter Pool
- Sierra Pacific High School (Hanford) 50 Meter Pool
- Cutler-Orosi School District 25x35 Meter Pool & Recreation Pool

DIFFERENT TYPE OF AQUATIC FACILITIES

Does the Council want to pursue some type of aquatic facility?

If so, would the Council like to:

- 1.) Select an option now,
- 2.) Take additional time to consider the available options, or
- 3.) Provide staff with direction on any further information the Council would like to receive before making a decision?

Competition
Indoor

Competition
Outdoor

Competition &
Recreation
Indoor

Competition &
Recreation
Outdoor

Recreation
Indoor

Recreation
Outdoor

THANK YOU!



liveandplayvisalia.com



recreation@visalia.gov



559-713-4365



345 N Jacob St.
Visalia, CA 93291





Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0419

Agenda Date: 10/20/2025

Agenda #: 3.

Agenda Item Wording:

Recreation Division Overview Presentation - Parks and Recreation Department management staff will present an overview of the Recreation Division.

Prepared by: Laurissa Roggenkamp, Recreation Manager, (559) 713-4336
laurissa.roggenkamp@visalia.gov; Jason Glick, Parks and Recreation Director, (559)713-4042
jason.glick@visalia.gov

Department Recommendation: Receive an overview presentation from the Recreation Division management staff.

Summary:

Parks and Recreation management staff will present an overview of the Recreation Division from 2024 Fall, 2024/2025 Winter, 2025 Spring, and 2025 Summer seasons.

Background Discussion:

The Recreation Division provides enrichment programs, leagues, and special events for the Visalia community. The Recreation Division also manages reservations of athletic fields and courts, facilities, and picnic areas.

Fiscal Impact: N/A

Prior Council Action: None

Other: None

Alternatives: N/A

Recommended Motion (and Alternative Motions if expected):

No motion required.

Environmental Assessment Status: N/A

CEQA Review: N/A

Deadline for Action: 10/20/2025

Attachments: Recreation Division Overview Presentation



Parks & Recreation Department

Recreation Division



Presented by:
Laurissa Roggenkamp, Recreation Manager

October 20, 2025

Recreation Division Presentation



- Mission, Goals, & Objectives
- Community Engagement
- Community Rentals
- Enrichment
- Sports Leagues, Clinics, & Camps
- Aquatics
- Special Events

Mission, Goals, & Objectives

Mission

To improve the quality of life for the citizens of Visalia by providing exceptional parks, places, programs and services at a good value to taxpayers and customers.

Goal

Increase community participation in programs by expanding outreach and offering new, diverse, and affordable programs.

Objectives

Partner with local organizations, special interest instructors, and businesses to develop and launch new programs.

Enhance digital marketing and promotions through increase of social media campaigns and e-newsletters.



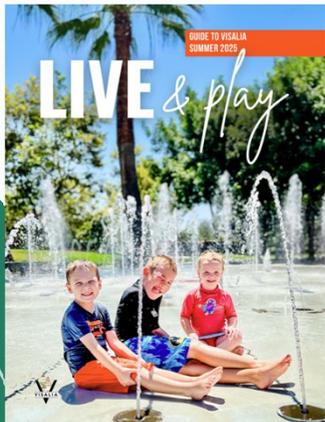
Community Engagement

Keeping our community informed and involved by sharing the programs, events, and services designed just for them.

Seasonal Programming

Live & Play
Guide to programs and events.

Nearly 50,000 digital impressions.



Social Media Footprint

@VisaliaLiveandPlay
Instagram and Facebook



Marketing Campaigns

Targeted campaigns - boost community awareness and engagement.

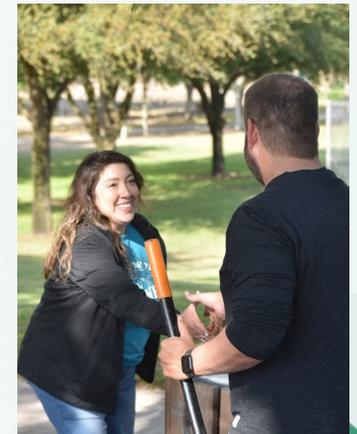
Cohesive strategy - highlight impact, accessibility and value



Community Events

Marketing at local community and business events

Promote seasonal programs



Recreation Divisions

Recreation divisions work collaboratively to provide cohesive, inclusive, and enriching services that collectively enhance the well-being and quality of life for the community.

<p>Enrichment</p> <ul style="list-style-type: none"> Tiny Tots Youth Teens Adults Seniors All-Ages Family 	<p>Adult Sports</p> <ul style="list-style-type: none"> Leagues Soccer Softball Volleyball Pickleball Open-Gym Basketball Futsal Volleyball 	<p>Youth Sports</p> <ul style="list-style-type: none"> Seasonal Leagues Flag Football (Fall) Basketball (Winter) Baseball (Spring) Volleyball (Spring) Camps & Clinics Volleyball Golf 	<p>Special Events</p> <ul style="list-style-type: none"> Accessible & Affordable Education & Culture Placemaking Neighborhood Centric Tourism
<p>Senior Center</p> <ul style="list-style-type: none"> Lunch Program Encourage Social Connection Support Lifelong Learning Access to Resources & Support Promote Health & Wellness 	<p>After-School</p> <ul style="list-style-type: none"> Provide Positive Role Models Safe & Supportive Environment Foster Social & Emotional Growth Encourage Development Ensure Accessibility & Inclusion 	<p>Specialty & Day Camps</p> <ul style="list-style-type: none"> School Intermission Themed Activities Ages 5 – 12 Childcare 	<p>Aquatics</p> <ul style="list-style-type: none"> Spring & Summer Seasons Swim Teams Swim Lessons Public Swim Enrichment
<p>Facility Management</p> <ul style="list-style-type: none"> Park and Community Centers Private Party Rentals Community Organizations Use Gymnasium Games & Practice 	<p>Field Management</p> <ul style="list-style-type: none"> Fields & Outdoor Courts Contract Management - Leagues Seasonal Brokering Periods 	<p>Business Office & Customer Service</p>	

Community Rentals Facilities

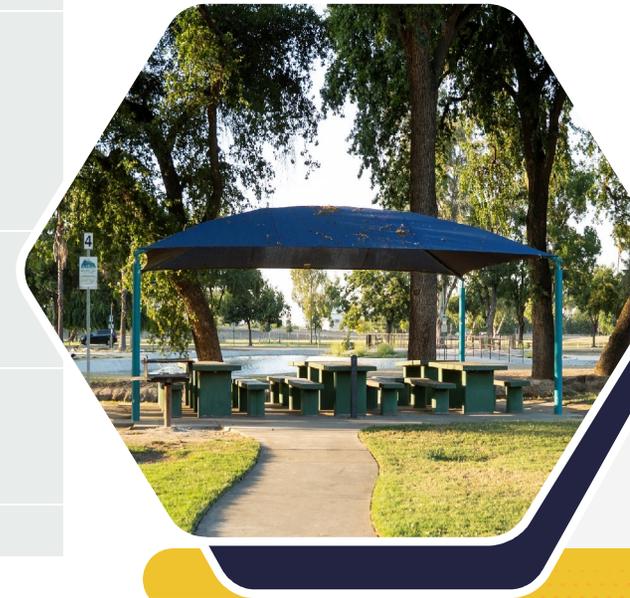
FACILITY	AMENITIES		NUMBER OF BOOKINGS
Anthony Community Center	Meeting Room Dance Studio Multi-purpose Room Gymnasium Courtyard	Park Open Space Play Structures Skate Park Parking Lot	78
Manuel F. Hernandez Community Center	Gymnasium Park Open Space Play Structures Exterior Stage Parking Lot	Lighted Basketball Courts Horseshoe Pits	33
Visalia Senior Center	3 Meeting Rooms Multi-Purpose Room	Courtyard Parking Lot	41
Whitendale Community Center	Multi-Purpose Room Courtyard Parking Lot	Park Open Space Play Structures	103



Community Rentals

Park Arbors, Picnic Areas, & Special Events

FACILITY	AMENITIES		NUMBER OF BOOKINGS
Plaza Park	Covered Arbors Uncovered Picnic Areas Play Structures Bathrooms Pond	Parking Lots Tennis & Pickleball Courts Softball Fields Horseshoe Pits Dog Park	198
Riverway Sports Park	Covered Arbors Uncovered Picnic Areas Play Structures Bathrooms Parking Lots	Seasonal Splash Pad Soccer Fields Baseball Complex Softball Complex Trailhead Access	277
Blain Park	Covered Arbors Play Structures Bathrooms	Parking Lots Open Grass Area	84
Whitendale Park	Covered Arbors Play Structures Bathrooms	Parking Lots Softball Fields Community Center	30
Others	32 Parks with Reservable Arbors/Picnic Areas		68



Community Rentals

Athletic Fields & Courts

FACILITY	AMENITY	NUMBER OF HOURS RESERVED
Riverway Sports Park	Baseball (4)	1,503
	Softball (4)	1,864.25
	Soccer (10)	3,806.50
	Multi-purpose (2)	398.50
Plaza Park	Softball (5)	862.75
	Tennis (6)	465
	Pickleball (8)	1,912.75
	Horseshoe (8)	34.50
Jefferson Park	Multi-purpose (1)	84.50
Fairview Park	Soccer (2)	42.0
Recreation Park	Pickleball (2)	474.50
	Basketball (2)	56
Summers	Basketball (3)	13
St. John's	Trail (1)	36.50
Whitendale	Softball (4)	617.75



Enrichment

Explore more. Learn more. Be more.

- > Objective - Partner with local organizations, special interest instructors, and businesses to develop and launch new programs.
- > 12 New Partners!

CATEGORY	CLASSES OFFERED	ENROLLMENT
TINY TOTS (AGES 6 MN – 5 YRS)	93	1,095
YOUTH & TEENS	105	1,193
ADULTS	109	928
ALL AGES & FAMILY	30	334
SENIORS (AGES 55+ YRS)	72	1,003
TOTALS	409	4,553
NUMBER OF SUCCESSFUL CLASSES	292 71% Success Rate	



Senior Center

• Social, Fun, Enriching, & Delicious •

Weekly Activities

Support Lifelong Learning
Encourage Social Connection
Promote Health & Wellness

Participation
4,399

Lunch Program

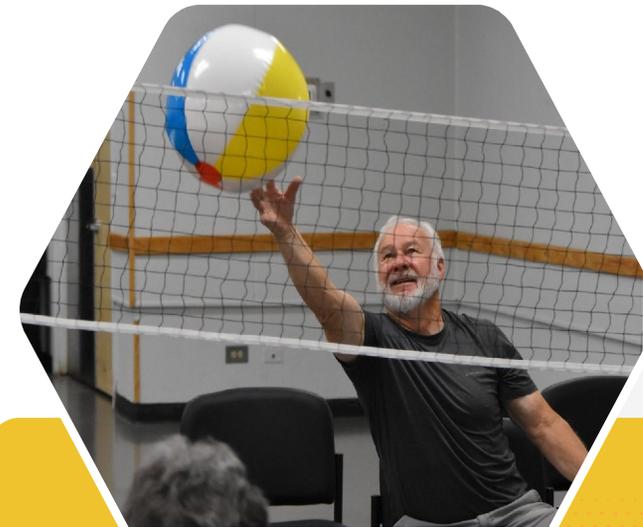
Low-cost senior lunch program aims to promote nutrition, social engagement, and well-being among older adults in an accessible and community-based setting

Meals Served: 16,091
Dine-In: 8,370
To-Go: 7,721

Events & Highlights

Special Events & Luncheons
Volunteer Program

Thanksgiving Luncheon
Christmas Luncheon



The Manuel

Year Round - After-School & Extend Intersession

A free, safe, and engaging program for Visalia youth grades Kindergarten to 12th that promotes positive role models, personal growth, and exposure to new skills and interest.

Clubs & Activities

Cheer
Robotics
Illustrators
Dance
Art & Pottery
Swim Lessons
Sport Science

Highlights

Participation Attendance: 16,208
Average Attendance: 54
Weekdays: 59
Saturdays: 27
Increase 7.8% from prior year

Events & Trips

Float in Candy Cane Lane Parade
STEAM Expo
Tech Museum, San Jose
Monterey Bay Aquarium
Gilroy Gardens
Spring Showcase



Day Camp & Specialty Camps

Designed to promote social interaction, creativity, and physical activity, day camps help participants build confidence, develop new skills, and make lasting friendships in a supportive environment.

CATEGORY	NUMBER OF WEEKS	ENROLLMENT
Winter Camp	2	45
Spring Camp	1	37
Summer Camp	10	516
Summer Specialty Camp	10	112
TOTALS	23	710



Adult Sports

Seasonal Leagues

SPORT	SEASON	REGISTERED	NUMBER OF PLAYERS
Co-Ed Soccer	Fall, Spring, Summer	29 Teams	522
Co-Ed Volleyball	Fall, Winter, Spring, Summer	128 Teams	1,536
Co-Ed Pickleball	Fall, Spring, Summer	448 Players	448
Co-Ed & Men's Softball	Fall, Spring, Summer	139 Teams	2,085



Year-Round Open Gym

SPORT	DAYS	PARTICIPANTS	AVERAGE ATTENDANCE
Basketball	Mondays	813	17
Volleyball	Sundays	1,181	31
Pickleball	Varies	276	
Futsal	Sundays	0	0

Youth Sports

Camps & Clinics

SPORT	SEASON	PARTICIPANTS	PARTNER
Golf	Winter, Spring, Summer	90	Mulligan's
Volleyball	Spring	54	Sequoia Crush

Seasonal Leagues

SPORT	SEASON	AGES	PLAYERS	TEAMS	VOLUNTEERS
Co-Ed Flag Football	Fall	5 – 12 years	613	46	88
Co-Ed, Boys, & Girls Basketball	Winter	5 – 14 years	625	66	92
Co-Ed Baseball	Spring	3 – 9 years	243	24	36
Co-Ed Volleyball	Spring	9 – 12 years	311	32	46



Aquatics

Aquatic programs play a vital role in promoting health, safety, and community engagement by providing opportunities for physical fitness, lifesaving skill development, and inclusive recreation for all ages and abilities.



Swim Teams

New Swimmer Skills Test: 249
Swim Teams: 542

Swim Lessons

Ages: 6 months +
Private: 227
Group: 703
Parent & Child: 100
TOTAL: 1,030

Public Swim

Attendance: 1,661
Average Daily Attendance: 39

Lap Swim

Offered during Swim Lessons &
Public Swim
16 Passes Sold

Diving Clinic

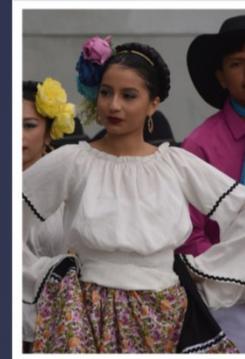
Ages 10 – 17
2 Sessions: 14 Students

Mermaid Magic: Story & Swim

Ages 2 - 5
3 Sessions: 41 Students

Special Events

- Accessible & Affordable
- Education & Culture
- Placemaking
- Neighborhood Centric
- Tourism



Special Events

Fall

Winter

Spring

Summer

City Lead

- 14th Annual Corporate Games
- Teen Night Series
- Fall Dance Series
- Movies in the Park
- Senior Center Open House
- Spooktacular
- Teen Nerf Battle

- Christmas Movie at the Plaza
- Holly Jolly Jingle
- All-Ages Nerf Battle
- Car Seat Safety
- 18th Annual Father Daughter Dance
- Ping Pong Tournament
- Teen Night Series

- Party for the Planet
 - *Earth & Arbor Day Celebration*
- 24th Annual Dia de los Ninos
- 6th Annual Mother & Son Dance
- 8th Annual Senior Games

- Juneteenth
- Summer Night Lights Series
- Teen Night Series
- 2nd Annual Independence Spectacular

Supporting Partner Events

- El Grito en Visalia
- KJUG Free Concert
- National Night Out

- Christmas at the Plaza
- PAL Christmas Tree Lighting

- Irish Festival
- Tulare County Renaissance Fair

- Great American Race



Estimated attendance, nearly 10,000

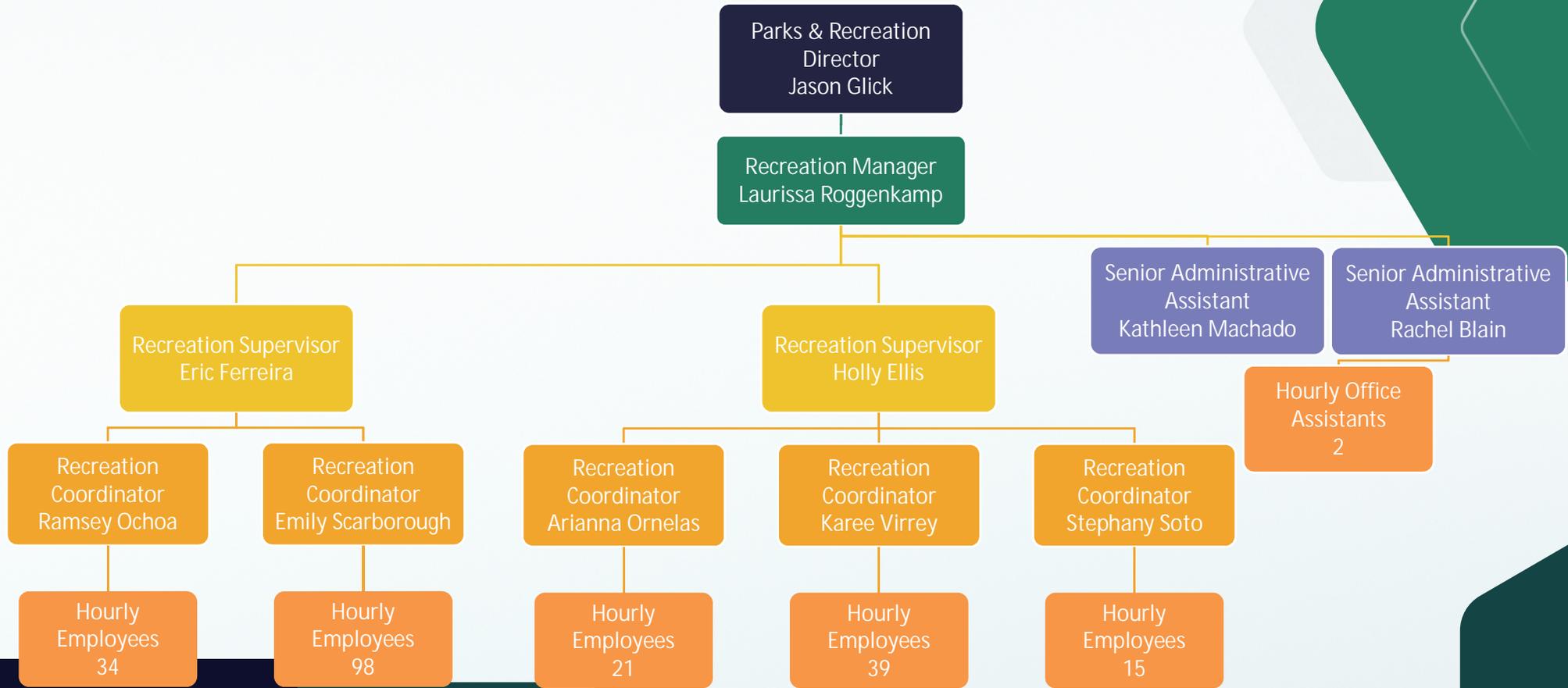
PARTNERS

- Momentum Broadcasting
KJUG, Hitz 104.9, My 97.5, 99.7 Classic Rock
- Bueno Beverage
- Visalia Unified School District
- Visalia Parks & Recreation Foundation
- City of Visalia Police Department
- City of Visalia Fire Department
- City of Visalia Community Development Department
- City of Visalia Engineering Department

SPONSORS

- San Joaquin Valley Air Pollution Control District
- United Rentals
- AC Electric
- FunFlicks
- Amigos Restaurant & Cantina
- Raising Canes
- Orangetheory Fitness Visalia
- American Ambulance

Recreation Division



Parks & Recreation Commission

The Parks & Recreation Commission Mission:

- Advise the City Council and City Parks & Recreation Staff
- Quality Parks & Programs -
 - Parks - Safe, properly maintained, and equally accessible
 - Recreation Programs - For all ages to meet the ever-changing interests of diverse and multi-cultural community
- Develop facilities that will accommodate the needs of our active and growing community
- Be open and actively responsive to input from individuals and community organizations

Accomplishments:

- Annual Items
 - Review of Requests for Fee Waivers for Non-City Organization Utilizing the Visalia Senior Center.
 - Review and Recommendation to City Council of Recreation Rates & Fees
- Review of New or Upgrades to Parks & Facilities
 - Riverway Sports Park Fencing Project
 - Public Input Meeting – Neighborhood Parks 1, 2, 3
 - Elliot Property – Recommendation to City Council
 - Pearl Wood Property – Recommendation to City Council
 - Victory Oaks Property
 - Riverway Dog Park

Meetings held on the second Tuesday evening of each month at 5:30 P.M. (unless otherwise announced and publicly noticed) at City Hall in Council Chambers.

In Development

Parks & Recreation Master Plan and Needs Assessment

Foundational strategic roadmap to guide the acquisition, development, maintenance, and programming of parks and recreation facilities in alignment with the City's General Plan over the next 20 years.

Key Recreation components of the Master Plan include:

- A comprehensive needs assessment for recreation programs and facilities through statistically valid survey
- Program trend analysis
- Cost recovery policy review and recommendation
- Facility use review and recommendation
- Prioritization of improvements to existing programming
- A strategy for ensuring fair and equitable access to parks and green space throughout the community
- Development of goals, policies, guidelines, and implementation strategies based on realistic funding scenarios



VISALIA

THANK YOU!



visalia.gov
Liveandplayvisalia.com



recreation@visalia.gov



559-713-4365



345 N. Jacob St.
Visalia, CA 93291



October 20, 2025



Visalia City Council

Staff Report

Visalia City Council
707 W. Acequia
Visalia, CA 93291

File #: 25-0424

Agenda Date: 10/20/2025

Agenda #: 1.

Agenda Item Wording:

Authorization to read ordinances by title only.



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0439

Agenda Date: 10/20/2025

Agenda #: 2.

Agenda Item Wording:

Committee Annual Update - Review and accept the 2024/2025 Annual Report from the City of Visalia Historic Preservation Advisory Committee.

Deadline for Action: 10/20/2025

Submitting Department: Community Development

Contact Name and Phone Number:

Tyler Davis, Chairperson, Historic Preservation Advisory Committee;

Cristobal Carrillo, Associate Planner, (559) 713-4443, cristobal.carrillo@visalia.city;

Paul Bernal, Planning and Community Preservation Director, (559) 713-4025 paul.bernal@visalia.city

Department Recommendation:

Staff recommends the City Council review and accept the annual report from the Historic Preservation Advisory Committee. The annual report provides the City Council with a detailed overview of all activities conducted and projects reviewed by the Historic Preservation Advisory Committee between July 1, 2024, to June 30, 2025.

Summary:

The HPAC Annual Report provides an overview of the activities conducted by the Historic Preservation Advisory Committee during the 2024/2025 fiscal year. Activities summarized include project reviews, project consultations, long range projects, and public outreach.

Discussion:

Project Reviews

Between July 2024 to June 2025, the HPAC held a total of 19 public meetings, with a total of 47 members of the public attending, averaging 2.5 people per meeting. Over that span of time, a total of 22 exterior alteration requests were reviewed, with 91% of projects (20) approved outright or with modifications. Two projects received denials, listed in Attachment No. 1 as HPAC No. 2025-04 (918 West Main Street) and HPAC No. 2025-05 (410 North Court Street). The item at 918 West Main Street was related to a request to conduct exterior alterations to a dental office. This item was denied due to incompatibility of the proposal (placement of stacked/rustic stone veneer on a craftsman bungalow containing undamaged wood siding and river rock) with the architectural elements of the building. The applicant was informed of the potential for denial but did not attend the meeting. Upon notification of the denial, the applicant stated that they respected the decision of the HPAC and would not appeal, choosing to paint the structure instead. 410 North Court Street was a request to replace 48 original wood windows with new vinyl windows. The request was denied due to doubts that the original windows could not be repaired, and the buildings affiliation with the Bradley Family. The

property owner appealed the decision, and the denial was overturned by the Visalia City Council on May 5, 2025. The last time a decision of the HPAC was appealed to the City Council was in 2008, for a residence at 944 South Court Street.

Projects considered during the one-year timeframe consisted largely of residential alterations, with a few requests relating to commercial developments, such as new medical spa uses in existing buildings. Of the 22 projects reviewed, approximately 55% (12) were initiated as the result of code enforcement action taken by either Neighborhood Preservation or Planning Division staff. In these instances, exterior alterations were conducted prior to HPAC review or Building Permit issuance.

All projects, as well as decisions rendered by the HPAC, are summarized in Attachment No. 1.

Project Consultations

National Register of Historic Places Designation - 513 North Encina Street

On September 5, 2025, through the efforts of property owner Joshua Cain, the residence at 513 North Encina Street was placed on the National Register of Historic Places (see Attachment 2). As part of review processes conducted by the California Office of Historic Preservation, the HPAC was informed of the potential designation. To assist in the applicant's request, the HPAC sent a letter of support to the Office of Historic Preservation on July 16, 2024 (Attachment 3) recommending approval of the national designation request. Staff and members of the HPAC also virtually attended the August 2, 2024, meeting of State Historical Resources Commission, to provide public comment in support of the designation.

Single Family Residential Objective Design Standards / Accessory Dwelling Unit Ordinance

In 2025, the City of Visalia adopted design and development standards for new single family residences and accessory dwelling units (ADU). As part of the drafting process, the HPAC reviewed the draft ordinances and provided staff with comments to ensure that the documents did not negatively impact historic resources. In particular, language was provided to ensure that ADUs (the development of which is now exempt from HPAC review) would still be required to be architecturally compatible with the primary dwelling onsite. This language was accepted by staff and ultimately included in the final version of the ADU ordinance approved by the City Council.

Long Range Projects

Goal Setting 2025-2026

Starting in 2024, the HPAC updated its 2022-2024 goals statement to guide its activities for the next two years. Goal setting consisted of multiple discussions by the HPAC during public meetings. Goal setting was completed in January 2025, with revisions conducted in May 2025. The list of goals is included as Attachment No. 4. Since completion of goal setting, the HPAC has focused its efforts on two main goals:

1. Re-establish an awards program for historically designated structures (Goal 2.a). Work on this goal is ongoing in 2025.

2. Complete the evaluation of sites surveyed as part of the Historic District Survey Project, an effort to survey sites within and around the Historic District for potential inclusion in the Historic District and/or Local Register of Historic District (Goal 1). Work on this is ongoing in 2025.

Historic District Survey Project

In 2024/2025, the HPAC continued work on the Historic District Survey Project (HDSP), an effort to identify historically significant sites and neighborhoods in and around the Historic District for possible inclusion on the Local Register of Historic Structures and/or expansion of the Historic District. Activities during this timeframe included conducting site visits, documenting conditions for evaluation by the HPAC, and evaluating sites for possible historic designation during HPAC public meetings. During this time, staff also enlisted the services of the City's Geographic Information System (GIS) staff to create an online map which graphically depicts the results of the HPAC's evaluations, which will help to assist the HPAC in formulating recommendations for future potential City Council consideration. Once the HPAC has completed its review of the HDSP materials and formulated a recommendation, staff will conduct outreach with property owners to gauge interest in joining the Local Register or the Historic District. Once outreach is completed, a work session will be scheduled with the City Council to share findings, discuss input received from outreach efforts, and seek direction on whether to move forward with public hearings to incorporate properties into the Historic District and/or Local Register.

Historic Recognition/Awards Program

On July 24, 2024, the HPAC approved a request through the Historic Recognition Program (HRP) to place a historical marker at the Darling Hotel (210 North Court Street). The HRP provides guidelines for the HPAC to give a "stamp of approval" for the placement of a plaque on a property. The program provides no funding for plaques, and requires the applicant to fund and place the plaque themselves. In this instance, the plaque was funded by the Kaweah Kollectors of Questers, a local historical society which spearheaded previous plaques efforts at places such as the Togni Building (116 East Main Street) and the Bank of Italy Building (128 East Main Street).

At the July 24, 2024, HPAC meeting, the Kaweah Kollectors stated that they would no longer be active. To fill the void, the HPAC has been working to develop an annual awards program wherein the HPAC would identify and recognize individuals who restore historic homes and award plaques or letters of commendation. The HPAC also hopes to fund the making of plaques for awards recipients, using monies allocated by the City Council to committees and commissions, to acknowledge and incentivize historic preservation efforts. The HPAC has also endeavored to shift facilitation of the Historic Recognition Program to Visalia Heritage, a separate historical society that has been much more active in recent years. These efforts are ongoing in 2025. Once the HPAC has developed a draft program, staff will set up a joint work session with the City Council to obtain comments and direction prior to its implementation.

Public Outreach

City of Visalia Winter Recreational Guide

Through coordination between Planning Division and Parks & Recreation Department staff, an advertisement was published in the 2024 City of Visalia Winter Recreational Guide, providing overview of the Committee, exterior modifications that require review, and staff contact information. The advertisement is included as Attachment No. 5.

Historic Preservation Mailer

In 2024 and 2025 the HPAC conducted its mailing of the Historic Preservation Informational Pamphlet to all occupants and property owners of sites on the Local Register and within the Historic District. The mailer is in both English and Spanish, and contains information on what types of projects require HPAC review. In 2025, the HPAC began mailing the informational pamphlet on a bi-annual basis (March and September), further ensuring that property owners and occupants are regularly informed. A copy of the pamphlet is included in Attachment No. 6.

Background:

As one of the oldest cities in the Central Valley, Visalia hosts an impressive collection of historic sites and structures. Numerous structures with distinctive architectural styles are present in Visalia, concentrated in the city's historic core. The Historic Preservation Ordinance, adopted in 1979 and updated in 2001 and 2022, established the HPAC to act as a steward for historic preservation causes. The HPAC is a seven-member committee that is primarily responsible for periodically updating the Local Register of Historic Structures, nominating properties to Local, State, and Federal Historic Registers, and reviewing building/planning actions related to historically designated structures within the Historic District and/or on the Local Register. Review of building and planning actions is the most frequent task undertaken by the Committee, consisting of review of exterior alterations to historically designated structures, and review of zoning actions on sites within the Historic District (ex. Change of Zones, Conditional Use Permits, Variances, and Planned Unit Developments). HPAC reviews are free of charge and conducted with a focus on preserving the integrity of historic structures and maintaining the character of historic neighborhoods. Committee actions are appealable directly to the City Council.

The Committee currently consists of seven members with a wide variety of knowledge relevant to historic preservation. Current members of the HPAC work in construction, education, insurance, design, and landscaping, and many of the members are active in community groups. Two of the seven members also reside within the boundaries of the Historic District (Chair Tyler Davis and Vice-Chair Karen Ayala). The Committee meets on the second and fourth Wednesdays of every month to provide expedient review of development requests.

Fiscal Impact: None.

Prior Council Action:

At the September 16, 2025, City Council meeting, the Council accepted the 2023-2024 Annual Report from the Historic Preservation Advisory Committee.

Committee/Commission Review and Action:

The Historic Preservation Advisory Committee discussed the preparation and content of the annual report at its September 24, 2025, meeting.

Recommended Motion (and Alternative Motions if expected):

I move to accept the 2024/2025 Annual Report from the Historic Preservation Advisory Committee.

CEQA Review: Not applicable.

Attachments:

1. Historic Preservation Advisory Committee - Project Reviews July 1, 2024, to June 30, 2025
2. State of California, Natural Resources Agency, Department of Parks and Recreation, Office of Historic Preservation - Listing of 513 North Encina Street in the National Register of Historic Places
3. HPAC Letter of Support - National Register of Historic Places Nomination for Hyde, Jeremiah D. and Mary, House
4. HPAC Goals 2025-2026 (Updated May 28, 2025)
5. 2024 City of Visalia Winter Recreational Guide - HPAC Advertisement
6. HPAC Informational Pamphlet
7. Committee Member List

ATTACHMENT NO. 1

**City of Visalia – Historic Preservation Advisory Committee
Project Reviews**

July 2024 – June 2025

* Code enforcement initiated, due to work being completed prior to HPAC review or Building Permit issuance.

PROJECT NUMBER	MEETING DATE(S)	LOCATION	PROJECT DESCRIPTION	DECISION
HRP No. 2025-01	7/24/2024	210 North Court Street	A request for the HPAC to consider a Historic Recognition Program request for the placement of a historical marker on the grounds of the Darling Hotel complex.	Item approved. Plaque placed at the Darling Hotel complex on October 26, 2025.
HPAC No. 2024-19 *	7/24/2024	400 West Goshen Avenue	A request to construct a prefabricated white picket fence.	Item approved.
HPAC No. 2024-20 *	7/24/2024	611 West Myrtle Avenue	A request to replace a front window on a residence.	Item approved.
HPAC No. 2024-21 *	7/24/2024	619 West Goshen Avenue	A request to construct a black steel fence.	Item approved.
HPAC No. 2024-22	7/24/2024	411 West Grove Street	A request to conduct exterior alterations to a residence.	Item approved with modifications, requiring shingle siding instead of clapboard siding as proposed.
HPAC No. 2024-23 *	8/14/2024	902 West Center Avenue	A request for a Conditional Use Permit (CUP) to establish a medical spa, remove and replace rotting exterior details, and remove and replace a freestanding sign.	Exterior alterations approved, recommended approval of the CUP to the Visalia Planning Commission.
HPAC No. 2024-24 *	8/28/2024	501 South Court Street	A request to conduct exterior alterations to roof fascia and corbels for an office.	Item approved with modifications.
HPAC No. 2024-25	8/28/2024	501 South Watson Street	A request for a Conditional Use Permit to establish a medical spa and add a second freestanding sign.	Signage approved, recommended approval of the CUP to the Visalia Planning Commission.

PROJECT NUMBER	MEETING DATE(S)	LOCATION	PROJECT DESCRIPTION	DECISION
HPAC No. 2024-26 *	9/25/2024	405 North West Street	A request for a Conditional Use Permit to establish three residential units in the D-MU (Downtown Mixed Use) Zone, and conduct exterior alterations to the triplex.	Exterior alterations approved with modifications, recommended approval of the CUP, and addition of conditions, to the Visalia Planning Commission.
HPAC No. 2024-27	9/25/2024	1002 West Main Street	A request for a Conditional Use Permit to establish a residence in the O-C (Office Conversion) Zone.	Recommended approval of the CUP to the Visalia Planning Commission.
HPAC No. 2024-28 *	10/9/2024	119 South Locust Street	A request to add wall signage to a commercial building.	Item approved.
HPAC No. 2025-01 *	1/22/2025	1300 West Main Street	A request to construct a seven foot tall metal fence and three pedestrian gates.	Item approved.
HPAC No. 2025-02	2/12/2025	513 North Encina Street	A request to install signage, and omit the installation of mullions on the windows of a detached accessory dwelling unit, for a bed and breakfast inn.	Item approved.
HPAC No. 2025-03	2/12/2025	112 East Oak Avenue	A request to add a concrete wall with wrought iron fencing material for a commercial adobe building	Item approved with modifications.
HPAC No. 2025-04	3/26/2025	918 West Main Street	A request to conduct exterior alterations to an existing building	Item denied due to incompatibility of the proposal (placement of stacked/rustic stone veneer on a craftsman bungalow containing wood siding and river rock) with the architectural elements of the building.

PROJECT NUMBER	MEETING DATE(S)	LOCATION	PROJECT DESCRIPTION	DECISION
HPAC No. 2025-05	4/9/2025 (HPAC) 5/5/2025 (City Council)	410 North Court Street	A request to replace 48 windows on a single-family residence.	4/9/2025: A motion to approve the request failed, thereby denying the proposal. Denial was based on uncertainties about the condition of the original windows, and the structures affiliation with the Bradley Family. 5/5/2025: An appeal of the HPAC's decision was filed and public hearing held before the City Council. The City Council overturned the decision of the HPAC and approved the request.
HPAC No. 2025-06	4/9/2025	808 and 808 ½ West Myrtle Avenue	A request to remodel an accessory dwelling unit.	Item approved with modifications.
HPAC No. 2025-07 *	5/14/2025	523 West Noble Avenue	A request to install a new wrought iron fence and freestanding sign for a medical spa use	Item approved.
HPAC No. 2025-08	5/28/2025	301 West School	A request to install a new wrought iron fence for an office	Item approved.
HPAC No. 2025-09 *	5/28/2025	121, 123, 125 South Church Street	A request to remove and install awnings for an office	Item approved.
HPAC No. 2025-10 *	5/28/2025	407 Northeast 1 st Avenue	A request to replace composition shingle roofing material on an existing residence with tile roofing material, and install a chain link fence	Item approved.
HPAC No. 2025-11 *	6/25/2025	630 North Encina Street	A request to remove wood side panels, enlarge a garage door opening, and install a new 2-car metal garage door, for a detached garage.	Item approved.



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

September 11, 2024

Mayor Brian Poochigian
City of Visalia
220 N. Santa Fe Street
Visalia, CA 93292

RE: **Hyde, Jeremiah D. and Mary, House** Listing in the National Register of Historic Places

Dear Mayor Poochigian:

I write to notify you that on September 5, 2024, the above-named property was placed in the National Register of Historic Places (National Register). As a result of being placed in the National Register, this property has also been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the Public Resources Code.

Placement on the National Register affords a property the honor of inclusion in the nation's official list of cultural resources worthy of preservation and provides a degree of protection from adverse effects resulting from federally funded or licensed projects. Registration provides several incentives for preservation of historic properties, including special building codes to facilitate the restoration of historic structures, and certain tax advantages.

There are no restrictions placed upon a private property owner regarding normal use, maintenance, or sale of a property listed in the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact the Registration Unit at amy.crain@parks.ca.gov.

Sincerely,

Julianne Polanco
State Historic Preservation Office

Enclosure: National Register Notification of Listing

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES:
8/30/2024 THROUGH 9/5/2024

The National Register's sample nominations page has been updated to provide many more examples of successful nominations on a variety of topics,
<https://www.nps.gov/subjects/nationalregister/sample-nominations.htm>

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

CALIFORNIA, LOS ANGELES COUNTY,
Avery, Kenneth Newell, Studio,
377 Arroyo Terrace,
Pasadena, SG100010825,
LISTED, 9/5/2024

CALIFORNIA, TULARE COUNTY,
Hyde, Jeremiah D. and Mary, House,
513 N. Encina Street,
Visalia, SG100010826,
LISTED, 9/5/2024

Key to Prefix Codes:

AD - Additional documentation
BC - Boundary change (increase, decrease, or both)
FD - Federal DOE property under the Federal DOE project
FP - Federal DOE Project
MC - Multiple cover sheet
MP - Multiple nomination (a nomination under a multiple cover sheet)
MPS - Multiple Property Submission
MV - Move request
NL - NHL
OT - All other requests (appeal, removal, delisting, direct submission)
RS - Resubmission
SG - Single nomination



July 16, 2024

California State Parks
Attn: Office of Historic Preservation:
Julianne Polanco, SHPO
1725 23rd Street, Ste. 100
Sacramento, CA 95816-7100

RE: National Register of Historic Places Nomination for Hyde, Jeremiah D. and Mary, House

Dear Ms. Polanco,

Thank you for the opportunity to provide comment on the nomination of the Hyde, Jeremiah D. and Mary, House to the National Register of Historic Places. The City of Visalia has the following comments:

1. The Hyde, Jeremiah D. and Mary, House is located at 513 North Encina Street, in the City of Visalia (APN: 094-353-011).
2. The site is located within the R-1-5 (Single Family Residential, 5,000 square foot minimum site area) Zone.
3. The site is located within the City of Visalia Historic District and main residence listed on the City of Visalia Local Register of Historic Structures (see Exhibit "A"). The Local Register classification is listed as "Exceptional", with the building containing both "Victorian" and "Stick (Eastlake)" architectural elements.
4. The site currently contains a two-story residence, a detached garage, a small storage building, a swimming pool, and a fountain (see Exhibit "B").
5. On April 10, 2023, the Visalia Planning Commission approved Conditional Use Permit No. 2023-08, a request to convert the existing residence at 513 North Encina Street into a bed and breakfast inn. The CUP is currently active, though the bed and breakfast has not yet begun operation.
6. The applicant has obtained several Building Permits to conduct exterior alterations to buildings onsite in service of converting the property into a bed and breakfast facility. They are listed as follows:
 - a. B231329 – Conversion of the detached garage into an Accessory Dwelling Unit, including the addition of two gable roofs/windows, for the installation of a 2nd floor in the building interior. This work is ongoing.
 - b. B241434 – A reroof for the main residence, removing asphalt composition shingles and replacing with redwood/cedar wood shingles. This work was completed June 20, 2024.
7. All physical changes and CUP applications noted above were previously reviewed and approved by the City of Visalia Historic Preservation Advisory

Committee (HPAC), via HPAC No. 2022-26 on December 14, 2022 (CUP and ADU), and HPAC No. 2024-10 on May 8, 2024 (Reroof).

8. The May 29, 2024, notification letter from the Office of Historic Preservation was presented to the HPAC at its meeting on July 10, 2024. At the meeting the HPAC expressed its full support of the nomination of 513 North Encina Street to the National Register of Historic Places. Specifically, it was noted that the nomination is appropriate as the structure maintains exemplary architectural integrity, is one of the finest examples of “Stick” style architecture in the State of California, and is associated with a pioneer family (the Hyde Family) of the City of Visalia.

Thank you again for the opportunity to comment on this nomination. If you have any questions concerning this letter or any other matter, please contact me at (559) 713-4443 or e-mail cristobal.carrillo@visalia.city.

Regards,



Cristobal Carrillo,
Associate Planner

Attachments:

- Exhibit “A” – Historic District and Local Register Map
- Exhibit “B” – Aerial Map
- Exhibit “C” – Site Pictures

EXHIBIT "A"

National Register of Historic Places Nomination 513 North Encina Street, Visalia CA

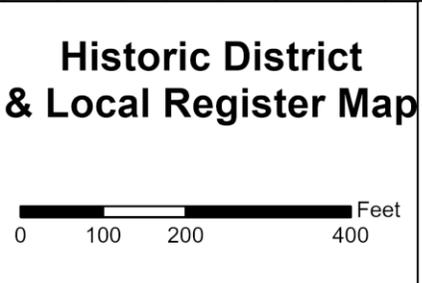
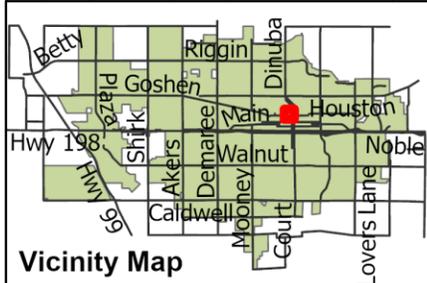


EXHIBIT "B"

**National Register of Historic Places Nomination
513 North Encina Street, Visalia CA**

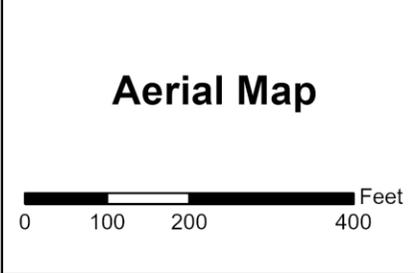
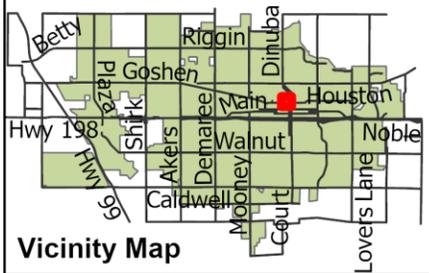


EXHIBIT "C"







CITY OF VISALIA

Historic Preservation Advisory Committee

Goals 2025 – 2026

[Goals to be reviewed on an annual basis.]

GOALS	TIMEFRAME
1. <u>Survey</u>	
a. Survey properties that are within the Historic District, but not on the Local Register.	Completed
b. Identify sites outside of the Historic District for possible Local Register designation.	August 2025
c. Identify local landmark sites for possible Local Register designation.	August 2025
d. Identify sites for nomination to California/National historic registers	2026
e. Establish a recognition system/list for historic signage (Visalia Tea Garden neon sign, etc.).	January 2026
f. Completion of the Historic District Survey Project.	2025
2. <u>Homeowners Incentives and Resources</u>	
a. Re-establish plaque and awards programs.	September 2025
b. Research incentives and grants for property owners, including the funding of award plaques.	September 2025
c. Investigate/apply for the Certified Local Government program.	December 2026
d. Draft designs guidelines for historic buildings, windows, fencing, and signage.	December 2025
e. Create a workbook resource for use by property owners for the restoration of historic structures.	December 2025
f. Create a resource, repair, and terminology guide for use by property owners and occupants of historic structures.	December 2025
g. Develop residential design guidelines for the development of new residential structures in the Historic District.	December 2026

3. <u>Technology</u>	
a. Develop a searchable/interactive historic database for staff and public use. Database can be updated with surveys, photos, architectural information, Historic District/Local Register designations (Timing/Staff availability information required from City Staff). The database should be compatible with mobile phones.	Begin January 2026
b. Optimize City GIS websites for phones.	To be determined
4. <u>Marketing and Community Outreach</u>	
a. Reach out to the Tulare County Association of Realtors to inform brokers of the HPAC. To be conducted on an annual basis.	September 2025
b. Set up HPAC information booths at public events (ex. Visalia Home Show).	September 2025
c. Network with other community groups (Downtown Visalians, Visit Visalia, Lions Club, Rotary Club, Soroptimist International, Kiwanis International, Visalia Heritage, etc.).	Ongoing
d. Explore the creation of a public awareness event, to coincide with the celebration of Historic Preservation Month (Month of May).	May 2026
5. <u>Miscellaneous</u>	
a. Investigate the possibility of establishing a Heritage Tree Program for the recognition of trees of significance.	Begin December 2025

DO YOU LIVE IN A HISTORIC HOUSE?



You may have received a notice if you own or reside on property that is either located within Visalia's Historic District or contains a structure listed on Visalia's Local Register of Historic Structures.

To preserve and protect historic structures, the Historic Preservation Advisory Committee (HPAC) was created to safeguard historic resources which contribute to Visalia's historic heritage.

Certain exterior modifications to historic structures or sites require review and approval by the HPAC prior to issuance of a Building Permit like the following*:

- Windows, roofing materials, exterior siding materials, architectural details and trim
- Signage, including alterations, new construction, demolitions and relocations
- Building additions, conversions or renovations
- New fences, including replacement fencing.

*above list is not comprehensive

For more information contact Cristobal Carrillo, Associate Planner, at (559) 713-4443 and cristobal.carrillo@visalia.city.



City of Visalia

Historic Preservation Advisory Committee

HISTORIC SITES AND YOU: A Guide to Exterior Alterations for Historic Resources (For Informational Purposes Only)

You are receiving this notice because you own or reside on property that is either located within Visalia's Historic District or contains a structure listed on Visalia's Local Register of Historic Structures.

To preserve and protect historic structures, the Historic Preservation Advisory Committee (HPAC) was created and tasked with recognizing and safeguarding historic resources which contribute to Visalia's historic heritage. Certain exterior modifications to historic structures or sites require review and approval by the HPAC prior to issuance of a Building Permit:

Exterior alterations that require HPAC review:

- ❖ Changes to windows;
- ❖ Changes to roofing materials;
- ❖ Changes to exterior siding materials;
- ❖ Changes to architectural details and trim;
- ❖ Signage, including alterations;
- ❖ New construction;
- ❖ Demolitions and relocations;
- ❖ Building additions;
- ❖ Building conversions or renovations;
- ❖ Accessory structures;
- ❖ New fences, including replacement fencing.

Modifications that do not require HPAC review:

- ❖ Swimming pools;
- ❖ Interior alterations;
- ❖ Addition/replacement of mechanical equipment, with exceptions (contact Staff);
- ❖ Interior or exterior painting;
- ❖ General maintenance (i.e., reroofs, residing, masonry repair) with like materials, resulting in no changes in exterior materials, details, and appearance.

Note that the above list is not comprehensive. For more information on historic preservation and how it may apply to your site and/or structure, please visit the City of Visalia Planning Division at 315 East Acequia Avenue, Visalia CA 93291, visit the HPAC website by scanning the QR Code, or contact Cristobal Carrillo, Associate Planner, at (559) 713-4443 and cristobal.carrillo@visalia.city.



Thank you for your time and stewardship of the City's unique and historically significant structures!



Ciudad de Visalia

Comité de Preservación Histórica

SITIOS HISTÓRICOS Y USTED: Un guía de alteraciones exteriores para estructuras históricas (Sólo para información)

Usted está recibiendo este correo informativo porque usted es dueño o reside en una propiedad que se encuentra dentro del Distrito Histórico de Visalia o contiene una estructura que esta en el Registro Local de Estructuras Históricas.

El Comité de Preservación Histórica (HPAC) fue creado para preservar y proteger estas estructuras históricas. El HPAC se encarga de reconocer y salvaguardar las estructuras históricas que contribuyen a la estética histórica de Visalia. Este correo informativo sirve para informarle que modificaciones exteriores a las estructuras históricas requieren la aprobación del HPAC antes de obtener el permiso de construcción:

Modificaciones exteriores que requieren la revisión del HPAC:

- ❖ Cambios en las ventanas;
- ❖ Cambios en los materiales del tejado;
- ❖ Cambios en los materiales del exterior;
- ❖ Cambios en los detalles arquitectónicos;
- ❖ Señalización, incluidas las alteraciones;
- ❖ Nueva construcción;
- ❖ Demoliciones y traslados;
- ❖ Ampliaciones de edificios;
- ❖ Conversiones o renovaciones de edificios;
- ❖ Nuevas estructuras adicionales;
- ❖ Cercas nuevas, o reparaciones de cercas.

Modificaciones que no requieren la revisión del HPAC:

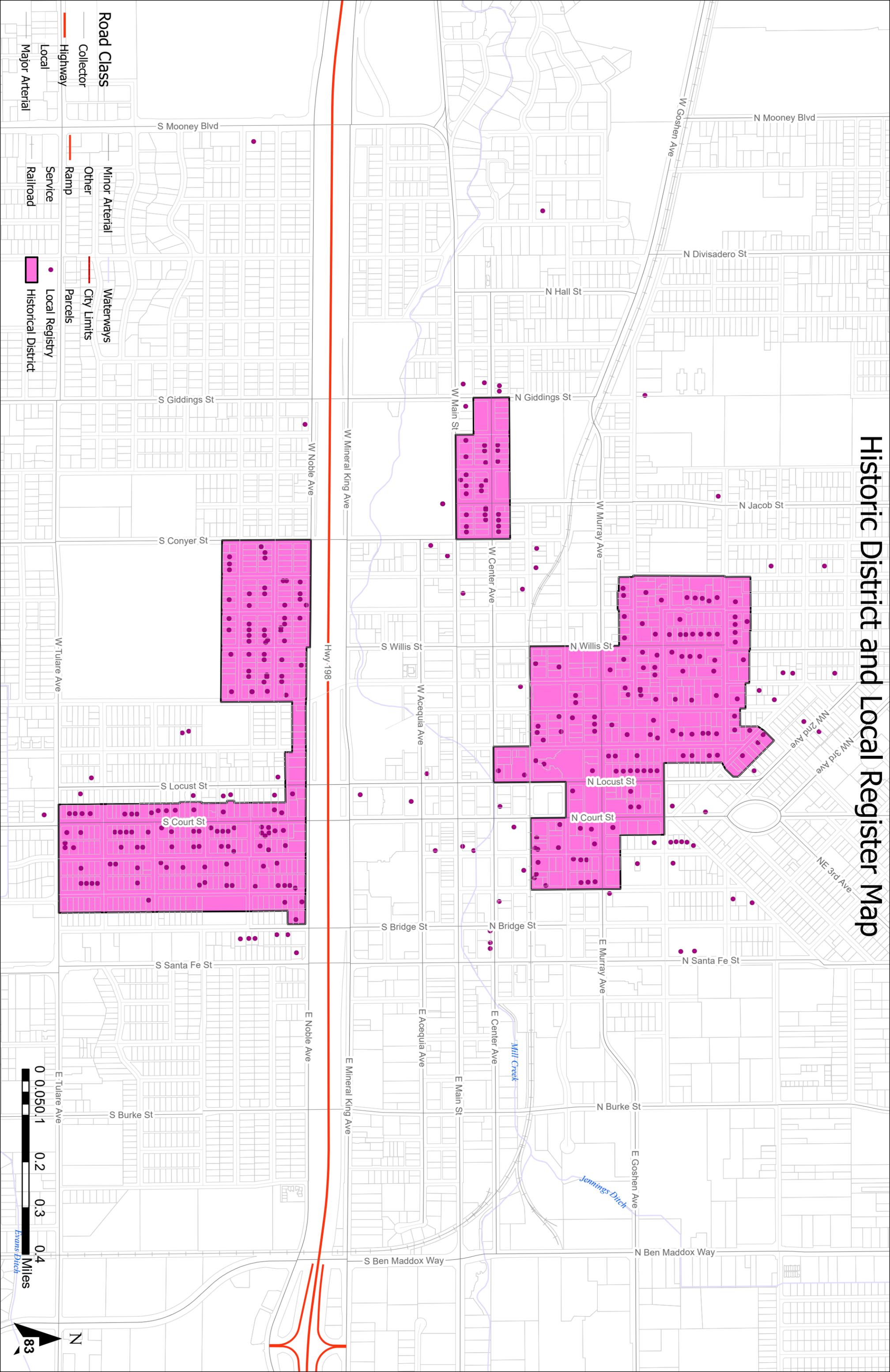
- ❖ Piscinas;
- ❖ Reformas interiores;
- ❖ Adición/sustitución de equipamiento mecánico, con excepciones (póngase en contacto con el personal de la ciudad);
- ❖ Pintura interior o exterior;
- ❖ Mantenimiento general (es decir, renovación de tejados, revestimientos, reparación de mampostería) con materiales similares, sin cambios en los detalles y aspecto exteriores.

Tenga en cuenta que la lista anterior no es completa. Para obtener más información sobre la preservación histórica, por favor visite la Ciudad de Visalia, División de Planificación, en 315 East Acequia Avenue, Visalia CA 93291, escanee el código QR para visitar el sitio web de HPAC, o póngase en contacto con Cristóbal Carrillo, Associate Planner, en (559) 713-4443 y crisobal.carrillo@visalia.city.



¡Gracias por su tiempo y por cuidar de las estructuras históricamente significativas de la ciudad!

Historic District and Local Register Map





CITY OF VISALIA HISTORIC PRESERVATION ADVISORY COMMITTEE MEMBERSHIP AND TERMS

1. Tyler Davis, Chair *

- a. 1st term (partial): 6/2021 – 6/2022 (Completing existing term of member who resigned).
- b. 2nd term: 7/2022 – 6/2024
- c. 3rd term: 7/1/2024 – 6/30/2026

2. Karen Ayala, Vice-Chair *

- a. 1st term (partial): 1/17/2023 – 6/30/2023 (Completing existing term of member who resigned)
- b. 1st full term: 7/1/2023 – 6/30/2025
- c. 2nd term: 7/1/2025 – 6/30/2027

3. Erick Arriaga

- a. 1st term (partial): 10/21/2024 – 6/30/2026

4. Jay Hohlbauch

- a. 1st term: 7/2020 – 6/2022
- b. 2nd term (partial): 7/2022 – 6/2023
- c. 2nd full term: 7/1/2023 – 6/30/2025
- d. 3rd term: 7/1/2025 – 6/30/2027

5. Jerome Melgar

- a. 1st term (partial): 11/6/2023 – 6/30/2024 (Completing existing term of member who was removed).
- b. 2nd term: 7/1/2024 – 6/30/2026

6. Kim Lusk

- a. 1st term (partial): 7/15/2024 – 6/30/2025
- b. 2nd term: 7/1/2025 – 6/30/2027

7. Jocelyn Duran

- a. 1st term (partial): 7/21/2025 – 6/30/2026 (Jocelyn Duran)

* Resides within the Historic District

Late updated August 8, 2025



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0450

Agenda Date: 10/20/2025

Agenda #: 3.

Agenda Item Wording:

Notice of Completion - Request authorization to file a Notice of Completion for Victory Oaks Phase 1 subdivision, located on the north side of Ferguson Avenue and approximately 800-feet west of Demaree Street; containing 73 residential lots.

Prepared by:

Edelma Gonzalez, Associate Engineer, edelma.gonzalez@visalia.city
<<mailto:edelma.gonzalez@visalia.city>>, (559) 713-4364

Adrian Rubalcaba, Sr. Project Manager, adrian.rubalcaba@visalia.city
<<mailto:adrian.rubalcaba@visalia.city>>, (559)713-4507 Jason Huckleberry, Engineering & Building
Department Director, Jason.huckleberry@visalia.city <<mailto:Jason.huckleberry@visalia.city>> , (559)
713-4495

Department Recommendation:

Staff recommends that City Council authorize the filing of a Notice of Completion for Victory Oaks, Phase 1 subdivision.

Summary:

All of the required improvements for this subdivision have been completed and are ready for acceptance by the City Engineer. Victory Oaks Phase 1 subdivision, was developed by Vov Capital LP, A California Limited Partnership, and contains 73 single family residential lots.

The developer has submitted a maintenance bond in the amount of \$326,444.33 as required by the Subdivision Map Act, to guarantee the improvements against defects for one year. Staff recommends that authorization be given to file the Notice of Completion.

Background Discussion:

The City Council authorized the recording of the final map for Victory Oaks Phase 1 subdivision on June 17, 2024. All bonds and cash payments, as identified in the subdivision agreement, were received by the City at that time. As required by the subdivision ordinance, a maintenance bond valued at 10% of the cost of the public improvements has been submitted prior to the recording of the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement.

Fiscal Impact:

By authorizing this Notice of Completion, the City of Visalia will incorporate the identified public improvements into normal routine maintenance plans and procedures following the one-year maintenance period. This will have a nominal adverse effect on the fund that provides such maintenance.

Prior Council Action:

On June 17, 2024 - Council authorized the recordation of Victory Oaks Phase 1 final map, and the formation and assessment of Landscape and Lighting District 24-04 "Victory Oaks."

Other: N/A

Alternatives: No alternatives are provided.

Recommended Motion (and Alternative Motions if expected):

I move to authorize the filing of a Notice of Completion for Victory Oaks Phase 1 subdivision.

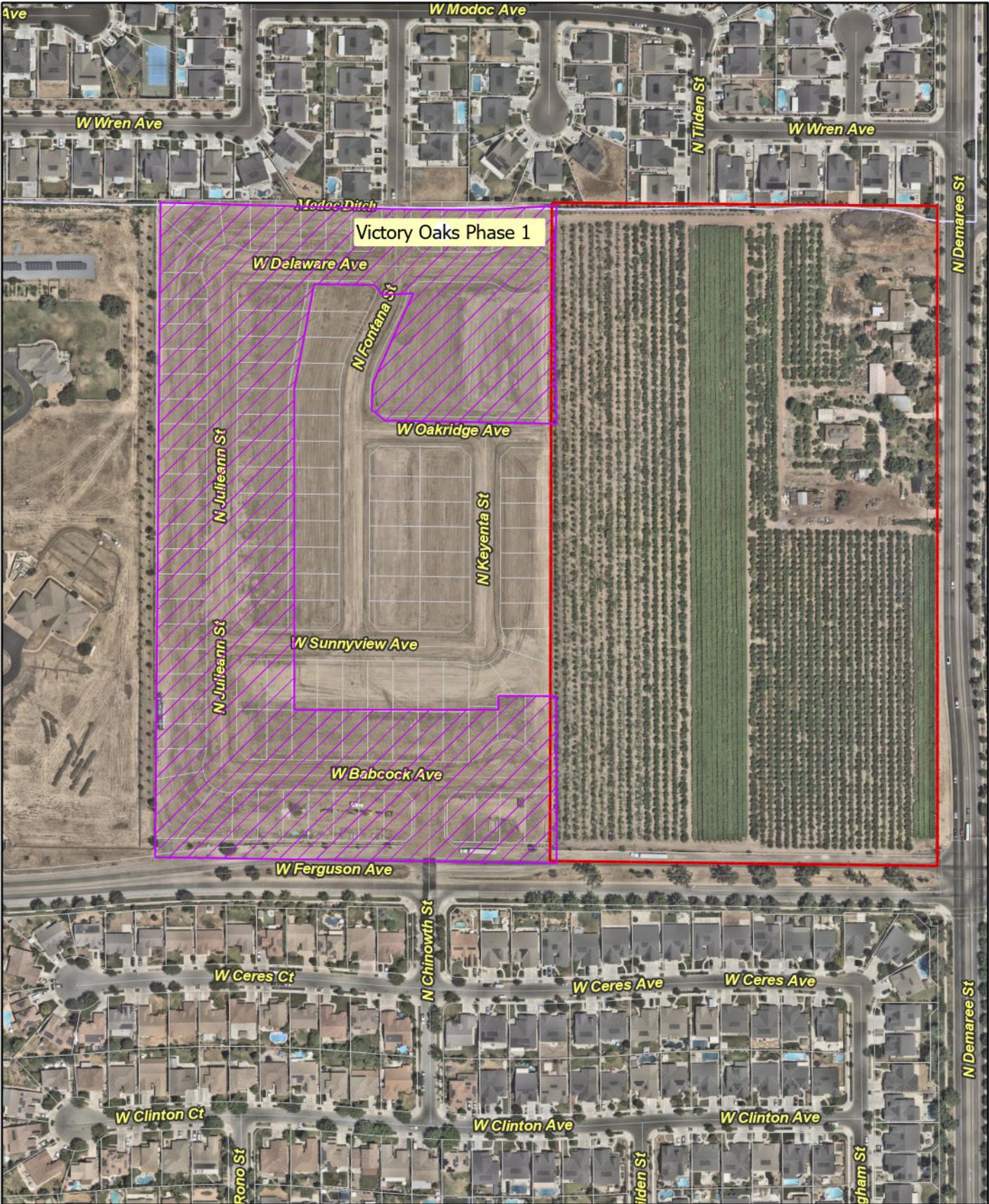
Environmental Assessment Status: Negative Declaration adopted December 13, 2021 - Environmental Document No. 2022-04.

CEQA Review: Negative Declaration adopted December 13, 2021 - Environmental Document No. 2022-04.

Deadline for Action: 10/20/2025

Attachments:

1. Aerial Map
2. Location Map
3. Final Map
4. Development Disclosure

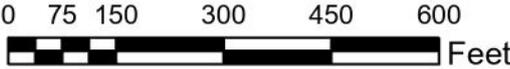


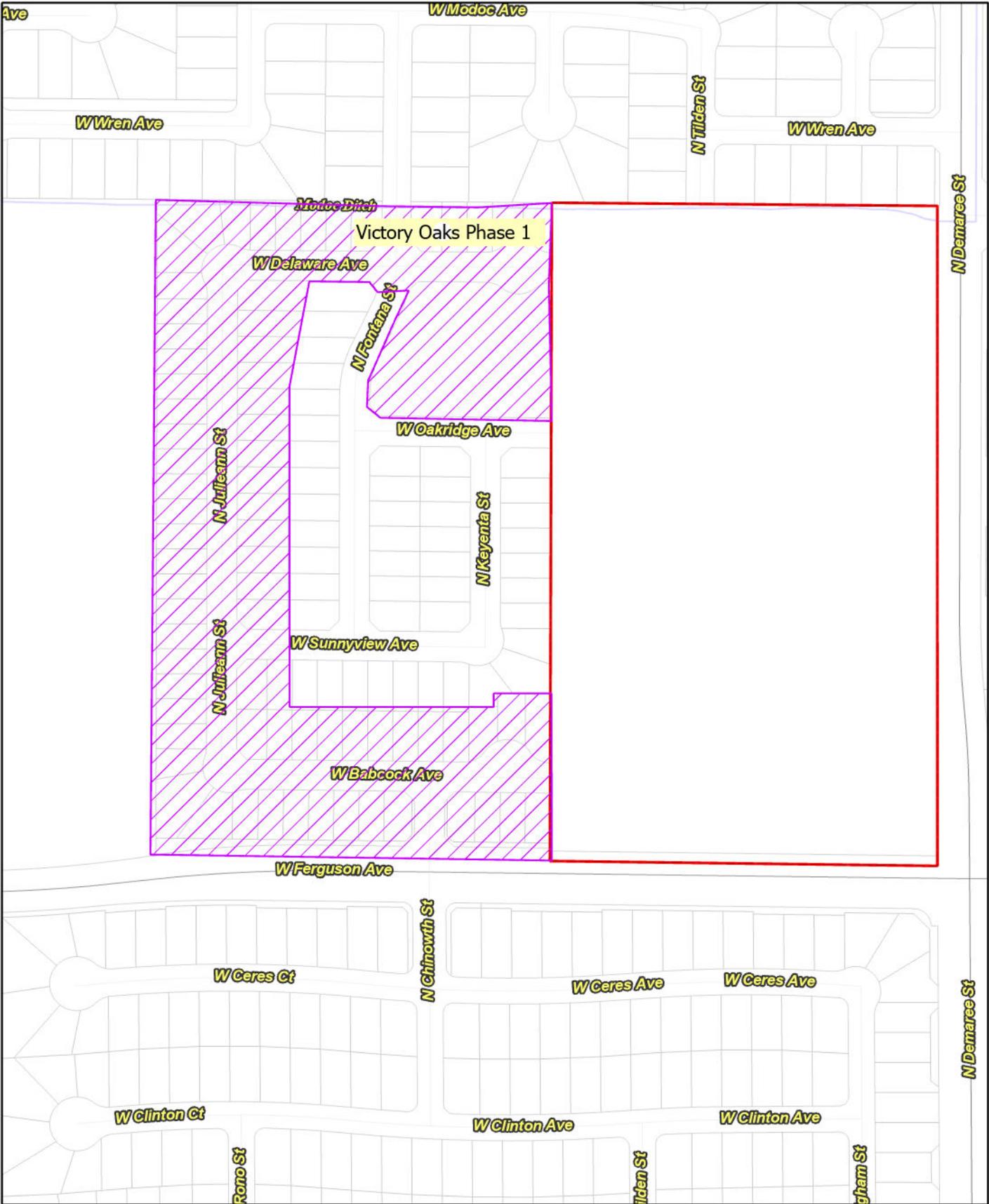
Legend

□ PARCELS

Victory Oaks Phase 1

AERIAL MAP





Legend

□ PARCELS

Victory Oaks Phase 1

LOCATION MAP



VICTORY OAKS - PHASE 1

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY CERTIFY THAT THEY ARE THE ONLY PERSONS HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE BOUNDARIES OF THE SUBDIVISION SHOWN UPON THIS MAP, AND DO HEREBY CONSENT TO THE PREPARATION AND RECORDING OF SAID MAP AND THE CONSENT OF NO OTHER PERSON IS NECESSARY.

WE HEREBY OFFER FOR DEDICATION AND DO HEREBY DEDICATE THE FOLLOWING, AS SHOWN WITHIN THE BOUNDARIES OF THE MAP HEREON, FOR THE SPECIFIED PURPOSES:

- RIGHTS OF WAY FOR WEST FERGUSON AVENUE, NORTH CHINOWTH STREET, BABCOCK AVENUE, JULIEANN STREET, NORTH FONTANA STREET, SUNNYVIEW AVENUE, AND DELAWARE AVENUE IN FEE TO THE CITY OF VISALIA.
- LOTS A AND B IN FEE TO THE CITY OF VISALIA FOR LANDSCAPING, PUBLIC UTILITIES, SIDEWALKS, BLOCK WALLS, AND OTHER PUBLIC PURPOSES.
- LOT C IN FEE TO THE CITY FOR PUBLIC PARK PURPOSES.
- PUBLIC UTILITY EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF GAS LINES AND CONDUITS FOR ELECTRIC, TELEVISION AND TELEPHONE SERVICES, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, AS SHOWN HEREON AND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT).
- BLOCK WALL EASEMENTS, TO THE CITY OF VISALIA FOR THE INSTALLATION AND MAINTENANCE OF BLOCK WALLS AS SHOWN HEREON AND DESIGNATED AS "BWE" (BLOCK WALL EASEMENT).

FOR: VOV CAPITAL LP, A CALIFORNIA LIMITED PARTNERSHIP

BY: AHA DEVELOPMENT GROUP, INC., A CALIFORNIA CORPORATION
ITS: GENERAL PARTNER

[Signature] 6/27/24
BY: MATTHEW S. WATSON, PRESIDENT DATE

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF ORANGE

ON 6/27/24, 2024 BEFORE ME, Julie Buckley, A NOTARY PUBLIC IN AND FOR

SAID STATE AND COUNTY PERSONALLY APPEARED, Matthew Watson WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

[Signature]
SIGNATURE

Orange County, CA
PRINCIPAL PLACE OF BUSINESS

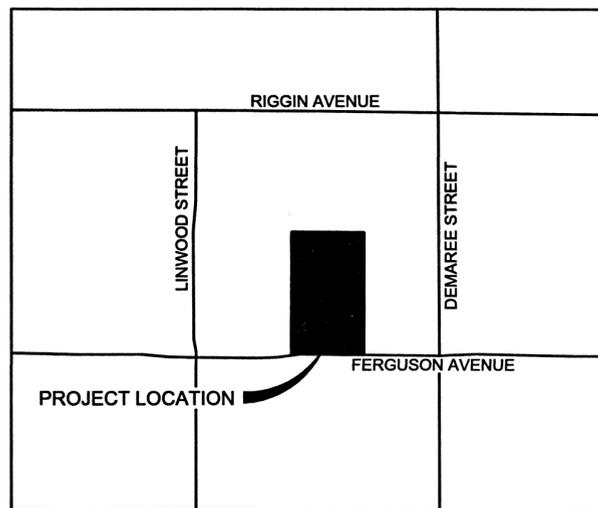
Julie Buckley
PRINT NAME

MY COMMISSION EXPIRES: Mar 24, 2027

COMMISSION NO. 2442326

BEING A DIVISION OF THE WEST 16 ACRES OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST 8 ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 SOUTH, RANGE 24 EAST, M.D.B.&M., IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, EXCEPTING THEREFROM ANY PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER LYING WEST OF THE EAST 8 ACRES OF SAID SECTION 23.

CONSISTING OF 4 SHEETS SHEET 1 OF 4
JUNE 2024



VICINITY MAP
N.T.S.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF D.R. HORTON ON SEPTEMBER 28, 2021 AND SAID FIELD SURVEY IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS WITHIN ONE YEAR OF THE RECORDING OF THIS MAP, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

[Signature] 6/26/24
TIMOTHY M. ODOM, P.L.S. 8468 DATE



CITY SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND FIND IT TO BE SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

[Signature] 7/17/24
MICHAEL E. LONG, P.L.S. 6815 DATE
CITY SURVEYOR



CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF VISALIA HELD ON THE

15th DAY OF July, 2024, AN ORDER WAS DULY AND REGULARLY MADE AND ENTERED INTO APPROVING THIS MAP AND SUBDIVISION AND, ON BEHALF OF THE PUBLIC, ACCEPTING SUBJECT TO IMPROVEMENT, THE PUBLIC STREETS, AND LETTERED LOTS A, B, AND C, AND ACCEPTING THE PUBLIC UTILITY EASEMENTS AND THE BLOCK WALL EASEMENTS, ALL INCLUDED WITHIN THE BOUNDARIES OF THE SUBDIVISION AND AS SHOWN UPON THIS MAP.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF VISALIA THIS 29th DAY OF July, 2024

LESLIE B. CAVIGLIA
CITY MANAGER/CITY CLERK

[Signature]
CHIEF DEPUTY CITY CLERK



CITY PLANNER'S STATEMENT

I HEREBY STATE THAT THIS FINAL MAP CONFORMS TO THE TENTATIVE SUBDIVISION MAP 5586 VICTORY OAKS, APPROVED BY THE CITY OF VISALIA PLANNING COMMISSION AT THE REGULAR MEETING HELD ON SEPTEMBER 26, 2022.

[Signature] 7/18/2024
PAUL BERNAL DATE
PLANNING AND COMMUNITY PRESERVATION DIRECTOR/CITY PLANNER

BOARD OF SUPERVISORS' STATEMENT

I, JASON T. BRITT, COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, STATE OF CALIFORNIA DO HEREBY STATE THE SAID BOARD OF SUPERVISORS HAS APPROVED THE PROVISIONS MADE FOR THE PAYMENT OF TAXES AS PROVIDED IN DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED THIS 9th DAY OF August, 2024

JASON T. BRITT, COUNTY ADMINISTRATIVE OFFICER/
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
DEPUTY



RECORDER'S STATEMENT

DOCUMENT NO. 2024-0037355

FEE PAID: 389.00

FILED THIS 16th DAY OF AUGUST, 2024, AT 12:22 P.M. IN BOOK 45 OF MAPS, AT

PAGE 25 TULARE COUNTY RECORDS, AT THE REQUEST OF PROVOST & PRITCHARD INC.

TARA K. FREITAS, CP
TULARE COUNTY ASSESSOR/CLERK-RECORDER

BY [Signature]
DEPUTY

FLOOD HAZARD NOTE

AS DELINEATED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (MAP NUMBER 06107C0930E) FOR COMMUNITY NO. 060409, CITY OF VISALIA, TULARE COUNTY, CALIFORNIA, EFFECTIVE JUNE 16, 2009, THE PROPERTY SHOWN ON THIS MAP LIES FULLY WITHIN A FLOOD ZONE AREA DESIGNATED ZONE X (SHADED), WHICH ARE AREAS OF 0.2-PERCENT ANNUAL CHANCE FLOODING, AREAS OF 1-PERCENT ANNUAL CHANCE FLOODING WHERE AVERAGE DEPTHS ARE LESS THAN 1 FOOT, AREAS OF 1-PERCENT ANNUAL CHANCE FLOODING WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED FROM THE 1-PERCENT ANNUAL CHANCE FLOOD BY LEVEES.

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT

ALL THE REAL PROPERTY INCLUDED IN THE BOUNDARIES OF THE SUBDIVISION SHOWN UPON THIS MAP IS INCLUDED IN "ASSESSMENT DISTRICT NO. 24-04, CITY OF VISALIA, TULARE COUNTY, CALIFORNIA" ESTABLISHED PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972.

Beneficiary's Consent and Subordination recorded concurrently herewith as Document No. 2024-0037356 Official Records, Tulare County, California

PREPARED BY
PROVOST & PRITCHARD
CONSULTING GROUP
An Employee Owned Company
400 E MAIN STREET, STE 300
VISALIA, CALIFORNIA 93291-8337
559/636-1186 FAX 559/636-1177
www.pprg.com
DATE: 5/22/24
JOB NO.: 159421002
DRAWING NO.: FM

VICTORY OAKS - PHASE 1

BEING A DIVISION OF THE WEST 16 ACRES OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST 8 ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 SOUTH, RANGE 24 EAST, M.D.B.&M., IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA. EXCEPTING THEREFROM ANY PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER LYING WEST OF THE EAST 8 ACRES OF SAID SECTION 23.

CONSISTING OF 4 SHEETS SHEET 2 OF 4
JUNE 2024

LEGEND

- MONUMENT, FOUND & ACCEPTED AS DESCRIBED, UNLESS OTHERWISE NOTED
- FOUND & ACCEPTED 3/4" IRON PIPE, "PLS 8163", PER R1
- SET 3/4"x30" IRON PIPE WITH TAG MARKED "LS 8468", DN 6" UNLESS OTHERWISE NOTED
- WITNESS CORNER: SET 3/4"x30" IRON PIPE WITH TAG MARKED "LS 8468", DN 6", ON PROPERTY LINE AND 4' DISTANT FROM THE INTERSECTING LINE, AT RIGHT-ANGLES
- △ SET BRASS DISK, STAMPED "PLS 8468", FLUSH IN CONCRETE
- () INDICATES RECORD DATA PER REFERENCE TABLE BELOW

— SUBDIVISION BOUNDARY LINE

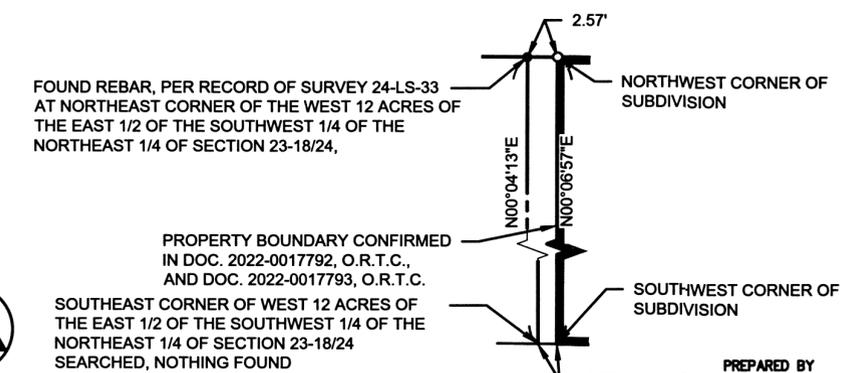
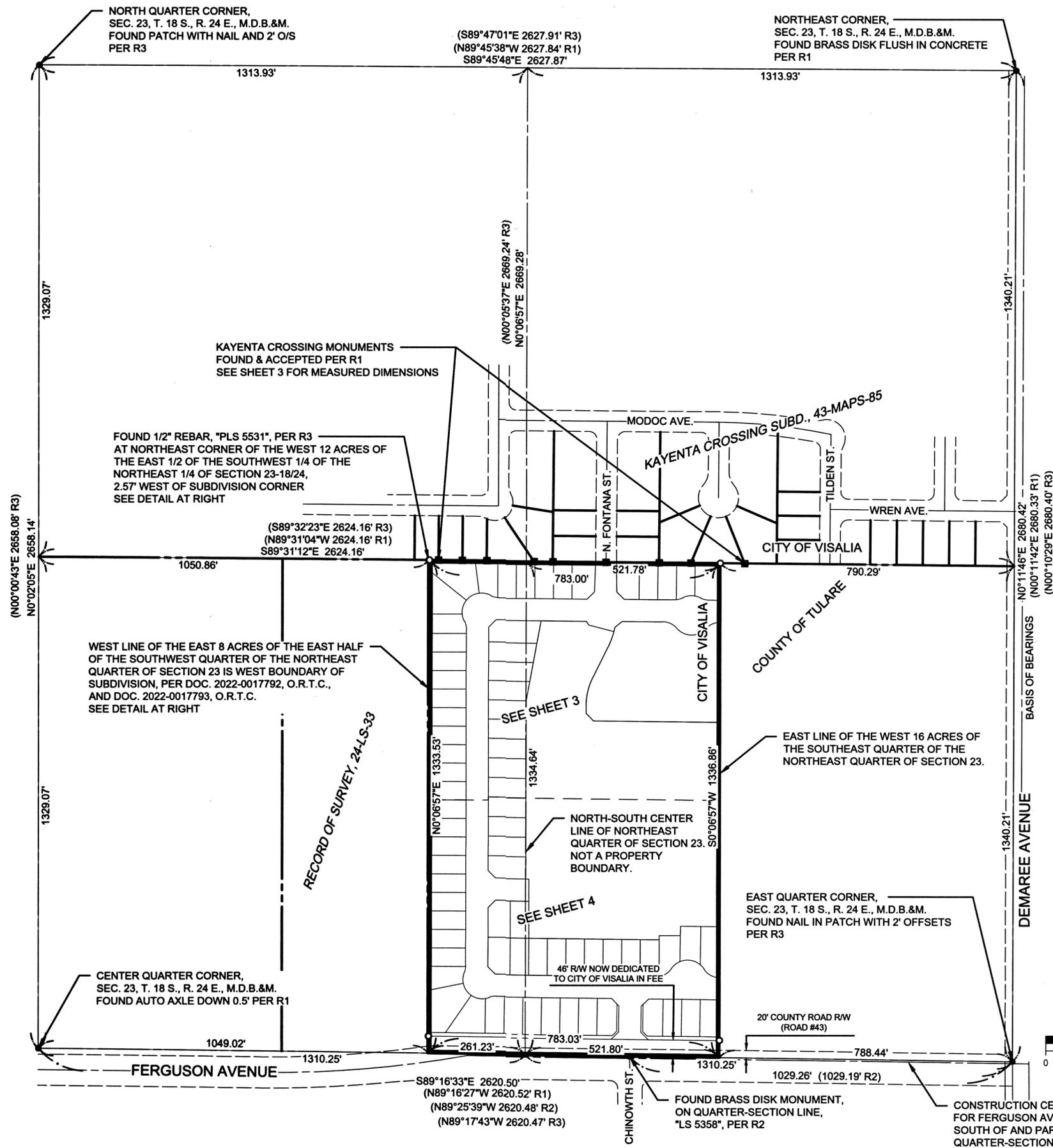
T.C.R. TULARE COUNTY RECORDS
O.R.T.C. OFFICIAL RECORDS OF TULARE COUNTY

NOTES

1. ALL DISTANCES ARE US SURVEY FEET, GROUND, IN FEET AND DECIMAL PARTS THEREOF.
2. DISTANCES NOT MONUMENTED ARE CALCULATED.
3. ALL CURVES ARE DIMENSIONED WITH RADIUS, ARC LENGTH AND DELTA.
4. DUE TO ROUNDING, THE SUM OF INDIVIDUAL DIMENSIONS MAY NOT EQUAL THE OVERALL DIMENSION.

REFERENCES

- (R1) RECORD DATA PER KAYENTA CROSSING SUBDIVISION, RECORDED IN BOOK 43 OF MAPS AT PAGE 85, TULARE COUNTY RECORDS, OR CALCULATED THEREFROM
- (R2) RECORD DATA PER SILVER OAKS, UNIT NO. 1, RECORDED IN BOOK 41 OF MAPS AT PAGE 44, TULARE COUNTY RECORDS, OR CALCULATED THEREFROM
- (R3) RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 24 OF LICENSED SURVEYS AT PAGE 33, TULARE COUNTY RECORDS, OR CALCULATED THEREFROM



BASIS OF BEARINGS
THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 23 - 18/24, M.D.B.&M., TAKEN AS NORTH 0°11'46" EAST, AS MEASURED BY GPS OBSERVATIONS

PREPARED BY
PROVOST & PRITCHARD
CONSULTING GROUP
An Employee Owned Company
400 E MAIN STREET, STE 300
VISALIA, CALIFORNIA 93291-6337
559/636-1166 FAX 559/636-1177
www.ppeng.com
DATE: 5/22/24
JOB NO.: 159421002
DRAWING NO.: FM

TSM 5586

VICTORY OAKS - PHASE 1

BEING A DIVISION OF THE WEST 16 ACRES OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST 8 ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 SOUTH, RANGE 24 EAST, M.D.B.&M., IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA. EXCEPTING THEREFROM ANY PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER LYING WEST OF THE EAST 8 ACRES OF SAID SECTION 23.

CONSISTING OF 4 SHEETS SHEET 3 OF 4

JUNE 2024

LEGEND

- MONUMENT, FOUND & ACCEPTED AS DESCRIBED, UNLESS OTHERWISE NOTED
- FOUND & ACCEPTED 3/4" IRON PIPE, "PLS 8163", PER R1
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- △ SET BRASS DISK, STAMPED "PLS 8468", FLUSH IN CONCRETE
- () INDICATES RECORD DATA PER REFERENCE TABLE ON SHEET 2

— SUBDIVISION BOUNDARY LINE

(R) RADIAL BEARING

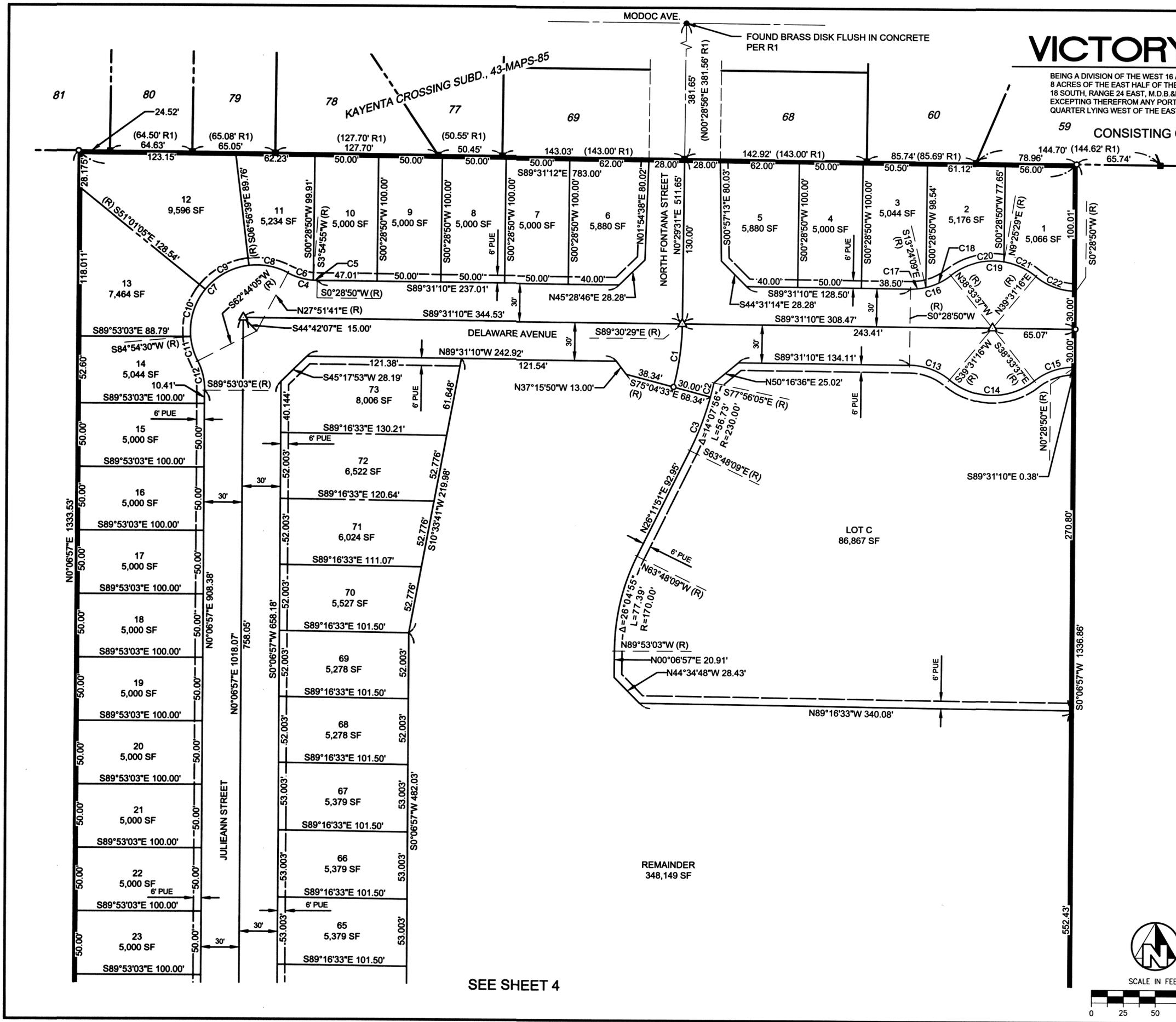
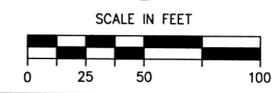
T.C.R. TULARE COUNTY RECORDS
 O.R.T.C. OFFICIAL RECORDS OF TULARE COUNTY
 PUE PUBLIC UTILITY EASEMENT
 BWE BLOCK WALL EASEMENT

ALL DISTANCES ARE US SURVEY FEET, GROUND DISTANCES NOT MONUMENTED ARE CALCULATED

CURVE TABLE			
NUMBER	LENGTH	RADIUS	DELTA
C1	50.38'	200.00'	14° 25' 56"
C2	11.48'	230.00'	2° 51' 32"
C3	45.25'	230.00'	11° 16' 24"
C4	23.89'	50.00'	27° 22' 51"
C5	3.00'	50.00'	3° 26' 06"
C6	20.90'	50.00'	23° 56' 46"
C7	131.71'	52.00'	145° 07' 36"
C8	31.59'	52.00'	34° 48' 20"
C9	40.00'	52.00'	44° 04' 25"
C10	40.00'	52.00'	44° 04' 25"
C11	20.12'	52.00'	22° 10' 25"
C12	23.89'	50.00'	27° 22' 51"
C13	34.07'	50.00'	39° 02' 26"
C14	72.23'	53.00'	78° 04' 53"
C15	34.07'	50.00'	39° 02' 26"
C16	34.07'	50.00'	39° 02' 26"
C17	12.12'	50.00'	13° 52' 59"
C18	21.95'	50.00'	25° 09' 28"
C19	72.23'	53.00'	78° 04' 53"
C20	44.39'	53.00'	47° 59' 06"
C21	27.84'	53.00'	30° 05' 47"
C22	34.07'	50.00'	39° 02' 26"

MONUMENTATION NOTES
 SET 3/4" I.P., 2.5' LONG, DOWN 0.5',
 TAGGED "LS 8468" AT ALL LOT
 CORNERS, ANGLE POINTS, AND
 CURVES, UNLESS SHOWN OTHERWISE

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SEE SHEET 4



CITY OF VISALIA Disclosure Development Project

NOTICE OF COMPLETION

INCOMPLETE OR LATE SUBMISSION OF DISCLOSURE STATEMENT COULD RESULT IN CONTINUANCE OR DELAY OF YOUR PROJECT.

SITE:

Address or APN(s): 077-190-007 (W of NWC of Ferguson and Demaree)

Short Title or Name of proposed project: Victory Oaks, Phase 1 and 2

Summary description of the proposed project: Two Phase 117 lot subdivision.

DEVELOPER(S):

If more than two developers, please provide information and signature(s) on a separate sheet.

Name (print) VOV Capital LP Name (print) Aha Development Group, Inc.

Mailing Address 1170 N. Coast Hwy Mailing Address 1170 N. Coast Hwy
Laguna Beach, CA 92651 Laguna Beach, CA 92651

Phone 949-612-9170 Phone 949-612-9170

Statement: I/We declare under penalty of perjury that I am/we are the developers(s) of the property per the executed Subdivision Agreement with the City of Visalia. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

9/25/2025

Date

Developer Signature
Matthew S. Watson, President of Aha Development Group, Inc.,
General Partner of VOV Capital LP
Print Name & Title

Date

Developer Signature

Print Name & Title

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder are a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Partner/Owner/Trustee: Matthew & Shea Watson, Trustees of the Matthew and Shea Watson Living Trust, dated 2/16/2022

Partner/Owner/Trustee: Aha Development Group, Inc.

Partner/Owner/Trustee: Matthew Watson

Partner/Owner/Trustee: Shea Watson

Partner/Owner/Trustee: _____



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0454

Agenda Date: 10/20/2025

Agenda #: 4.

Agenda Item Wording:

Appropriation of Funds - Authorize an additional appropriation of \$110,000 for the design phase of the Valley Strong Stadium Retaining Wall Project from the Baseball Fund (157).

Prepared by:

Cody McLaughlin, Associate Engineer, Cody.Mclaughlin@visalia.gov, 713-4595

Dolores Verduzco, Financial Analyst, Dolores.Verduzco@visalia.gov, 713-4540

Rebecca Keenan, Senior Civil Engineer, Rebecca.Keenan@visalia.gov, 713-4541

Chris Crawford, City Engineer, Chris.Crawford@visalia.gov, 713-4331

Jason Huckleberry, Eng. & Bldg. Director, Jason.Huckleberry@visalia.gov, 713-4495

Department Recommendation:

Staff recommends that the City Council authorize the additional appropriation of \$110,000 for the design phase of the Valley Strong Stadium Retaining Wall Repair Project from the Baseball Fund 157.

Summary:

During the fall of 2022 annual site walk with the Rawhide staff, it was noted that the retaining wall located on the south side of the complex along the pitching bullpen has developed a separation from the concrete panels at the top of the concourse. City Engineering staff followed up with a site visit to assess the wall and determine the possible extents of investigation and work required to resolve the issue. Staff determined the retaining wall required a structural engineer to properly assess the structural integrity of the wall; to determine the steps to follow regarding research and testing lab investigation; and to identify design solutions to stabilize/rectify the retaining wall. Funds from this appropriation will be used for the needed assessment, research, investigation, and design solutions.

Background Discussion:

The City's Valley Strong Ball Stadium houses the Rawhide baseball team. The Stadium was expanded in 2007 when the right field was improved to include raised grass seating/concourse area. To do this a retaining wall was built to hold the soil infill that created the raised seating/concourse area along the first base line.

The retaining wall has since begun to pull away from the backfill creating some visible hairline cracking in the wall, a gap between the concrete pad and the wall, and a visible curve in the once straight wall. The movement of the wall has also caused the upper concrete pad (concourse) to sink below its original pour line. The concern with the wall pulling away is that the gap may continue to expand, allowing water to fall between the concrete pad and the wall in the backfilled soil. As the soil becomes more saturated the soil pressures applied on the wall increase, forcing the retaining wall to pull away at a faster rate.

In 2023 City Council authorized the appropriation of \$35,000 for preliminary engineering and

preliminary investigation efforts. City staff procured a consultant structural engineer for the preliminary engineering and investigation efforts and to provide expert opinion and next-step recommendations to resolve the issue. Staff and the design consultant assessed the wall and did not believe there to be a catastrophic failure of the wall in the near future, but without resolution to the existing issue the wall will continue to destabilize over time. A secondary adjacent retaining wall to the bullpen was also identified for evaluation and remediation due to visible cracks. This secondary retaining wall is the adjacent wall that perpendicularly abuts the initial retaining wall being investigated, this secondary wall is being included within the design scope of work. Through preliminary engineering and investigation, it was determined that further investigation and data collection done by collecting soil samples and generating a soils report through a geotechnical engineer should reveal further data necessary to move forward with a design including construction drawings, calculations, specifications and a construction cost estimate. In order to move forward with the design of the project a project budget has been established for the design phase. Upon appropriation of the requested funds, City staff will move forward with the design of the project and target the most efficient and cost-effective solutions for the retaining walls. Staff would look to complete the design by summer of 2026 and move to the construction phase of the project next offseason fall-winter of 2026 and have construction complete before spring training begins.

Fiscal Impact:

The total estimated design budget for the project totals \$145,000. Previously, \$35,000 was appropriated to begin the preliminary engineering, investigation and design. This has been accounted for in the project design budget as those efforts have been incorporated into the design phase of the project. Staff has included a design contingency amount in the project budget to account for any potential additional investigations or additional design tasks for the design consultant due to the unknown nature of the backfilled soil behind the retaining walls. Refer to the Project Budget Summary below.

Rawhide Retaining Walls (CP0616)	
Design Budget	
Drafting/Surveying	\$8,000
Staff Time	\$42,000
Geotechnical Testing	\$25,000
Consultant Design:	\$50,000
Design Contingency:	\$20,000
Project Design Cost:	\$145,000
Current Project Budget:	\$35,000
Project Budget Deficit:	\$110,000

Due to the above-identified budget deficit, Staff recommends that the funds for the design of repairing/stabilizing the rawhide stadium retaining walls be appropriated the Baseball Fund (157) in the amount of \$110,000. Once the project has moved far enough into the design phase, City staff will return to council at a later date with an estimated construction budget for the construction phase of the project.

This project is not included under the agreement that was executed in 2024 between the City of Visalia and First Pitch Entertainment, LLC. That agreement covered projects related to upgrading the sports lighting to LED (recently completed); the Outfield Wall/Padding/Batter's Eye (construction to be complete by December 31, 2025); and the Clubhouse/Batting Cage (construction to be complete by March 23, 2026). This project is considered corrective maintenance and will be paid for out of the Baseball Fund.

Prior Council Action:

04/17/2023: Authorized the appropriation of \$35,000 for preliminary engineering for the Rawhide Retaining Wall Repair Project from the General Fund.

Other: NA

Alternatives: None Recommended

Recommended Motion (and Alternative Motions if expected):

I move to authorize the additional appropriation of \$110,000 for the design phase of the Valley Strong Stadium Retaining Wall Repair Project from the Baseball Fund (157).

Environmental Assessment Status: NA

CEQA Review: NA

Deadline for Action: 10/20/2025

Attachments: Existing Site Photos

Pic.1 - Retaining wall in comparison to the adjacent brick showing the tilt in the wall. The yellow arrows show the visible brick at the top vs. the bottom. The leaning of the wall has caused more coverage of the brick at the top of the wall.



Pic 2. Example of cracking in the wall - The red arrows follow the crack down the wall



Pic. 3/4 - Gap Between upper Concrete Pad/Deck and the Retaining wall



Retaining Wall



Gap

concrete deck/pad



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0457

Agenda Date: 10/20/2025

Agenda #: 5.

Agenda Item Wording:

Visalia Parks and Recreation Master Plan, Needs Assessment, and Park Impact Fee Study - Authorize City Manager to award contract to PROS Consulting of Brownsburg, Inc. for an amount not to exceed \$273,755.

Prepared by: Jason Glick, Parks and Recreation Director 713-4042, jason.glick@visalia.gov

Department Recommendation: It is recommended to authorize the City Manager to sign a contract with Pros Consulting in the amount of \$273,755 for Visalia Parks and Recreation Master Plan, Needs Assessment, and Park Impact Fee Study.

Summary:

The Visalia Parks and Recreation Master Plan and Needs Assessment has been identified as a Capital Improvement Project (CIP) for Fiscal Year 2025-26. To initiate the process, a Request for Proposals (RFP) was released on August 14, 2025, inviting qualified consulting firms with expertise in developing parks and recreation master plans for municipalities. The RFP, designated as Project 24-25-61, was advertised locally in the Visalia Times-Delta and the Tulare Advance-Register, broadcast on BidNet Direct and the City's website. In addition, notices were sent to 33 consulting firms as well as various exchanges and plan room networks. The RFP closed on September 3, 2025.

A selection panel, comprised of City staff from both the Parks and Recreation and Engineering departments, was convened to review and evaluate the submitted proposals. On September 17, 2025, the panel met to conduct their review. Four firms responded to the RFP, each submitting thoughtful and comprehensive proposals.

After thorough evaluation, PROS Consulting was unanimously selected by the panel. The firm distinguished itself through its detailed and well-organized proposal, which demonstrated a strong commitment to community engagement, a balanced focus on both parks and recreation, and a solid track record of successful projects with municipalities across California and the nation. The quality of their presentation, along with their relevant experience, made them the clear choice to lead this important initiative for the City of Visalia.

Background Discussion:

The City of Visalia is undertaking the development of a comprehensive Parks and Recreation Master Plan and Needs Assessment. This foundational document will serve as a strategic roadmap to guide the acquisition, development, maintenance, and programming of parks and recreation facilities in alignment with the City's General Plan over the next 20 years.

The primary goal of the project is to conduct a system-wide assessment of current recreation facilities and programming, identify priority areas for investment and improvement, and establish a vision for equitable access to high-quality parks, green spaces, and recreational opportunities across all Visalia neighborhoods. The plan will also include a Park Impact Fee Study to evaluate current fees and

recommend updates to support future development and long-term sustainability.

Key components of the Master Plan include:

- A comprehensive needs assessment for parks and recreation programs and facilities
- Identification of optimal locations for future parks
- Prioritization of improvements to existing park infrastructure and programming
- A review and recommendation of updates to current park impact fees
- A strategy for ensuring fair and equitable access to parks and green space throughout the community
- Development of goals, policies, guidelines, and implementation strategies based on realistic funding scenarios

The plan aims to take a holistic, system-wide approach, providing the City with data-driven tools and community-driven insights to inform both short- and long-term decision-making. The resulting Master Plan will be a critical guiding document for the City's ongoing efforts to enhance the quality of life for residents and ensure that Visalia's parks and recreation system continues to thrive for generations to come.

Fiscal Impact: The City Engineer's estimate for this project is \$275,000. The proposed contract with PROS Consulting, if approved, includes a bid of \$273,755.00. This project has budget of \$275,000 from the General Fund and Park Impact Fee Fund (CP0669).

Prior Council Action: None

Other: N/A

Alternatives: Council rejects the Parks and Recreation Master Plan, Needs Assessment, and Park Impact Fee Study bid and directs staff to evaluate the scope of work.

Recommended Motion (and Alternative Motions if expected):

Award and authorize the City Manager to sign a contract with Pros Consulting in the amount of \$273,755 for Visalia Parks and Recreation Master Plan, Needs Assessment, and Park Impact Fee Study.

Environmental Assessment Status: N/A

CEQA Review: N/A

Deadline for Action: 10/20/2025

Attachments: A copy of PROS Consulting's proposal, agreement and fee schedule is attached for review.



Request for Proposals No. 24-25-61

Park and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

September 3, 2025



Prepared By:



September 3, 2025

Cover Letter

Inspiring
Communities
to Action

City of Visalia Purchasing Division
707 W. Acequia Avenue
Visalia, CA 93291

RE: RFP-24-25-61– Park and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Dear Selection Committee:

PROS Consulting, Inc. is excited about the opportunity to partner with the City of Visalia on the development of *Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis* (“Master Plan”). We are a full-service management consulting and strategic master planning firm focusing on services to government agencies, with specialized experience in parks and recreation, tourism, economic development, sports strategy, marketing and branding, and open space planning.

Our national experience and our extensive work locally throughout California enable us to offer the ideal combination of national expertise and local insights. We believe our experience working with higher-performing and CAPRA Accredited agencies on similar master plans throughout the nation will have the least learning curve and our customized methodology is best suited to help you:

- **Maximize community engagement** to ensure the broad interests of the diverse community and stakeholders in Visalia are heard and can help guide growth and development of parks and recreation sites, facilities, and programs.
- **Create a future strategy for parks, recreation and green spaces that is fair to the entire community** regardless of socioeconomic, cultural, racial, or geographic differences, and provide fair community benefit to all.
- **Utilize a wide variety of data sources and best analytical practices** to predict trends and patterns of use, community impact, and how to address unmet needs in Visalia.
- **Enhance the environmental resiliency of Visalia by leveraging parks and green spaces** as green infrastructure that is equitably distributed throughout the community.
- **Shape the financial sustainability and organizational excellence** to achieve the strategic objectives, identify revenue opportunities, dynamic partnerships, and ensure future operational and maintenance needs are addressed.
- **Develop a dynamic and realistic action plan** that is based on unique levels of service, promotes health and safety, supports active lifestyles, builds community connectivity, and creates a road map to ensure long-term success and financial sustainability for Visalia’s parks, recreation programs, and facilities.

To create a dynamic, forward-thinking Master Plan that meets the City’s high standards, we are pleased to have assembled an esteemed, local and award-winning team for this project, which includes the expertise of our longtime partner **Wallace Roberts & Todd (“WRT”)**, a local and nationally renowned planning design firm made up of city and regional planners, urban designers, landscape architects, and architects. We have included on our team **4Creeks, Inc.**, an engineering and planning firm, to assist in cost estimation and mapping. Also on the team is our long-term partner **ETC Institute**, a nationally renowned survey and market research firm, to assist in the optional statistically valid community survey development. Finally, **NBS**, a financial analysis firm, will work with us to complete the Park Impact Fee Analysis.

If you have any questions or need additional information, please do not hesitate to contact me at 317.679.5615 or leon.younger@prosconsulting.com, or our project manager Michael Svetz at 623.388.1787 or michael.svetz@prosconsulting.com.

Sincerely,
PROS Consulting



Leon Younger, President

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Fee Proposal in Separate Sealed Envelope

Request for Proposals No. 24-25-61

Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Section A – General Information

Who is PROS Consulting?

PROS Consulting is a small firm with a big presence in the field of management consulting for public entities and non-profit organizations. With a small team of highly professional and experienced consultants, PROS is a flexible firm that is agile to the evolving dynamics of the social, economic, and political environments our clients operate in. PROS is among only a small handful of firms that have tremendous experience in the field as practitioners and have become nationally recognized for helping to shape and further transform the industry of parks and recreation. The full name and location of the office that will be working on this project are:



Full Legal Company Name: PROS Consulting, Inc.

Years in Business: 30 (formed in 1995)

Number of Employees: 14 Small Business

Type of Company: S-Corporation, Leon Younger and Katherine Younger are the Owners.

Contact Information: 35 Whittington Dr., Suite 300; Brownsburg, IN 46122.

P: 877.242.7760; F: 877.242.7761

Website: www.prosconsulting.com

Contact: Leon Younger, President; 317.679.5615; leon.younger@prosconsulting.com and Michael Svetz, Principal/Project Manager; 623.388.1787; michael.svetz@prosconsulting.com

PROS Quick Facts

- Since the firm was established in 1995 to uniquely serve the park, recreation and tourism services industry, PROS has completed more than 1,000 projects in over 47 states and numerous projects internationally in seven countries.
- The **PROS Team has worked in highly diverse environments** from the inner cities of Los Angeles, Houston, Atlanta, and Dallas, to remote areas in Appalachia, Montana, and the American West. Our experience includes working with the best-of-the-best, the worst-of-the-worst, and a lot in between.
- Our planning team has a great depth of operational experience with **over 100 combined years as former parks and recreation managers**. This perspective of being trained “in the industry” and not just “on the industry” allows us to relate to communities and their residents, recreationalists of all types, and to understand the unique relevance of needs that can be most appropriately served by our clients. In other words, great recreational and park planning is not just collecting surveys and reporting results – it is about **achieving a sustainable balance of services, meeting community needs, and resource protection with community fulfillment**.
- Our approach to planning projects is that we become the **extension of the client’s team** and carry the same accountability as they do in serving their communities.
- This project is not about the PROS Team or what we think is best for your organization and stakeholders, nor do we believe that what works in some parts of the country will work here. This project is about producing **dependable, sustainable, relevant, and innovative outcomes for the City of Visalia, and the people that live, work and play in the region.**





Unique Experience Specific to the Project

The matrix below illustrates why our Consulting Team is the most qualified in relation to the qualifications requested.

Qualifications	PROS Consulting Team
Experience with parks, recreational facilities, programs and service management	Over 100 years combined experience as practitioners in the parks and recreation industry and as planners
A firm understanding of the work of parks and recreation agencies	Successfully completed over 1,000 planning projects in all levels of the public sector
Familiarity with public sector cost accounting and budgeting	Successfully completed over 150 costs of service, financial management, or revenue enhancement plans for public clients
Knowledge of existing park-centric partnerships throughout the country	Directly assisted over 70 public clients with identifying, establishing, and maintaining innovative partnerships
Experience developing fiscal or financial plans at facility level (park or sector), or system level	Successfully completed over 200 business plans for individual parks and park systems
Public facilitation experience	Facilitated over 4,000 meaningful public meetings and focus groups throughout the United States
Personnel training experience	Organized and facilitated personnel development and training programs for over 10,000 participants in the last 25 years
Familiarity with and experience doing business in California	Completed similar projects in Tulare, Hanford, Riverbank, West Sacramento, Pleasant Hill, Fair Oaks Rec. and Park District, Orangevale Rec. and Park District, Cordova Rec. and Park District, Half Moon Bay, San Mateo, San Francisco, San José, Sonoma County, Roseville Riverside County, Carlsbad, Los Angeles, Malibu, Lodi, Temple City, Pasadena, and Sacramento, California State Parks and many other parks and recreation agencies across California
Experience in CAPRA Accreditation	Assisted the following agencies with CAPRA Accreditation in the past through master and strategic plans: Carlsbad, CA; Kansas City, MO; Carmel, IN; Westerville, OH; Roanoke, VA; Toledo, OH MetroParks; Prince George's County, MD; Mecklenburg County, NC and many others throughout the last 30 years. Two CAPRA Visitors on staff. Worked with nearly 40% of CAPRA accredited agencies and 55% of NRPA Gold Medal Winners.
Forensic accounting and economic analysis experience	Utilized forensic accounting in all cost of service, business plan projects, and economic impact analysis; former public finance director and CPA on staff
Operational and programming analysis experience	PROS Consulting has completed over 300 operational and programming studies for a wide variety of parks and recreation planning projects on a system-wide level as well as site/facility specific
Statistically Valid Survey Development and Benchmarking	ETC Institute completed over 600+ statistically valid surveys on park-related projects. Through this work, members of the project team have developed a benchmark of "best practice" agencies across North America
Park, Open Space and Trail Planning	WRT has significant experience in the design and planning of a wide range of parks and recreation planning projects. Whether designing a new park or renovating and expanding an existing park, design recommendations integrate flexibility of use, ease of maintenance, and sustainable solutions.

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Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Subcontractors

We have expanded our expertise and capabilities to best serve the needs of the City of Visalia in this plan. Our team members have collaborated with us on similar projects in the past and have a great reputation across the industry, both locally and nationally. The subconsultants proposed for this team are chosen for their specific expertise to ensure the highest level of innovation and successful outcome for the City of Visalia. Services can be scaled up or down depending on need. Our entire team is inspired and excited to develop a planning document that elevates parks and recreation for the citizens of Visalia.

WRT

WRT offers services in landscape architecture, planning, urban design, and architecture. Since the firm's inception in 1963, we have been dedicated to improving the quality of the natural and built environments by applying principles of sustainability to the planning and design of regions, cities, landscapes, and buildings. We bring this ethos to our belief that community open space systems shape cities and are a vital urban framework and catalyst for community improvement. This philosophy lives in our 200+ parks and open space assignments. WRT's California park practice is focused on the design of individual parks, master plans, and systems planning. We serve federal, state, county, and local municipalities. Recent and current park projects include the Fresno Parks Master Plan; Tracy Parks, Recreation & Trails Master Plan; Hayward Area Recreation and Park District Parks Master Plan; San Luis Obispo Parks + Recreation Master Plan; Fremont Comprehensive Parks + Recreation Master Plan; Austin Parks Long Range Plan; and Arlington Public Spaces Master Plan.

WRT Office Address and Contact

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Our approach to completing the Park and Recreation Master Plan Update is rooted in our experience collaborating closely with community members, commissions and staff from other cities. WRT believes strongly that our expertise is most valuable when paired with the community stakeholders who ultimately champion and implement the policies in the plan. In this way, we place emphasis on personal interactions with the community.

As frequent teaming partners with PROS, we have built a shared national portfolio and bring that team experience to all our projects.

PROS Consulting & WRT have worked together on the following parks and recreation master plans over the last decade: Fresno, CA; Roseville, CA; Fremont, CA; Hanford, CA; San Luis Obispo, CA; Riverbank, CA; Hayward Area Recreation & Park District, CA; Dallas, TX; Austin, TX; Oklahoma City, CA; Prince George's County, MD; Five Rivers Metroparks (Dayton, OH); Atlanta, GA; Arlington County, VA





4Creeks

4Creeks, Inc. provides progressive civil engineering, planning, architecture, land surveying, and construction management



and inspection services with logical solutions and designs. Many of our principals and staff have significant work experience with local municipalities as well as federal and state agencies. Our in-house, multidisciplinary expertise enables us to conduct thorough reviews efficiently and with a high degree of technical understanding. These integrated specialties serve as a valuable resource, fostering collaboration and enhancing the quality of every project we support. We currently have a staff of over 200 professionals working in Visalia, Hanford, Tulare, Clovis, San Luis Obispo, and Denver. Our experience and services include:

- On-Call Contract Services
- Municipal Engineering & Planning
- Project Management
- Street Rehabilitation
- ADA Design & Compliance
- Parks and Recreation Engineering & Planning
- Residential, Commercial, Industrial, Educational Design & Planning
- Land Surveying
- Utility Design & Coordination
- Water Resources
- Environmental Planning, Design, & Compliance
- Geographic Information Systems
- Architecture
- Structural Engineering
- Construction Administration & Management
- Public Works Inspection

Economical design considerations, environmental stewardship, and resource efficiencies are tenets of every project we undertake. We pride ourselves on pioneering innovative solutions for our clients that enhance the value of their projects, keep their costs in check, and deliver lasting results.

ETC Institute

ETC Institute is a 102-person market research firm that specializes in the design and administration of market research for governmental organizations. Our major areas of emphasis include citizen satisfaction surveys, parks and recreation surveys, community planning surveys, business surveys, transportation surveys, employee



surveys, voter opinion surveys, focus groups, and stakeholder interviews. Since 1982, ETC Institute has completed research projects for organizations in 49 states. ETC Institute has designed and administered more than 3,500 statistically valid surveys and our team of professional researchers has moderated more than 1,000 focus groups and 2,000 stakeholder meetings. During the past five years alone, ETC Institute has administered surveys in more than 700 cities and counties across the United States. ETC Institute has conducted research for more major U.S. cities and counties than any other firm.

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Business Type: S-Corporation

Tax ID: 26-2565232

DIR No.: 1000012032

Ownership: 100% ESOP

Years in Business: 17+

Sureties:

4Creeks, Inc. carries standard policies for a professional firm, including General and Automobile Liability, E/O, and Worker's Compensation.

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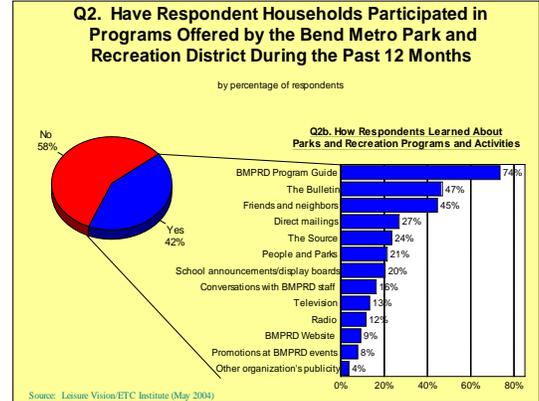
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Core services of the firm involve conducting statistically valid surveys and related market research. ETC Institute has conducted more than 600 surveys for parks and recreation systems in 46 states across the country for a wide variety of projects including parks and recreation master plans, strategic plans and feasibility studies.

Established in 1992, the principals and associates of ETC Institute helped secure funding for more than \$2 billion of parks and recreation projects. **PROS Consulting and ETC Institute have teamed up on more than 400 similar parks and recreation projects.**



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LEGAL NAME DBA
NBS Government NBS
Finance Group

INDIVIDUAL AUTHORIZED TO NEGOTIATE AGREEMENT
Sara Mares, Chief Operating Officer

Since 1996, NBS has supported California municipalities with the implementation and ongoing administration of local funding tools.

We provide a full range of cost and revenue consulting services, including Development Impact Fee Studies User and Regulatory Fee Studies, Overhead Cost Allocation Plans, Fiscal Impact Analysis, Utility Rate Studies, Short and Long-Term Financial Plans and Projections, formation and administration of Special Financing Districts (SFDs). Across all practice areas, we have worked with more than **500 public agencies** to date, including cities, counties, school districts, utilities, and special districts.

References and Referrals

See Pages 21-27

Completed Forms

Included at the end of proposal in Section E.



Section B – Proposed Project Approach

PROS Consulting Commitment

The Visalia Master Plan will bring together equity and fiscal responsibility. All recommendations will focus on who benefits, who has access, and how the City sustains operations over time. Three commitments guide this work: inclusive engagement that reaches residents who are least often heard, an implementation playbook with specific responsibilities and a 12-month calendar, and a financial framework that balances cost of service with affordability. All tools and models will be delivered in a format that City staff can update annually without new consulting contracts.

Project Understanding

The City of Visalia Parks and Recreation Department is creating a master plan to guide future investments, policies, and day-to-day operations. With steady growth and rising community expectations, the City needs a plan that ties facility and program improvements directly to clear service standards, sustainable funding strategies, and community priorities.

This plan will provide a comprehensive framework for parks, recreation facilities, programs, and operations. It will be grounded in measurable service levels, realistic capital and maintenance funding approaches, and broad community engagement. The process combines technical analysis, financial modeling, and collaborative decision-making to ensure the final plan is practical, equitable, and ready for implementation.



Objective	Challenge Identified in RFP	Our Solution	Deliverable/Outcome
Align facilities and programs with growth	Facilities and services not fully aligned to demand or standards	Complete inventory, GIS analysis, and LOS gap mapping	System-wide asset inventory & LOS maps
Prioritize capital investments	Limited framework for project phasing and funding	Data-driven CIP tied to needs, impact fees, and O&M costs	Prioritized CIP with phasing and funding plan
Maintain quality and equity	Inconsistent standards across parks and programs	Develop citywide design, maintenance, and program standards	Adoptable standards and guidelines
Support sustainable funding	No integrated link between CIP, O&M, and fees	Park Impact Fee update + cost recovery framework	Fee schedule and funding strategy
Build public trust	Engagement not fully tied to decision-making	Multi-channel outreach + statistically valid survey	Community input summary and adoption-ready plan

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Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Project Drivers & Goals

The Department's goals reflect a need to strengthen fiscal resilience, match investments to actual need, and ensure equitable access for all residents. Key drivers include:

- Providing transparent, measurable standards for park and facility quality
- Aligning capital priorities with growth projections, funding capacity, and O&M readiness
- Establishing a clear, community-supported funding strategy that blends impact fees, public funds, and cost recovery where appropriate
- Building broad public support for the master plan through meaningful engagement and clear communication

Scope of Work

Task 1 - Project Initiation, Policy Interface, & Social Pinpoint Site

Purpose: Purpose: This task ensures that the Master Plan begins with clarity, momentum, and alignment with the City's vision. By building a strong collaborative foundation, linking to existing policy frameworks, and launching an easy-to-use online engagement hub, the process will set the tone for a transparent, inclusive, and results-driven plan. From the start, the City will see tangible progress: a shared project roadmap and a fully functional Social Pinpoint site that gives residents a clear and accessible way to shape the future of Visalia's parks and recreation system.

PROS Consulting brings extensive experience in this area. Our policy interface matrices show how existing City policies align or conflict with proposed Master Plan strategies, which helps reduce implementation delays. In addition, our Social Pinpoint platforms have consistently achieved two to three times higher participation than traditional online surveys, creating a dynamic digital space that continues to provide valuable community insights throughout the project.

Subtask	Purpose / Approach
Project Kickoff Meeting	Facilitate an in-person workshop with City leadership, the PROS team, and partners to confirm goals, scope, schedule, and communication protocols.
Policy Review and Interface	Analyze City policies, ordinances, and design standards to identify opportunities for alignment, enhancement, or streamlining within the Master Plan.
Social Pinpoint Setup	Create a branded, interactive project hub for collecting public feedback through maps, surveys, idea boards, and discussion forums.
Communication and Engagement Plan	Develop an outreach plan with key messages, stakeholder audiences, engagement methods, and communication timelines.
Ongoing Project Management	Hold monthly progress meetings, track milestones, and maintain transparent documentation throughout the project.



Equity and Inclusion Framework

Purpose: This framework ensures that equitable access and participation are measurable, reportable, and tied directly to policy.

Commitment Area	Approach
Representation Targets	Establish targets in the statistically valid survey and for all events, focusing on youth, seniors, Spanish-speaking households, renters, low-income residents, and residents with disabilities.
Materials and Support	Provide plain-language and bilingual materials, childcare, and transit passes for in-person events. Host pop-ups at parks, swap meets, school sites, and faith-based hubs.
Accessibility Options	Ensure ADA-compliant venues, virtual and phone participation options, QR code micro-polls, and a text-in feedback line.
Reporting	Publish a monthly scorecard showing who participated and how feedback influenced the plan.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
1. Project Initiation & Management	Lead	Participate in kickoff, provide design perspective, align scope	Attend kickoff as local presence, assist with scheduling site visits	—	—

Deliverables

- Kickoff agenda, meeting notes, final project schedule
- Policy interface matrix
- Live Social Pinpoint site with engagement tools
- Communication & engagement plan
- Monthly progress reports, updated schedules

Task 2 – Community Engagement and Market Profile

Purpose: This task ensures the Master Plan reflects the voices, needs, and preferences of Visalia residents. It combines statistically valid data, broad community engagement, and targeted outreach to underrepresented groups. The goal is to build a clear picture of current use, demand, and unmet needs while creating trust and transparency in the planning process.

PROS Consulting is recognized nationally for its ability to combine statistically valid surveys with creative engagement methods. Our work with communities across the country has produced reliable data that withstands public and political scrutiny while also uncovering deeper insights from residents who are often less represented in planning processes.



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Subtask	Purpose / Approach
Statistically Valid Survey	Partner with ETC Institute to administer a random sample survey that reflects the city's demographics. Results will provide a reliable measure of community priorities and willingness to fund improvements.
Community Meetings and Workshops	Facilitate interactive sessions where residents can share ideas, rank priorities, and identify gaps in service. Sessions will be designed for both in-person and virtual participation.
Pop-Up Engagement	Host engagement at community gathering places such as parks, swap meets, schools, and cultural centers to reach people who may not attend formal meetings.
Focus Groups and Stakeholder Interviews	Conduct targeted sessions with youth, seniors, Spanish-speaking residents, sports organizations, schools, and community partners to gather detailed perspectives.
Market and Demographic Profile	Analyze current population trends, household composition, and recreation behaviors to identify who is being served and where gaps exist.
Ongoing Participation Tracking	Review engagement participation weekly against targets for representation and adjust tactics if groups are underrepresented.
Reporting	Provide monthly summaries that show who participated, key themes, and how input is shaping recommendations.

Combined Engagement Matrix: Equity and Community Voice

Engagement Element	Purpose / Approach
Representation Targets	Establish measurable targets across youth, seniors, Spanish-speaking households, renters, low-income residents, and residents with disabilities.
Materials and Accessibility	Provide bilingual and plain-language materials. Offer childcare and transit passes for in-person events. Ensure ADA-compliant venues, virtual and phone participation, QR code micro-polls, and text-in feedback options.
Statistically Valid Survey	Partner with ETC Institute to administer a random sample survey reflecting Visalia's demographics. Results provide a reliable foundation for community priorities.
Community Meetings and Workshops	Host interactive sessions, both in-person and virtual, where residents can identify needs, rank priorities, and discuss trade-offs.
Pop-Up Engagement	Set up at parks, swap meets, schools, and cultural centers to meet residents where they are and reach individuals who may not attend formal meetings.
Focus Groups and Stakeholder Interviews	Engage targeted groups such as youth, seniors, Spanish-speaking residents, sports organizations, schools, and community partners to collect deeper insights.
Market and Demographic Profile	Analyze community demographics, household composition, and recreation trends to identify service gaps and opportunities.
Ongoing Participation Tracking	Monitor engagement participation weekly. Adjust tactics if representation is below target levels.
Reporting and Transparency	Publish monthly scorecards showing who participated, key findings, and how feedback is influencing recommendations. Provide summaries to staff, Council, and the community.



Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
2. Community Engagement and Market Profile	Lead	Co-lead visioning workshops, prepare materials, present design ideas	Support on-site logistics and outreach only	Manage statistically valid survey	—

Deliverables

- Demographic and trend profile report
- Community engagement, summary, presentation materials
- Survey instrument, raw data, cross-tabulation analysis, analysis report
- Benchmark comparison matrix

Task 3 – Park, Facility, & Program Inventory with Level of Service Analysis

Purpose: This task provides a clear picture of the current system by documenting and evaluating Visalia’s parks, recreation facilities, and programs. The goal is to understand conditions, functionality, and alignment with community needs. This information forms the foundation for identifying gaps, setting priorities, and making data-driven recommendations.

PROS Consulting has completed park and facility inventories for communities of all sizes across the country. We use consistent evaluation criteria that make it easy for staff and decision-makers to see where the system is excelling and where investment is most needed. Our assessments balance physical condition with community use patterns, accessibility, and program performance to give a well-rounded view of the system.

Subtasks	Approach / Method
Inventory Data Collection	Record details for all parks, facilities, trails, and recreation programs, including their amenities, conditions, and how they serve the community.
Field Assessments	Visit each site to evaluate its condition, functionality, accessibility, and whether it meets design standards.
Program Inventory	Create a full catalog of recreation programs and events, noting participation levels, seasonal patterns, and who each program is designed to serve.
Level of Service Analysis	Use GIS mapping to measure how well facilities and amenities cover the community, including geographic reach, amenity distribution, and service levels by population.
Growth Area Overlay	Compare service levels with projected growth areas to identify where new investments will be most needed.
Policy Integration	Align service level results with existing policies and funding structures so that future decisions follow City standards and priorities.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
3. Park, Facility, & Program Inventory with Level of Service Analysis	Support	Define facility typologies and design criteria	Lead GIS mapping and asset inventory update	—	—

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Deliverables

- GIS database, inventory matrix
- Field assessment scorecards
- Program inventory matrix
- LOS maps, gap analysis report
- LOS-policy integration matrix

Task 4 – Maintenance Operations & Standards Review

Purpose: This task provides Visalia with a practical blueprint to sustain both the park system it owns today and the one it will build tomorrow. It focuses on clarifying workloads, right-sizing staffing levels, standardizing maintenance practices, and identifying the smartest reinvestment opportunities.

PROS Consulting brings a national library of maintenance standards, lifecycle models calibrated to real park assets, and staff-updatable tools ensuring that operations and maintenance (O&M) plans remain living documents, not shelfware. Our approach also ties ADA and barrier-free improvements and O&M cost impacts directly to the CIP tiers, making tradeoffs transparent and easier to evaluate.

Subtasks	Approach / Method
Maintenance staffing & workload mapping	Interview supervisors and crews, review routes, measure service frequency and time standards, and scan backlogs.
Standards gap assessment	Compare current standard operating procedures (SOPs) with best practices for each park type and amenity; apply risk and quality scoring.
Lifecycle replacement modeling	Use equipment and facility life cycles, combined with condition and risk factors, to forecast renewal needs over the next 10 years.
Facility Design & Maintenance Standards Addendum (including Aquatics)	Create a condensed set of design and maintenance specifications.
Barrier-Free Retrofit Program	Identify/ prioritize ADA compliance fixes based on condition, usage, and equity; prepare cost estimates and a quick-wins list.
O&M impacts to CIP	For each candidate capital project, estimate additional operating costs, staffing needs, and parts/supplies.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
4. Maintenance Operations & Standards Review	Lead	Lead development of custom park/recreation design standards	—	—	—

Deliverables

- Staffing ratios, route maps, workload heatmap
- 10-Year Lifecycle Plan & funding curve
- Illustrated Standards Booklet (ready to adopt)
- Barrier-removal project list with costs & schedule
- O&M Addenda for Tier 1–3 CIP projects



Task 5 – Organizational, Program, and Service Assessment

Purpose: This task examines how the department is organized to deliver programs and services and whether its current structure, staffing, and workflows support the community’s needs and the City’s long-term goals. The goal is to provide clear recommendations for improving efficiency, aligning staff roles, and strengthening the capacity to deliver high-quality services.

PROS Consulting has worked with agencies across the country to review staffing structures, program portfolios, and service delivery models. We combine financial analysis with staff input and community expectations to identify where services are strong, where gaps exist, and how organizational changes can improve results. Our recommendations help departments become more resilient, accountable, and aligned with both fiscal realities and community priorities.

Subtask	Purpose / Approach
Organizational Review	Evaluate the department’s structure, staffing levels, and role clarity to ensure resources are aligned with priorities.
Program Portfolio Assessment	Review current recreation program offerings, participation trends, pricing, and cost recovery. Identify which programs should be grown, redesigned, or phased out.
Service Delivery Evaluation	Analyze how services are delivered across facilities, neighborhoods, and populations to identify strengths and service gaps.
Financial Alignment	Assess how staffing, programs, and services align with the department’s cost recovery goals and budget capacity.
Staff and Leadership Input	Facilitate workshops and discussions with staff at all levels to gather insights on operational challenges, opportunities, and ideas for improvement.
Change-Readiness and Capacity Building	Provide leadership coaching, role alignment exercises, and updated workflows (RACI charts and SOP templates) to prepare the organization for implementation of the Master Plan.
Recommendations and Action Steps	Deliver a set of clear, prioritized recommendations to improve organizational alignment, program performance, and service delivery.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
5. Organizational, Program, and Service Assessment	Lead	Review program/facility alignment from design perspective	—	—	—

Deliverables

- Organizational Findings Brief
- Staffing Model and coverage options
- Program Portfolio Matrix (keep, expand, pilot, sunset)
- Performance Dashboard Starter (metrics and owners)
- Updated Policy and Implementation Checklist
- Staff Training Deck and 90-Day Plan
- Agenda, notes, and updated action log

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Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Task 6 – Needs Synthesis & Preliminary Strategies

Purpose: This task converts data and community input into clear, actionable priorities so decision makers can easily see where need, equity benefits, feasibility, and funding come together.

PROS Consulting uses a weighted needs approach supported by Convergence Maps to make the reasoning behind priorities clear and defensible. We combine statistically valid survey results, service level and equity gap analysis, operations and maintenance feasibility, and funding eligibility into a ranked set of strategies. All tools are designed so staff can update them annually, ensuring the framework remains useful long after the plan is complete.

Subtasks	Approach / Method
Data integration & weighting	Standardize all inputs (survey, service levels, facility condition, equity measures, operating feasibility, and costs) and apply agreed weighting with City and Steering Committee.
Convergence mapping	Map where community needs, equity priorities, and funding eligibility overlap to highlight the strongest opportunities.
Preliminary strategies	Draft capital, policy, program, and partnership strategies that match community needs and are feasible to implement.
Joint-use options (VUSD/COS, etc.)	Review facilities and programs for shared-use potential; develop governance and cost-sharing concepts.
Stakeholder validation	Evaluate draft strategies through workshops, pop-up events, and online polling using Social Pinpoint.
Early wins & readiness screen	Identify quick-win actions such as policy adoptions, grant applications, or partnerships that can unlock early funding or momentum.
Project management & coordination meeting	Hold monthly coordination meetings, track risks and issues, and document action items.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
6. Needs Synthesis & Preliminary Strategies	Lead	Assist with the development of design strategies to address needs	—	—	—

Deliverables

- Weighted Needs Matrix with scoring notes
- Convergence Maps (prioritization visuals)
- Strategy Playbook (short-list + rationale)
- Joint-Use Options Matrix
- Workshop Summary & online results roll-up
- Top 10 Early Actions List
- Agenda, notes, updated action log



Task 7 – Capital Improvement Plan (CIP) Development

Purpose: This task develops a clear, prioritized framework for Visalia’s capital investments in parks, recreation facilities, and trails. The goal is to create a roadmap that balances community needs, equity considerations, operating costs, and available funding. The framework will help the City make confident decisions about where and when to invest, while ensuring that quick wins, major projects, and long-term needs are all clearly identified.

PROS Consulting has guided many communities through the development of capital improvement plans that are both visionary and realistic. Our approach blends data-driven analysis with community priorities and fiscal realities. We also provide easy-to-understand tools that City staff and elected officials can continue to use after the plan is complete.

Subtask	Purpose / Approach
Capital Needs Identification	Compile and verify capital needs based on facility assessments, program demand, community input, and system gaps.
Prioritization Criteria	Apply a transparent scoring system that weighs equity, community demand, safety, feasibility, and funding eligibility.
Quick-Win Projects	Identify projects under a set cost threshold that can be implemented quickly, deliver high community benefit, and demonstrate early progress.
Long-Term Investment Strategy	Organize major projects into near-term, mid-term, and long-term categories with attention to operating impacts and funding options.
Convergence Mapping	Show how each recommended project aligns with community need, equity, feasibility, and funding to provide a clear rationale for prioritization.
Phasing and Sequencing	Create a phased plan that spreads investment over time and matches the City’s fiscal capacity and staffing resources.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
7. Capital Improvement Plan (CIP) Development	Lead	Prepare concept-level design inputs and cost ranges	Provide localized construction cost data if requested	—	Provide park impact fee integration for CIP

Deliverables

- Draft and Final Capital Improvement Plan Framework
- Prioritization Matrix with transparent scoring criteria
- Quick-Win Project List with cost estimates, owners, and implementation steps
- Tiered Project List (near-term, mid-term, long-term) with operating impact analysis
- Convergence Map showing alignment of need, equity, feasibility, and funding
- Phasing and Sequencing Plan with timelines and cost ranges
- Adoption-Ready Project Sheets for top Tier 1 projects, including scope, equity rationale, operating impact, funding path, and talking points

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Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Task 8 – Park Impact Fee Analysis (Mitigation Fee Act Compliance)

Purpose: This task reviews the City’s current park impact fee structure and develops a framework that ensures new development contributes fairly to the cost of park and recreation facilities. The goal is to align fees with community growth, keep the process transparent for both residents and developers, and provide the City with a practical, defensible tool that supports capital investment.

PROS Consulting has worked with cities across the country to analyze, update, and defend park impact fee programs. Our approach is grounded in legal and financial best practices, while also presenting results in plain language so that both decision-makers and the public can clearly understand the basis for the fees.

Subtask	Purpose / Approach
Current Fee Review	Examine the City’s existing park impact fee structure, methodology, and revenue performance.
Policy and Legal Alignment	Confirm that the fee methodology is consistent with state law, local ordinances, and national best practices.
Fee Nexus Analysis	Document the relationship (nexus) between new development and the demand for parks and recreation facilities.
Capital Alignment	Link fee revenues directly to the updated Capital Improvement Plan to ensure new growth helps fund the right projects.
Administrative Process Review	Assess the City’s fee collection, accounting, and reporting practices to identify opportunities for greater transparency and efficiency.
Stakeholder Communication	Prepare plain-English materials to explain how fees are set, what they fund, and how the City ensures fairness and accountability.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
8. Park Impact Fee Analysis	Support			–	Lead fee study and ordinance drafting

Deliverables

- Draft and Final Impact Fee Analysis Report
- Public-Facing Nexus Summary (plain-English version for the City website)
- Developer “How-To” Guide for understanding and applying fees
- Updated Impact Fee Schedule and methodology documentation
- Capital Improvement Plan alignment tables showing how revenues support identified projects
- Annual Update Procedure (SOP) for adjusting fees and keeping the framework current

Task 9 – Financial & Cost Recovery Analysis

Purpose: This task develops a financial framework that balances fiscal sustainability with equitable access. It will give the City the tools to understand what it costs to provide services, how much revenue is generated, and where subsidies or scholarships are most appropriate. The framework will help leaders make transparent, data-driven decisions about pricing, cost recovery, and affordability.

PROS Consulting is nationally recognized for its Cost of Service (COS) methodology and tiered cost recovery model. We have applied this approach in hundreds of communities to help agencies align



pricing, subsidies, and access with policy goals. Our work provides elected officials with clear, defensible information to guide budget decisions, while ensuring residents see fairness and transparency in how services are priced.

Subtask	Purpose / Approach
Cost of Service Analysis	Identify the true cost of providing each program, service, and facility use, including direct and indirect costs.
Cost Recovery Modeling	Apply a tiered model to determine how much of each cost should be covered by fees, taxes, or other revenues, based on community benefit and policy direction.
Pricing and Scholarships Framework	Recommend pricing strategies that include affordability guardrails, expanded scholarship options, and transparent communication to balance revenue goals with access.
Financial Policy Alignment	Review and update financial policies to ensure consistency with cost recovery goals, budget practices, and community priorities.
Revenue and Funding Options	Identify opportunities for new or enhanced revenue streams to support financial sustainability without reducing access.
Public Transparency Tools	Provide easy-to-understand materials that explain to residents what services cost, how fees are set, and how subsidies or scholarships work.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
9. Financial & Cost Recovery Analysis	Lead	—	Provide local cost inputs if requested	—	Integrate fee study outputs into cost recovery model

Deliverables

- Draft and Final Financial and Cost Recovery Framework Report
- Cost of Service Worksheets and Staff Training Guide
- Tiered Cost Recovery Model customized for Visalia
- Equity-Aligned Pricing and Scholarship Policy
- Annual Affordability Report Template for Council and public use
- Financial Policy and Implementation Checklist
- Public-Facing One-Page Summary: “What It Costs and Why”

Task 10 – Implementation & Funding Plan

Purpose: This task turns the Master Plan into an actionable roadmap. It organizes recommendations into clear priorities, identifies responsibilities, establishes timelines, and links projects to realistic funding sources. The goal is to ensure the plan is ready for adoption and can be put into practice immediately, with accountability built in.

PROS Consulting is well known for delivering implementation plans that do not sit on a shelf. We design practical tools that help staff leadership, and elected officials track progress, secure funding, and adjust to changing conditions. Our approach includes both short-term wins and long-term strategies, with transparency for the public and accountability for staff.

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Subtask	Purpose / Approach
Implementation Roadmap	Organize recommendations into near-term, mid-term, and long-term actions with clear sequencing and milestones.
Roles and Responsibilities	Assign owners for each action step with accountability measures built-in.
Funding Strategy	Match projects and priorities to realistic funding sources, including impact fees, grants, partnerships, sponsorships, and bonds.
Policy and Governance Alignment	Outline the steps for Council and Commission updates, approvals, and policy adoptions needed for successful rollout.
Quick-Win Actions	Identify a short list of achievable actions in the first 12 months to demonstrate visible progress.
Tracking and Reporting	Establish a framework for monitoring progress through KPIs, dashboards, and annual updates to Council and the community.
Plan Refresh Protocol	Define how and when the plan will be reviewed, updated, and refreshed to stay current with changing needs and conditions.

Team Alignment

Task	PROS Role	WRT Role	4 Creeks Role	ETC Role	NBS Role
10. Implementation & Funding Plan	Lead	Provide implementation recommendations support	—	—	Provide input on funding mechanism recommendations

Deliverables

- Draft and Final Implementation and Funding Plan
- Implementation Matrix with timelines, owners, and status fields
- Funding Strategy Report with matched sources and eligibility notes
- Quick-Win Actions List with owners, cost ranges, and community benefit notes
- Governance Briefing Calendar for Council and Commission touchpoints
- KPI Dashboard Starter Template for tracking progress
- Plan Refresh Protocol and five-year update guide

Task 11 – Master Plan Document Development & Adoption

Purpose: This task delivers a polished, visually compelling, and adoption-ready Master Plan that brings together all technical findings, community input, and financial strategies in one integrated document. The plan is designed to function both as a practical staff tool for implementation and as a public-facing narrative that builds support among elected officials and the community. The process concludes with the plan being presented for formal consideration and adoption.

PROS Consulting specializes in developing master plan documents that blend clear storytelling with actionable detail, while WRT ensures professional-quality layout, maps, and graphics that resonate with both decision makers and residents. The result is a living plan that is easy to reference, update, and champion and avoids becoming “shelfware” and instead serves as a trusted guide for the City of Visalia.



Subtasks	Approach / Method
Plan Outline & Template	Early in the process, PROS develops an annotated outline, and WRT designs a branded InDesign template that balances narrative, tables, maps, and sidebars.
Administrative Draft	PROS prepares the narrative, recommendations, and phased action plan content; WRT integrates maps, graphics, and tables into a cohesive draft design.
Public Review Draft	Revise the draft based on staff input, then produce a polished version for Parks & Recreation Commission, Council, and community review.
Presentations	Deliver briefings to the Commission and Council (as specified in the RFP), co-present with staff, and provide public-friendly summaries.
Final Master Plan	Incorporate feedback from the Commission, Council, and community into a final, adoption-ready plan.

Team Alignment

PROS Consulting will develop the master plan document in InDesign.

Deliverables

- Draft outline and visual template, revised with staff feedback
- Administrative Draft Plan for staff review
- Public Review Draft Plan
- Presentations
- Final Master Plan - InDesign (print- and web-ready versions)

Level of Effort by City of Visalia Staff

Successful implementation depends on a shared commitment between the consultant team and the City. Over the 16-month timeline, the consultant team will take on the technical and analytical work, while the City will focus on decision-making, providing data, community leadership, and timely feedback.

The effort will be balanced across phases, so no single position or department is overloaded. City leadership, Parks and Recreation staff, and partner departments will contribute at different points in the process, ensuring the workload is distributed and that the plan reflects the perspectives of all key stakeholders.

Phase	City Activity	Description
1 – Project Initiation, Policy Alignment & Engagement Launch	Kickoff, site access, project coordination	Attend kickoff meeting; confirm policies and priorities; provide facility access; join 6–8 check-ins; review the final project schedule; approve the engagement launch plan.
2 – Demographics, Market Trends, & Statistically Valid Survey	Data sharing & validation	Compile population, participation, and market trend data; approve survey draft; provide mailing lists; assist with local promotion of the survey.
3 – Park, Facility & Program Inventory with LOS Analysis	Site tours & data validation	Provide park, facility, and program data; coordinate staff for site visits; review service level maps and asset condition data.
4 – Maintenance Operations & Standards Review	Operations input & standards feedback	Provide staffing schedules, maintenance protocols, and work order data; join standards workshops; validate lifecycle replacement schedules.

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Phase	City Activity	Description
5 – Organizational, Program & Service Assessment	Interviews & workflow validation	Participate in staff interviews; review and confirm organizational charts; validate workload analysis; confirm program classifications.
6 – Needs Synthesis & Preliminary Strategies	Strategy workshops	Join workshops; review emerging needs; prioritize strategies; provide feedback on preliminary recommendations.
7 – Capital Improvement Plan (CIP) Development	CIP review & prioritization	Review draft capital project lists; participate in park-by-park workshops; score and prioritize projects; confirm phasing assumptions.
8 – Park Impact Fee Analysis	Fee policy input & review	Provide development projections, fee schedules, and infrastructure cost data; review the fee model; assist with ordinance update discussions.
9 – Financial & Cost Recovery Analysis	Pricing and subsidy policy input	Provide operating budget data; participate in pricing workshops; review draft cost recovery targets; confirm subsidy priorities.
10 – Implementation & Funding Plan	Implementation and funding opportunities and constraints	Provide strategic input on prioritization and phasing of recommendations, with attention to funding opportunities and constraints.
11 – Master Plan Document Development & Adoption	Review, edit, comment on draft and final plan	Review full draft plan; provide feedback on content and formatting; approve the final plan for Commission and Council; join Council/Commission briefings; coordinate public communications.
Ongoing – Project Management & Coordination	Continuous communication	Respond to consultant requests, ensure timely internal routing of deliverables, and maintain information flow across all departments.

Strategic Benefits to Visalia

This project will provide the City of Visalia with more than a single plan. It will create a lasting decision-making framework that links community growth, funding, and service needs with clear standards for transparency and accountability.

Strategic Outcome	Success Metric (Post-Project)	Where Tracked
Capital and maintenance alignment	100% of CIP projects have matching operating and maintenance budgets	CIP and O&M Integration Tracker
Financial accountability	100% of fees tied directly to cost-of-service line items	Cost-of-Service (COS) Workbook Dashboard
Organizational clarity	At least a 10% reduction in duplicated staff tasks	Organizational Efficiency KPI Tracker
Public trust	At least a 15-point improvement in community survey results (“parks and facilities meet needs”)	12-month follow-up community pulse survey



Strategic Outcome	Success Metric (Post-Project)	Where Tracked
Long-term staff ownership	Annual updates completed by staff without consultant support	Post-training staff skills assessment

Key Benefits

- Align capital investment and maintenance by linking service level gaps, CIP phasing, and sustainable operations funding.
- Strengthen financial accountability by tying pricing, subsidies, and cost recovery targets directly to documented service costs.
- Clarify organizational roles by aligning workloads, staffing, and responsibilities with service levels and program priorities.
- Ensure policy resilience so pricing, service levels, and CIP priorities can adjust to changes in funding, staffing, or community demand.
- Build public trust through transparent engagement, documented standards, and equity-centered decision-making.
- Equip staff with the tools and skills needed for long-term ownership of data and processes, reducing reliance on outside consultants.

Implementation, Handoff, and Post-Project Support

Implementation is built into the project, not treated as an afterthought. During the final three months, staff will receive hands-on training with every tool, including entering programs into the cost-of-service model, assigning them to recovery tiers, updating CIP cost sheets, and applying design standards in practice.

To keep the plan current, a 12-month stewardship calendar will outline critical updates linked to budget cycles, staffing changes, utility adjustments, and new programs. This checklist will guide small but essential tasks needed to maintain models, policies, and priorities. If desired, PROS can provide discounted Year 2 support to ensure continuity after the initial adoption.

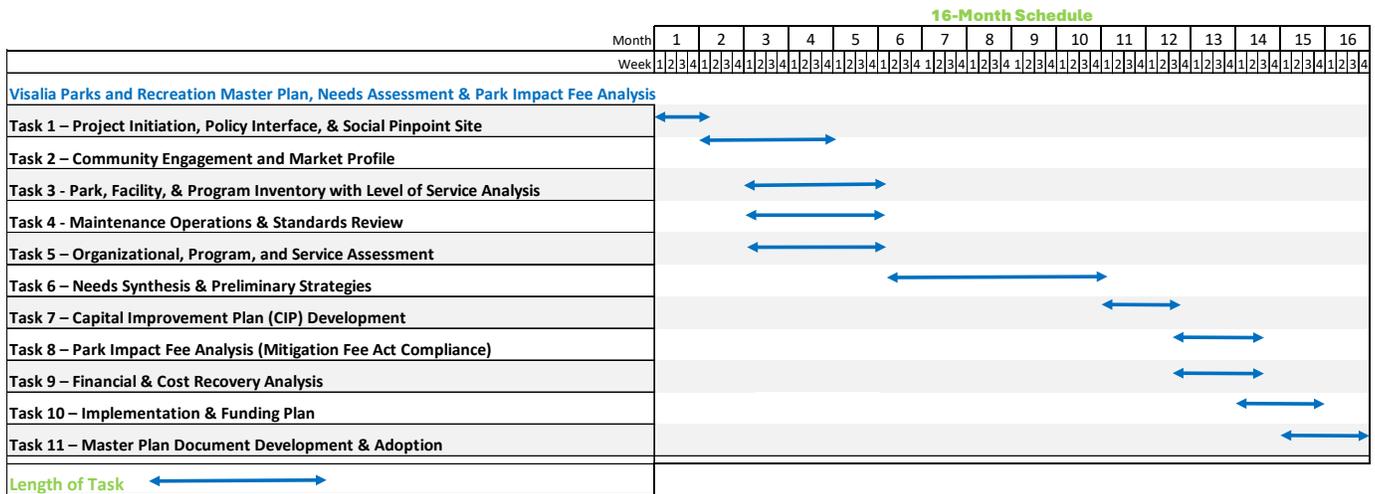
Implementation Element	What It Includes	Handoff Information	Post-Project Option
Tool Transfer and Archiving	Final COS, CIP, and LOS files provided in Excel, Word, and PDF formats	Shared via secure cloud link	One-year cloud archive
Training and Knowledge Capture	Two three-hour training labs, 15 short screencast videos, Q&A log, and FAQ sheet	Training decks and FAQ provided in PDF	Annual refresher virtual meeting
Communication Toolkit	Infographics, talking points, social media posts, and website content snippets	Editable templates in Adobe and Canva	Quarterly design support bundle

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Implementation Element	What It Includes	Handoff Information	Post-Project Option
Stewardship Calendar	Month-by-month checklist of updates and responsibilities	Excel file plus Outlook calendar option	Six- and twelve-month follow-up check-ins

Timeline

The approach to the project and scope of work detailed in this proposal can be completed by the PROS Team within the 16-month timeline below. Specific dates will be set during the kick-off meeting process, and the PROS Team will consider any special requirements by the City of Visalia regarding scheduling to meet your expectations.



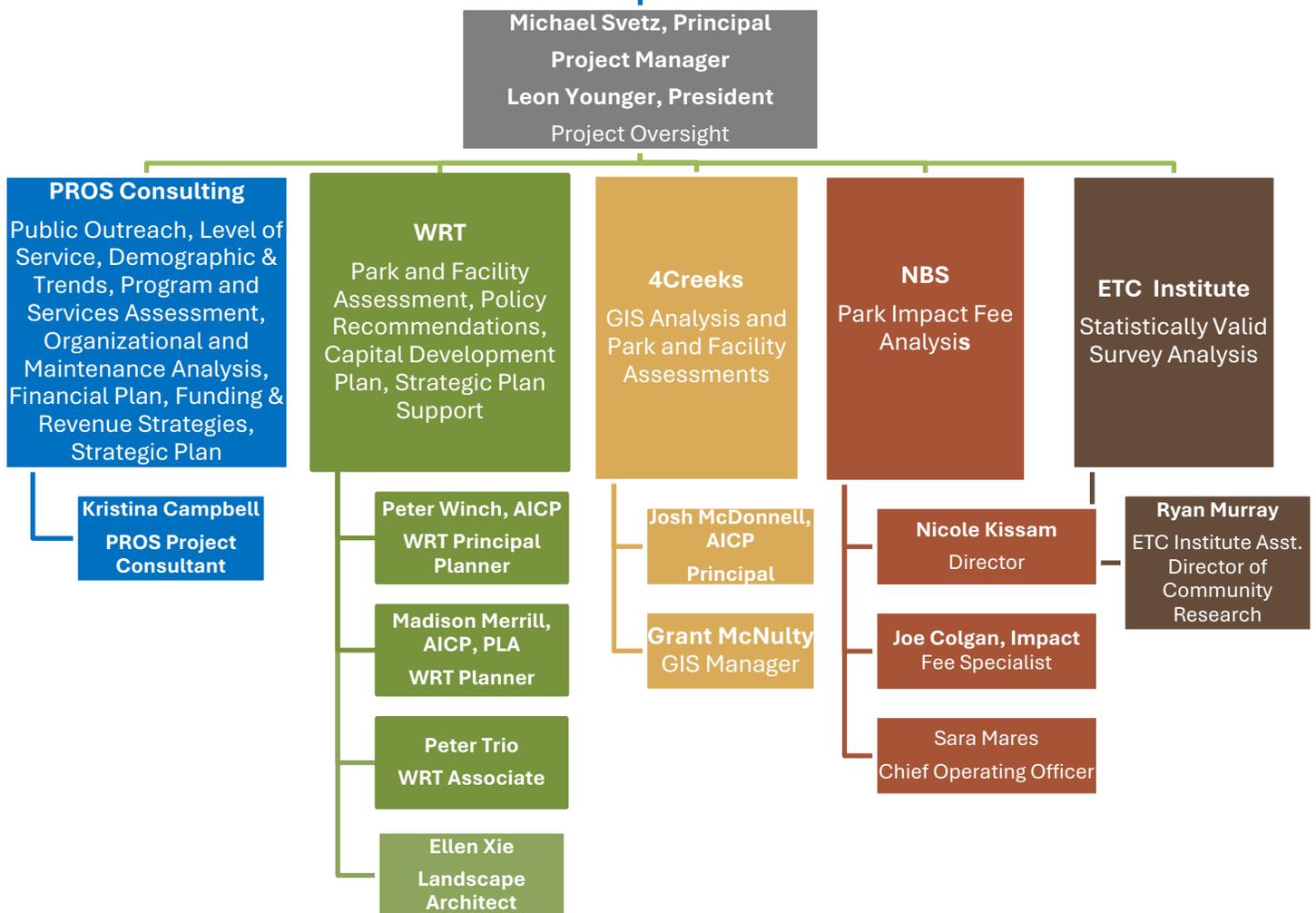


Section C – Staff Qualifications and Related Experience

Project Management

The Consulting Team on this project will be led by PROS Consulting Principal, Michael Svetz with project oversight by Leon Younger, President, as well as all members of the PROS Consulting team. Central to our project approach is providing a high level of responsiveness to the City staff and maintaining accessibility throughout the project lifespan. With our existing staff and project-related presence in California through this entire year, the PROS Team will ensure a timely and effectual response to all needs of the City of Visalia. Our team is flexible and will work hard to effectively serve as an extension of the City’s project staff.

Team Organization



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Resumes

Michael Svetz

PROS Consulting

Principal

Education

B.S., Miami University, 1990

M.S., Miami University, 1991

Employment History

Consultant, PROS Consulting; 2012 to present.

Director of Parks and Recreation, City of Goodyear, AZ; 2009 to 2012

Director of Parks and Recreation, City of Charlottesville, VA; 2004 to 2009

Director of Parks and Recreation, City of Strongsville, OH 2000 to 2004

Assistant Director of Parks and Recreation, City of Strongsville, OH 1997 to 2000

Recreation Supervisor, City of Brunswick, OH 1991 to 1997)



Professional Experience

Michael Svetz has nearly 34 years in the field of parks and recreation for local governments, the last 15 of which were at the executive management level. He has held Director-level positions in Strongsville, Ohio (Cleveland vicinity); Charlottesville, Virginia; and most recently for the City of Goodyear, Arizona. He has experience in developing and applying innovative business processes to create self-sustaining operations of multimillion dollar community centers, golf courses, and a Major League Baseball Player Development and Spring Training complex. Throughout his career, Mike has successfully developed and implemented strategic master plans for the parks and recreation departments that he led and the city and state associations that he served. As a dedicated public servant, Mike developed a deep knowledge of, and sincere appreciation for, organizational development, citizen engagement, board involvement, and political acumen, all of which are critical elements in the successful creation and implementation of any parks and recreation plan. Since joining PROS Consulting, he has participated in numerous projects in master planning, business planning, maintenance, and strategic implementation. His project management and organizational skills and have assisted in the creation of innovative and fiscally sustainable projects across the United States.

Certification

Certified Public Manager

Similar Project Experience

- Tulare, CA Parks and Recreation Master Plan
- West Sacramento, CA Parks and Open Space Master Plan
- American Canyon, CA Parks and Recreation Needs Assessment
- San Luis Obispo, CA Parks and Recreation Master Plan
- Hayward, CA Parks and Recreation Master Plan
- Hanford, CA Parks and Recreation Master Plan
- Riverbank, CA Parks and Recreation Master Plan
- City of Fresno, CA Parks and Recreation Master Plan
- City of Pasadena, CA Sports Field Strategic Plan and Parks Maintenance Management Plan
- City of Napa, CA Senior Center Feasibility Study and Business Plan
- Santa Clara County, CA Cost Recovery and Pricing Plan
- City of Scottsdale, AZ Parks and Recreation Master Plan
- Billings, MT Parks and Recreation Master Plan
- City of Provo, UT Parks and Recreation Master Plan



Leon Younger
PROS Consulting
President
Education

M.P.A., University of Kansas, Aug. 1988
B.S., Kansas State University, May 1975

Employment History

President, PROS Consulting, Sep. 1995 to present.
Director/Chair of the Board, Indianapolis Parks and Recreation, Apr. 1992 to Sept. 1995
Executive Director, Lake MetroParks (OH), Jun. 1988 to Mar. 1992
Director, Jackson County (MO) Parks and Recreation, Aug. 1983 to Jun. 1988



Certification

Certified Park and Recreation Professional

Professional Experience

Leon is the founder and President of PROS Consulting. He has more than 40 years in parks, recreation, and leisure services. Leon is a recognized leader in applying innovative approaches to managing parks and recreation organizations. He has held positions as Director of Parks and Recreation in Indianapolis, IN; Executive Director of Lake Metroparks in Lake County, OH (Cleveland area); and Director of Parks and Recreation in Jackson County, MO (Kansas City). Leon is routinely invited to present his management and development philosophies at conferences, workshops, and training across the United States, as well as internationally. He is co-creator of the Community Values Model, a business model that synthesizes community & stakeholder input into a strategic plan. He regularly addresses sessions at the National Recreation and Park Association Conferences and has served as a board member and instructor at the Pacific Revenue and Marketing School in San Diego, California and the Rocky Mountain Revenue and Management School in Colorado. Currently, Leon is serving on the Board of Directors for the City Parks Alliance, the only independent, nationwide membership organization solely dedicated to urban parks.

Similar Project Experience

- City of Los Angeles, CA Parks and Recreation Needs Assessment
- Cosumnes Community Services District Parks, CA Facilities and Recreation Master Plan
- Fair Oaks Recreation and Parks District, CA Parks and Recreation Strategic Master Plan
- Riverside County, CA Parks and Open Space District Strategic Plan
- City of San Jose, CA Pricing Philosophy, Revenue Enhancement, and Organizational Implementation Plan for the Department of Park, Recreation and Neighborhood Services
- City of Roseville, CA Parks and Recreation Business Plan
- City of San Francisco, CA Recreation Plan and Needs Assessment
- City of Healdsburg, CA Parks and Recreation Needs Assessment and Parks and Open Space Plan
- Sonoma County, CA Management Review Services and Implementation Plan
- Orangevale Recreation and Park District, CA Parks and Recreation Master Plan
- City of Westerville, OH Parks and Recreation Strategic Master Plan
- Carmel Clay, IN Parks and Recreation Master Plan
- Olathe, KS Parks and Recreation Strategic Master Plan
- City of Charlotte/Mecklenburg County, NC Parks and Recreation Strategic Master Plan
- City of Henderson, NV Parks and Recreation Strategic Master Plan and Financial Cost of Service
- City of Jacksonville, NC Parks and Recreation Strategic Master Plan
- City of Everett, WA Parks and Recreation Strategic Master Plan

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Kristina Campbell
PROS Consulting
Project Consultant

Education

B.A. (Organizational Leadership / Business), Ashford University,
2015

Employment History

Consultant, PROS Consulting; 2013-currently
Valley of the Sun YMCA; 2005-2012

Professional Experience

Ms. Campbell is integrally involved in the market research component of PROS projects. Her strong analytical skills coupled with a strong business background allow her to provide an in-depth perspective to understand the market potential and position agencies to best meet the users' needs.

Ms. Campbell's strong aquatic background provides clients with expert insight into aquatic facility and program development and management, which translates exceptionally well to all facets of public recreation. She has over ten years of assisting on various projects across the United States specializing in market analysis, community involvement, benchmarking studies, price comparison studies, competitive assessments, mapping, demographics and trends assessments.



Similar Project Experience

- City of Scottsdale, AZ Community Services Department Master Plan Update
- City of Glendale, AZ Aquatic Operational Assessment
- City of Calgary, Alberta, Canada Parks Business Unit Zero Based Review
- City of Pasadena, CA Parks and Natural Resources Maintenance Management Plan
- City of Napa, CA Senior Activity Center Feasibility Study
- City of American Canyon, CA Parks and Recreation Needs Assessment and Operational Audit
- City of Aspen, CO Recreation Division Business Plan
- City of Boulder, CO Aquatic Feasibility Plan
- Fairfax County Park Authority, VA Parks Needs Assessment
- Duncanville, TX, Fieldhouse Business Plan
- Town of Estes Valley, CO Recreation Center Feasibility Study
- Fox Valley Park District, IL Aquatic Feasibility Study
- Geneseo Park District, IL Aquatic Feasibility Study
- West Hollywood, CA Park Ordinance Study



Ryan Murray

ETC Institute Assistant Director of Community Research

Education

B.S. in Public Administration – The University of Kansas

Summary of Professional Experience

Mr. Murray has over 12 years of experience in survey administration, development, supervision, and research analysis. Throughout his tenure at ETC Institute Mr. Murray has had the pleasure of working on survey projects that cover a wide variety of topics, including parks and recreation, community planning, customer satisfaction, transportation, employee, library, comprehensive planning, parks and recreation master plans, water and utility, and business development. His current role as Project Manager includes survey design, developing sampling plans, quantitative and qualitative data analysis, interpretation of results, and presentation of findings. In his previous role he planned, coordinated, and supervised the administration of large-scale origin-destination transportation studies on over a dozen projects throughout the country. Mr. Murray has worked as a Project Manager on projects for over fifty state, county, local, and private sector clients.

Similar Project Experience

Mr. Morado has served as a project manager for over 150 parks and recreation surveys for local governmental organizations. Some of these organizations include:

- Aberdeen, South Dakota
- Albemarle County, Virginia
- Ankeny, Iowa
- Arlington County, Virginia
- Austin, Texas
- Barrington, Illinois
- Beaver Creek, Ohio
- Berkshire Township, Ohio
- Cincinnati, Ohio
- Colleyville, Texas
- Corpus Christi, Texas
- Dania Beach, Florida
- Deerfield Township Ohio
- Delaware County, Ohio
- Denver, Colorado
- Elon, North Carolina
- Estero, Florida
- Fauquier County, Virginia
- Flower Mound, Texas
- Geneseo, Illinois
- Glasgow, Kentucky
- Grand Prairie, Texas
- Grand Rapids, Michigan
- Great Neck, New York
- Hunters Creek, Florida
- Indian Trail, North Carolina
- Ithaca, New York
- Jersey City, New Jersey
- Kent County, Michigan
- Kentwood, Michigan
- Milton, Georgia
- Milwaukee County, Wisconsin
- Mobile, Alabama
- Montgomery County, Maryland
- Morris Township, New Jersey
- New Port Richey, Florida Oakland County, Michigan
- Oswegoland, Illinois
- Ozark, Missouri
- Pleasant Hill, California
- Port St. Lucie, Florida
- Roanoke, Virginia
- Rolesville, North Carolina
- Salina, Kansas
- San Clemente, California
- San Diego, California
- San Louis Obispo, California
- Sandy Springs, Georgia
- Virginia Beach, Virginia
- Warren County, North Carolina
- Washtenaw County, Michigan
- Waxhaw, North Carolina
- Wayne County, Michigan
- West Sacramento, California
- Westerville, Ohio
- Westfield, New Jersey
- Winnetka, Illinois



PETER WINCH



AICP
PRINCIPAL | PLANNER

PROJECT EXPERIENCE

Santa Clara Parks and Recreation Master Plan
Santa Clara, CA

Hayward Area Recreation and Parks District
(HARD) Parks Master Plan
Alameda County, CA

HARD Trails and Open Space Master Plan
Hayward County, CA

Foster City Parks Master Plan
Foster City, CA

Fairfield Parks, Recreation and
Open Space Master Plan
Fairfield, CA

Tiburon Parks Master Plan
Tiburon, CA

San Leandro Parks Master Plan
San Leandro, CA

Santa Clara Downtown Precise Plan
Santa Clara, CA

Tracy Citywide Parks, Recreation
and Trails Master Plan
Tracy, CA

Fremont Parks Master Plan
Fremont, CA

San Lorenzo Creekway and Foothill Trail
Hayward County, CA

Fresno Parks Master Plan + Measure P
Implementation Projects
Fresno, CA

San Luis Obispo Parks Blueprint
San Luis Obispo, CA

Elm Avenue Revitalization Plan
Fresno, CA

Groveland Park Amenities Study and Plan
Groveland, CA

Peter has nineteen years of urban and regional planning experience, developing general and specific plans, parks system plans, zoning, and urban design studies at a range of scales and settings. He is interested in diverse development patterns, great public spaces, connective street networks, and the relationship between these parts. Peter seeks solutions that achieve multiple goals, contribute to livable places, and grow out of the unique problems of each project. Peter is a practice leader in WRT's parks and open space practice, and has recently become a Principal with the firm. He brings strategic thinking, clarity of purpose, and effective communication to his work.

Peter's parks and open space planning experience spans from the small community of Tiburon to the challenging urban context of Fresno. He has completed general plans for a diverse range of California cities. Earlier in his career, Peter worked for the New York City Planning Department, and for the Planning Department of his hometown of Portland, Oregon.

Peter grew up in the central Oregon high desert and loves the great outdoors as well as running in the city, and basketball.

EDUCATION

University of Michigan, *Master of Urban Planning and Master of Urban Design*

Brown University, *Bachelor of Arts, Urban Studies*

AFFILIATIONS + AWARDS

Member, American Institute of Certified Planners (AICP)

California APA San Diego Chapter, Comprehensive Plan Award, Large Jurisdiction, for Southeastern San Diego and Encanto Neighborhoods Community Plans, 2016

California APA Central Section, Outstanding Planning Award of Merit in Comprehensive Planning, Small Jurisdiction, Turlock General Plan, 2013

University of Michigan Taubman College of Architecture and Urban Planning, Raoul Wallenberg Fellowship, 2004

ENGAGEMENT

San Francisco Education Fund, Tutor, 2016-18, 2023-present



MADISON MERRILL



PLA, AICP
PLANNER

PROJECT EXPERIENCE

+ Project Award

Foster City Parks Master Plan
Foster City, CA

Santa Clara Parks and Recreation Master Plan
Santa Clara, CA

San Leandro Parks Master Plan
San Leandro, CA

MTC Bay Trail Needs, Operations, and
Maintenance Assessment
San Francisco, CA

CCLR Park Funding Framework
San Francisco, CA

*Farmington Parks, Recreation, Art + Trails
Master Plan
Farmington, Utah*

*Salt Lake County Parks + Recreation Facilities
Master Plan
Salt Lake County, Utah*

*Spanish Valley Community Structure Plan
Moab/Spanish Valley, Utah*

*South Ogden General Plan
South Ogden, Utah*

*San Juan County Wayfinding Master Plan
San Juan County, Utah*

*Clearfield Station Area Plan
Clearfield, Utah*

*Ferrer Residence
Salt Lake City, Utah*

**Work in italics completed prior to Madison
joining WRT*

Madison Merrill is a skilled planner and project manager with a strong focus on parks and resiliency. With a robust background in landscape architecture and urban planning, Madison has successfully led and contributed to a diverse array of projects, ranging from parks and recreation master plans to urban design and community planning. At WRT, Madison is currently managing significant projects like the Santa Clara and Foster City Parks Master Plans, showcasing her ability to balance complex project demands while fostering vibrant, accessible public spaces that connect communities to nature.

Madison holds both a Bachelor of Landscape Architecture from Utah State University and a Master of City and Metropolitan Planning from the University of Utah. Her professional journey is marked by a passion for creating thriving public spaces that bring people together, promote social equity, and address some of society's most pressing challenges, including climate change and mental health. Certified as a Landscape Architect (PLA) in Utah and a member of the American Institute of Certified Planners (AICP), Madison is dedicated to shaping sustainable and inclusive environments that enhance the quality of life for all.

EDUCATION

Utah State University, *Bachelor of Landscape Architecture*

University of Utah, *Master of City and Metropolitan Planning*

AFFILIATIONS + AWARDS

Professionally Licensed Landscape Architect (PLA), Utah

Certified Planner, American Institute of Certified Planners (AICP)

ENGAGEMENT

Wasatch Community Gardens, Community Gardner & Service Coordinator
Mar. 2023 - Dec. 2023

Capitol Hill Neighborhood Council Board of Directors, Officer & Committee Member
Dec. 2020 - Dec. 2021



PETER TRIO



ASSOCIATE | LANDSCAPE ARCHITECT

PROJECT EXPERIENCE

Project Award +

Ashland Zocalo
Ashland, CA

Corte Madera Town Park
Corte Madera, CA

Menke Park
Corte Madera, CA

East 14th Street/Mateo Street Park
Ashland, CA

Valley View Park Master Plan
Castro Valley, CA

North Basin Strip Shoreline Park Improvement:
New Voices Partnership +
Berkeley, CA

D & Clay Park Vision
Hayward, CA

Mariposa Creek Parkway Master Plan
Mariposa, CA +

Tunitas Creek Beach Improvements
San Mateo County, CA

Lower Stilwell Neighborhood Plan
and Community Park
Monterey, CA

San Joaquin River Western Reaches Access
Activation Plan (WRAAP)
Fresno, CA

Eaton Trail Design
Fresno, CA

Bothin Marsh Adaptation & Resiliency Project
Marin County, CA

Tracy Citywide Parks, Recreation and Trails
Master Plan Update / Nature Park Study &
Grant Application Support
Tracy, CA

Putah Creek - Restoration and
Access Site Design
Davis, CA

Roseville Strategic Master Plan for Parks,
Recreation, and Libraries
Roseville, CA

Peter is a Landscape Architect with a passion for enabling landscapes to respond to community needs. He has 10 years of experience leading park and open space design teams on projects throughout California, prototyped green infrastructure systems, and consulted on green roofs throughout the Midwest. Peter strives to bring leadership, dedication, creativity and a collaborative spirit to his work and project teams.

Peter is motivated by the process of evolution and refinement, and appreciates the challenges of addressing the needs of a complex world during a turbulent time. Through this lens, in 2019 he launched The Thirdscape Initiative, which focuses on the evolution of under-utilized suburban landscapes to understand how they might thrive in an environmentally and socially turbulent world.

EDUCATION

University of California, Berkeley, *Master of Landscape Architecture*

University of Wisconsin, Milwaukee, *Bachelor of Architecture, Minor in Business, Certificate in Urban Planning*

AFFILIATIONS + AWARDS

North Basin Strip, New Voice Program, Merit Award, Underserved Community, CA Trails and Greenways Conference, 2025

Sister Lillian Murphy Community (GLS), Housing Award, AIA, 2023

Geraldine Knight Scott Fellowship, Germany & France, 2017

International Workshop, Portoviejo, Ecuador, 2017

Green Infrastructure Awards (Various), St. Louis - New Orleans - Milwaukee, 2014-2015

Leenhouts Memorial Scholar, Milwaukee, 2012

AIA Wisconsin Architecture Foundation Scholar - 2013

ENGAGEMENT

Justice, Equity, Diversity, and Inclusion (JEDI) Committee Member, ASLA Northern California Chapter, Current

Session Leader, "Albany Bulb - Urban Wild in Transition," ASLA Conference, 2022

Teaching Assistant, Graduate Design Studio (LA 202), UC Berkeley, Spring 2017

Volunteer Referral Specialist for LGBT Refugees, SF LGBT Center, 2018-2019



ELLEN XIE



LANDSCAPE DESIGNER

PROJECT EXPERIENCE

Project Award +

Fresno Parks Master Plan + Implementation
and Post-Measure P Update
Fresno, CA

San Leandro Parks Master Plan
San Leandro, CA

Mountain View Parks &
Recreation Strategic Plan
Mountain View, CA

Oakland Estuary Park Renovation + Expansion
Oakland, CA

San Joaquin River - Western Reaches
Fresno, CA

Mariposa Creek Parkway Phase 3 Trailhead
Mariposa County, CA

Eaton Trail Design
Fresno, CA

El Cerrito Del Norte TOD Complete Streets
El Cerrito, CA

Hayward Main street Design
Hayward, CA

Newark Streetcape Improvements
Newark, CA

*Title 9 Headquarters
Emeryville, CA*

*La Entrada Middle School
Menlo Park, CA*

*Urban Tilth Urban Farm
Richmond, CA*

*Point Reyes Affordable Housing
Point Reyes, CA*

*Chinatown Community Children's Center
San Francisco, CA*

*CSU Maritime Re-Forestation
Vallejo, CA*

**projects in italics performed prior to joining
WRT*

Ellen is a landscape designer based out of WRT's San Francisco office. She brings 7 years of experience on a wide range of project types. In her most recent prior role at Bay Tree Design, she has worked on landscape projects throughout the Bay Area including Title 9 Headquarters, La Entrada Middle School, Urban Tilth Urban Farm, Point Reyes Affordable Housing, Chinatown Community Children's Center, and CSU Maritime re-forestation efforts, to name a few. Ellen is experienced in all phases of design projects, including developing schematic designs and custom details, designing to code, managing sheet set delivery, coordinating between disciplines, writing proposals, and checking submittals during construction administration. Ellen is tri-lingual, speaking English, Chinese, and moderate Spanish.

EDUCATION

University of Pennsylvania, *Master of Landscape Architecture*

Vassar College Innisfree Garden, *Changing the Environmental Narrative,
Bachelor of Arts, Environmental Studies*

Harvard Graduate School of Design, Career Discovery, *Landscape Architecture*

AFFILIATIONS + AWARDS

Van Alen Fellowship, Finalist | Oasis Towns of the Ancient Silk Road

Selected Works, End of Year Exhibition | Pennsylvania Slate Belt Semi-Finalist | Competition, El Paisaje A Traves Mi Ventana, UCC, Semi-Finalist | Ameri-Corps, NYRP

ENGAGEMENT

LA+ Magazine, "Two Bridges." and graphic spread, "Whose Land" (remapping America using indigenous place names), "Risk" logo design

Volunteering for:

SF Ocean Beach Cleanup

SierraClub Tree Planting

BikeEastBay

New York Restoration Project

Ameri-Corps

CURRENT PROJECT COMMITMENTS

Mountain View Parks & Recreation Master Plan

Newark, cA Streetscape Improvements

Request for Proposals No. 24-25-61

Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

TEAM RESUME

NICOLE KISSAM | Director



EDUCATION

- Bachelor of Science, Business Administration, California Polytechnic State University, San Luis Obispo

AFFILIATIONS

- California Society of Municipal Finance Officers (CSMFO)

SPEAKING

- "Fees, Fees, and MORE FEES!?" - California Association of Recreation and Park Districts, Annual Conference
- "Tools for Fiscal Sustainability" - CSMFO Desert Chapter

HIGHLIGHTS

Nicole Kissam is Director of Financial Consulting for NBS. She has more than 20 years of experience in public sector consulting, city government, marketing, and public relations. Nicole specializes in cost recovery and revenue policy for California local governments. She routinely manages projects and provides senior level technical analysis on impact fee studies, user/regulatory fee analyses, cost allocation plans, and financial plans. She has completed over 100 consulting engagements for a range of cities, counties, and special districts, including those with less than 10,000 population up to the largest in the State such as Los Angeles, Sacramento, and San Jose. Her background also includes performance of various management audits that improved operational efficiency of development services, parks and recreation, and utility departments. Nicole is regularly invited to speak on the topics of cost recovery, fee program development, and fiscal sustainability for various prominent professional organizations in California. *Nicole has recently completed park impact fee studies for the cities of Carlsbad, Chowchilla, Rocklin, Watsonville, and the Groveland Community Service District.*

TEAM RESUME

JOE COLGAN | Subconsultant, Impact Fee Specialist



EDUCATION

- Master of City Planning degree, University of Pennsylvania
Bachelor of Architecture degree, University of Nebraska, Lincoln

AFFILIATIONS

- Growth and Infrastructure Consortium (formerly the National Impact Fee Roundtable)
- Over 35 years as a member of the American Planning Association (APA) and the American Institute of Certified Planners (AICP)

SPEAKING / MEDIA

- National Impact Fee Roundtable
- California Association of Recreation and Parks Districts

HIGHLIGHTS

Joe Colgan is founder and president of Colgan Consulting Corporation, a small Sacramento firm specializing in development impact fees for cities, counties and special districts. He has a thorough understanding of the constitutional and statutory requirements for defensible impact fees and is an expert in impact fee methodologies. The vast majority of Joe's impact fee work has been done for California clients, but he has also done impact fee studies in Oregon, Washington, Arizona, Utah, New Mexico and Florida. He has prepared more than 200 impact fee studies since 1990, for clients as large as Albuquerque, NM (pop. 555,000) and the Orange County (CA) Fire Authority (serving 22 cities and unincorporated Orange County), and as small as Brisbane CA (pop. 4,700).



EDUCATION

- Bachelor of Arts, with honors, Economics, Mills College
- Continuing education from UC Davis, UCLA, CDIAC, etc.

HIGHLIGHTS

- Registered Municipal Advisor Representative
- 24+ years of experience
- Expert Special Tax Consultant
- District Formations
- Reassessment Consulting
- Proposition 218

SPEAKING

- Revenue Recovery: From Riches to Rags, and Back to Riches? CSMFO Annual Conference
- Park & Rec Fiscal Toolbox. CARPD Annual Conference

BIOGRAPHY

Sara Mares is the Chief Operating Officer of NBS with more than 24 years of experience with NBS. She specializes in Fiscal Impact Analysis and Community Facilities Districts, which are analyses and funding mechanisms that often overlap with Development Impact Fee programs. Her broad experience with evaluating impacts of new development’s revenue and costs, as well as her depth of knowledge in available funding tools is an essential attribute to NBS’ impact fee study team. Sara also has experience working with all aspects of the district formation and bond issuance process, including planning, fiscal impact analysis, project management, budget analysis, rate modeling, financial analyses, formulation of rate and methods of apportionment, and public presentations. She is a Registered Municipal Advisor.



Josh McDonnell, AICP

Principal Planner



30+ Years Experience

P: (714) 348-4458

E: joshm@4-creeks.com

A: 324 S. Santa Fe Street
Visalia, CA 93292

REGISTRATIONS & CERTIFICATIONS

AICP# 108012

EDUCATION

M.U.R.P. - Urban Planning

University of California, Irvine
Irvine, CA

M.A. - Political Science

CSU Fullerton
Fullerton, CA

B.S. - City and Regional Planning

Cal Poly, SLO
San Luis Obispo, CA

AREAS OF EXPERTISE

Long Range Planning
Municipal Planning
Policy Planning
Land Design & Entitlements

EMPLOYMENT

4Creeks, Inc. - Visalia, CA

Principal Planner
02/25 - Present

City of Tulare - Tulare, CA

Assistant City Manager
10/19 - 02/25

City of Tulare - Tulare, CA

Community Development
Director
08/17 - 10/19

City of Visalia - Visalia, CA

Assistant Community
Development Director/City
Planner
09/11 - 08/17

EXPERIENCE

General Plan and Zoning Ordinance Update - Selma, CA

Principal-in-Charge

Mr. McDonnell led the comprehensive update of the City of Selma General Plan as Principal in Charge and Project Manager, resulting in a fully revised plan with updated boundaries, elements, and policies. He facilitated public engagement and guided the plan through Planning Commission and City Council adoption. He also completed a full Zoning Ordinance update to ensure consistency with the new plan.

General Plan and Zoning Ordinance Update - Dinuba, CA

Project Manager

Mr. McDonnell served as Project Manager and Principal in Charge of a comprehensive update to the City of Dinuba's primary planning documents, the General Plan, and the Zoning Ordinance. He coordinated community meetings and presented the final results to the Planning Commission and City Council.

General Plan Update - Visalia, CA

As City Planner and Assistant Community Development Director, Mr. McDonnell oversaw a comprehensive update of Visalia's General Plan and Zoning Ordinance, working closely with a planning consultant to implement a robust community participation program. He facilitated public workshops, stakeholder meetings, and presentations to the Planning Commission and City Council. Following adoption of the General Plan, he directed technical revisions to the Zoning Ordinance for consistency and managed a Housing Element update to meet state housing mandates.



Grant McNulty

GIS Manager



9+ Years Experience

P: (559) 802-3052

E: grantm@4-creeks.com

A: 605 Santa Rosa Street Suite A
San Luis Obispo, CA 93401

EDUCATION

B.S. - Anthropology & Geography, Minor in Spanish & Latin American Studies

Cal Poly SLO

San Luis Obispo, CA

AREAS OF EXPERTISE

Spatial Analysis

Data Management

Cartography

Web Applications

Remote Pilot

Esri Products (Map, Pro, Online)

Q GIS

Microsoft Suite

Tableau

DroneDeploy

Pix4D

EMPLOYMENT

4Creeks, Inc. - Visalia, CA

GIS Analyst

11/15 - Present

4Creeks, Inc. - San Luis Obispo,

CA

Intern

06/15 - 09/15

EXPERIENCE

On-Call City GIS Services - Dinuba and Farmersville, CA

GIS Analyst

Mr. McNulty serves as the City GIS Manager for the Cities of Dinuba and Farmersville, He oversees the development, management, and administration of the City's ArcGIS online platform. He provides support with the preparation of various cartographic exhibits, spatial analyses, and web tools such as updated zoning maps, utility maps, and City addresses.

City of Dinuba Fire Department GIS Projects - Dinuba, CA

GIS Analyst

Mr. McNulty reconciled existing fire hydrant location data with 911 app data to create a web tool to show locations and hydrant information. Mr. McNulty worked with the Fire Department to analyze current travel and response times for fire crews to reach locations within the City and look at proposed locations for a new department building. A field collection and monitoring app was created to identify fire hazards within the City, contact landowners, and monitor survey progress and hazard status.

California Citrus Mutual (CCM) ArcGIS Online Management - Exeter, CA

GIS Analyst

Mr. McNulty manages and developed CCM's ArcGIS Online platform, as well as developed a web mapping application for California citrus growers to view their fields about legislative districts, filter datasets, look up contact information and weather stations, and summarize citrus fields and acres by district.

Request for Proposals No. 24-25-61
Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Approximate Hours by Staff

PROS Consulting

- Michael Svetz (Hours – 251)
- Leon Younger (Hours – 110)
- Kristina Campbell (Hours – 160)

WRT

- Peter Winch (Hours – 153)
- Madison Merrill (Hours – 30)
- Peter Trio (Hours – 106)
- Ellen Xie (Hours – 60)

4 Creeks

- Josh McDonnell (Hours – 50)
- Grant McNulty (Hours – 112)

NBS

- Nicole Kissam (Hours – 92)
- Joe Colgran (Hours – 56)
- Sara Mares (Hours – 8)

ETC Institute

- Ryan Murrah (Hours – 120)

Artificial Intelligence (AI) Use Statement

PROS may use AI tools in limited ways to increase efficiency and help organize information. Examples include organizing large data sets and coding themes from community feedback. These tools will only be used to support staff, never to replace professional analysis or decision-making.

AI will not be used to perform independent analysis, make recommendations, generate community feedback, or create final graphics and maps. All fiscal analysis, policy recommendations, facility standards, and capital improvement priorities will be developed and reviewed by PROS professionals.

Every AI-assisted task will be reviewed by staff before including any draft or final product. Client data will not be used to train public AI systems, and sensitive information will only be managed by PROS staff.

This approach ensures AI is used as a support tool only, while PROS staff remain fully accountable for the accuracy, quality, and professionalism of the Master Plan.



California Experience

The following is a list of parks and recreation planning projects in California conducted by the PROS Team.

- California State Parks Financial and Cost Efficiency Study
- Carlsbad Parks and Recreation Needs Assessment and Strategic Action Plan, Carlsbad Parks Master Plan Update, Carlsbad Indoor Recreation Center and Outdoor Adventure Park Feasibility Study
- Chula Vista Cost Recovery, Resource Allocation and Revenue Enhancement Plan
- Cordova Recreation and Park District Park and Recreation Strategic Master Plan
- Cosumnes (Elk Grove) Community Services District, Elk Grove, Parks & Facilities Master Plan
- Fair Oaks Recreation & Park District Parks, Parks, Facilities, & Recreation Services Master Plan
- Fresno Parks and Recreation Master Plan
- Golden Gate National Parks Conservancy, Operational Plans & Maintenance Management Plans (The Presidio, Lands End & Crissy Field)
- Half Moon Bay Parks and Recreation Program Plan
- Hanford Parks and Recreation Master Plan
- Healdsburg Parks and Recreation Needs Assessment (2006 & 2014 Update), Saggio Hills Master Plan, Villa Chanticleer Business Plan, Parks and Open Space Plan, and Foss Creek Community Center Business Plan
- Lodi, Parks, Recreation and Cultural Service Department, Strategic Action Plan
- Long Beach Parks and Recreation Strategic Plan, Implementation Plan, Restaurant and Golf Feasibility Study
- Los Angeles Parks and Recreation Needs Assessment
- Malibu Parks and Recreation Master Plan
- Oakland Parks and Recreation Revenue Management Plan
- Orangevale Recreation & Park District Parks and Recreation Master Plan
- Pasadena Pricing and Cost of Service Study; Department-Wide Business Plan; Customer Service Training; Parks Maintenance Plan; Sports Field Study
- Pleasant Hill Recreation and Park District Master Plan
- Riverbank Parks and Recreation Master Plan
- Riverside County Recreation and Open Space District Strategic Plan
- Roseville Parks and Recreation Master Plan
- San Clemente Beaches, Parks and Recreation Master Plan
- San Diego Master Plan
- San Francisco Recreation Plan and Golf Course Assessment
- San José Parks and Recreation Pricing Philosophy and Revenue Enhancement Plan; Business Plan for Happy Hollow Park and Zoo; Business Plans for Summer Camp, Seven Trees and Edenvale Community Center; Family Camp Feasibility Study; Marketing and Branding Plan; Aquatics Study
- San Marcos, Parks Master Plan – Financial Analysis, Trails Master Plan
- San Mateo Parks, Facilities and Programs Strategic Master Plan
- Santa Clara County Resource Allocation and Pricing Plan
- Santee Parks and Recreation Master Plan
- Sonoma County Regional Parks Management Review Services Assessment
- Temple City Parks and Open Space Master Plan
- Tulare Parks and Recreation Master Plan
- Walnut Creek Cost Recovery and Pricing Plan / Strategic Plan
- West Sacramento Parks and Recreation Master Plan

Request for Proposals No. 24-25-61

Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

PROS Consulting & ETC Institute Experience and References

Tulare, CA Parks and Recreation Master Plan (2023)

TULARE, CALIFORNIA

In 2023, PROS Consulting led a planning team of WRT and ETC Institute to complete a Parks and Recreation Master Plan for the City of Tulare. The Tulare Community Services Department's Parks and Recreation Division provides a wide array of programs for the entire family. The division is responsible for coordinating activities including instructional classes and sports programs for youth and adults, as well as special community events. It also maintains all city parks totaling 363 acres, city medians, and landscaping and lighting districts. The goal of the division is to create community through people, parks, and programs.

Additionally, the division is also responsible for the execution of the long-term goal of the City to develop an emergency shelter for unhoused individuals to live as they transition back to permanent housing. Funded by the approval of Measure Y, the City of Tulare has begun the development of the permanent homeless shelter that will be managed by a third-party operator whose contract will be overseen by the Community Services Department. While the permanent shelter is being developed, the City obtained a grant through the State of California and the Community Services Department led the effort to establish a temporary encampment that can begin to address the needs of our unsheltered community members.

The purpose of the City of Tulare Parks and Recreation Master Plan was to provide a roadmap for future investment in recreational experiences, parks, and facilities for the city over the next 10 years. This plan is based on recognized park planning principles and standards, and reflects input from Tulare residents including, but not limited to, the City Council, City staff, Parks and Recreation Advisory Board, and project steering committee.

The City of Tulare Parks and Recreation Master Plan (Master Plan) focused on identifying the City's current and future recreation needs to aid City staff and decision-makers in providing and equitable distribution of recreational facilities and opportunities to Tulare residents and stakeholders.

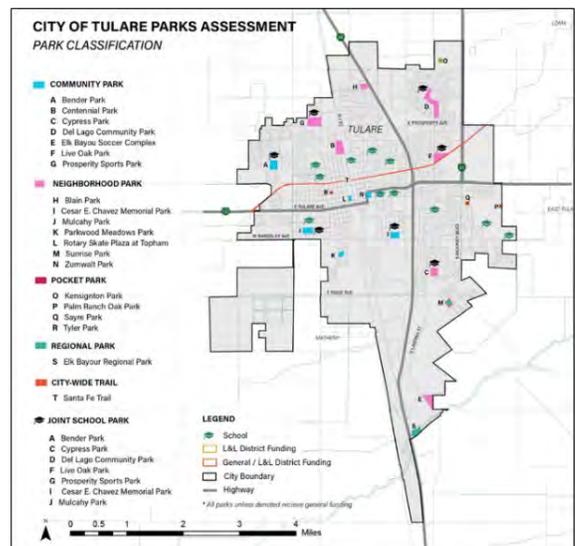
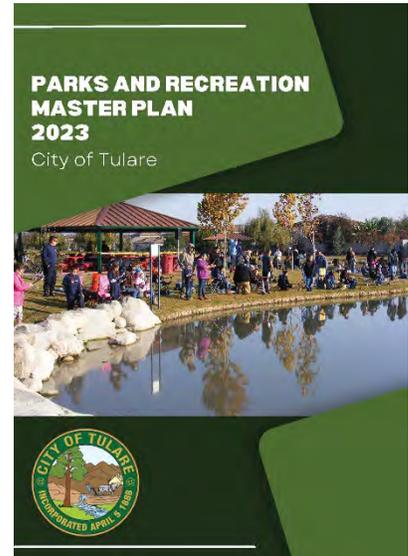
Start/End Date: December 2021-August 2023

Contract/Final Amount: \$99,950

Status of Completion: Completed

Project Staff: Michael Svetz (project manager)

Client Reference: Mr. Jason Glick, Former Parks and Recreation Director (Now in City of Visalia); City of Tulare; 830 S. Blackstone; Tulare, CA 93274; 559.372.5242; jason.glick@visalia.city

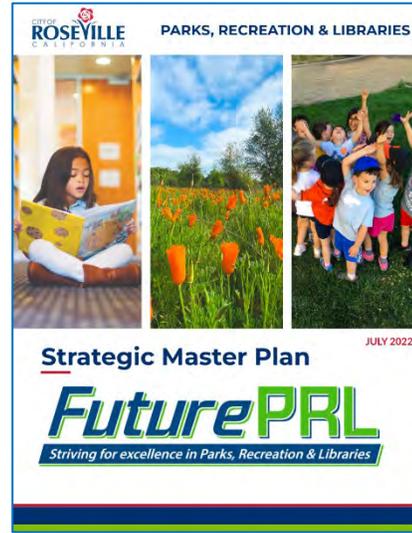




City of Roseville Parks, Recreation, and Libraries Strategic Master Plan (2022)
ROSEVILLE, CALIFORNIA

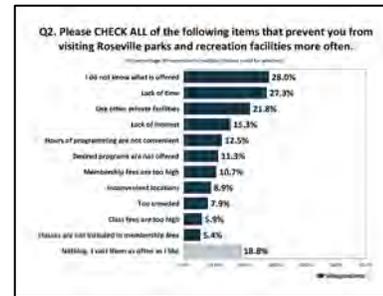
The City of Roseville Parks, Recreation & Libraries (PRL) is an organization committed to high quality parks, recreation facilities, programs, events, and an exceptional library system. Roseville is a recognized national leader in park and recreation development and management practices. The city has had strong leadership in place to guide the parks, recreation, and library system for the last 50 years through their focus on developing a full-service city that is the leading city in the Sacramento area in California.

PRL determined there was a need for a system Strategic Master Plan to guide the Department for the next ten years to service the recreation, park and library needs of all its citizens to continue to make Roseville the city of choice to live, work and play. **A team led by PROS Consulting that also included WRT and ETC Institute**, worked with the Department leadership and community to complete the Strategic Master Plan.



The Strategic Master Plan will serve as a road map to guide PRL towards accomplishing its vision and mission, and will provide recommendations to facilitate the successful operation, maintenance and development of Roseville’s parks, open space, amenities, facilities, programs, libraries, museum and services.

The Master Plan will create a clear set of objectives that will provide direction to staff, elected officials, and the Parks and Recreation Commission for a short-term, mid-term and long-term range.



There were numerous steps in the project, with the following key areas of focus being foundation components.



Start/End Date: December 2021-July 2022

Contract/Final Amount: \$199,958

Status of Completion: Completed managers)

Project Staff: Leon Younger and Michael Svez (project

Client Reference: Ms. Jill Geller, Director; Parks, Recreation & Libraries; 316 Vernon St., Suite 400; Roseville, CA 95678; 916.774.5249; jageller@roseville.ca.us

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Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Hanford, CA Parks and Recreation Master Plan (2020)

HANFORD, CALIFORNIA

In 2020, PROS Consulting led a planning team of WRT and ETC Institute to complete a Parks and Recreation Master Plan for the City of Hanford. The purpose of the City of Hanford Parks and Recreation Master Plan is to provide a roadmap for future development of recreational facilities and opportunities for the City over the next 10 years, consistent with the General Plan 2035 requirements. This plan is based on recognized park planning principles and standards, and reflects input from residents and stakeholders in Hanford, City staff, the Parks and Recreation Commission and City Council.

The City of Hanford Parks and Recreation Master Plan (Master Plan) focuses on identifying the City’s current and future recreation needs to aid City staff and decision-makers in providing and expanding and equitable distribution of recreational facilities and opportunities to Hanford residents and stakeholders. This includes preserving the City’s open space areas and expanding the City’s trails network to better connect people to nature, recreation and outdoor education opportunities.

The Master Plan was developed to provide the organization a roadmap for the future using knowledge gained from community input, park and program inventory review, comparison to national standards and trends and an assessment of the current economic and political climate. The planning process incorporated a comprehensive series of discovery and analysis strategies to understand the workings of the organization and included a strong community engagement process. Several strategic recommendations resulted from this effort and were aligned into the eight major categories of implementation actions.

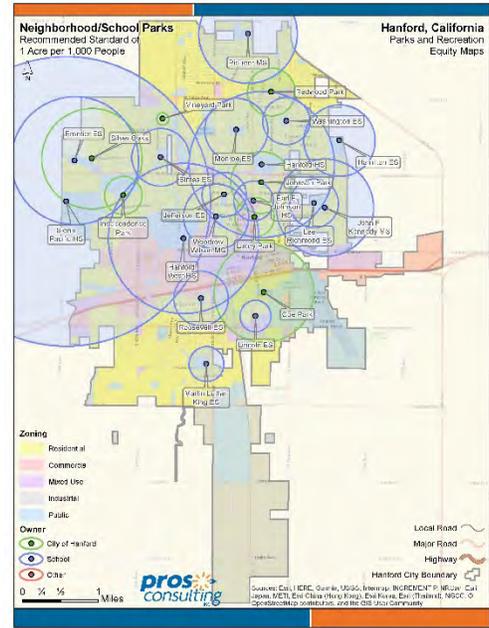
Start/End Date: December 2019-August 2021

Contract/Final Amount: \$95,958

Status of Completion: Completed

Project Staff: Michael Svetz (project manager)

Client Reference: Mr. Alvin Dias, Former Parks and Recreation Director (currently, Parks Director in City of Visalia, CA); 559.713.4300; alvin.dias@visalia.city



Facility/Amenity	Priority
Walking and Hiking Trails (multi-use paved)	High
Walking and Hiking Trails (natural surface)	
Restroom Buildings	
Playgrounds	Medium
Pavilions/Picnic Sites	
Dog Parks	
Recreation/Center/Gymnasium	
Mountain Biking Trails	
Outdoor Exercise Equipment	
Indoor Pool/Natorium	
Basketball Courts	
Community Gardens	
Banquet/Meeting Rooms	
Amphitheater	
Aerobics/Dance Rooms/Dance Floors	
Outdoor Board Games	
Senior Center	
Splash Pads	Low
Bicycle Pump Track	
Soccer/Lacrosse/Multi-Purpose Rectangle Fields	
Tennis Courts	
Baseball Fields	
Concession Stands	
Sand Volleyball Courts	
Softball Fields	
Football Fields	
Disc Golf Course	
Pickleball Courts	



Riverbank, CA Parks and Recreation Master Plan (2020)

RIVERBANK, CALIFORNIA

In 2020, PROS Consulting led a planning team of WRT and ETC Institute to complete a Parks and Recreation Master Plan for the City of Riverbank. The purpose of the City of Riverbank’s Parks and Recreation Master Plan was to provide a roadmap for future development of recreational facilities and opportunities for the City over the next 10 years, consistent with the General Plan 2025 requirements. This plan was based on recognized park planning principles and standards and reflects input from residents and stakeholders in Riverbank, City staff, and City Council.

The Master Plan focused on identifying the City’s current and future recreation needs to aid City staff and decision-makers in providing and expanding and equitable distribution of recreational facilities and opportunities to Riverbank residents and stakeholders. This includes preserving the City’s open space areas and expanding the City’s trails network to better connect people to nature, recreation and outdoor education opportunities.

As part of the Master Plan, an Implementation Matrix was completed for the Department to develop and prioritize work plans. The key to success for the Department was to continue to build on current achievements while adding programs, services, and facility improvements that will generate revenue, reduce operational expenditures, and enhance recreation experiences for the residents of Riverbank.

The Parks and Recreation Master Plan included a system-wide approach for accomplishing short and long-term goals, initiatives, tactics and measurements to ensure that as the City grows in population, the Department does so as well – effectively, efficiently and sustainably – while providing high quality services, programs, parks, and facilities to the community for many years to come.

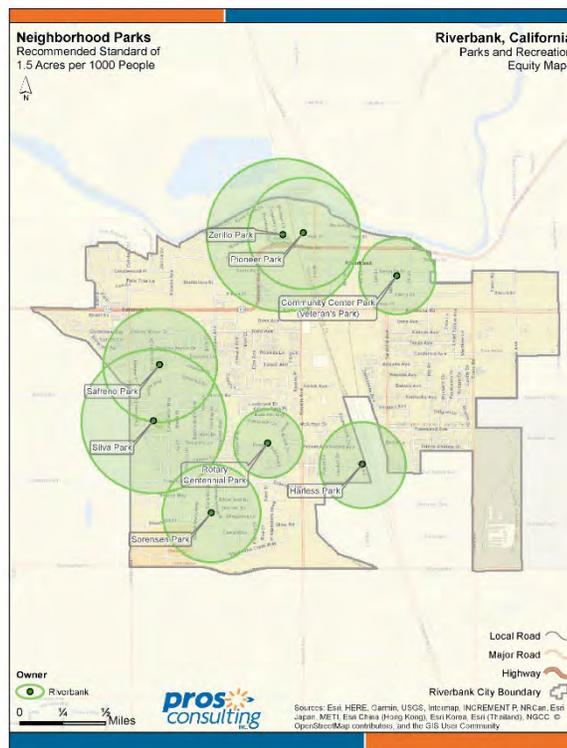
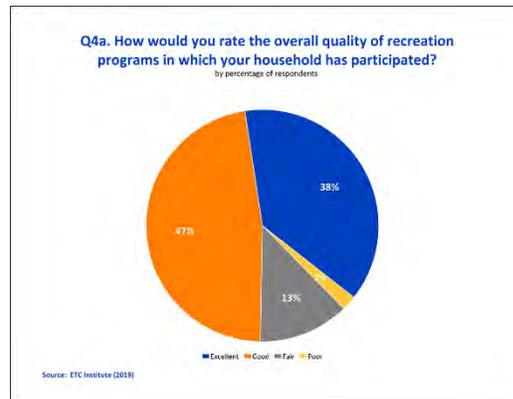
Start/End Date: September 2019-August 2020

Contract/Final Amount: \$85,825

Status of Completion: Completed

Project Staff: Michael Svetz (project manager)

Client Reference: Ms. Julia Petit, Project Manager Now Current Recreation Supervisor in San Clemente, CA; 6707 3rd St.; Riverbank, CA 95367; 949 429-8797; petitjulia333@gmail.com



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Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

Oro Valley, AZ Parks and Recreation Needs Assessment and Master Plan (2020)

ORO VALLEY, ARIZONA

The Town of Oro Valley Parks and Recreation is committed to a quality parks and recreation system that delivers high-quality parks, trails and recreation programs, facilities, and events for all residents, while contributing to the quality of life of the Town of Oro Valley. As such, the Town partnered with the planning team of PROS Consulting/Kimley Horn to complete a Needs Assessment and Master Plan. The purpose of the Oro Valley Parks and Recreation Needs Assessment and Master Plan is to offer strategies and operational policies that provide guidance to meet the needs of current and future Oro Valley residents.

The Needs Assessment of the Town’s existing parks and recreation infrastructure, amenities, and offerings to the community at large that considered constituent demographics and recreational characteristics is desired. This information, along with information on community-wide recreational infrastructure, offerings, and amenities, to include those offered by other entities (e.g., school districts), was utilized, in collaboration with the Town, its governing body and constituents, to develop a Town Parks and Recreation master planning document.

The Master Plan provides guidance and policy direction for the Oro Valley Parks and Recreation Department’s role in the community with a five (5) year planning horizon that will include, among other things, identification of sustainable revenue sources for funding capital improvements and additional recreational amenities and offerings by the Town. The Master Plan also includes research, public involvement, and the development of recommendations for all aspects of parks and recreation operations. The resulting needs assessment and master plan includes a strategic action plan with primary focus on short-term strategies that will build success over the long-term.

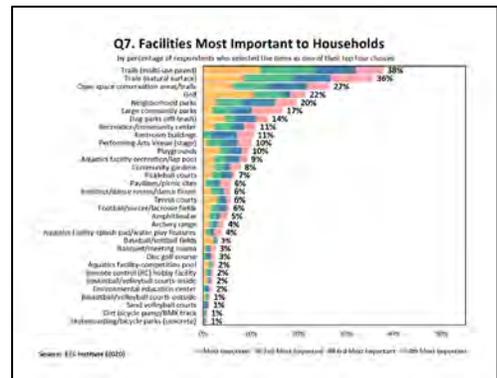
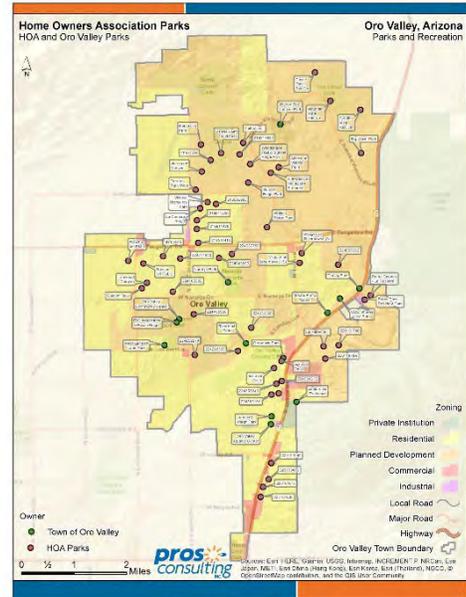
Start/End Date: December 2019-May 2021

Contract/Final Amount: \$146,760

Status of Completion: Completed

Project Staff: Michael Svetz (project manager)

Client Reference: Ms. Kristy Diaz-Trahan, Former Parks and Recreation Director; Current Recreation Division Manager City of Prescott; Town of Oro Valley; 10555 N. La Canada Dr.; Oro Valley, AZ 85737; 520.237.4152





Carmel, IN Comprehensive Parks and Recreation Master Plan (2015, 2020 and 2024)

CARMEL, INDIANA

Founded in 1991, Carmel Clay Parks & Recreation (CCPR) was established through an Interlocal Cooperation Agreement between the City of Carmel and Clay Township in Indiana. CCPR was created to serve the nature and fitness needs of the community, manage and develop existing spaces and resources, and create a sustainable future for parks and recreation programs through a financially viable and environmentally conscious parks system. CCPR manages and maintains more than 600 acres of park land and numerous recreation facilities, providing more than 5,000 annual classes and programs for all ages. The agency recently became CAPRA Accredited and won the 2020 and 2014 Gold Medal for Parks and Recreation at NRPA. The agency serves a population greater than 104,000 people.

To continue to serve the City of Carmel and Clay Township, CCPR desired an updated Parks and Recreation Comprehensive Master Plan in 2015, as well as 2020, and again in 2024 which were all completed by **PROS Consulting and ETC Institute** to guide development and actions for the next five years, as well as use as part of the agency's CAPRA Requirement. The purpose of the Parks and Recreation Comprehensive Master Plan was to identify current and future needs of the community, while also updating level of service standards, reviewing the financial strength of CCPR, and providing an action plan with funding and revenue strategies. The Parks and Recreation Comprehensive Master Plan represents CCPR's commitment to providing a quality park and recreation system for the City of Carmel and Clay Township.

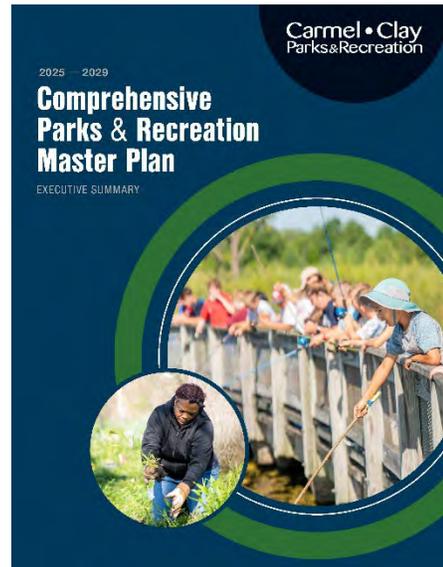
The Master Plan was an updated of the previous master plan completed by PROS Consulting for the CCPR and built off other plans completed by PROS (2020, 2015 Parks and Recreation Master Plan, Marketing Plan, Maintenance Management Plan, The Monon Community Center Business Plan, West Park Business Plan, Comprehensive Program Plan).

Link to Plan: <https://www.carmelclayparks.com/master-plans/>

Start/End Date: May 2023-December 2024 Contract/Final Amount: \$235,000

Status of Completion: Completed **Project Manager:** Leon Younger (project manager)

Client Reference: Mr. Michael Klitzing, Director; 1235 Central Park Drive East; Carmel, IN 46032; 317.573.4018; mklitzing@carmelclayparks.com



Request for Proposals No. 24-25-61

Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

City of Dublin, OH Parks and Recreation Master Plan (2023)

DUBLIN, OHIO

The City of Dublin (“City”) Parks and Recreation Department, as a CAPRA accredited agency, has a strong commitment to provide parks, facilities, and recreational services for residents. As such, the City desired a Parks and Recreation Master Plan (“Plan”) to provide a vision for the future. Key components of the master planning process included research, public involvement, and the development of recommendations for all aspects of the City’s park services with a focus on park, recreational amenities, and facility needs, recommended goals and policies, maintenance, and financing and implementation measures.

The City desired a Plan to align new investments with a strong community-driven mission and vision that integrates the City’s strong pursuit of recreation activities to the community. The outcome was a Plan that will be heavily used as a resource for future development and redevelopment of the City’s parks, recreation services, and facilities.

This plan details the current state of the system and outlines plans for future improvements and investments based on a comprehensive assessment of community priorities and values. Community input was collected via focus groups, key leader and stakeholder interviews, open public forums, project website, a community on-line survey and a statistically valid survey. The information gathered from the community engagement process was combined with technical research to produce the final Master Plan.

Unique technical analyses that were completed as part of the master plan included a **Climate Resiliency Analysis** of the park system on how it can play a role in helping cities and region manage the impacts of climate change on resident and the ecosystem. Also, a **Walkshed Analysis** was completed. By identifying the accessibility and current amenities of each park compared to the populations it serves, recommendations were developed to ensure equitable access and programming throughout the city parks and recreation system. Furthermore, the plan also included a **Diversity, Equity and Inclusion (“DEI”) Framework**. Dublin’s DEI Framework Plan sets the stage for the City’s commitment to DEI. Building on this cornerstone diversity, equity, and inclusion were important community elements considered when creating this plan to build and manage Dublin’s parks and recreation system.

PROS Consulting, INC., in partnership with OHM Advisors, developed the plan for the City and provided recommendations based upon publicly driven input as obtained and analyzed throughout 2022 and early 2023. The Department also used the Master Plan as part of CAPRA Accreditation standards.

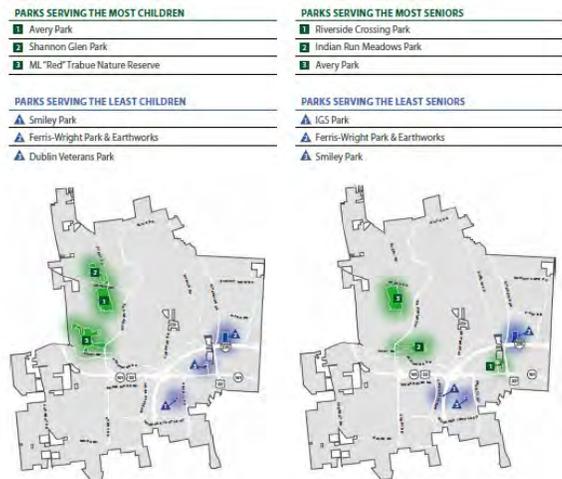
Start/End Date: May 2022-October 2023

Contract/Final Amount: \$174,983

Status of Completion: Completed

Project Manager: Leon Younger (project manager)

Client Reference: Mr. Matt Earman, Director of Parks and Recreation; City of Dublin; 6555 Shier-Rings Rd.; Dublin, OH 43016; 614.410.4710; mearman@dublin.oh.us





WRT Experience and References

Fresno Parks Master Plan

FRESNO, CALIFORNIA

WRT and PROS Consulting completed work on the City of Fresno’s Park Master Plan Update, Imagine Your Parks 2050. The Plan was adopted in 2019. This was the first Parks Plan for Fresno since 1989, and it came at a much-needed time for the city given its growth over the past 27 years. WRT worked with the City of Fresno Parks Department to re-evaluate its level of service classification and analyze areas of need and plan for future growth with on-the-ground parks assessments and extensive GIS mapping.

related to current access, park amenities, and demographics. The plan focuses on the principles of access, equity, health, and safety. The plan consists of a high-level vision component and a more robust master plan that focuses on design standards, maintenance practices, funding, and operations. The written plan is complemented by community outreach with stakeholders, mobile workshops with citizens and city wide.

meetings.

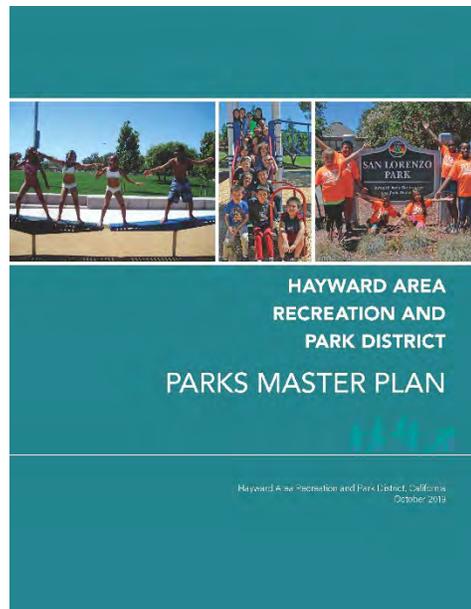
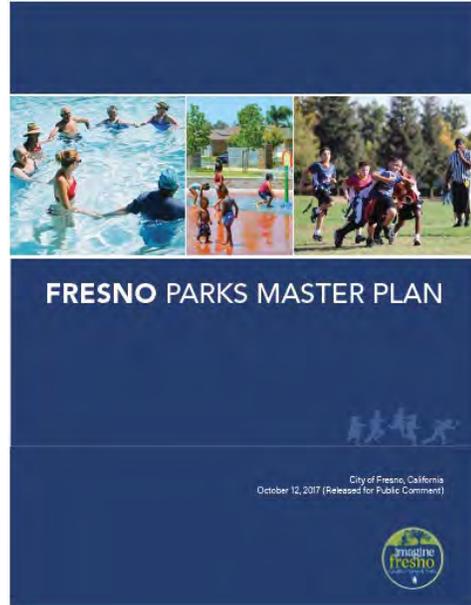
Client Reference: Sophia Pagoulatos - Planning Manager / City of Fresno Development and Resource - Management Department / 2600 Fresno Street, Room 3065, Fresno, CA 93721 / (559) 621-8062 / Sophia.Pagoulatos@fresno.gov

Hayward Area Recreation & Park District (HARD) Parks & Recreation Master Plan

ALAMEDA COUNTY, CALIFORNIA

WRT and PROS Consulting worked with Hayward Area Recreation and Park District (HARD) on an update to HARD’s Parks and Recreation Master Plan. The Plan was adopted in 2019. HARD is an independent special use district encompassing a 100 square mile area that serves over 280,000 residents and is the largest recreation district in the State of California. Major components of the planning process included stakeholder engagement, comprehensive gap analysis and needs assessment, level of service analysis, financial implementation, and recommendations. The project culminated in the creation of an updated, clear, accessible planning document that will be a tool for District Staff and community members to use when planning for the future of HARD’s park and recreation system.

Client Reference: Meghan Tiernan - Capital Planning and Development Director / Hayward Area Recreation + Park District (HARD) / 1099 ‘E’ Street, Hayward, CA 94541 / (510) 881-6712 / tiem@haywardrec.org



Request for Proposals No. 24-25-61

Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

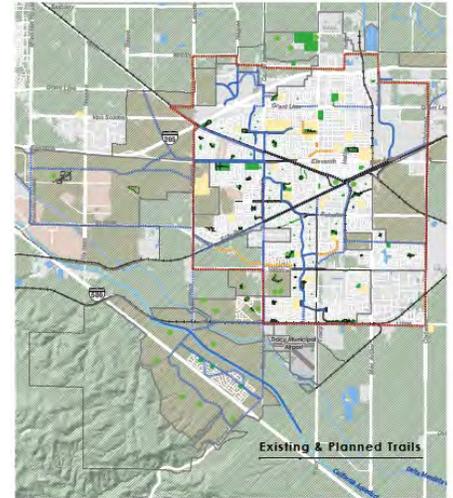
Tracy Citywide Parks, Recreation and Trails Master Plan TRACY, CALIFORNIA

After years of growth and diversification, Tracy seeks to strengthen its identity as an affordable, more tranquil alternative to the cities of the Bay Area and a place where people and businesses settled and prosper.

WRT (with PROS Consulting) is leading a multidisciplinary team in updating the City's Parks, Recreation and Trails Master Plan. The Plan provides direction on creating a diverse parks system that provides a range of experiences. It describes a network of parks and trails, enabling active transportation and links between downtown, neighborhoods, and surrounding open spaces. The Master Plan Update will also play an important role in helping the City's park system gain firm financial footing, with a detailed evaluation of funding sources and opportunities and an impact fee analysis.

In addition to the Citywide Parks Master Plan, WRT developed a conceptual master plan for an 86-acre natural park in Tracy.

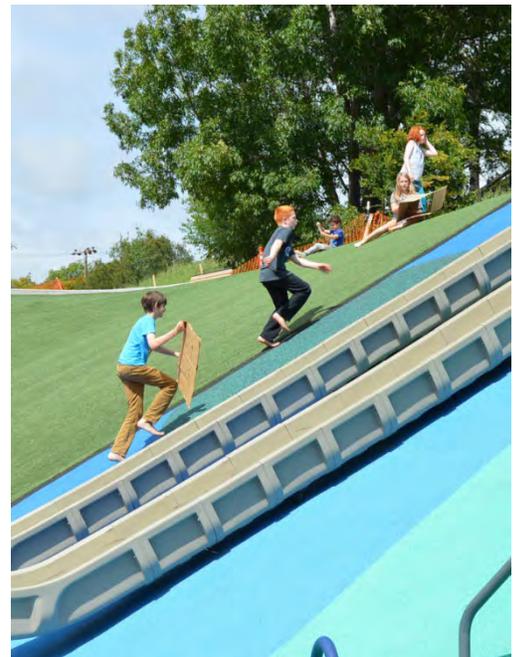
Client Reference: Brian MacDonald - Director / City of Tracy Parks and Recreation Department / 333 Civic Center Plaza, Tracy, CA 95376 / (209) 831-6233 / Brain.MacDonald@cityoftracy.org



San Luis Obispo Parks + Recreation Master Plan and General Plan Element Update SAN LUIS OBISPO, CALIFORNIA

WRT and PROS Consulting, together with our local partners the Wallace Group, are working closely with San Luis Obispo staff to develop a new Parks + Recreation Master Plan and update the Recreation Element of the General Plan. SLO's recent planning work confirms the community's preferred direction to preserve open space with clear urban growth limits and continues to enhance the downtown area with a mix of businesses and new residents. The Parks and Recreation Master Plan and the associated General Plan Element will support this vision and direct the City's investments in parks over the next 20 years. The effort included robust community engagement and data-driven community needs assessment, including a statistically valid survey, gap analysis mapping, and evaluation of level of service standards. LSA will provide programmatic CEQA review.

Client Reference: Shawna Scott - Senior Planner / City of San Luis Obispo - Community Development Department / 919 Palm Street, San Luis Obispo, CA 93401 / (805) 781-7176 / sscott@slocity.org





City of Visalia ILIA

Project Objective

To provide the City of Visalia with a detailed, data-driven assessment of its industrial land inventory, identifying current availability, development readiness, and future opportunities to support strategic planning, policy decisions, and economic growth in alignment with the City's General Plan.

Project Description

The Industrial Lands Inventory Analysis (ILIA) delivers a comprehensive evaluation of industrial land parcels within the City of Visalia. Each parcel is assessed for availability, suitability, and readiness for development, considering factors such as consistency with City planning goals, regulatory compliance, infrastructure capacity, environmental constraints, and market demand. The analysis synthesizes geographic, regulatory, and economic data into a cohesive framework, enabling policymakers, planners, and stakeholders to make informed decisions on industrial land use, infrastructure investments, and economic development strategies.

Project Outcome

The ILIA equips the City of Visalia with an actionable inventory and evaluation of its industrial lands, highlighting priority areas for development, infrastructure improvement, or policy adjustment. The findings provide a strategic foundation for guiding future industrial growth, ensuring that land use decisions align with long-term economic objectives, regulatory requirements, and community goals.

Contracting Agency

City of Visalia
707 W. Acequia Ave
Visalia, CA 93291

Agency Contact

Paul Bernal
(559) 713-4444
paul.bernal@visalia.city

Estimated Cost

\$60,000

Final Consultant Fee

\$78,536

Date Started

January 2024

Date Completed

December 2024

4Creeks Project Manager

David Duda, AICP
davidd@4-creeks.com



NBS Experience and References

NBS offers over three decades of professional experience performing impact fee studies and advising California's local governments on cost recovery policy and procedures.

NBS as a firm has completed impact fee analyses for a multitude of California governments over the past 15 years. NBS will also engage Colgan Consulting as part of the project team. Colgan Consulting is owned and operated by Joe Colgan and works exclusively with NBS on development impact fee analysis and will participate as a subconsultant in the role of subject matter expert. Since 2018, NBS and Colgan Consulting have worked exclusively together on many Development Impact Fee studies. The following reflects a sampling of municipal agencies for whom NBS and Colgan Consulting have completed Development Impact Fee studies for park land and park improvements:

- City of Brisbane
- City of Carlsbad
- City of Chowchilla
- City of Covina
- City of Encinitas
- City of Grass Valley
- City of Indio
- City of La Quinta
- City of Orland
- City of Rancho Cucamonga
- City of Rocklin
- City of San Leandro
- City of Victorville
- City of Visalia
- City of Watsonville
- City of Wildomar
- Groveland CSD

Request for Proposals No. 24-25-61

Parks and Recreation Master Plan, Needs Assessment and Park Impact Fee Analysis

CITY OF VISALIA

ACCESSORY DWELLING UNIT NEXUS FEE STUDY

Project Dates: 2021 - 2022

Contact Information

Brandon Smith, AICP
Principal Planner
707 W. Acequia Avenue
Visalia, CA 93291
P: 559.713.4636
E: brandon.smith@visalia.city

NBS Project Team:

Nicole Kissam, Joe Colgan

The City of Visalia engaged NBS to assess accessory dwelling unit (ADU) impact fees in light of new California laws. State legislation exempts ADUs under 750 sq. ft. and requires proportional fees for larger units based on the ADU's size relative to the primary dwelling. The study reviewed existing fees, applied Mitigation Fee Act standards, and recommended which fees should apply (e.g., parks, transportation, sewer) and which should not (e.g., fire, storm drainage). A proportional fee matrix was developed to simplify case-by-case calculations. The report concluded proportional assessments best balance compliance, equity, and administrative efficiency.





Section D – Conflict of Interest

PROS Consulting Inc. does not have any financial, business or other relationship with the City or any member of the City staff that may have an impact on the outcome of the project.

PROS Consulting, Inc. does not have any current or past clients who may have a financial interest in the outcome of the project.

Section E – Required Forms

See following pages for required forms and signed addendums.

NON-COLLUSION AFFIDAVIT

(Title 23 United States Code Section 112 and Public Contract Code Section 7106)

In accordance with Title 23 United States Code section 112 and Public Contract Code 7106 the bidder declares that bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Leon Younger
Signature

8/22/2025
Date

Note: The above Non-collusion Affidavit is part of the Bid/Proposal.
Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

WORKERS' COMPENSATION INSURANCE COMPLIANCE
(CALIF. LABOR CODE § 3700)

To Accompany Bid Form

STATE OF CALIFORNIA)
) ss
CITY OF VISALIA)

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work under this contract.

Company: PROS Consulting, Inc.

Business Address: 35 Whittington Dr., Suite 300; Brownsburg, IN 46112

Signature: *Leon Younger*

Name of Signing Official: Leon Younger

Title of Signing Official: President

Date: 8/22/2025

Company Seal (if any):

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE CERTIFICATE
(EXECUTIVE ORDER 11246)

Equal Opportunity Clause

Unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Executive Orders 10925, 11114 or Section 204 of Executive Order 11246 of September 24, 1965, during the performance of each contract with the City of Visalia, the BIDDER agrees as follows:

1. The BIDDER will not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin or political affiliation. The BIDDER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, gender, national origin or political affiliation. Such action shall include, but not be limited to, the following: employment upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The BIDDER agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The BIDDER will, in all solicitations or advertisements for employees, placed by or on behalf of the BIDDER, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, national origin or political affiliation.
3. The BIDDER will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or the workers' representative of the BIDDER's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice on conspicuous places available to employees and applicants for employment.
4. The BIDDER will comply with all provisions of Executive Order 11246 of September 24, 1965, and the rules, regulations and relevancy orders of the Secretary of Labor.
5. The BIDDER will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
6. In the event of the BIDDER's non-compliance with the non-discrimination clauses of this subcontract or with any of such rules, regulations or orders, this subcontract may be canceled, terminated or suspended, in whole, or in part and the BIDDER may be declared ineligible for further government contracts in accordance with the procedures authorized in accordance with Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or otherwise provided by law.
7. The BIDDER will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each SUBBIDDER or vendor. The BIDDER will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for non-compliance. Provided, however, that in the event the BIDDER becomes involved in, or is threatened with litigation with a SUBBIDDER or vendor as a result of such direction by the contracting agency, the BIDDER may request the United States to enter into such litigation to protect the interest of the United States.

Company: PROS Consulting, Inc.

Business Address: 35 Whittington Dr., Suite 300; Brownsburg, IN 46112

Signature: *Leon Younger* Date: 8/22/2025

Name & Title of Signing Official: Leon Younger, President Company Seal (if any):

DISCLOSURE FORMS

The following disclosure and statement apply to the Bidder/Proposer/Contractor/Consultant/ Vendor/Supplier or Company:

1. submitting a bid or proposal in response to a solicitation by City of Visalia; or
2. as Awardee of a contract/purchase order which is subject to approval by the Visalia City Council.

OWNERSHIP DISCLOSURE

PROS Consulting, Inc.
Name of Bidder/Proposer/Contractor/Consultant/Vendor/Supplier or Company

35 Whittington Dr., Suite 300; Brownsburg, IN 46112
Address

List the names of all principals, partners, and/or trustees. For corporations, provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Leon Younger and Katherine Younger

CALIFORNIA LEVINE ACT STATEMENT

California Government Code Section 84308, also know as the "Levine Act," can prohibit members of the Visalia City Council from participating in any action related to a contract if he or she receives any political contributions totaling more than \$250 within the previous twelve (12) months, and for twelve (12) months following the date a final decision concerning the contract has been made, from the person or company awarded the contract. The Levine Act also requires disclosure of such contribution(s) by a party to be awarded a specific contract.

The following website contains a list of current Visalia City Council Members, https://www.visalia.city/government/city_council/default.asp. You are responsible for reviewing the names of Visalia City Council Members prior to making the following disclosure:

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to a Visalia City Council Member in the twelve (12) months preceding the date of the submission of your proposals or the anticipated date of any City Council action related to this contract?

YES: _____ NO: _____. If yes, please identify the City Council Member(s) and date(s) of contribution in the space below:

<u>Council Member(s) Name</u>	<u>Date of Contribution(s)</u>
_____	_____

Answering YES, does not preclude the City of Visalia from awarding a contract to your firm or from taking any subsequent action related to the contract. It does, however, preclude the identified Visalia City Council Member(s) from participating in any actions related to this contract.

NOTICE: The disclosure duty under state law continues for twelve (12) months after the award. If the above information regarding contributions changes during this time after the award, then the awardee is required to update this disclosure form.

PROS Consulting, Inc.
Print or Type Name of Bidder/Proposer/Contractor/Consultant/Supplier/Vendor/Company

Leon Younger
Signature of Company Authorized Individual

Leon Younger, President
Print or Type Name of Authorized Individual

AMERICANS WITH DISABILITIES ACT COMPLIANCE CERTIFICATE

By submission of a bid, the BIDDER certifies it will comply with the Americans with Disabilities Act, 42 U.S.C., 12101 et. seq., and will maintain compliance throughout the life of this Contract. By commencing performance of the Contract work, the selected BIDDER certifies to the Americans with Disabilities Act compliance.

Company: PROS Consulting, Inc.

Business Address: 35 Whittington Dr., Suite 300; Brownsburg, IN 46112

Signature: *Leon Younger*

Name of Signing Official: Leon Younger

Title of Signing Official: President

Date: 8/22/2025

Company Seal (if any):

DRUG-FREE WORKPLACE CERTIFICATION

I, the official named below, hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the certification described below. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.

CONTRACTOR/BIDDER FIRM NAME PROS Consulting, Inc.	FEDERAL ID NUMBER 35-1962892
BY (Authorized Signature) <i>Leon Younger</i>	DATE EXECUTED 8/22/2025
PRINTED NAME OF PERSON SIGNING Leon Younger	TELEPHONE NUMBER (Include Area Code) (877) 242.7760
TITLE OF PERSON SIGNING President	
CONTRACTOR/BIDDER FIRM'S MAILING ADDRESS 35 Whittington Dr., Suite 300; Brownsburg, IN 46112	

The contractor or grant recipient named above hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The above-named contractor or grant recipient will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace,
 - (b) The person's or organization's policy of maintaining a drug-free workplace,
 - (c) Any available counseling, rehabilitation and employee assistance programs, and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code Section 8355©, that every employee who works on the proposed contract or grant:
 - (a) Will receive a copy of the company's drug-free workplace policy statement, and
 - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
4. At the election of the contractor or grantee, from and after the "Date Executed" and until _____ (NOT TO EXCEED 36 MONTHS), the state will regard this certificate as valid for all contracts or grants entered into between the contractor or grantee and this state agency without requiring the contractor or grantee to provide a new and individual certificate for each contract or grant. If the contractor or grantee elects to fill in the blank date, then the terms and conditions of this certificate shall have the same force, meaning effect and enforceability as if a certificate were separately, specifically, and individually provided for each contract or grant between the contractor or grantee and this state agency.

IRAN CONTRACTING ACT CERTIFICATION
(Public Contract Code Section 2200 et seq.)

As required by California Public Contract Code Section 2204, the Contractor certifies subject to penalty for perjury that the option checked below relating to the Contractor's status in regard to the Iran Contracting Act of 2010 (Public Contract Code Section 2200 et seq.) is true and correct:

- The Contractor is not:
 - (1) Identified on the current list of persons and entities engaged in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203; or
 - (2) A financial institution that extends, for 45 days or more, credit in the amount of \$20,000,000 or more to any other person or entity identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203, if that person or entity uses or will use the credit to provide goods or services in the energy sector in Iran.
- The City has exempted the Contractor from the requirements of the Iran Contracting Act of 2010 after making a public finding that, absent the exemption, the City will be unable to obtain the goods and/or services to be provided pursuant to the Contract.
- The amount of the Contract payable to the Contractor for the Project does not exceed \$1,000,00 over the life of the contract (up to 5 years).

Signature: Leon Younger Printed Name: Leon Younger

Title: President Agency Name: PROS Consulting, Inc.

Date: 8/22/2025

Note: In accordance with Public Contract Code Section 2205, false certification of this form shall be reported to the California Attorney General and may result in civil penalties equal to the greater of \$250,000 or twice the Contract amount, termination of the Contract and/or eligibility to bid on contracts for three years.

34. Do you want to see cost recovery potential from events, rentals, and tournaments?

Response: Yes.

35. Does the City have a current ADA Transition Plan that includes parks?

Response: No. The city does not have an ADA Transition Plan.

36. Should developer engagement be included in this planning process?

Response: Yes. If the awarded consultant feels that this would be a pertinent stakeholder in the process developers should be included.

37. Is the primary focus the potential additional of commercial park impact fees?

Response: The City would like the entirety of the park impact fee schedule analyzed and recommendations to update fees to help reach the city's goals.

38. Will the new Civic Center be included in the evaluation?

Response: Yes, the Civic Center will be included in the evaluation for possible recreation programming and future park/open space.

39. For clarification, Cost Recovery for Adult and Youth programs are: Adult 100% and Youth 50%?

Response: Yes

END OF ADDENDUM NO. 1

/s/ Purchasing Division
(559) 713-4334

RESPONDENT to sign and submit with PROPOSAL

Firm: PROS Consulting, Inc. Date: 8/20/2025

By: *Leon Younger*
Bidder's Signature

6. Would the city be open to including the cost of the Park Impact Fee as a separate, stand-alone budget item? The primary reason for doing this is because the cost of preparing an impact fee study is usually incorporated in the fee itself (i.e., fee level includes an “overhead and implementation” factor). Thus, this portion of the study has its own funding mechanism.
Response: The Impact Fee Study is funded through a separate Capital Improvement Project and was included was included in RFP 24-25-61 in expedite completion.

7. Can you please clarify what is meant by “A complete fiscal analysis” as used in the last bullet under “Park System Planning”? Are you looking for the consultant team to estimate the total cost to the City for operating and maintaining these parks, or something else?
Response: The city would like the consultant team to estimate costs to maintain existing parks and to construct and maintain future park development. The city would also want the existing regional parks analyzed for possible additional recreational opportunities or repurpose existing amenities to better serve the community.

8. Can you confirm if the 20-page proposal limit on page 10 of RFP specifically refers to Section B?
Response: Response: The 20-page limit pertains to the Section for the Proposing Firm’s Project Approach. The additional forms, certifications, tabs/dividers, etc. that are required to be submitted with response are not included in the 20-page count.

9. What type of CEQA document is the City anticipating?
Response: The city does not anticipate any CEQA documents.

10. Can you please clarify what the City is wanting from this section on page 8: *A complete fiscal analysis and an assessment of the four existing regional parks Plaza Park, Recreation Park, Riverway Sports Park, Eastside Regional Park (in development), Civic Center Grounds (in development), and a location for a future regional park.*
Response: The city would like the consultant team to estimate costs to maintain existing parks and to construct and maintain future park development. The city would also want the existing regional parks analyzed for possible additional recreational opportunities or repurpose existing amenities to better serve the community.

END OF ADDENDUM NO. 2

/s/ Purchasing Division
 (559) 713-4334

RESPONDENT to sign and submit with PROPOSAL

Firm: PROS Consulting, Inc. Date: 8/25/2025

By: *Leon Younger*
 Bidder's Signature

**PROFESSIONAL SERVICES TO DEVELOP A PARK AND RECREATION
MASTER PLAN, NEEDS ASSESSMENT AND PARK IMPACT FEE ANALYSIS**

This Agreement, entered into this ___20___ day of ___October_____, 2025, by and between the City of Visalia, hereinafter referred to as the "CITY", and _____Pros Consulting Inc. _____ hereinafter referred to as the "CONSULTANT".

W I T N E S S E T H

WHEREAS, the CITY is authorized and empowered to employ consultants and specialists in the performance of its duties and functions; and

WHEREAS, the CITY has the desire to secure certain technical and professional services to assist in the preparation and completion of the items of work described as "Scope of Work" in RFP No. 24-25-61, which along with the response submitted by CONSULTANT is attached as Exhibit "A", and hereinafter referred to as the "PROJECT"; and

WHEREAS, the CONSULTANT represents it is licensed, qualified and willing to provide such services pursuant to terms and conditions of this Agreement.

NOW, THEREFORE, CITY and CONSULTANT agree as follows:

I. SERVICES TO BE PERFORMED BY THE CONSULTANT

- A. Authorized Scope of Work: The CONSULTANT agrees to perform all work necessary to complete in a manner satisfactory to the CITY those tasks described in Exhibit "A" - Scope of Work, which shall be the Scope of Work for the project as described in RFP No. 24-26-61, unless the parties agree in writing to modify the Scope of Work as stated in the RFP, for the cost identified in Exhibit "B" - Project Fee Schedule.
- B. Additional Services: Incidental work related to the PROJECT and not provided for in Exhibit "A" may be needed during the performance of this Agreement. The CONSULTANT agrees to provide any and all additional services at the rates identified in attached Exhibit "B" Project Fee Schedule. Such additional services shall not be performed by CONSULTANT without the written consent of CITY.

II. TIME OF PERFORMANCE

The CONSULTANT shall commence performance of this Agreement within ten (10) days of the effective date on the Consultant's written Notice to Proceed and shall complete the work within the timeframes outlined in Exhibit "B", unless otherwise extended in writing by CITY, in its sole discretion.

If the CONSULTANT fails to complete the PROJECT within the time specified, plus any extensions of time which may be granted, the CITY shall determine the percent of each work item completed and shall pay the CONSULTANT on that basis.

CONSULTANT shall not be responsible for delays which are due to causes beyond the CONSULTANT's reasonable control. In the case of any such delay, the time of completion shall be extended accordingly in a writing signed by both parties.

III. COMPENSATION

- A. Total Compensation: For services performed pursuant to this Agreement, the CITY agrees to pay and the CONSULTANT agrees to accept, a lump sum amount of Two hundred seventy-three thousand, seven hundred fifty-five dollars and zero cents. (\$ 273,755.00 _____) as shown in Exhibit "B". This amount shall constitute complete compensation, including document production and out-of-pocket expenses for all services for the work and PROJECT identified in Exhibits "A" and "B". CONSULTANT agrees these amounts, as authorized, will constitute complete compensation, including document production and out-of-pocket expenses, for services authorized by CITY for the PROJECT per the Scope of Work, Project Fees, and Schedule identified in Exhibit "A" and "B", respectively. No other compensation is authorized by this Agreement without separate written amendment.
- B. Payment of Compensation: The CONSULTANT shall be compensated no more than monthly, based on percentage of work of each noted phase completed to date. The CONSULTANT shall be paid no later than thirty (30) days following submission of a written, verified billing to the CITY. Said billing shall include the percentage of each task completed to date and since the date of the preceding billing, if any.

IV. AUTHORIZED REPRESENTATIVE

- A. CITY: Jason Glick shall represent the CITY in all matters pertaining to the services to be rendered under this Agreement, except where approval of the City Council of the City of Visalia is specifically required.
- B. CONSULTANT: Michael Svetz shall represent and act as principle for CONSULTANT in all matters pertaining to the services to be rendered by it under this Agreement.

V. TERMINATION

The right to terminate this Agreement, with or without cause, may be exercised without prejudice to any other right or remedy to which the terminating party may be entitled at law or under this Agreement.

- A. Termination By Either Party Without Cause: The CITY or CONSULTANT may terminate this Agreement at any time by giving written notice to the other of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination.
- B. Termination of Agreement for Cause: The CITY may by written notice to the CONSULTANT specifying the effective date thereof, at least fifteen (15) days before the effective date of such termination, terminate the whole or any part of this Agreement in any of the following circumstances:

1. If the CONSULTANT fails to perform the services called for by this Agreement within time(s) specified herein or any extension thereof; or
2. If the CONSULTANT fails to make progress under this Agreement as to endanger performance of this Agreement in accordance with its terms, and does not correct such failure within a period of ten (10) days (or longer period as the CITY may authorize in writing) after receipt of notice from the CITY specifying such failure.

C. Post-Termination:

1. In the event the CITY terminates this Agreement with or without cause, the CITY may procure, upon such terms and such manner as it may determine appropriate, services similar to those terminated.
2. Except with respect to defaults of sub-consultants, the CONSULTANT shall not be liable for any excess costs if the failure to perform this Agreement arises out of causes beyond the control and without the fault or negligence of the CONSULTANT. Such causes include, but are not limited to, acts of God or of the public enemy, floods, epidemics, quarantine restrictions, strikes, and unusually severe weather; but in the event the failure to perform is caused by the default of a sub-consultant, the CONSULTANT shall not be liable for failure to perform, unless the services to be furnished by the sub-consultant were obtainable from other sources in sufficient time and within budgeted resources to permit the CONSULTANT to meet the required delivery schedule or other performance requirements.
3. Should the Agreement be terminated with or without cause, the CONSULTANT shall provide the CITY with all finished and unfinished documents, data, studies, services, drawings, maps, models, photographs, reports, etc., prepared by the CONSULTANT pursuant to this Agreement.
4. Upon termination, with or without cause, CONSULTANT will be compensated for the services satisfactorily completed to the date of termination according to compensation Provisions contained herein. In no event, shall the total compensation paid CONSULTANT exceed the total compensation agreed to herein.
5. If, after notice of termination of this Agreement, as provided for in this article, it is determined for any reason that the CONSULTANT was not in default under the provisions of this article, then the rights and obligations of the parties shall be the same as if the Agreement was terminated without cause.
6. Termination of this Agreement shall not terminate any obligation to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination activities.

VI. INTEREST OF OFFICIALS AND THE CONSULTANT

- A. No officer, member, or employee of the CITY who exercises any functions or responsibilities in the review or approval of this Agreement shall:
 - 1. Participate in any decision relating to this Agreement which effects his personal interest or the interest of any corporation, partnership, or association in which he has, directly or indirectly, any interest; or
 - 2. Have any interest, direct or indirect, in this Agreement or the proceeds thereof during his tenure or for one year thereafter.
- B. The CONSULTANT hereby covenants that he has, at the time of the execution of this Agreement, no interest, and that he shall not acquire any interest in the future, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed pursuant to this Agreement. The CONSULTANT further covenants that in the performance of this work, no person having any such interest shall be employed.

VII. NO PERSONNEL, AGENCY OR COMMISSION

The CONSULTANT warrants, by execution of this Agreement, that no personnel agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide established commercial or selling agencies maintained by the CONSULTANT for the purpose of securing business. For breach or violation of this warranty, the CITY shall have the right to annul this Agreement without liability or, in its discretion, to deduct from this Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

VIII. SUBCONTRACTING

- A. The CONSULTANT shall not subcontract or otherwise assign any portion of the work to be performed under this Agreement without the prior written approval of the CITY.
- B. In no event shall the CONSULTANT subcontract work in excess of 50% of the contract amount, excluding specialized services. Specialized services are those items not ordinarily furnished by a consultant performing the particular type of project.

IX. INDEPENDENT CONTRACTOR

In the performance of the services herein provided for, the CONSULTANT shall be, and is, an independent contractor and is not an agent or employee of the CITY. The CONSULTANT has and shall retain the right to exercise full control and supervision of all persons assisting the CONSULTANT in the performance of said services hereunder. The CONSULTANT shall be solely responsible for all matters relating to the payment of its employees including compliance with social security and income tax withholding and all other regulations governing such matters.

X. SPECIFICATIONS

All specifications, manuals, standards, etc., either attached to this Agreement or incorporated by reference, are binding as to the performance of the work specified in this Agreement unless they

are changed by written amendment to this Agreement modified in writing to incorporate such changes.

XI. DOCUMENTS/DATA

- A. Ownership of Documents: All original papers and documents, produced as a result of this Agreement, shall become the property of the CITY. In addition, CITY shall be provided with access and use of any other papers and documents consistent with the purpose and scope of services covered by this Agreement. Any additional copies, not otherwise provided for herein, shall be the responsibility of the CITY.

Documents, including drawings and specifications, prepared by CONSULTANT pursuant to this Agreement, are not intended or represented to be suitable for reuse by CITY or others on extensions of the PROJECT or on any other project. Any use of the completed documents for other projects and any use of incomplete documents without the specific written authorization from CONSULTANT will be at CITY's sole risk and without liability to CONSULTANT. Further, any and all liability arising out of changes made to CONSULTANT's deliverables under this Agreement by CITY or persons other than CONSULTANT is waived as against CONSULTANT, and the CITY assumes full responsibility for such changes unless the CITY has given CONSULTANT prior notice and has received from CONSULTANT written consent for such changes.

- B. Publication: No report, information, or other data given or prepared or assembled by the CONSULTANT pursuant to this Agreement, shall be made available to any individual or organization by the CONSULTANT without the prior written approval of the CITY. Notwithstanding the foregoing, however, the CONSULTANT shall not be required to protect or hold in confidence and confidential information which (1) is or becomes available to the public with the prior written consent of the CITY; (2) must be disclosed to comply with law; or (3) must be disclosed in connection with any legal proceedings.
- C. Copyrights: The CONSULTANT shall be free to copyright material developed under this Agreement with the provision that the CITY be given a nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use the material for government or public purposes. Should CONSULTANT place a copyright notice on documents it must state, "City of Visalia holds a nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the material for government or public purposes."

XII. INDEMNIFICATION AND INSURANCE

As respects acts, errors, or omissions in the performance of services, CONSULTANT agrees to indemnify and hold harmless CITY, its elected and appointed officers, and employees from and against any and all claims, demands, losses, reasonable defense costs, or liability, whether actual, alleged, or threatened, that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the CONSULTANT in the performance of his/her services under the terms of this Agreement, except to the extent those arise out of the negligence of CITY.

- A. CITY agrees to indemnify and hold harmless CONSULTANT, its officers, employees, and designated volunteers from and against any and all losses, defense costs, or liability to the

extent arising out of CITY'S negligent acts, errors or omissions in the performance of this Agreement.

- B. As respects all acts or omissions which do not arise directly out of the performance of services, including but not limited to those acts or omissions normally covered by general and automobile liability insurance, CONSULTANT agrees to indemnify, defend (at CITY's option), and hold harmless CITY, its elected and appointed officers, agents, employees, representatives, and volunteers from and against any and all claims, demands, reasonable defense costs, or liability of any kind or nature arising out of or in connection with CONSULTANT's (or CONSULTANT's subcontractors, if any) performance or failure to perform, under the terms of this Agreement; except to the extent those which arise out of the negligence of CITY.
- C. Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the CITY nor the CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any remote or speculative breach of contract damages that the breaching party could not have reasonably foreseen when entering into this Agreement. To the extent this Agreement is considered a "Construction Contract" as defined by California Civil Code section 2783, CONSULTANT's duty to indemnify CITY under this or any other provision of the Agreement shall not apply when to do so would be prohibited by California Civil Code section 2782.
- D. Without limiting CITY's right to indemnification, it is agreed that CONSULTANT shall secure prior to commencing any activities under this Agreement, and maintain during the term of this Agreement, insurance coverage as follows:
 - 1. Workers' compensation insurance as required by California statutes.
 - 2. Commercial general liability insurance with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for Premises and Operations, Contractual Liability, Personal Injury Liability, Products and Completed Operations Liability, Broad Form Property Damage (if applicable), Independent Contractor's Liability (if applicable).
 - 3. Professional liability insurance coverage, in an amount not less than One Million Dollars (\$1,000,000).
 - 4. Comprehensive Automobile Liability coverage with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for owned, hired, and non-owned automobiles and shall be provided by a business automobile policy.
- E. CITY'S Risk Manager is hereby authorized to reduce the requirements set forth above in the event he/she determines that such reduction is in the CITY'S best interest.
- F. CONSULTANT agrees to provide thirty (30) days written notice of any policy cancellation, limitation in scope or coverage, or non-renewal. Such notice shall be provided to the, City of Visalia, 707 W. Acequia, Visalia, CA 93291.

In addition, the commercial general liability and comprehensive automobile liability policies required by this Agreement shall contain the following clauses:

“It is agreed that any insurance maintained by the City of Visalia shall apply in excess of and not contribute with insurance provided by this policy.”

“The City of Visalia, its officers, agents, employees, representatives and volunteers are added as additional insureds as respects operations and activities of, or on behalf of the named insured, performed under contract with the City of Visalia.”

- G. Prior to commencing any work under this Agreement, CONSULTANT shall deliver to CITY insurance certificates confirming the existence of the insurance required by this Agreement, and including the applicable clauses referenced above. Within thirty (30) days of the execution date of this Agreement, CONSULTANT shall provide to CITY endorsements to the above-required policies, which add to these policies the applicable clauses referenced above. Said endorsements shall be signed by an authorized representative of the insurance company and shall include the signatory’s company affiliation and title. Should it be deemed necessary by CITY, it shall be CONSULTANT’s responsibility to see that CITY receives documentation acceptable to CITY which sustains that the individual signing said endorsements is indeed authorized to do so by the insurance company. CITY has the right to demand, and to receive within a reasonable time period, copies of any insurance policies required under this Agreement.
- H. In addition to any other remedies CITY may have if CONSULTANT fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, CITY may, at its sole option:
1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement; or
 2. Order CONSULTANT to stop work under this Agreement and/or withhold any payment(s) which become due to CONSULTANT hereunder until CONSULTANT demonstrates compliance with the requirements hereof; or
 3. Terminate this Agreement.

Exercise of any of the above remedies, however, is an alternative to other remedies CITY may have and is not the exclusive remedy for CONSULTANT’s failure to maintain insurance or secure appropriate endorsements.

Nothing herein contained shall be construed as limiting in any way the extent to which CONSULTANT may be held responsible for payments of damages to persons or property resulting from CONSULTANT’s or its subcontractor’s performance of the work covered under this Agreement.

XIII. NON-DISCRIMINATION

CONSULTANT and all subcontractors shall not discriminate against any employee or applicant for employment on the basis of race, color, national origin, or sex in the performance of this Agreement. The CONSULTANT shall carry out applicable requirements of 49 CFR part 26 in the

award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement.

XIV. MISCELLANEOUS PROVISIONS

- A. Firearms Prohibited: Guns may not be carried by contractors/vendors/consultants while working on City of Visalia premises without the expressed written approval of a City of Visalia Department Head, or an exemption in the contract. If a contractor/vendor/consultant is caught carrying a gun, without City permission, their contract will be terminated.
- B. Asbestos and Hazardous Materials: In providing its services hereunder, CONSULTANT shall not be responsible for identification, handling, containment, abatement, or in any other respect, for any asbestos or hazardous material if such is present in connection with the PROJECT. In the event the CITY becomes aware of the presence of asbestos or hazardous material at the jobsite, CITY shall be responsible for complying with all applicable federal and state rules and regulations, and shall immediately notify CONSULTANT, who shall then be entitled to cease any of its services that may be affected by such presence, without liability to CONSULTANT arising therefrom.
- C. Successors and Assigns: This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the parties.
- D. Prohibition of Assignment: Neither the CITY nor CONSULTANT shall assign, delegate or transfer their rights and duties in this Agreement without the written consent of the other party.
- E. Dispute/Governing Law: Any dispute not resolvable by informal arbitration between the parties to this Agreement shall be adjudicated in a Court of Law under the laws of the State of California.
- F. Notices: Notice shall be sufficient hereunder if personally served upon the City Clerk of the CITY or an officer or principal of the CONSULTANT, or if sent via the United States Postal Service, postage prepaid, addressed as follows:

G.	<u>J</u> <u>u</u> <u>r</u> <u>i</u> <u>s</u> <u>d</u> <u>i</u>	CITY OF VISALIA 707 W. Acequia Ave. Visalia, CA 93291 Attention: City Clerk	CONSULTANT _____ _____ (Attention) _____ Phone: _____ Email: _____
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ction/Venue/Waiver Of Removal: This Agreement shall be administered and interpreted under the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be in that State. Any action brought to interpret or enforce this Agreement, or any of the terms or conditions hereof, shall be brought in Tulare County, California. The CONSULTANT hereby expressly waives any right to remove any action to a county other than Tulare County as permitted pursuant to Section 394 of the California Code of Civil Procedure.

- H. Integration/Modification: This Agreement and each of the exhibits referenced herein, which are incorporated by reference, represents the entire understanding of the CITY and the CONSULTANT as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing signed by the CITY and the CONSULTANT.
- I. Conflict With Law: If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said law, but the remainder of the Agreement shall be in full force and effect.
- J. Attorney's Fees: In the event either party commences any action, arbitration or legal proceedings for the enforcement of this Agreement, the prevailing party, as determined by the court or arbitrator, shall be entitled to recovery of its attorney's fees and court costs incurred in the action brought thereon.
- K. Construction: This Agreement is the product of negotiation and compromise on the part of each party and the parties agree, notwithstanding Civil Code Section 1654, that in the event of uncertainty the language will not be construed against the party causing the uncertainty to exist.
- L. Authority: Each signatory to this Agreement represents that it is authorized to enter into this Agreement and to bind the party to which its signature represents.
- M. Headings: Section headings are provided for organizational purposes only and do not in any manner affect the scope or intent of the provisions thereunder.
- N. Executive Order N-6-22 – Russia Sanctions On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. The State shall provide Contractor advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

IN WITNESS WHEREOF, this Agreement is executed on the day and year first above written.

CITY OF VISALIA

CONSULTANT

City Manager

Approved as to Form

City Attorney

Risk Manager

Project Manager

Exhibit "A": Scope of Services in RFP 23-24-58

Exhibit "B": Project Fee Schedule

City of Visalia, California
 Comprehensive Parks and Recreation Master Plan
 Proposed Fees
 27-Aug-25

	Total
Hourly Rate	
Task 1 – Project Initiation, Policy Interface, & Social Pinpoint Site	
Subtotal Dollars	\$ 29,915
Task 2 – Community Engagement and Market Profile	
Subtotal Dollars	\$ 54,600
Task 3 - Park, Facility, & Program Inventory with Level of Service Analysis	
Subtotal Dollars	\$ 34,660
Task 4 - Maintenance Operations & Standards Review	
Subtotal Dollars	\$ 21,700
Task 5 – Organizational, Program, and Service Assessment	
Subtotal Dollars	\$ 21,000
Task 6 – Needs Synthesis & Preliminary Strategies	
Subtotal Dollars	\$ 13,470
Task 7 – Capital Improvement Plan (CIP) Development	
Subtotal Dollars	\$ 25,810
Task 8 – Park Impact Fee Analysis (Mitigation Fee Act Compliance)	
Subtotal Dollars	\$ 33,400
Task 9 – Financial & Cost Recovery Analysis	
Subtotal Dollars	\$ 15,600
Task 10 – Implementation & Funding Plan	
Subtotal Dollars	\$ 8,800
Task 11 – Master Plan Document Development & Adoption	
Subtotal Dollars	\$ 14,800
TOTAL DOLLARS	\$ 273,755



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0460

Agenda Date: 10/20/2025

Agenda #: 6.

Agenda Item Wording:

Approve Agreements for the 2025-2026 Land Fallowing Program - Authorize the City Manager to sign the Greater Kaweah Groundwater Sustainability Agency 2025-2026 Fallowing Program contracts for a combined 138.91 field acres in the total amount of \$55,564 to be paid to the City of Visalia.

Prepared by: Rehana Cale, Senior Project Manager (559) 713-4176, rehana.cale@visalia.gov; Nick Bartsch, Public Works Director (559) 713-4428, nick.bartsch@visalia.gov

Department Recommendation: Staff recommends that the Council authorize the City Manager to sign the Greater Kaweah Groundwater Sustainability Agency (GKGSA) 2025-2026 Fallowing Program contracts for a combined 138.91 field acres, related to APNs: 073-110-036, 073-110-049, 073-110-051, 073-110-068, and 103-100-052, in the total amount of \$55,564 to be paid to the City of Visalia.

Summary:

The Greater Kaweah Groundwater Sustainability Agency (GKGSA) Pilot Fallowing Program, 2024-2025, was successfully completed in accordance with Council direction issued in December 2023 to cease walnut farming operations on 138.91 acres north of the Water Reclamation Facility (WRF) and to explore alternative land uses compatible with WRF operations. The City participated in the GKGSA's 2024-2025 Pilot Fallowing Program for a total of 138.91 field acres (APNs: 073-110-036, 073-110-049, 073-110-051, 073-110-068, and 103-100-052) and will receive \$69,455 for the one-year fallowing period.

Building on the successful completion of the pilot program, staff recommends that the Council authorize the City Manager to sign the Greater Kaweah Groundwater Sustainability Agency (GKGSA) 2025-2026 Fallowing Program contracts for the same 138.91 field acres in the total amount of \$55,564 to be paid to the City of Visalia.

Background Discussion:

Based on the prior direction of the City Council in December 2023 to cease walnut farming operations on 138.91 acres north of the Water Reclamation Facility (WRF), the City successfully participated in the Greater Kaweah Groundwater Sustainability Agency (GKGSA) 2024-2025 Pilot Fallowing Program. This direction also included the removal of the walnut orchard and the continued exploration of long-term lease options that would be compatible with Wastewater Treatment Plant operations.

The GKGSA established the Land Fallowing Program to reduce groundwater extraction within its jurisdictional boundaries, lessen impacts to domestic and irrigation wells, and support the objectives of the GKGSA's Groundwater Sustainability Plan and the Sustainable Groundwater Management Act (SGMA). Under the 2025-2026 program, the land will remain fallowed from October 1, 2025, through

September 30, 2026.

Building upon the successful completion of the 2024-2025 pilot year, staff submitted a proposal to the GKGSA to again fallow the same City-owned properties totaling 138.91 field acres (APNs: 073-110-036, 073-110-049, 073-110-051, 073-110-068, and 103-100-052) under the 2025-2026 Fallowing Program.

Previously, the GKGSA received, and independently and anonymously evaluated, bids from eligible applicants within its boundaries. This year, the process was changed from a uniform price auction to a fixed price program. Under the new approach, the price was set in advance at \$400 per field acre fallowed for qualified applicants. The City's proposed acreage qualified under this criteria, for a total payment of \$55,564 to be made to the City of Visalia.

Staff recommends that the City Council authorize the City Manager to sign the Greater Kaweah Groundwater Sustainability Agency (GKGSA) 2025-2026 Fallowing Program contracts for the same 138.91 field acres in the total amount of \$55,564 to be paid to the City of Visalia.

Participation in this program supports regional groundwater sustainability objectives, advances compliance with SGMA, and aligns with the City's long-term land management and resource conservation strategies.

Fiscal Impact:

The farmland surrounding the Water Reclamation Facility (WRF) (APNs: 073-110-036, 073-110-049, 073-110-051, 073-110-068) is owned by the Wastewater Fund (431) and operated under the Farming Division (4344). Therefore, the revenue of \$48,348 generated under this fallowing contract would be credited to the Wastewater Fund (431). The land southwest of the Oakes Basin (APN: 103-100-052) is owned by the General Fund (001) and Storm Sewer Def (222), so the associated revenue of \$7,216 related to the fallowing of this parcel would be credited proportionally to the General Fund and Storm Sewer Deficiency funds at a rate of 86% and 14%, respectively.

In total, the fallowing of land in accordance with the proposed agreements under the GKGSA 2025-2026 Fallowing Program would generate \$55,564 of revenue to the City of Visalia.

Prior Council Action:

- December 18, 2023 - City Council was presented an update to the city-owned farmland and farming operations, and provided direction to cease farming operations of the 130 acres of walnuts.
- November 18, 2024 - City Council approved agreements for the 2024-2025 Land Fallowing Program and authorized the City Manager to sign the Greater Kaweah Groundwater Sustainability Agency (GKGSA) 2024-2025 Pilot Fallowing Program contracts for a combined 138.91 field acres in the total amount of \$69,455 to be paid to the City of Visalia.

Other: N/A

Alternatives: Do not participate in the proposed GKGSA 2025-2026 Land Fallowing Program

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to sign the Greater Kaweah Groundwater Sustainability Agency (GKGSA) 2025-2026 Fallowing Program contracts for a combined 138.91 field acres in the total amount of \$55,564 to be paid to the City of Visalia.

Environmental Assessment Status: N/A

CEQA Review: N/A

Deadline for Action: 10/20/2025

Attachments:

Attachment 1 - GKGSA 2025-2026 Fallowing Program Contract - APNs: 073-110-036, 073-110-049, 073-110-051, 073-110-068

Attachment 2 - GKGSA 2025-2026 Fallowing Program Contract - APN: 103-100-052

Attachment 3 - Maps of Land to be Fallowed under the GKGSA 2025-2026 Fallowing Program

Attachment 4 - GKGSA 25-26 Fallowing Letter & Contract Visalia



PILOT LAND FALLOWING PROGRAM SUBMISSION FORM

CONTACT INFORMATION

Name City of Visalia Mailing Address 707 W. Acequia Ave., Visalia, CA 93291
 Phone 559-713-4428 Email Rehana.Cale@visalia.city
 Name of Farming Operation City of Visalia

Please refer to your water dashboard at <https://gsawd.com/> in order to provide accurate information below. WD3411

List the fields you agree to fallow below.

Water Account Number	APN	Dashboard Field Name	Crop Type	Dashboard Field Acres
WA <u>0001562</u>	073-110-036	Walnuts West of 99	Fallow	120.87
WA <u>0001562</u>	073-110-049	Walnuts West of 99	Fallow	
WA <u>0001562</u>	073-110-051	Walnuts West of 99	Fallow	
WA <u>0001562</u>	073-110-068	Walnuts West of 99	Fallow	
Total acres to Fallow:				120.87
COMPENSATION: Price per acre: \$400				Total \$ 48,348.00

Would you be interested in strategic recharge opportunities to put excess surface water/flood water on your fallowed land? YES / NO

I understand that if accepted, I agree to fallow the above acreage(s) for a total of **one year** beginning October 1, 2025 through September 31, 2026 and that the current allocation of water will be deducted from my dashboard for each acre fallowed.

Signature *Rehana B. Cale* Date 9-17-25



PILOT LAND FALLOWING PROGRAM SUBMISSION FORM

CONTACT INFORMATION

Name City of Visalia Mailing Address 707 W. Acequia Ave., Visalia, CA 93291
 Phone 559-713-4428 Email Rehana.Cale@visalia.city
 Name of Farming Operation City of Visalia

Please refer to your water dashboard at <https://gsawd.com/> in order to provide accurate information below. WD3411

List the fields you agree to fallow below.

Water Account Number	APN	Dashboard Field Name	Crop Type	Dashboard Field Acres
WA <u>0001562</u>	103-100-052	N/A	N/A	18.04
WA _____				
WA _____				
WA _____				
Total acres to Fallow:				18.04
COMPENSATION: Price per acre: \$400				Total \$ 7,216.00

Would you be interested in strategic recharge opportunities to put excess surface water/flood water on your fallowed land? YES / NO

I understand that if accepted, I agree to fallow the above acreage(s) for a total of **one year** beginning October 1, 2025 through September 31, 2026 and that the current allocation of water will be deducted from my dashboard for each acre fallowed.

Signature *Terliq B. Lawrence* Date 9-17-25



Zoom to

Search

073110036

Name	073110036
Stated Area	1456703
LegalStartDate	
APN_NO	73110036
LOT_NO	0
OWNERNAME	VISALIA CITY OF
STREET1	707 W ACEQUIA AVE
STREET2	VISALIA CA 93291-6127
STREET3	
STREET4	
PROPERTYSTATUS	
DOCNUM	
ASSR_NAME	VISALIA CITY OF
ASSR_ADD1	707 W ACEQUIA AVE
ASSR_ADD2	VISALIA CA 93291-6127
ASSR_ADD3	
ASSR_ADD4	
REDEV	
HIST	



Zoom to

Search 073110049

Name	073110036
Stated Area	1456703
LegalStartDate	
APN_NO	73110036
LOT_NO	0
OWNERNAME	VISALIA CITY OF
STREET1	707 W ACEQUIA AVE
STREET2	VISALIA CA 93291-6127
STREET3	
STREET4	
PROPERTYSTATUS	
DOCNUM	
ASSR_NAME	VISALIA CITY OF
ASSR_ADD1	707 W ACEQUIA AVE
ASSR_ADD2	VISALIA CA 93291-6127
ASSR_ADD3	
ASSR_ADD4	
REDEV	
HIST	

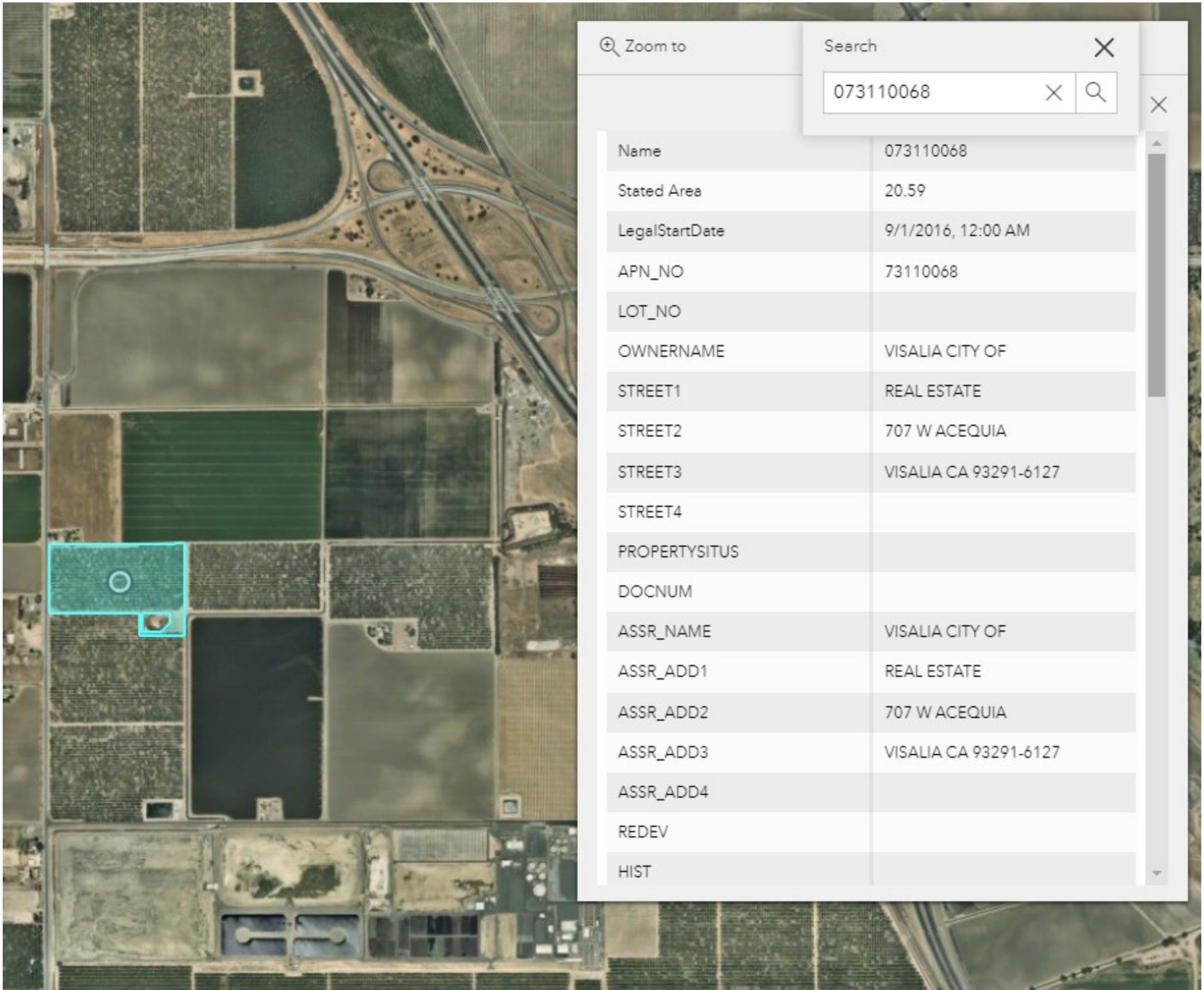


Zoom to

Search

073110051

Name	073110051
Stated Area	879137
LegalStartDate	
APN_NO	73110051
LOT_NO	0
OWNERNAME	VISALIA CITY OF
STREET1	REAL ESTATE
STREET2	707 W ACEQUIA AVE
STREET3	VISALIA CA 93291-6127
STREET4	
PROPERTYSTATUS	28870 RD 68
DOCNUM	
ASSR_NAME	VISALIA CITY OF
ASSR_ADD1	REAL ESTATE
ASSR_ADD2	707 W ACEQUIA AVE
ASSR_ADD3	VISALIA CA 93291-6127
ASSR_ADD4	
REDEV	
HIST	





Zoom to



Name	103100052
Stated Area	785655
LegalStartDate	
APN_NO	103100052
LOT_NO	2
OWNERNAME	VISALIA CITY OF
STREET1	707 W ACEQUIA AVE
STREET2	VISALIA CA 93291-6127
STREET3	
STREET4	
PROPERTYSTATUS	29890 RD 152
DOCNUM	
ASSR_NAME	VISALIA CITY OF
ASSR_ADD1	707 W ACEQUIA AVE
ASSR_ADD2	VISALIA CA 93291-6127
ASSR_ADD3	
ASSR_ADD4	
REDEV	
HIST	



Greater Kaweah Groundwater Sustainability Agency
227 N. West St.
Visalia, Ca 93291
info@greaterkaweahgsa.org
559-302-9987

October 3, 2025

City of Visalia

707 W. Acequia Ave

Visalia, CA 93291

Dear **City of Visalia**,

Subject: Approval of Land Fallowing Application

We are pleased to inform you that your application for land fallowing on **073-110-036, 073-110-049, 073-110-051, 073-110-068 & 103-100-052** has been approved. After careful review of your submitted documentation and adherence to the relevant guidelines, we are confident that your proposed plan aligns with our environmental and agricultural objectives.

Approval Details:

- **Land Location:** **073-110-036, 073-110-049, 073-110-051, 073-110-068 & 103-100-052**
- **Approved Period:** 10/1/2025 to 09/30/2026

We commend you for your commitment to sustainable land management practices and look forward to seeing the positive impact of your fallowing efforts. Please ensure that you adhere to the following conditions:

1. **Land Management Practices:** – See contract for details
2. **Reporting Requirements:** – See contract for details
3. **Compliance:** – See contract for details

Please keep an eye out for a contract coming your way for review and signature within the next few days.

Sincerely,

Mark Larsen
General Manager
Greater Kaweah GSA

**GREATER KAWEAH GROUNDWATER SUSTAINABILITY AGENCY
2025-2026 PILOT FALLOWING PROGRAM CONTRACT**

This 2025-2026 FALLOWING PROGRAM Contract (hereinafter “**Contract**” or “**Agreement**”) is made this 3 day of October, 2025, by and between City of Visalia (“**Landowner**”) and the Greater Kaweah Groundwater Sustainability Agency (“**GKGS**A”).

RECITALS

- A. Fallowing Program (“**Program**”) is offered to landowners in an effort to reduce demand on the groundwater resources of the GKGS A and move the GSA toward sustainability. It is an optional, 1-year program where landowner agrees to fallow designated property, not irrigate, not produce any crop, and eliminate use of groundwater associated with the property.
- B. GKGS A has established the 2025-2026 Fallowing Program, funded through penalty fees collected from the Transitional Pumping Program which invoices annually from landowners who pump water in excess of their Sustainable Yield Allocation;
- C. GKGS A, at its discretion, will make a portion of those funds available to pay landowners to fallow designated property(s) for one (1) year, October 1 through September 30, all subject to funds available;
- D. Landowner has submitted an application to participate in the Program, which is attached hereto and incorporated by reference as **Exhibit A**;
- E. Landowner has reviewed this Agreement, as well as the Fallowing Program Summary, and desires to participate in the Program, and to cooperate with the GKGS A with respect to the performance of the Agreement;
- F. Landowner understands that to participate in the Program he or she must be in “good standing” with the GKGS A, compliant in previous Fallowing Program participation (if applicable), compliant with all rules and regulations, and not in violation of any law, statute, regulation, or otherwise.

NOW THEREFORE, in and for consideration of the mutual covenants, conditions and promises hereinafter set forth, the Parties hereby agree as follows:

AGREEMENT

1. Recitals. The above recitals are hereby incorporated by reference and made a part of this Agreement as though fully set forth herein.

2. Land Fallowing. Landowner shall fallow **138.91** acres identified in the application submitted by Landowner (“**Enrolled Lands**”), and all Enrolled Lands shall remain fallowed from October 1, 2025 through September 30, 2026. The Enrolled Lands are more particularly described in attached **Exhibit B**, and if the Enrolled Lands are less than a full parcel, Landowner shall include a map illustrating the location of the partial acreage to be fallowed.

To qualify as fallowed, the Enrolled Lands must eliminate the entire consumption of groundwater available for the property, specifically the current year’s Sustainable Yield, Tier 1

and Tier 2 allocations. Additionally, water associated with the Enrolled Lands is not available for groundwater Carryover, Transfer, or use in any other way. No production and harvesting of crops on the Enrolled Lands are allowed. Cover crops are allowed via rainwater only and cannot be harvested. Grazing is permitted.

3. No Extraction of Native Sustainable Yield, Tier 1, Tier 2 Allocation(s). Pursuant to Section 4.03(a) and (b) of the GKGSA Third Amended Rules and Regulations approved February 12, 2024 and any subsequent amendments thereto (hereinafter “GKGSA Rules and Regulations”), Landowner hereby waives any right to receive any Native Sustainable Yield, Tier 1, Tier 2 Penalty Allocation(s) for the Enrolled Lands for the 2025-2026 year. Landowner is prohibited from using Native Sustainable Yield, Tier 1, Tier 2, Penalty Allocation(s) regardless of source on the Enrolled Lands, including but not limited to Native Sustainable Yield, Tier 1, Tier 2, Penalty Allocation(s) allocated to lands owned by Landowner, but not enrolled pursuant to the Program, or transferred Native Sustainable Yield, Tier 1, Tier 2, Penalty Allocation(s) from third parties.

a. Recharge or Banked Credits

Landowner is not prohibited from applying Direct Diversions of Surface Water or Surface Water Recharge Credits as defined pursuant to GKGSA Rules and Regulations Section 3.03(b) and (g) on the Enrolled Lands.

4. Verification. GKGSA staff, or representative consultants, will verify compliance with the 2025-2026 Fallowing Program (“Verification Process”) ensuring there is no active irrigation or crop production on the Enrolled Lands. The Verification Process will consist of (1) performing inspections (one estimated to be conducted in April 2026, and one estimated to be conducted in August 2027), and (2) evaluation of remote sensing data (LandIQ) for each month from October 1, 2025 through September 30, 2026.

5. Compensation. As consideration for the mutual covenants, conditions and promises to set forth herein, the GKGSA will compensate landowner(s) according to the amount of acres dedicated to fallow. For each acre of fallowed land enrolled in the 2025-2026 Fallowing Program, landowner will be compensated \$400 per acre.

Accordingly, GKGSA will compensate landowner a total of **\$55,564** in December 2026, or January 2027, depending on landowner preference and only after successful compliance has been determined through the Verification Process.

6. Dust Mitigation Plan. No later than 60 days of the date the contract is signed, landowner shall prepare and submit to GKGSA a dust mitigation plan, such as a cover crop planting strategy, chipping, or a water truck application plan. Landowner is required to comply with any and all existing and future laws or regulations regarding dust mitigation, including but not limited to those restrictions imposed by the San Joaquin Valley Air Pollution Control Board.

7. Cooperation with GSA. Landowner agrees to cooperate with GKGSA in all matters related to the performance of this Agreement. In addition, landowner agrees to provide timely and accurate information regarding all matters related to this Contract, as well as all matters referenced in the Guidelines.

8. Indemnity and Hold Harmless. To the fullest extent permitted by law, landowner shall indemnify, hold harmless, and defend GKGSA, its directors, officers, employees, consultants, agents or authorized volunteers, and each of them, from any and all claims, demands, causes of action, damages, costs, expenses, losses or liabilities, in law or in equity, of every kind or nature whatsoever, arising out of or in any manner directly or indirectly connected with Landowner's breach of this Agreement.

9. Access to Lands. Landowner agrees to provide access to GKGSA, or a representative consultant, with respect to the Enrolled Lands.

10. Successor and Assigns. All of the terms, covenants and provisions hereof shall ensure the benefit of and be binding upon the respective successors and assigns of the Parties hereto.

11. Default. Landowner shall be in default of this Agreement if any of the following occur: (1) the Enrolled Lands are not fallowed for the entirety of the period beginning October 1, 2025 and ending September 30, 2026; (2) Sustainable Yield, Tier 1, or Tier 2 Penalty Allocation(s) are consumed on the Enrolled Lands; (3) Landowner has not prepared, or is not complying with, a dust mitigation plan; or (4) Landowner is not in "good standing" with the GKGSA.

12. Remedies. If landowner defaults, or otherwise materially breaches this Agreement, the GSA may require the following: (1) repayment of entire award; (2) reduction in future years' allocations for property owned by Landowner within the GKGSA; or (3) take any other action it deems appropriate for the implementation of the Program, its performance of the GSA Contract, or the performance of this Agreement.

13. Landowner Representations, Warranties, and Covenants. Landowner represents and warrants to GKGSA that Landowner is the sole owner of the Enrolled Lands and has the unrestricted right and authority to enter into this Agreement. Each person signing this Agreement on behalf of Landowner is authorized to do so, and all persons and entities having any ownership or possessory interest in Landowner's property are signing this Agreement. Landowner represents and warrants that he or she has complied with all required regulations and guidelines of the Program, and that all of the representations made by Landowner in Landowner's application to the Program are true and correct.

14. Attorney's Fees. In the event of a dispute between the parties related to or arising from this Agreement or any of the actions or events described herein, the prevailing party in any litigation or arbitration shall be entitled to recover all costs and fees associated with the action or arbitration, including, without limitation, all attorney's fees and expert witness fees.

15. Compliance with all Laws. Landowner is required to comply with all laws, regulations, and permitting, including but not limited to GKGSA Rules and Regulations.

16. Governing Law. The laws of the State of California shall govern under the interpretation and enforcement of this Agreement.

17. Interpretation. The parties agree that the terms and provisions of this Agreement embody their mutual intent and that such terms and conditions are not to be construed more liberally in favor, or more strictly against, any Party.

18. Partial Invalidity. If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, a provision shall be added to this Agreement as similar in terms to such invalid or unenforceable provision as may be possible, and be legal, valid and enforceable, and the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

19. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

“Landowner”

“GKGSA”

Greater Kaweah Groundwater
Sustainability Agency

By _____
Mark Larsen, General Manager

EXHIBIT A
LANDOWNER APPLICATION

EXHIBIT B
LEGAL DESCRIPTION OF ENROLLED LANDS



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0465

Agenda Date: 10/20/2025

Agenda #: 7.

Agenda Item Wording:

Ordinance Adoption - Second reading and adoption of Ordinance No. 2025-12, approving the revision to Visalia Municipal Code Chapter 8.40.060 C.1 and 2 "Declaration of Public Nuisance; Issuance of Administrative Enforcement Order".

Deadline for Action: 10/20/2025

Submitting Department: Community Development

Contact Name and Phone Number:

Jesse Villegas, Code Enforcement Officer, (559) 713-4191, jesse.villegas@visalia.city
<<mailto:jesse.villegas@visalia.city>> Tracy Robertshaw, Neighborhood Preservation Manager, (559) 713-4187 tracy.robertshaw@visalia.city <<mailto:tracy.robertshaw@visalia.city>>
Paul Bernal, Community Development Director, (559) 713-4025 paul.bernal@visalia.city
<<mailto:paul.bernal@visalia.city>>

Department Recommendation:

Staff recommends that the Visalia City Council conduct the second reading and adopt Ordinance No. 2025-12 amending Visalia Municipal Code Section 8.40.060 C.1 and 2 "Declaration of Public Nuisance; Issuance of Administrative Enforcement Order" per the attached Ordinance No. 2025-12.

Summary:

On October 6, 2025, the City Council held a public hearing to consider amending Visalia Municipal Code Section 8.40.060 C.1 and 2 "Declaration of Public Nuisance; Issuance of Administrative Enforcement Order".

During the public hearing, the City Council received a staff report, staff presentation, and public comment. Following the public hearing the City Council voted (4-0) to introduce the first reading of Ordinance No. 2025-12, amending Visalia Municipal Code Section 8.40.060 C 1 and 2, as provided in the attached ordinance.

The second reading of the Ordinance is the final action the City Council takes in order for amendment of Visalia Municipal Code Section 8.40.060 C 1 and 2, to take effect. Following the second reading and Council adoption, the ordinance will go into effect 30 days following adoption of the second reading.

Background Discussion:

During the October 6, 2025 City Council meeting, staff presented a work session item to City Council regarding amending Visalia Municipal Code 8.40.060 C 1 and 2 as it was not in compliance with Assembly Bill (AB) 1418. The Visalia Municipal Code (VMC) Section 8.40.060 C 1 and 2 reads as follows:

“ C. Management quality standards. The following items shall constitute reasonable basis for the enforcement officer to believe that a property is not being properly managed or maintained. The existence of any of these circumstances shall justify an inspection of the property by the enforcement officer. In addition, violation of these standards may be used as evidence that a public nuisance exists.

- 1. For an individual residential unit, whether the unit is a standalone residence or part of a multi-family complex, more than six police and/or fire calls over a one year period (other than a medical emergency);*
- 2. For a complex or building containing multiple residential units, more than a monthly average of .20 police and/or fire calls per unit over a six month period (other than a medical emergency)*
.”

The proposed ordinance update is to bring the City of Visalia into compliance with AB 1418, which prohibits a local agency from authorizing or returning the imposition of a penalty against a resident, owner, tenant, landlord, or another person as a consequence of contact with a law enforcement or emergency assistance being summoned by certain individuals, including a victim of abuse or crime. This ordinance update, if approved, will bring the City of Visalia into compliance with this State statute.

Fiscal Impact:

None.

Prior Council Action:

- On October 6, 2025, the City Council held a public hearing to introduce Ordinance No. 2025-12. The City Council voted 4-0 to introduce and adopted Ordinance No. 2025-12.

Other: N/A

Alternatives: None.

Recommended Motion (and Alternative Motions if expected):

I move to approve the second reading of Ordinance No. 2025-12 amending Visalia Municipal Code Section 8.40.060 C 1 and 2 “Declaration of Public Nuisance; Issuance of Administrative Enforcement Order”.

Environmental Assessment Status:

The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061(b)(3) which states that the project is exempted from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

CEQA Review:

The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project.

Attachments:

1. Ordinance No. 2025-12 - Amending Section 8.40.060 C 1 and 2 Declaration of Public Nuisance; Issuance of Administrative Enforcement Order.

ORDINANCE NO. 2025-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AMENDING SECTION 8.40.060 C 1 and 2 OF THE VISALIA MUNICIPAL CODE BRINGING THE CODE INTO COMPLIANCE WITH ASSEMBL BILL 1418

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA

SECTION 1. Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

- A. Current code is not currently in compliance with Assembly Bill 1418.
- B. Assembly Bill (AB) 1418, which prohibits a local agency from authorizing or returning the imposition of a penalty against a resident, owner, tenant, landlord, or another person as a consequence of contact with a law enforcement or emergency assistance being summoned by certain individuals, including a victim of abuse or crime.
- C. This ordinance update, if approved, will bring the City of Visalia into compliance with this State statute.

SECTION 2. The Visalia City Council hereby approves the following revision to Visalia Municipal Code Chapter 8.40.060 C 1 and 2, which brings the current code into compliance with Assembly Bill 1418, as specified by underline & italics for additions and ~~strikeout~~ for deletions:

8.40.060 C 1 and 2 Declaration of Public Nuisance; Issuance of Administrative Enforcement Order”

C. Management quality standards. The following items shall constitute reasonable basis for the enforcement officer to believe that a property is not being properly managed or maintained. The existence of any of these circumstances shall justify an inspection of the property by the enforcement officer. In addition, violation of these standards may be used as evidence that a public nuisance exists.

1. For an individual residential unit, whether the unit is a standalone residence or part of a multi- family complex, more than six Visalia Municipal Code violations have been issued ~~police and/or fire calls~~ over a one year period involving matters that would constitute a nuisance pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code ~~(other than a medical emergency);~~

2. For a complex or building containing multiple residential units, more than a monthly average of .20 Visalia Municipal Code violations ~~police and/or fire calls~~ per unit over a six-month period involving matters that would constitute a nuisance pursuant to Part 3

(commencing with Section 3479) of Division 4 of the Civil Code (~~other than a medical emergency~~);

8.40.060 C 1 and 2 Declaration of Public Nuisance; Issuance of Administrative Enforcement Order”

New Section 8.40.060 (C)

C. Management quality standards. The following items shall constitute reasonable basis for the enforcement officer to believe that a property is not being properly managed or maintained. The existence of any of these circumstances shall justify an inspection of the property by the enforcement officer. In addition, violation of these standards may be used as evidence that a public nuisance exists.

1. For an individual residential unit, whether the unit is a standalone residence or part of a multi-family complex, more than six Visalia Municipal Code violations have been issued over a one year period involving matters that would constitute a nuisance pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code

2. For a complex or building containing multiple residential units, more than a monthly average of .20 Visalia Municipal Code violations per unit over a six-month period involving matters that would constitute a nuisance pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code

SECTION 3. The City Council intends this Ordinance to supplement, not contradict applicable state law and this Ordinance shall be construed in light of that intent.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. This Ordinance shall take effect thirty days after its adoption.

SECTION 6. The City Clerk Shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

PASSED AND ADOPTED:

BRETT TAYLOR, MAYOR

ATTEST:

LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

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

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2025-12 passed and adopted by the Council of the City of Visalia at a regular meeting held on October 20, 2025 and certify a summary of this ordinance will be published in the Visalia Times Delta.

Dated:

LESLIE CAVIGLIA, CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0466

Agenda Date: 10/20/2025

Agenda #: 8.

Agenda Item Wording:

Approve a Basin Excavation Agreement - Authorize the City Manager to execute an agreement with Granite Construction for the excavation and enlargement of Basin 3 and Basin 4 at the Water Reclamation Facility in coordination with the Caltrans Caldwell Avenue and Highway 99 Widening Project.

Prepared by: Rehana Cale, Senior Project Manager (559) 713-4176, rehana.cale@visalia.gov; Ben Litwack, Public Works Manager (559) 713-4671, ben.litwack@visalia.gov; Nick Bartsch, Public Works Director (559) 713-4428, nick.bartsch@visalia.gov

Department Recommendation: Staff recommends that the City Council authorize the City Manager to execute an agreement with Granite Construction to allow for the deepening of Basin 3 and Basin 4 at the Water Reclamation Facility, in coordination with the Caltrans Caldwell Avenue and Highway 99 Widening Project (Contract No. 06-487404), subject to all terms and conditions contained in the agreement.

Summary:

The City of Visalia owns Basin 3, located at the Visalia Water Reclamation Facility, and Basin 4, located near the intersections of Avenue 280 (Caldwell Avenue) and Roads 44 and 48 in Tulare County. These basins are critical components of the City's wastewater management system and are periodically evaluated for capacity and maintenance needs.

Granite Construction, under contract with Caltrans for the Caldwell Avenue and Highway 99 widening project, has requested authorization to excavate and remove soil material from Basins 3 and 4 for use as engineered fill on the Caltrans project. The City will benefit from the deepening and capacity expansion of these basins at no cost to the City, while ensuring that the final grading, slopes, and basin bottom elevations meet City design standards and infiltration requirements.

Staff recommends Council approval of the attached agreement, which allows Granite Construction to excavate an estimated 495,000 cubic yards of soil across both basins, with all excavation, hauling, and grading costs borne entirely by the Contractor.

Background Discussion:

In 2025, Granite Construction, the contractor for the California Department of Transportation's Caldwell Avenue and Highway 99 Widening Project (Caltrans Contract No. 06-487404), approached the City with a proposal to excavate soil material from Basins 3 and 4 for use as engineered fill on the Caltrans project. City staff evaluated the proposal and determined that the excavation and basin enlargement would result in significant benefits to the City, including increased basin capacity, improved infiltration rates, and reduced long-term maintenance costs.

Under the terms of the Basin Construction and Excavation Agreement, Granite Construction will

excavate approximately 115,000 cubic yards of soil from Basin 3, 270,000 cubic yards from the northwest quadrant of Basin 4, and 110,000 cubic yards from the northeast quadrant of Basin 4. The Contractor will perform all excavation, hauling, and grading activities at its sole cost and expense, in accordance with City-approved grading plans. No fee will be charged by the City for the removal of material, recognizing the substantial public benefit of the basin enlargement and grading improvements.

The Agreement requires the Contractor to provide both a Performance Bond and a Payment Bond, each in the amount of \$300,000, to ensure completion of the work and protection for laborers and material suppliers. Granite Construction will also comply with all prevailing wage requirements, obtain all necessary environmental and encroachment permits, and coordinate with affected public agencies and utilities prior to commencing work. The City retains the right to utilize either basin during emergency conditions or significant storm events, with 48-hour notice to the Contractor. Excavation work is anticipated to begin in May 2026 and continue for approximately fourteen months, subject to weather conditions and Caltrans scheduling.

City Staff have determined that allowing Granite Construction to complete the excavation under these conditions will advance the City's wastewater management goals, enhance operational flexibility and capacity, improve basin performance, and provide a cost-free infrastructure improvement consistent with City standards. Additionally, with this gained capacity, it provides the ability for the City to accept additional flood release water into Basin 4 when available, which can be utilized for groundwater recharge.

Fiscal Impact: There is no direct fiscal impact to the City of Visalia. Granite Construction will perform all excavation, hauling, and grading work at its sole cost and expense. The City's only costs will consist of limited staff time for project oversight, funded within existing operational budgeted allocations.

Prior Council Action: N/A

Other: The proposed excavation will not constitute surface mining under the Surface Mining and Reclamation Act (SMARA), as the work is exempt under Public Resources Code Section 2714(f) for on-site construction projects. If the State Department of Conservation disagrees with this interpretation, work will cease pending resolution as stated in the Agreement.

Alternatives: Not approve the Basin Construction and Excavation Agreement with Granite Construction; this would forgo the opportunity to expand basin capacity at no cost to the City and could require future City-funded improvements.

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to execute an agreement with Granite Construction for excavation of Basin 3 and Basin 4, subject to all terms and conditions contained in the Agreement.

Environmental Assessment Status: N/A

CEQA Review: An addendum to Initial Study/ Negative Declaration Document No. 2009-88 originally prepared for the Detention Basin Borrow Sites Project (a request to increase the freeboard

capacity of two City-owned wastewater treatment plant detention basins and transporting the materials to two off-site construction sites) has been prepared to include the Basin 3 and Basin 4 Excavation Project into the project description. The decision to prepare an addendum was based on the original document's adequate analysis with regard to the proposed excavation project. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162, which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR, have been met. This addendum shall be attached to and considered with Initial Study / Negative Declaration No. 2009-88, which was prepared for the Detention Basin Borrow Sites Project, and was approved on November 9, 2009.

Deadline for Action: 10/20/2025

Attachments: Attachment 1 Basin Construction and Excavation Agreement - Granite Construction
Attachment 2 Exhibit A - Basin 3 Excavation and Grading Plan
Attachment 3 Exhibit B - Basin 4 Excavation and Grading Plan
Attachment 4 CEQA Addendum to Initial Study - Negative Declaration Document

BASIN CONSTRUCTION AND EXCAVATION AGREEMENT

This "Basin Construction and Excavation Agreement" (hereinafter "Agreement") is made and entered into effective _____, by and between Granite Construction, a corporation authorized to do and doing business in California (hereinafter "Contractor"), and City of Visalia, a California charter city (hereinafter "City"), and hereinafter collectively referred to as the "Parties".

WITNESSETH:

A. WHEREAS, City owns Basin 3 and Basin 4, and it is interested in enlarging both these basins by deepening, which requires excavation, and these existing basins are located in Tulare County near the intersection of Avenue 280 and Road 44 and Avenue 280 and Road 68 near the City of Visalia, California; and,

B. WHEREAS, Contractor has been hired by the California Department of Transportation to the construct the Caldwell and Highway 99 overpass widening project, Caltrans Contract No. 06-487404 (hereinafter "Project"), which is located near Basin 3 and Basin 4; and,

C. WHEREAS, Contractor has need for the material to be excavated and removed for enlargement of the basins; and,

D. WHEREAS, the excavated material removed for enlargement of the two basins may be transported by Contractor and used for improvements of Project; and,

E. WHEREAS, Contractor is willing and capable of excavating, removing and hauling the material from the two basins as the material is needed for Project, subject to the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter set forth, it is agreed by and among the Parties as follows:

1. Excavation of Basin 3 and Basin 4. Contractor agrees to excavate and remove material for enlargement by deepening each basin to provide final embankment and bottom slopes as per City requirements for each basin as to which material is no longer needed by Contractor, which are attached hereto as Exhibit A and Exhibit B and incorporated herein by this reference. The enlargement of the two basins shall exclude the placement and grading of materials for embankments outside the limits of existing embankments, except as may be required for haul roads by Contractor.

Contractor acknowledges that the excavation is being conducted to supply materials for the Caltrans project, that this is a prevailing wage project. The City of Visalia Labor Compliance Manual terms apply to this Agreement and are included herein by reference. City will also require a payment bond from the Contractor in the amount of \$300,000 which is the estimated cost of performing the excavation to guarantee payment to any laborers or material suppliers. In addition, a performance bond in the amount of \$300,000 will be required, which is the estimated cost to reshape and grade the basins so that they are suitable for City usage if necessary. Both bonds are required prior to start of work by Contractor in a form acceptable to City. The Contractor shall furnish the City with a Performance Bond in the amount of Three Hundred Thousand Dollars (\$300,000) and a Payment Bond in the amount of Three Hundred Thousand Dollars (\$300,000), each issued by a corporate surety authorized to do business in the State of California. Such bonds shall be in a form approved by the City Attorney and shall guarantee faithful performance of

this Agreement and payment to persons furnishing labor and/or materials in connection with the work performed under this Agreement.

CITY has made the determination that it would be in the best interest of the CITY to allow the CONTRACTOR to excavate and remove an estimated 115,000 cubic yards of dirt from Basin 3; excavate and remove an estimated 270,000 cubic yards of dirt from the Northwest quadrant of Basin 4; and an estimated 110,000 cubic yards of dirt from the Northeast quadrant of Basin 4. These amounts are estimates with the final amounts to be determined between City and Contractor as excavation proceeds under this Agreement. The final elevation of the bottom of Basin 3 and Basin 4 will be determined by the quantity of material removed by the Contractor, but in all cases the grading plan will match the grading and sloping requirements as shown in the Exhibits. Contractor may only temporarily stockpile excavated materials for the purpose of staging said excavated materials so that they can be removed from City property during excavation by Contractor. Contractor shall not stockpile excavated materials in Basin 3 or Basin 4 during any period of time where Contractor is not actively undertaking excavation or grading activities. If stockpiled material is determined by the City to be detrimental to the basin's function or in a manner contrary to applicable legal requirements, the Contractor will, upon 48 hours written notice, remove such stockpiles to a grade acceptable to the City. Upon completion of excavation, Contractor shall remove all stockpiled material and grade slopes and bottom that complies with the Exhibits prepared by City, based upon the quantity of material removed by the Contractor. There shall be no depressions greater than six inches in the bottom of the basins upon completion of excavation and construction of the sides. The bottom of each basin shall be ripped to a depth of three feet in a grid pattern at intervals of six feet apart to promote optimal infiltration, reduce compaction, and enhance percolation capacity. All finish grades of each basin, after excavation and removal of material by Contractor, shall be approved by City.

All costs of ratably excavating and removal of materials for enlargement of two basins, for hauling of material and maintenance of haul roads and for grading of embankments and bottom slopes in conformance with the City's Map 1, shall be borne exclusively by the Contractor, provided that costs for services of the City's consultants, included project management, shall be borne by the City.

The Contractor shall be responsible for coordinating all necessary approvals, plans, and compliance with affected utilities and public agencies prior to commencing work, including—but not limited to—the San Joaquin Valley Air Pollution Control District, California State Water Resources Control Board, California Department of Fish and Wildlife, U.S. Bureau of Reclamation (for Central Valley Project canals), local irrigation districts (such as Tulare Irrigation District and Kaweah Delta Water Conservation District), and any energy or telecommunications providers, along with any other entity that any environmental review process requires compliance with during excavation, and shall submit all permit applications, notifications, and required environmental submittals; ensure compliance with applicable standards; and promptly address any conditions, inspections, or mitigation measures imposed by such agencies, with no right to delay City work schedules.

2. Excavation Fee. In acknowledgement of the benefits to the City being provided by the enlargement of the basin and the completion by the Contractor of the finished slopes and grades for each basin to operate per City requirements, there shall be no charge by the City for dirt that is removed by the Contractor.

3. Contractor Obligations. Contractor represents and warrants that Contractor and its agents are fully and properly licensed, bonded and insured to perform the work contemplated in this Agreement. Contractor shall comply and pay all costs applicable for fugitive dust emission control, stormwater pollution prevention, and any other State and County requirements for the excavation, removal and hauling of material for Project. This includes but is not limited to applying for all required encroachment

permits to utilize roadways.

Contractor acknowledges that an encroachment permit will be required from the City for this project and that Contractor will be required to comply with all City of Visalia Encroachment Permit requirements. All work must comply with the City's Standard Construction Specifications and the conditions of the Encroachment Permit as issued by the City Engineer. The permit application shall include required plans such as traffic control, erosion control, and any other documents as determined necessary by the City. No work may begin within the right-of-way until the permit is issued. The Contractor shall pay all applicable fees and deposits and is responsible for restoring all affected areas to a condition equal to or better than that which existed prior to work, as determined by the City. The City may inspect work at any time to ensure compliance with permit conditions. Failure to comply may result in suspension or revocation of the permit and corrective action at the Contractor's expense. It is the Contractor's responsibility to coordinate with all affected utilities and public agencies. All requirements related to the permit shall be the Contractor's obligation, and the City shall not be held liable for delays related to permitting or compliance. Full permit details are available through the City's Engineering Division and must be reviewed and understood by the Contractor prior to starting work.

It is understood that Caltrans has no obligation, under this Agreement, to the City and that to the extent of its fault or negligence, the Contractor agrees to hold the City harmless from all claims for injury to persons or damages to property resulting from the Contractor's operations on City's property.

4. Coordination; Scheduling. Contractor intends to proceed with excavating the basins as soon as practicable so as to complete excavation of material and avoid interference with the use of the basins by the City. Sequence of excavation will be Basin 3, Northeast quadrant of Basin 4, Northwest quadrant of Basin 4. Change to sequence of work must be agreed upon by both parties. It is understood that under this Agreement material may be removed over a fourteen-month period with an anticipated start of May 2026. The excavation and removal of material from the basins may be affected by weather delays and change order work issued by Caltrans. The Parties recognize that movement of excavated material to and incorporation in the Project will depend on the Caltrans schedule for Project, but the Parties agree the removal of excavated material to deepen the basins shall be accomplished as soon as possible, consistent with the schedule of Project and the terms and conditions of this Agreement.

5. Advice of Counsel. Each party hereto is represented by counsel or other advisor(s) of their choice or have determined to forgo the seeking of such counsel or advisor(s) notwithstanding advisement and encouragement to do so. The Parties hereto have read this Agreement, and understand the terms used herein, and the consequences thereof, explained to them by their respective counsel or other advisor(s) (if any) prior to the execution hereof.

6. Amendment. The terms, covenants, and conditions of this Agreement may not be altered, changed or modified except by a writing executed by the Parties hereto.

7. Assignment. The Parties to this Agreement shall not assign all or any part of this Agreement or any interest therein, or delegate all or any part of the obligations under this Agreement without the prior written consent of both Parties.

8. Attorneys' Fees; Costs. In the event that any action, suit, or other proceeding is instituted by any party hereto to remedy, prevent or obtain relief from a breach of this Agreement, or arising out of a breach of this Agreement, or to contest the validity of, or attempt to rescind, negate, modify or reform this Agreement, or any of the terms or provisions hereof, or any of the matters referred to herein, the prevailing party in such action, suit, or other proceeding shall recover all such party's attorneys' fees

together with all costs (including costs of expert witnesses) incurred in such action, suit, or other proceeding, including any and all appeals or petitions therefrom.

9. Indemnification. Contractor waives any and all claims and recourse against City, including the right of contribution of loss or damage to person or property arising from, growing out of, or in any way connected with or incidental to Contractor's performance of this Agreement, except claims arising from the concurrent or sole negligence of City or its officers, agents or employees. Contractor will indemnify, hold harmless, and defend (at City's option) City against any and all claims, demands, damages, costs, expenses, or liability arising out of Contractor's performance of this Agreement except for liability arising out of the concurrent or sole negligence of City or its officers, agents, or employees. This indemnity and hold harmless provision, insofar as it may be adjudged to be against public policy, shall be void and unenforceable only to the minimum extent necessary so that the remaining terms of this indemnity and hold harmless provision may be within public policy and enforceable.

10. Insurance Requirements. Contractor, at its sole cost and expense, for the full term of this Agreement (and any extensions thereof), shall obtain and maintain at a minimum compliance with all of the following insurance coverage(s) and requirements. Such insurance coverage shall be primary coverage as respects City and any insurance or self-insurance maintained by City shall be in excess of Contractor's insurance coverage and shall not contribute to it.

If Contractor utilizes one or more subcontractors in the performance of this Agreement, Contractor shall obtain and maintain independent insurance as to each subcontractor or otherwise provide evidence of insurance coverage for each subcontractor equivalent to that required of Contractor in this Agreement.

The following types of insurance and minimum limits are required providing at least the following minimum coverage and limits of liability: (a) Workers' Compensation written in accordance with the laws of the State of California providing coverage for any and all employees of Contractor in the minimum statutorily required coverage amounts; (b) Automobile Liability Insurance for each of Contractor's vehicles used in the performance of this Agreement, including owned, non-owned (e.g. owned by Contractor's employees or sub-contractors), leased or hired vehicles, in the minimum amount of \$1,000,000 combined single limit per occurrence for bodily injury and property damage; (3) Comprehensive or Commercial General Liability Insurance coverage in the minimum amount of \$1,000,000 combined single limit, including coverage for: bodily injury, personal injury; broad form property damage, contractual liability, cross-liability, and products and completed operations liability.

If any insurance coverage required in this Agreement is provided on a "Claims Made" rather than "Occurrence" form, Contractor agrees to maintain the required coverage for a period of three (3) years after the expiration of this Agreement (hereinafter "post agreement coverage") and any extensions thereof. Contractor may maintain the required post agreement coverage by renewal or purchase of prior acts or tail coverage. This provision is contingent upon post agreement coverage being both available and reasonably affordable in relation to the coverage provided during the term of this Agreement. For purposes of interpreting this requirement, a cost not exceeding 100% of the last annual policy premium during the term of this Agreement in order to purchase prior acts or tail coverage for post agreement coverage shall be deemed to be reasonable.

All required Automobile and Comprehensive or Commercial General Liability Insurance shall be endorsed to contain the following clauses: "The City of Visalia, its officers, agents, employees, representatives and volunteers are added as additional insureds as respects operations and activities of, or on behalf of the named insured, performed under contract with the City of Visalia."

It is agreed that any insurance maintained by the City shall apply in excess of and not contribute with insurance provided by this policy.

This insurance shall not be canceled, limited in scope or coverage, or non-renewed until after thirty (30) days prior written notice has been given to the City. Contractor agrees to provide its insurance broker(s) with a full copy of these insurance provisions and provide City on or before the effective date of this Agreement with Certificate(s) of Insurance for all required coverage. Copies of all the required Endorsements shall be attached to the Certificate(s) of Insurance or other evidence of insurance acceptable to the City, which shall be provided by Contractor's insurance company as evidence of the stipulated coverage.

11. Prevailing Wages. To the extent applicable, Contractor shall comply with all requirements of the Department of Industrial Relations in accordance with the California Labor Code, and all other applicable federal, state and local laws and regulations pertaining to labor standards and payment of prevailing wages (collectively, "Prevailing Wage Laws"). As applicable, Contractor shall (i) require its contractors and subcontractors to submit certified copies of payroll records to Contractor; (ii) maintain complete copies of such certified payroll records; and (iii) make such records available to City and its designees for inspection and copying during regular business hours at the request of City.

Contractor shall defend, indemnify and hold harmless City and its officers, employees, volunteers, agents and representatives from and against any and all present and future causes of action, claims, liabilities, obligations, damages, fines, penalties, judgments, actions or expenses (including attorney fees) (collectively, the "Claims"), arising out of or in any way connected with Contractor's obligation to comply with all governmental requirements, including all Claims that may be made by contractors, subcontractors or other third party claimants pursuant to Labor Code Sections 1726 and 1781, as amended and added by Senate Bill 966.

Contractor hereby waives, releases and discharges forever City, and its employees, officers, volunteers, agents and representatives, from any and all present and future Claims arising out of or in any way connected with Contractor's obligation to comply with all Prevailing Wage Laws in connection with the work on City's basins.

Contractor is aware of and familiar with the provisions of Section 1542 of the California Civil Code which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

As such relates to this Section, Contractor hereby waives and relinquishes all rights and benefits which it may have under Section 1542 of the California Civil Code.

12. DIR Registration. The CONTRACTOR shall be currently registered with the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1725.5 and qualified to perform public work pursuant to Section 1771.1 of the Labor Code. The CONTRACTOR shall comply with all applicable provisions of the Labor Code, including but not limited to the requirement to submit certified payroll records electronically to the DIR as required under Labor Code Section 1776.

13. Emergency Use. The City reserves the right to utilize Basin 3 and/or Basin 4 for operational purposes in the event of an emergency, including but not limited to significant storm events or operational issues at the Water Reclamation Facility. In such cases, the City will make provide 48 hour advance written notice to the Contractor. The City shall not be held liable for impacts to the Contractor's excavation activities arising from such emergency use.

14. Default. Failure by any party to perform any action or covenant required by this Agreement within the time periods provided herein following Notice and expiration of any applicable cure period, shall constitute a "Default" under this Agreement. A party claiming a Default shall give written Notice of Default to the defaulting party specifying the Default complained of. Except as otherwise expressly provided in this Agreement, the claimant shall not institute any proceeding against any other party, and no other party shall be in Default if such party within thirty (30) days following receipt of such Notice of Default immediately, with due diligence, commences to cure, correct or remedy such failure or delay and completes such cure, correction or remedy with diligence. Failure to cure any Default after providing written Notice of Default within the time period specified herein shall allow the complaining party to immediately terminate this Agreement.

15. Authority of Parties. The execution and delivery by each party of this Agreement, and any other agreements or instruments required by this Agreement, the consummation of the transactions and contracts required or contemplated by this Agreement, and the performance by each party of its obligations in connection with this Agreement and said instruments and contracts: (I) have been each duly authorized by all necessary board of directors or shareholder action, if required; (ii) to the best of each party's knowledge, after appropriate investigation and inquiry, require no registrations with or approvals of any person or entity not heretofore obtained; and (iii) to the best of each party's knowledge, after appropriate investigation and inquiry, do not violate, contravene or conflict with any applicable law, order or regulation of any court or governmental authority, official or agency, or any contract, indenture or other instrument to which that party is a party or by which it or any of its properties relevant to the subject matter hereof may be bound.(iv) it is understood by both parties that the Department of Conservation, Office of Mine Reclamation's position with regards to the applicability of the SMARA exemption, may be different than that of the City, Caltrans, and Tulare County, which serves as lead agency for purposes of SMARA. If this basin enlargement agreement is the subject of enforcement proceedings by the Office of Mine Reclamation, the Contractor shall, upon written notice from the City, cease all excavation until the issue is resolved and be responsible for complying with investigation by the Department of Conservation.

16. Binding Effect. Each of the terms of this Agreement is binding upon the Parties affected thereby and their respective successors, transferees, assigns, executors, administrators, representatives (including principals, agents, officers, directors, and employees) and beneficiaries.

17. Entire Agreement; Consent Freely Given. This Agreement constitutes the sole and only agreement among the parties hereto respecting the subject matters hereof and sets forth the Parties' obligations to each other as of the date hereof. Any prior agreements or representations respecting the same or the duties of the Parties in relation thereto not expressly set forth herein are null and void. Contractor and City represent and warrant to each other that each has conducted its own investigation and due diligence about the subject matter of this Agreement and the individuals who are the principal owners or agents of the Parties to this Agreement, and that based on their own investigation and due diligence, this Agreement is freely and voluntarily executed by the Parties, and each of them, after consultation with the legal counsel and other experts and consultants of their own choosing. The Parties executing this Agreement acknowledge and warrant that in entering into this Agreement, they did not rely upon any inducement, promises, representations or warranties made by any party, or its representative which are not contained in this Agreement.

18. Cooperation; Further Assurances. The Parties hereto shall take such action, or execute, acknowledge and deliver, or obtain the execution, acknowledgment, and delivery of such further documents, as are reasonably necessary, appropriate or desirable to give effect to the terms of this Agreement.

19. Counterparts. This Agreement may be executed in any number of counterparts, and each such counterpart shall be deemed to be an original instrument, and all of which together shall constitute but one and the same instrument.

20. Effect of Headings. The subject headings of the paragraphs of this Agreement are included for purposes of convenience only and shall not affect the meaning or the construction or interpretation of any of the provisions hereof.

21. Gender and Number. Whenever the context of this Agreement so requires in interpreting this Agreement, the pronouns “he” and “it” are deemed to refer to either or both sexes and to natural persons and the business entities (all of which are sometimes referred to as “persons”) equally, depending upon the context.

22. Governing Law and Venue. This Agreement shall be controlled by and is to be construed under the laws of the State of California, the state in which the Agreement is executed. Any suit, action or other proceeding initiated by either of the Parties shall be in Tulare County, State of California.

23. No Third Parties Benefitted. The Parties agree that this Agreement is made and entered into for the sole protection and benefit of the Parties hereto, their successors and assigns, and no other person, shall be a direct or indirect beneficiary of, or have any direct or indirect cause of this Agreement.

24. Notices. All notices and other communications required under this Agreement shall be in writing, and shall be deemed to have been duly given on the date of service, if served personally on the agent for receipt of notice for the party to whom notice is to be given, or on the third (3rd) day after mailing, if mailed to the agent for receipt of notice for the party to whom notice is to be given by first class mail, postage prepaid, and properly addressed as set forth in this paragraph or at such other address as any party by like notice shall designate to the other party in writing. Notwithstanding the methods of notice specified in this paragraph, the parties may also give notice by use of facsimile transmission and /or electronic mail, provided such notice is within one day thereafter personally delivered or mailed to the agent for receipt of notice. The agents for receipt of notice are the respective counsel of record for the parties herein.

IF TO CONTRACTOR:

Granite Construction
2716 Granite Court
Fresno, CA 93706
Attention: Stephan Hartley, Project Manager

IF TO CITY:

City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291
Attention: Nick Bartsch, Director of Public Works

25. Receipt of Agreement. Each party acknowledges receipt of a full and complete copy of this Agreement.

26. Severability. The provisions of this Agreement shall be deemed to be independent and several in that the invalidity or partial invalidity or unenforceability of any kind provision or portion thereof shall not affect the validity or the enforceability of any other provision hereof, and this Agreement shall be construed as if such unenforceable provision had not been contained herein. As used herein, the term “unenforceable” is used in its broadest and most comprehensive sense and includes the concepts void and voidable.

27. Status of Entities. Each party to this Agreement that is not a natural person represents and warrants that it is duly organized and validly exists, and it is in good standing under the laws of the State of California, and is duly qualified to transact business in each jurisdiction in which the character of its properties or the nature of the activities conducted by it makes such qualification necessary. Each said party has full power, authority and right to enter into, execute, deliver, performed be bound by this Agreement and each of the other agreements and instruments required by this Agreement, to own property and to carry on its business as it is now being conducted, and has complied with all applicable laws and regulations of governmental agencies, officials or authorities, has obtained all necessary permits, licenses and approvals necessary and appropriate to proceed with the conduct of its business in accordance with the requirements of this Agreement and has followed all necessary, proper and appropriate procedures in procuring such permits, licenses and approvals.

28. Time of Essence. Time is expressly declared to be of the essence of this Agreement.

29. Waiver. Waiver of any breach of this Agreement by any party hereto shall not constitute a continuing waiver, or a waiver of any other breach, of the same or any other provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

[SIGNATURES TO ON FOLLOWING PAGE]

CONTRACTOR:

GRANITE CONSTRUCTION

By: _____

Name: _____

Title : _____

Date: _____

CITY :

CITY OF VISALIA

By: _____

Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Attorney for CONTRACTOR

APPROVED AS TO FORM:

By: _____
City Attorney

EXHIBIT "A"

Basin 3 Excavation and Grading Plan

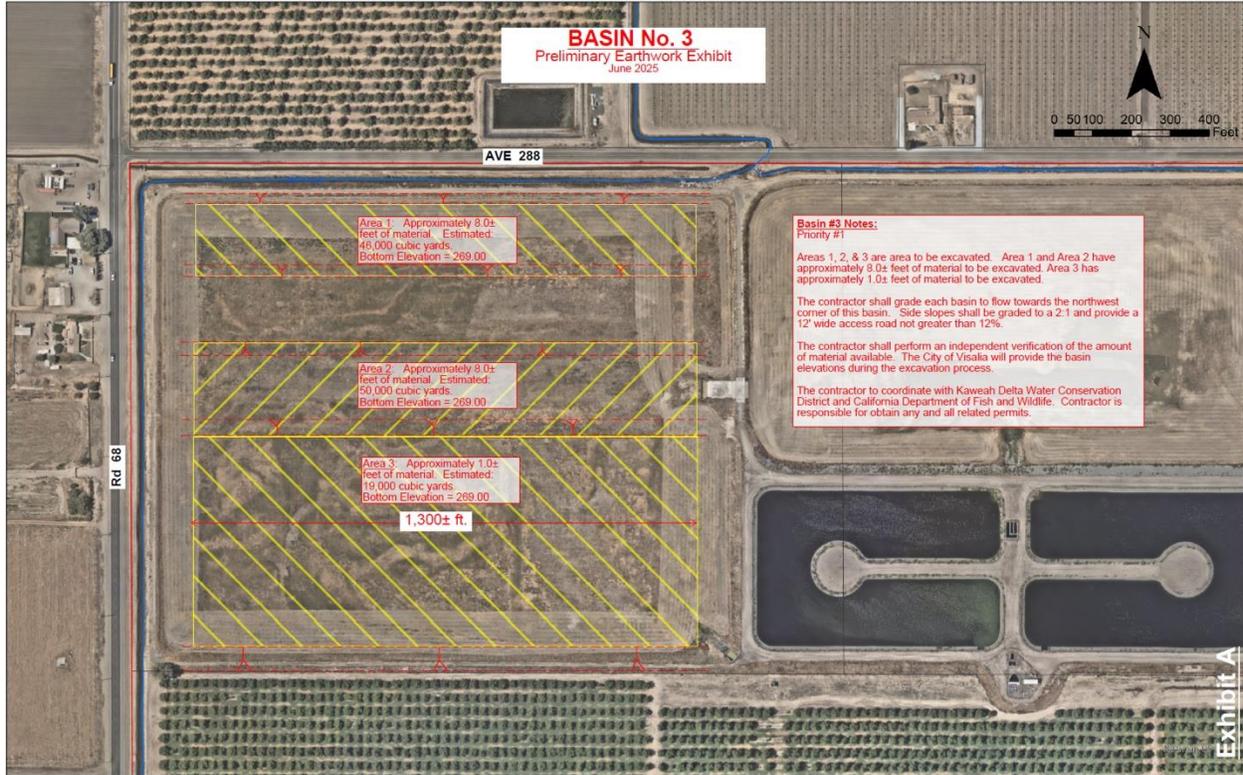
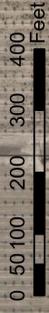


EXHIBIT "B"

Basin 4 Excavation and Grading Plan



BASIN No. 3
 Preliminary Earthwork Exhibit
 October 2024



AVE 288

Rd 68

Area 1: Approximately 8.0± feet of material. Estimated: 46,000 cubic yards.

Area 2: Approximately 8.0± feet of material. Estimated: 50,000 cubic yards.

Area 3: Approximately 1.0± feet of material. Estimated: 19,000 cubic yards.

1,300± ft.

Basin #3 Notes:
 Priority #1

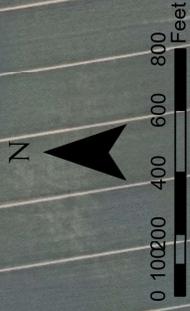
Areas 1, 2, & 3 are area to be excavated. Area 1 and Area 2 have approximately 8.0± feet of material to be excavated. Area 3 has approximately 1.0± feet of material to be excavated.

The contractor shall grade each basin to flow towards the northwest corner of this basin. Side slopes shall be graded to a 2:1 and provide a 12' wide access road not greater than 12%.

The contractor shall perform an independent verification of the amount of material available. The City of Visalia will provide the basin elevations during the excavation process.

The contractor to coordinate with Kaweah Delta Water Conservation District and California Department of Fish and Wildlife. Contractor is responsible for obtain any and all related permits.

BASIN No. 4
 Preliminary Earthwork Exhibit
 October 2024



AVE 284



Basin #4 Notes:
 Northeast Basin (Priority #2): There is approximately 6.0± feet of material in the north half of the northeast basin.
 Northwest Basin (Priority #3): There is approximately 6.0± feet of material to be excavated in the northwest basin & the contractor shall grade each basin to flow towards the center of each basin. Side slopes shall be graded to a 2:1 and provide a 12' wide access road not greater than 12% into the basin.
 The contractor shall perform an independent verification of the amount of material available. The City of Visalia will provide the basin elevations during the excavation process. Contractor is responsible for obtain any and all related permits.

AVE 280

Visalia, CA

DESCRIPTION OF ORIGINAL PROJECT IN INITIAL STUDY/ NEGATIVE DECLARATION:

Project Title: Detention Basin Borrow Sites Project

Project Description: This project is comprised of increasing the freeboard capacity of two City-owned wastewater treatment plant detention basins totaling 240 acres by excavating up to 591,000 cubic feet of native earth materials, and transporting the materials to two road construction sites located up to two miles away at State Highway 198. Site One is in the City of Visalia corporate limits (within the sites boundaries of the city-owned wastewater treatment plant), and Site Two is owned by the City of Visalia, and is in unincorporated Tulare County. The City of Visalia has assumed Lead Agency responsibilities over the project, pursuant to CEQA Guidelines Section 15051(b).

The sites are as follows:

Site One: Southeast corner of Road 68 and Avenue 288. This site consists of 80 acres of existing ponding basins that are five feet deep. APNs: 118-020-031, -032 (portion), and -036 (portion), City of Visalia, County of Tulare.

Site Two: Northeast corner of Road 44 and Avenue 280. APN: 118-010-017, County of Tulare.

SUMMARY

This document is an addendum to Initial Study/ Negative Declaration Document No. 2009-88 (State Clearinghouse 2009101032) originally prepared for the Detention Basin Burrow Sites Project. The decision to prepare an addendum was based on the original document's adequate analysis regarding the excavation project at the City's wastewater treatment plant facilities. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162, which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR have been met.

This addendum is being prepared to incorporate into the project description the **Basin 3 and Basin 4 Excavation Project**, described as follows:

The proposed Basin 3 and Basin 4 Excavation Project involves the removal of approximately 495,000 cubic yards of soil from two existing City-owned stormwater basins located near Avenue 280 (Caldwell Avenue) and Roads 44 and 68 in Tulare County. The project is intended to deepen and regrade the basins to improve stormwater storage and groundwater percolation capacity, consistent with their long-established use as part of the City's stormwater management system. There is no expansion of use or change in basin function will occur, and all work will take place within the existing basin footprints. The excavated material will be transported by Granite Construction for beneficial reuse as engineered fill on the nearby Caltrans Caldwell Avenue and Highway 99 Widening Project. All the work will be completed at no cost to the City, and in accordance with City-approved grading plans and environmental compliance requirements.

No changes will be made to the zoning or land use designations associated with the project, and no changes will be made to the land uses themselves. The change to the Initial Study/ Negative Declaration's project description is minor and is supported by evidence in the record. A copy of the original Initial Study/ Negative Declaration is included together with this addendum.

This addendum shall be attached to and considered with Initial Study / Negative Declaration No. 2009-88, which was prepared for the Detention Basin Borrow Sites Project, and was approved on November 9, 2009. The Initial Study / Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and disclosed that environmental impacts are determined to be not significant for the project.

DECISION TO PREPARE AN ADDENDUM PURSUANT TO CEQA GUIDELINES, SEC. 15162

According to CEQA Guidelines Section 15162, a subsequent Negative Declaration is required if one or more of three criteria have occurred. These criteria generally involve substantial changes proposed in the project or occurring with respect to the circumstances under which the project is taken that warrant major revisions to the Negative Declaration due to new or increased significant environmental effects, or the revealing of new information of substantial importance that was not and could not have reasonably been known previously that show an increased significant impact from the project.

The City's evaluation of the proposed project has determined that the excavation of native earth from the same location that was previously considered for the burrow / excavation project is not a substantial change that brings about a new significant environmental impact or significantly increases the severity of an environmental impact. Also, no new information has arisen since the approval of Negative Declaration No. 2009-88 regarding the project or its site conditions that warrant a change in environmental effects.

Staff makes the following findings for the First Addendum to Initial Study/ Negative Declaration Document No. 2009-88:

FINDINGS

1. That the inclusion of the **Basin 3 and Basin 4 Excavation Project**, constitutes a minor change to the Initial Study/ Negative Declaration Document No. 2009-88 (State Clearinghouse 2009101032) prepared for the Detention Basin Borrow Sites Project, and none of the conditions which would require the preparation of a Subsequent Negative Declaration have occurred, in accordance with CEQA Guidelines Section 15164(a).
2. That no changes have occurred since Initial Study/Negative Declaration No. 2009-88 was approved that would change the outcome of the previous Initial Study.

Addendum to Initial Study/ Negative Declaration No. 2009-88 prepared by:



Brandon Smith
Environmental Coordinator
City of Visalia Planning Division

October 13, 2025

Date

SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Addendum by reference:

- Initial Study/ Negative Declaration Document No. 2009-88 (State Clearinghouse 2009101032)
- California Environmental Quality Act Guidelines

Notice of Determination

Environmental Document No. 2009-88

To: Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: City of Visalia
315 E. Acequia Avenue
Visalia, CA 93291

County Clerk
County of Tulare
County Civic Center, Rm 105
Visalia, CA 93291

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Detention Basin Borrow Sites Project

2009101032
State Clearinghouse Number

City of Visalia
Lead Agency

(559) 713-4359
Area Code/Telephone/Extension

Project Location: (include county) The sites are located as follows: Sites One: Southeast corner of Road 68 and Avenue 288. This sites consists of 80 acres of existing ponding basins that are five feet deep. Sites Two: Northeast corner of Road 44 and Avenue 280. ve to the north and Ferguson Avenue to the south in the City of Visalia, County of Tulare. APNs: Sites One: 118-002-031, -032 (portion), and -036 (portion), City of Visalia, County of Tulare. Sites Two: 118-001-017, County of Tulare

Project Description: This project is comprised of increasing the freeboard capacity of two City-owned waste water treatment plant detention basins totaling 240 acres by excavating up to 591,000 cubic feet of native earth materials, and transporting the materials to two road construction sites located up to two miles away at State Highway 198. Sites One is located in the City of Visalia corporate limits (within the sites boundaries of the city-owned waste water treatment plant), and Sites Two is owned by the City of Visalia, and is located in unincorporated Tulare County. Extension of the Visalia Parkway from County Center Drive to Demaree Street. (APN: Book 126, Pgs. 01,02, & 76)

Name and Address of Project Proponent: City of Visalia Public Works Department, 315 E. Acequia Ave., Visalia, CA 93291

This is to advise that the City Council Planning Commission has approved the above described project on 11/09/09 and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (were were not) made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (was was not) adopted for this project.
5. A Statement of Overriding Considerations (was was not) adopted for this project.
6. Findings (were were not) made pursuant to the provisions of CEQA.

This certifies that the final environmental document with comments, responses, and record of project approval is available to the General Public at the City of Visalia Planning Dept. located at 315 E. Acequia Ave., Visalia.



Paul Scheibel, A.I.C.P.
City of Visalia Environmental Coordinator

Date 11-9-09

Date received for filing at OPR:

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Governor's Office of Planning and Research

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

**NOTICE OF A PROPOSED
NEGATIVE DECLARATION**

Project Title: Detention Basin Borrow Sites Project

Project Description: This project is comprised of increasing the freeboard capacity of two City-owned waste water treatment plant detention basins totaling 240 acres by excavating up to 591,000 cubic feet of native earth materials, and transporting the materials to two road construction sites located up to two miles away at State Highway 198. Sites One is located in the City of Visalia corporate limits (within the sites boundaries of the city-owned waste water treatment plant), and Sites Two is owned by the City of Visalia, and is located in unincorporated Tulare County. The City of Visalia has assumed Lead Agency responsibilities over the project, pursuant to CEQA Guidelines section 15051(b).

The sites are located as follows: Sites One: Southeast corner of Road 68 and Avenue 288. This sites consists of 80 acres of existing ponding basins that are five feet deep. Sites Two: Northeast corner of Road 44 and Avenue 280. ve to the north and Ferguson Avenue to the south in the City of Visalia, County of Tulare. APNs: Sites One: 118-002-031, -032 (portion), and -036 (portion), City of Visalia, County of Tulare. Sites Two: 118-001-017, County of Tulare.

Contact Person: Jim Ross, City of Visalia

Phone: (559) 713-4466

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 .

Reasons for Negative Declaration: Initial Study No. 2009-88 has not identified any significant, adverse environmental impacts that may occur because of the project that were not adequately described in a previous environmental document, and there are no impacts peculiar to the project that will increase the severity of impacts or create new impacts that were not covered in these documents. 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, California.

Comments on this proposed Negative Declaration will be accepted until Monday November 5, 2009.

Date: September 30, 2009

Signed: _____

Paul Scheibel, AICP
Environmental Coordinator
City of Visalia

NEGATIVE DECLARATION

DESCRIPTION OF PROJECT: This project involves increasing the freeboard capacity of two City-owned waste water treatment plant detention basins totaling 240 acres by excavating up to 591,000 cubic feet of native earth materials, and transporting the materials to two road construction sites located up to two miles away at State Highway 198. Sites One is located in the City of Visalia corporate limits (within the sites boundaries of the city-owned waste water treatment plant), and Sites Two is owned by the City of Visalia, and is located in unincorporated Tulare County. The City of Visalia has assumed Lead Agency responsibilities over the project, pursuant to CEQA Guidelines section 15051(b).

The sites are located as follows: Sites One: Southeast corner of Road 68 and Avenue 288. This sites consists of 80 acres of existing ponding basins that are five feet deep, with earthen berms forming the above-grade portion of the basins. Sites Two: Northeast corner of Road 44 and Avenue 280. This sites consists of 160 acres divided equally into four separate basins. The basins are five feet deep, with earthen berms forming the above-grade portion of the basins. The Kaweah Water Conservation Ditch runs into the basins from along Ave. 280.

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

Attachments:

Initial Study	(X)
Environmental Checklist	(X)
Maps	(X)
Mitigation Measures	()
Letters	()

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.

The proposed project may have one or more "potentially significant impact" or "potentially significant unless mitigated" or "significant cumulative impact" on the environment, but these effects have been adequately analyzed in the Visalia Land Use Element Update EIR (SCH 2001060) pursuant to applicable legal standards, and the applicable mitigations in that EIR have been included in the project to eliminate or reduce in severity, to the maximum degree feasible.

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 and local CEQA Guidelines. Determinations have been made as to adequacy by City staff, as required by Section 15204 of CEQA. A copy of the referenced attachments, local CEQA Guidelines and state CEQA Guidelines and statutes may be obtained from the City of Visalia Planning Division Staff during normal business hours.

APPROVED

By: 
Paul Scheibel, AICP
Environmental Coordinator

Date Approved: September 30, 2009
Review Period: 30 days
(October 6, 2009 to November 5, 2009)

INITIAL STUDY

I. GENERAL

A. Description of the Project: This project is comprised of increasing the freeboard capacity of two City-owned waste water treatment plant detention basins totaling 240 acres by excavating up to 591,000 cubic feet of native earth materials, and transporting the materials to two road construction sites located up to two miles away at State Highway 198. Sites One is located in the City of Visalia corporate limits [within the sites boundaries of the city-owned waste water treatment plant (WWTP)], and Sites Two is owned by the City of Visalia, and is located in unincorporated Tulare County. The City of Visalia has assumed Lead Agency responsibilities over the project, pursuant to CEQA Guidelines section 15051(b).

The borrow materials will be dredged or excavated from the dry portions of the existing detention basins using a Cat 365 w/9-10 yard bucket and materials will be hauled on Roads 68 (for Sites One) or 44 (for Sites Two) to their respective road construction sites at HWY 198. The haul trucks are expected to be 14 yd bottom-dump truck and trailer combinations (total of 28 yards per haul). Excavation and hauling operations are expected to be during daylight hours, Monday through Saturday, beginning November 2009 through Summer 2010. The excavation and hauling operations will be performed by the awardee of the State HWY 198 widening project, but onsites excavation will be overseen by the City of Visalia Public Works Department.

The excavation and hauling operations are determined to be exempt under State Mining and Reclamation Act (SMARA) per GC 2714(b). Neither sites is within a mineral resource zone, per applicable Tulare County maps. Onsites excavation and onsites earthmoving activities associated with onsite construction. In this case, the excavation is occurring on already disturbed ground (detention basins), and will be excavated to only five feet below their current freeboard depths. Sites Two is within the jurisdiction of Tulare County. Therefore, the final determination of permit requirements will rest with that Agency. In either case, all laws, regulatory and construction and operating permit provisions of the State, County, City and the servicing Air Quality District (SJVAPCD) will be adhered to.

The project is a City of Visalia Public Works Improvement project.

B. Identification of the Environmental Setting: The existing detention basin sites are generally in farmland/ dairy operation settings. Watson Ditch a non-jurisdictional irrigation canal that runs parallel with Ave. 288 is adjacent to and the drainage/overflow outlet for Sites One. Kaweah Water Conservation Ditch extends from the WWTP to Sites Two. The ditch and the partially filled basin are generally riparian with a non-native water source. The water in the partially filled basin is stagnant water as evidenced by a fairly uniform ¼-inch layer of foamy green scum on the water surface. There was no evidence of natural riparian habitat activity. Species observed were small minnows, dragon flies, field mice and frogs. Vegetation observed in the water are non-native weeds and rushes. No vegetation was observed outside of the water filled areas on the sites. All transit roads are paved two-lane roads from the borrow sites to their drop sites.

Sites One:

North: County Agriculture Zone / field crops.

South: City Zoning Public Institutional/ Ponding basin portion of WWTP

East: City Zoning Public Institutional/ Ponding basin portion of WWTP

West: County Agriculture Zone / Dairy Farm

Sites Two:

North: County Agriculture Zone / field crops.

South: County Agriculture Zone / field crops.

East: County Agriculture Zone / field crops

West: Kings County Agriculture Zone/ filed crops

C. Plans and Policies: The proposed project is consistent with the Land Use Element of the Visalia General Plan. The increased capacity of the drainage basins is occurring on property already designated for that purpose, and which is also consistent with City and County groundwater recharge policies and programs. The excavation and hauling of materials to the HWY 198 Widening project sites may qualify for exemption under SMARA. That determination will be made separately by the County of Tulare and State Office of Mine Reclamation.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project. The City of Visalia Land Use Element, and Zoning Ordinance contain land use mitigation measures that are designed to reduce/eliminate impacts to a level of non-significance.

III. MITIGATION MEASURES

The City of Visalia General Plan and Zoning Ordinance contains guidelines, criteria, and requirements for the mitigation of potential impacts related to light/glare, visibility screening, traffic/parking and other impact areas to eliminate and/or reduce potential impacts to a level of non-significance.

IV. MITIGATION MONITORING PROGRAM

No mitigation is required for this project to reduce significance.

V. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

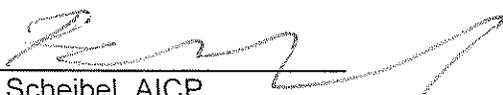
The project is compatible with the General Plan and Zoning Ordinance as the project relates to surrounding properties.

VI. SUPPORTING DOCUMENTATION

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

- City of Visalia Groundwater Overdraft Mitigation Ordinance

VII. NAME OF PERSON WHO PREPARED INITIAL STUDY



Paul Scheibel, AICP
Environmental Coordinator

**INITIAL STUDY
 ENVIRONMENTAL CHECKLIST**

Name of Proposal	Detention Basin Borrow Sites Project		
NAME OF PROPONENT:	City of Visalia	NAME OF AGENT:	Jim Ross
Address of Proponent:	315 E. Acequia Ave. Visalia, CA 93291	Address of Agent:	315 E. Acequia Ave. Visalia, CA 93291
Telephone Number:	(559) 713-4369	Telephone Number:	(559) 713-4466
Date of Review	September 30, 2009	Lead Agency:	City of Visalia

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

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

I. AESTHETICS

Would the project:

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

II. AGRICULTURAL RESOURCES

Would the project:

- 1 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) 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

Would the project:

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

IV. BIOLOGICAL RESOURCES

Would the project:

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

V. CULTURAL RESOURCES

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Directly or indirectly destroy a unique paleontological resource or sites, or unique geologic feature?

- 1 d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
- 1 ii) Strong seismic ground shaking?
- 1 iii) Seismic-related ground failure, including liquefaction?
- 1 iv) Landslides?
- 2 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-sites landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 2 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?

VII. 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 sites which is included on a list of hazardous materials sitess 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards of waste discharge requirements?

- 1 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table lever (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

- 1 c) Substantially alter the existing drainage pattern of the sites or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-sites?

- 1 d) Substantially alter the existing drainage pattern of the sites or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-sites?

- 1 e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

- 1 f) Otherwise substantially degrade water quality?

- 1 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

- 1 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

- 1 j) Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?

- 1 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

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

X. 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 sites delineated on a local general plan, specific plan or other land use plan?

XI. NOISE

Would the project:

- 2 a) Cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- 2 b) Cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- 1 c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- 2 d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- 1 f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XII. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- 1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIII. 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?

XIV. 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?

XV. TRANSPORTATION / TRAFFIC

Would the project:

- 2 a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- 1 b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 1 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- 1 f) Result in inadequate parking capacity?

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

- a. The Sierra Nevada mountain range is a scenic vista that can be seen from Visalia on clear days. This project will not adversely affect the view of this vista.
- b. There are no scenic resources on the sites.
- c. The project will not result in new permanent structures at the borrow sites. Therefore will not degrade the visual character of the sites.
- d. The project will be located underground and will not create a new source of light or glare that would adversely affect day or nighttime views in the area.

II. AGRICULTURAL RESOURCES

- a. The sites are not currently in agricultural production, but they provide a groundwater recharge function which directly supports area agricultural production. The Farmland Mapping and Monitoring Program of the California Resources Agency has designated farmland in and around Visalia as Irrigated Farmland on the map of Important Farmlands of Tulare County. The predominant soil types (Grangeville sandy loam with some Nord fine sandy loam) have a land capability classification of Class I as irrigated land and Class IV(c) as non-irrigated land. The sites size and soil classes are such that the sites is considered farmland of local importance and prime farmland. This sites was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use. The City adopted urban development boundaries as mitigation measures for conversion of prime agricultural land.
- b. The subject sites do not conflict with existing zoning for agricultural and Public uses. The sites have been designated for urban (commercial and residential) land uses in the City's 1991 Land Use Element Update and is not currently under a Williamson Act contract.
- c. The project will not involve changes in the existing environment which due to their location or nature, could result in conversion of farmland to non-agricultural use.

III. AIR QUALITY

- a. The project itself does not disrupt implementation of the San Joaquin Valley Air Pollution Control District's (SJVAPCD) air quality plan.

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.

- b. The project could result in an air quality impact, and therefore is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's regulations.

Development of the project may 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. The San Joaquin Valley is a region that is already at non-attainment for air quality. The project could result in a significant air quality impact, and therefore is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's regulations.

Development of the project may 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.

Project construction will result in activities that generate dust. Grading, earthmoving, and excavation are the activities that generate the most PM₁₀ and PM_{2.5} emissions. Construction activities associated with project development include sites preparation, soil excavation, grading, and equipment traffic on paved and unpaved surfaces.

Because prediction of PM₁₀/PM_{2.5} generation depends on a large number of variables which may change from project to project or from day to day, the SJVAPCD has recommended a qualitative, rather than a quantitative, approach to assessing impact significance for PM₁₀/PM_{2.5} construction activity emissions. The air district has developed a menu of PM₁₀/PM_{2.5} control options that define the minimum content of a construction dust control program. The control measures are required under Regulation VIII. Regulation VIII (Table 3.1) control measures reduce the amount of PM₁₀/PM_{2.5} emissions generated from fugitive dust sources.

Regulation VIII, Rule 8021 was last amended in August 2004. Rule 8021 was adopted by the SJVAPCD to limit dust emissions from construction, excavation and other earthmoving activities. Prior to the start of construction activities, the owner/operator will be required to file a Dust Control Plan with the SJVAPCD in accordance with Section 6.3 of Rule 8021. In addition to other measures, the SJVAPCD reported an 87% control in reducing PM₁₀ emissions when properly using water as a control measure according to a UC Davis Study conducted in 1994.

PM₁₀/PM_{2.5} emissions generated during construction constitute a temporary, less than significant impact, possibly exposing residents downwind to elevated PM₁₀ concentrations and contributing to the regional PM₁₀/PM_{2.5} emission burden.

It is anticipated that from the perspective of the SJVAPCD, compliance with Regulation VIII (Table 3.1) will

constitute sufficient mitigation to reduce PM₁₀ impacts to a level below significance.

Compliance with Regulation VIII will reduce PM₁₀/PM_{2.5} emissions generated during construction, and assure that they remain at less than significant levels.

This will be implemented by the construction contractor and the applicant. Monitoring will be the responsibility of the SJVAPCD.

- d. The project does not propose any land uses or will not directly accommodate for any known land uses that generate substantial pollutant concentrations.
- e. The project does not propose any land uses or will not directly accommodate for any known land uses that generate objectionable odors.

Global Warming/Climate Change

"Global warming" is the term coined to describe very widespread climate change characterized by a rise in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. The predominant opinion within the scientific community is that global warming is currently occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface would remain more or less constant. Greenhouse gases disturb this equilibrium by absorbing and retaining infrared energy, trapping heat in the atmosphere—the "greenhouse gas effect." The belief is that global warming is now occurring because natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of carbon dioxide and other GHG, and cannot keep the level of these gases under control. It is believed that a combination of factors related to human activities, such as deforestation and an increased emission of GHG into the atmosphere, is causing global warming.

Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The predominant types of anthropogenic greenhouse gases (those caused by human activity), are

- carbon dioxide (CO₂), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- methane (CH₄), known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH₄ exerts about 20 times the greenhouse gas effect of CO₂;
- nitrous oxide (N₂O), produced in large part by soil microbes and enhanced through application of fertilizers. N₂O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of

the atmosphere, is oxidized when air is exposed to high-temperature combustion. N₂O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N₂O is one component of "oxides of nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants.

- chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., "Freon™"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.
- hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;
- perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.
- sulfur hexafluoride (SF₆) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF₆ exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO₂ on a ton-for-ton basis.

In an effort to address the perceived causes of global warming by reducing the amount of anthropogenic greenhouse gases generated in California, the state enacted the Global Warming Solutions Act of 2006 (Codified as Health & Safety Code Section 38501 et seq.). Key provisions include the following:

- Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.
- Set deadlines for establishing an enforcement mechanism to reduce the GHG emissions:
 - By June 30, 2007, the California Air Resources Board ("CARB") was required to publish "discrete early action" GHG emission reduction measures. Discrete early actions are regulations to reduce greenhouse gas emissions to be adopted by the CARB and enforceable by January 1, 2010;
 - By January 1, 2008, CARB was required to identify what the state's GHG emissions were in 1990 (set the "baseline") and approve a statewide emissions limit for the year 2020 that is equivalent to 1990 levels. (These statewide baseline emissions have not yet been allocated to regions, counties, or smaller political jurisdictions.) By this same date, CARB was required to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions.
 - By January 1, 2011, CARB must adopt emission limits and emission reduction measures to take effect by January 1, 2012.

As support for this legislation, the Act contains factual statements regarding the potential significant impacts on

California's physical environment that could be caused by global warming. These include, an increase in the intensity and duration of heat waves, the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010.

Because it is believed that global warming is being caused by human activities on the entire planet, it would be highly speculative to conclude that this project would have a direct adverse impact on global climate. CARB has not adopted GHG emission limits and emission reduction measures and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions, there is an absence of regulatory guidance to assist any lead agencies in determining whether a particular project will have a significant impact on global warming.

IV. BIOLOGICAL RESOURCES

- a. A site inspection was performed for the Project. No special status species were observed on the sites. The sites have been previously disturbed. The sites have 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. City-wide biological resources were evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to urban use.
- b. The project areas include small irrigation ditches that serve the sites by transporting treated water from the WWTP to the detention basins. The excavation activities will not affect this function.
- c. The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d. The project will not significantly interfere with the movement of any native resident or migratory fish or wildlife species. The project will not substantially interfere with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites. This sites were evaluated in the City and County General Plan EIRs. Their continued detention basin functions are consistent with the conclusions of the GP EIRs.
- e. There are no trees in or adjacent to the excavation or haul road sites.
- 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 areas. Construction activities and improvements have the potential to disturb or destroy unknown cultural resources, but this is unlikely since both sites were previously excavated. However, compliance with the City of Visalia's General Plan and policies for handling cultural resources reduces this potentially significant impact to a status of less than significant.
- b. There are no known archaeological resources located within the project area. In the event presently unknown archaeological resources are discovered during development of specific projects, work shall be terminated until such time that a certified archaeologist can investigate the findings. In such a case, the investigating historian shall determine appropriate future actions that must be taken prior to continuation of all affected project(s) pursuant to Appendix K of the CEQA Guidelines. Implementation of this measure will reduce the Project's cultural resources impact to less than significant.
- c. There are no known unique paleontological resources or geologic features located within the project area.
- d. There are no known human remains buried in the project vicinity. If human remains are unearthed during development, all work should cease until the proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations.

VI. 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. All Project-related construction will conform to the latest standards for seismic design as adopted by the Uniform Building Code. Therefore, the impact is less than significant.
- b. The development of the sites will require movement of topsoil. A grading and drainage plan will be completed prior to any excavation activities.
- c. The project areas are flat and the underlying soil is not known to be unstable. Soils in the greater Visalia area have few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area generally have low expansion characteristics.
- d. Due to low clay content, soils in the greater Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.

VII. HAZARDS AND HAZARDOUS MATERIALS

- a. The project will not involve the use or transport of hazardous materials during construction or operation.
- b. The project will not involve the use or transport of hazardous materials during construction or operation.
- c. The project does not include the use or release of hazardous materials.
- d. There are no hazardous waste sites in the immediate

vicinity of the proposed project.

- e. The project area is not located within any airport land use plan or within 2 miles of a public airport.
- f. The project area is not within the vicinity of any private airstrip.
- g. The project will not impair the implementation of any adopted emergency response plan or emergency evacuation plan.
- h. There are no wildlands or flammable brush, grassy or dry tree areas within or near the project area.

VIII. HYDROLOGY AND WATER QUALITY

- a. The project will not violate any water quality standards or waste discharge requirements.
- b. The project will not substantially deplete groundwater supplies in the project vicinity. The project involves installing a pipeline to facilitate stormwater to a basin with additional capacity for increased groundwater storage.
- c. The project will not result in substantial erosion on- or off-sites.
- d. The Project will not affect existing drainage patterns. The excavation of the existing pond will only increase capacity at the sites and the pipeline will add additional stormwater at the existing park/pond location.
- e. The Project calls for the expansion of an on-sites drainage basin to handle additional storm water run-off from the surrounding area. The project will not create any additional runoff water and the increase in size of the existing ponds location will handle the stormwater travelling in the proposed pipeline.
- f. There are no reasonably foreseeable reasons why the project would result in the degradation of water quality.
- g. There is no housing to be a part of this project and therefore no housing would be placed within a 100-year flood hazard area.
- h. The project is for a detention basin with no habitat structures included in the project. Therefore, there is no potential for adverse impact for flood purposes.
- i. The project would not expose people or structures to risks from failure of levee or dam.
- j. There is no potential for seiche or tsunami due to the lack of a significant water body near the sites. The Project sites is relatively flat, therefore eliminating the possibility of mudflow.

IX. LAND USE AND PLANNING

- a. No change in surrounding land uses will occur as a result of the project. The project does not impede growth or divide the community. There is no impact.
- b. The Project does not involve any change to, or conflict with, applicable land use plans, policies, or regulations.
- c. The project sites is not within an adopted habitat conservation plan.

X. MINERAL RESOURCES

- a. There are no known mineral resources within the Project area. The Project will not result in a loss of mineral

resources.

- b. There are no mineral resource recovery sites delineated in the Visalia area. The Project will not result in the loss of availability of an important mineral resource recovery sites.

XI. NOISE

- a. The Project will not generate noise that exceeds the thresholds established by the City's Noise Element. The impact is less than significant.

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

- b. The project will not result in ground-borne vibration or ground-borne noise levels. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.
- c. The Project will not result in a substantial permanent increase in the ambient noise levels in the project vicinity above levels existing without the project.
- d. Construction of the project will create short-term noise that may adversely impact sensitive receptors. The Noise Element of the City of Visalia General Plan 1995 prescribes noise standards to ensure that noise sensitive areas are not adversely affected from noise sources. This is also consistent with the Tulare County General Plan Noise Element.

Typical construction equipment would include tractors, and dump trucks with trailers. Noise levels generated by this type of construction equipment is consistent with ambient noise episodes typical of the farm equipment common in the project area.

Noise levels generated from construction activities decrease with increasing distance from the noise source; generally, noise levels reduce by six decibels for every doubling of distance from the source.

Construction activities will be temporary in nature and will only occur during the daytime hours. The City enforces the Noise Ordinance from 10:00 p.m. to 7:00 a.m. Monday through Friday and from 10:00 p.m. to 8:00 a.m. on Saturday, Sunday, and holidays. Construction noise impacts could result in annoyance or sleep disruption for nearby residents if nighttime operation were to occur if equipment is not properly muffled or maintained. Construction noise will be a temporary and less than significant impact.

- e. Site One is within a 2 miles of the Visalia Airport. The propose excavation activity is allowed in this area..
- f. There is no private airstrip near the project area.

XII. POPULATION AND HOUSING

- a. The proposed Project does not include the development or removal of any residential structures. The Project is the excavation of existing detention basins.
- b. The Project will not displace any housing on the sites.
- c. Construction of the Project will not displace any people on the sites.

XIII. PUBLIC SERVICES

- a.
- i. Current fire protection services are provided by the City of Visalia and the project will not create a significant demand for additional fire services.
- ii. Current police protection services are provided by the City of Visalia Police Department and the project will not create a significant demand for additional police services.
- iii. Primary educational services within the City are provided by the Visalia Unified School District and this project will not create a demand for additional school facilities.
- iv. The Project does not include the construction of residential uses which would require new parks. Existing park facilities will not be significantly impacted by this project.
- v. The Project does not include any other impacts to public facilities.

XIV. RECREATION

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

XV. TRANSPORTATION AND TRAFFIC

- a. The project will not alter traffic conditions in the City. During construction, the contractor will implement a traffic control plan.
- b. The project will not alter traffic conditions in the City.
- c. The project will not result in nor require a need to change air traffic patterns.
- d. The project will not increase hazards due to a design feature or incompatible use.
- e. The project will not result in inadequate emergency access.
- f. The project will not affect parking capacity and will therefore not result in inadequate parking capacity.

XVI. UTILITIES AND SERVICE SYSTEMS

- a. The project will not require the use of wastewater facilities.
- b. The project will not require the construction of new wastewater treatment facilities.
- c. The project involves excavation of existing detention basins. The construction will be required to prevent air quality impacts to a level less than significant as noted by the San Joaquin Valley Air Pollution Control District. The construction will not cause significant environmental effects.
- d. The project will not affect existing water demands.
- e. The project will not require the use of wastewater facilities.

- f. The project will not require the use of solid waste facilities.
- g. The project will not require the use of solid waste facilities.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project will not have any impacts on wildlife species, rare or endangered plant species or eliminate major periods of California history or prehistory.
- b. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

Due to the nature of the project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable.

- c. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly.

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 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. 90020160). The Environmental Impact Report prepared for the City of Visalia Land Use Element (Amendment No. 90-04) was certified by Resolution NO. 91-105 adopted on September 3, 1991. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**



City of Visalia

September 30, 2009

Date

Table 3.1
Mandatory Control Measures for Construction, Excavation, Extraction,
and Other Earthmoving Activities

A. Pre-Activity:

- A1: Pre-water sites sufficient to limit Visible Dust Emissions (VDE) to 20% opacity
- A2: Phase work to reduce the amount of disturbed surface area at any one time.

B. During Active Operations:

- B1: Apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity
- B2: Construct and maintain wind barriers sufficient to limit VDE to 20% opacity. If utilizing wind barriers, control measure B1 above shall also be implemented.
- B3: Apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20% opacity and meet the conditions of a stabilized unpaved road surface.

C. Temporary Stabilization During Periods Of Inactivity:

- C1: Restrict vehicular access to the area
- C2: Apply water or chemical/organic stabilizers/suppressants, sufficient to comply with the conditions of a stabilized surface. If an area having 0.5 acres or more of disturbed surface area remains unused for seven or more days, the area must comply with the conditions for a stabilized surface area as defined below:

Stabilized Surface: any disturbed surface area or open bulk material storage pile that is resistant to wind blown fugitive dust emissions. A surface is considered to be stabilized if it meets at least one of the following conditions:

- A visible crust; or
- A threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 centimeters per second or greater; or
- A flat vegetative cover of at least 50 percent that is attached or rooted vegetation; or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind; or
- A standing vegetative cover of at least 30 percent that is attached or rooted vegetation with a predominant vertical orientation; or
- A standing vegetative cover that is attached or rooted vegetation with a predominant vertical orientation that is at least 10 percent and where the TFV is at least 43 centimeters per second when corrected for nonerodible elements; or
- A surface that is greater than or equal to 10 percent of non-erodible elements such as rocks, stones, or hard-packed clumps of soil.

D. Speed Limitations and Posting of Speed Limit Signs

- D1: Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.
- D2: Post speed limit signs that meet State and Federal Department of Transportation standards at each construction sites' uncontrolled unpaved access/haul road entrance. At a minimum, speed limit signs shall also be posted at least every 500 feet and shall be readable in both directions of travel along uncontrolled unpaved access/haul roads.

E. Wind Generated Fugitive Dust Requirements

- E1: Cease outdoor construction, excavation, extraction, and other earthmoving activities that disturb the soil whenever VDE exceeds 20% opacity. Indoor activities such as electrical, plumbing, dry wall installation, painting, and any other activity that does not cause any disturbances to the soil are not subject to this requirement.
 - E2: Continue operation of water trucks/devices when outdoor construction excavation, extraction, and other earthmoving activities cease, unless unsafe to do so.
-

Table 3.11
Estimated Construction Noise Levels

Construction Equipment	Typical Noise Level (dBA) (distance from source)		
	50 feet	100 feet	1.0 mile
Pneumatic tools	85	79	45
Truck (e.g., dump, water)	88	82	48
Concrete mixer (truck)	85	79	45
Scraper	88	82	48
Bulldozer	87	81	47
Backhoe	85	79	45
Portable air compressor	81	75	41

Chapter 16.54 GROUNDWATER OVERDRAFT MITIGATION

Sections:

- 16.54.010 Legislative findings.
- 16.54.020 Purpose.
- 16.54.030 Short title, authority, applicability.
- 16.54.040 Rules of construction.
- 16.54.050 Imposition of groundwater mitigation fee on new development.
- 16.54.060 Imposition of groundwater impact fee on providers of municipal water supplies, which include all residential, commercial and industrial water suppliers.
- 16.54.070 Computation of the amount of the fee.
- 16.54.080 Use of funds.
- 16.54.090 Refund of fees paid.
- 16.54.100 Modification of the fee.
- 16.54.110 Penalty.
- 16.54.120 Severability.

16.54.010 Legislative findings.

The City Council finds, determines and declares that:

- A. Local water resources are among the most precious resources of the city and surrounding area.
- B. Management of the water resources serving the residents of the city is critical to the long-term health, welfare and safety of the citizens of the city.
- C. The city's primary water supply is from underground water resources, which are being depleted by groundwater extraction in excess of groundwater replenishment ("groundwater overdraft").
- D. Conversion of land from agricultural to urban uses increases the local groundwater overdraft and has the potential to seriously deplete available groundwater resources over time.

E. Provision of municipal water supplies by private water companies and utilities contributes substantially to the continuing groundwater overdraft.

F. The impact of existing and proposed development on groundwater overdraft has been determined through a technical study prepared for the city by the consulting engineering firm of Provost & Pritchard, which study has been reviewed and considered by the City Council prior to adoption of this chapter. The technical analysis provides the basis for the fees established by this chapter.

G. California Constitution, Article XI, Section 7, California Public Utilities Code Sections 6203 and 6294, Article III and XIV of the City Charter and objective 2.4 and policies 2.4.1 and 2.4.2 of the city's General Plan authorize the city to enact this chapter. (Ord. 2005-09 § 2 (part), 2005)

16.54.020 Purpose.

The purpose of this chapter is to assess impact fees upon new development and a volumetric fee upon existing urban water supplies to fund programs to mitigate the impact of such new development and existing water extractions upon conditions of groundwater overdraft. Specifically, this chapter is intended to fund activities and projects to mitigate impacts to conditions of groundwater overdraft. Such activities will include, but not be limited to, the following:

- A. Acquisition of surface water rights and surface water supplies.
- B. Development of groundwater recharge facilities.
- C. Reconfiguration of stormwater facilities designed to retain as much stormwater as possible within and near the city.
- D. Enhancement of cooperative programs with local water management agencies and companies.
- E. Development of more efficient water delivery systems. (Ord. 2005-09 § 2 (part), 2005)

16.54.030 Short title, authority and applicability.

A. This chapter shall be known and may be cited as the "City of Visalia Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance."

B. The City Council has the authority to adopt this chapter pursuant California Constitution, Article XI, Section 7, California Public Utilities Code Sections 6203 and 6294, Article III and XIV of the City Charter and objective 2.4 and policies 2.4.1 and 2.4.2 of the city's General Plan.

C. This chapter shall apply in the incorporated area of the city to the extent permitted by Article XI of Section 7 of the Constitution of the State of California. (Ord. 2005-09 § 2 (part), 2005: prior code § 9554).

16.54.040 Rules of construction.

A. The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

B. For the purpose of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

1. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the single, unless the context clearly indicates the contrary.
4. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
6. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of little kind or character. (Ord. 2005-09 § 2 (part), 2005)

16.54.050 Imposition of groundwater mitigation fee on new development.

A. Any person seeking to annex, subdivide or otherwise procure entitlement to develop property within the city, shall be required to pay the fee specified below.

1. The initial fee shall be \$950 per acre of land to be developed.
2. The obligation to pay the fee shall be made a condition of annexation or approval of a tentative subdivision map or other entitlement for development.
3. The fee required by this chapter shall be paid as a condition of final map approval or other final discretionary development approval. The fee paid shall be in addition to all other impact fees paid prior to issuance of a building permit.

B. In lieu of payment of the fee specified in A. above, and with concurrence of the city, any person seeking to annex, subdivide or otherwise procure entitlement to develop property within the city may dedicate water rights to the city. The city, in its sole discretion, shall determine whether such dedication equals in value the amount of the fee otherwise applicable pursuant to A. above. (Ord. 2005-09 § 2 (part), 2005)

16.54.060 Imposition of groundwater impact fee on providers of municipal water supplies, which include all

residential, commercial and industrial water suppliers.

A. Effective January 1, 2006, all municipal water suppliers providing water service in the city shall pay a groundwater impact mitigation fee of \$14 per acre foot of water pumped to provide such service.

B. The fee shall be paid within 60 days of the end of each month. The payment shall be accompanied by a report of the volume of water pumped from each well utilized to provide water service within the city. Fees not paid within 30 days shall be subject to late fees and interest consistent with the city's standard practice.

C. All municipal water suppliers shall maintain records of all pumping for the purpose of supplying water within the city. Such records shall identify the volume of water pumped from each well utilized to provide water service within the city. Such records shall be subject to inspection by the city during normal business hours after providing five working days notice of intent to inspect such records.

D. In lieu of payment of the fee specified in A. above, and with concurrence of the city, a municipal water supplier may dedicate water rights to the city. The city, in its sole discretion, shall determine whether such dedication equals in value the amount of the fee otherwise applicable pursuant to A. above. (Ord. 2005-09 § 2 (part), 2005)

16.54.070 Computation of the amount of the fee.

The fees established by Sections 16.54.060 and 16.54.070 were determined by evaluating the impact of development on existing conditions of groundwater overdraft and calculating the cost of the water and facilities necessary to mitigate such impact. A technical study was prepared by a qualified consulting engineering company of all of the data available to make such determination. (Ord. 2005-09 § 2 (part), 2005)

16.54.080 Use of funds.

All funds collected shall be used exclusively for the purposes specified in Section 16.54.020. (Ord. 2005-09 § 2 (part), 2005)

16.54.090 Refund of fees paid.

If a building permit or permit for mobile home installation expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest, of the fee paid plus a condition of its issuance; except, that the city shall retain three percent of the fee to offset a portion of the costs of collection and refund. The fee payer must submit an application for such refund to the city within 30 days of the expiration of the permit. Within 20 working days of receipt of an application for refund the city shall issue a refund or issue written findings as to why the refund shall not be made. (Ord. 2005-09 § 2 (part), 2005)

16.54.100 Modification of the fee.

The City Council may modify the fees established in Sections 16.54.050 and 16.54.060 annually by resolution if the assumptions utilized in calculating the fees have changed. The modifications adopted by resolution will not be based on a change in the method of calculating the fees. Absent action by the City Council to modify the fees by resolution, each April of each year the chief financial officer shall review the current Engineering News Record Construction Cost Index (ENRCCI) for the cities of Los Angeles and San Francisco, California. When the average of such indices differs from the

average of the indices for the preceding April first, the factor of increase or decrease shall be applied to the fees established in Sections 16.54.050 and 16.54.060. (Ord. 2005-09 § 2 (part), 2005)

16.54.110 Penalty.

Any violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution the city shall have the power to sue in civil court to enforce the provisions of this chapter. (Ord. 2005-09 § 2 (part), 2005: prior code § 9574)

16.54.120 Severability.

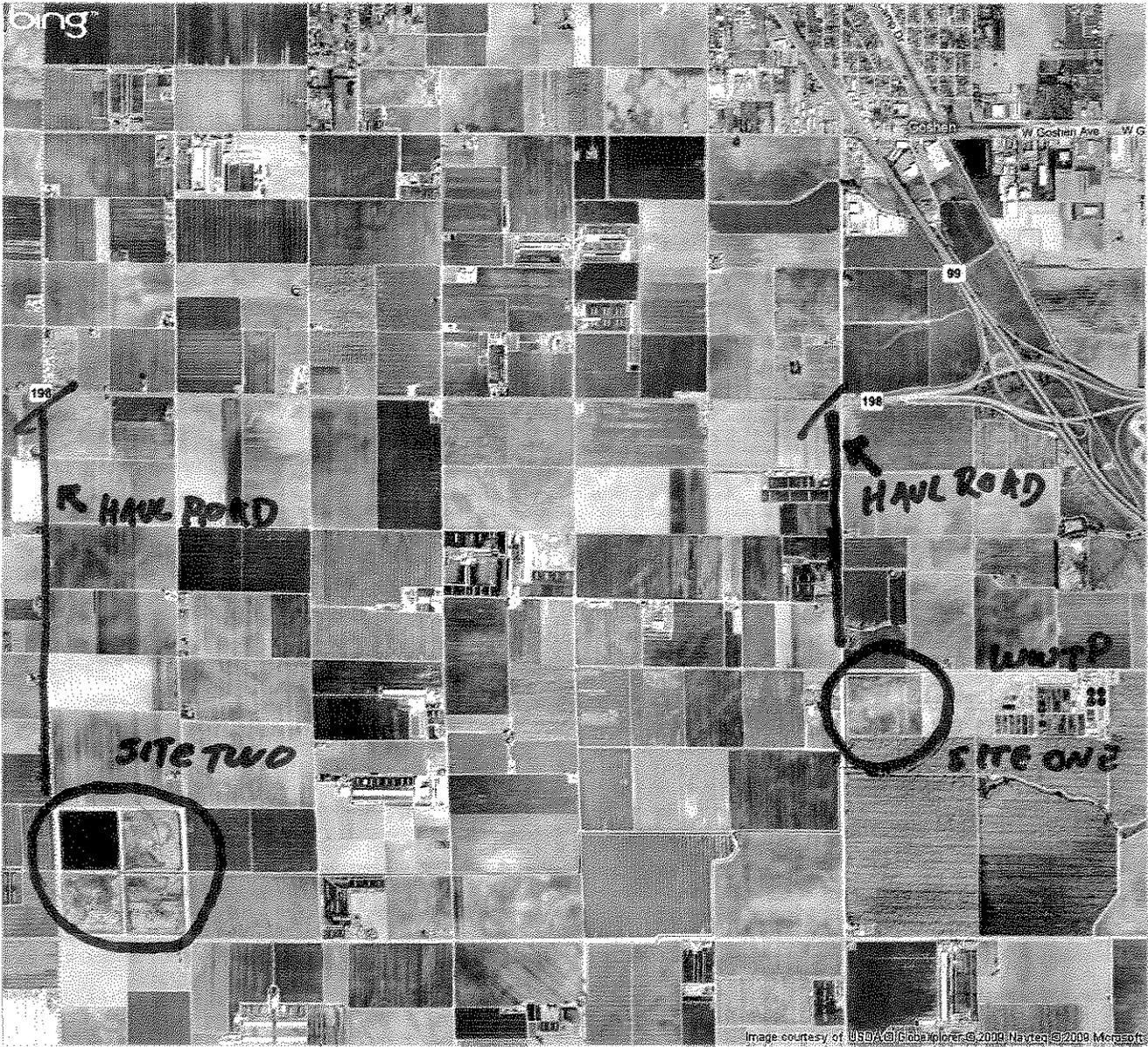
If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (Ord. 2005-09 § 2 (part), 2005: prior code § 9578)

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Page 5

OF PROPOSED Neg Dec



VERIFICATION OF THE WORDING FOR THE NOTICE OF PUBLIC HEARING
PUBLISHED IN THE VISALIA TIMES DELTA

Project Name: Notice of a Proposed N.D
Detention Basin Borrow Site Project

Verified Public Hearing date: _____
Verified Public Hearing day: _____
Verified ending comment date: 9-30-09
Verified wording _____

Project Planner [Signature]

As stated in
title
otherwise it's
perfect

Verified Public Hearing date: _____
Verified Public Hearing day: _____
Verified ending comment date: 9-30-09
Verified wording _____

[Signature]
15

[Signature]
City Planner

Ad Placement Form

If you purchase more than one ad, you must fill out multiple ad placement forms.

ACCOUNT INFORMATION

Contact Name **Susan Currier**

Organization **City of Visalia, Planning Department**

Address **315 E. Acequia**

City **Visalia**

State **CA**

Zip **93291**

Phone **559-713-4436**

Fax **559-713-4814**

Email

AD PLACEMENT LENGTH

1 Day

2 Days

3 Days

Other:

Start Date: October 7, 2009

End Date October 7, 2009

ADDITIONAL INFORMATION

If you require additional information please contact me via phone or email.

Notice of a Proposed Negative Declaration

AD DESCRIPTION

If you need more room please attach separate pages

****See Attached****

TYPE

Classified

Job Announcement

Legal Announcement

Notice of Public Hearing

Meeting Announcement

Other

PAYMENT INFORMATION

Credit Card **VISA 4246044101094716 (388)**

Card Holder Name **Susan Currier**

Card Expiration Date **05/10**

Internal Accounting Code **0011-18111-556000**

*****Vendor, please E-mail a receipt of payment.

PLEASE E-MAIL A COPY OF
PROOF A.S.A.P.
scurrier@ci.visalia.ca.us

run once on Wednesday October 7, 2009

Susan Currier: 713-4436

ATTN: Rebe

REF: CITY OF VISALIA PO #04360

Notice of Intent to Adopt a Negative Declaration

Project Title: Detention Basin Borrow Sites Project

Project Description: This project is comprised of increasing the freeboard capacity of two City-owned waste water treatment plant detention basins totaling 240 acres by excavating up to 591,000 cubic feet of native earth materials, and transporting the materials to two road construction sites located up to two miles away at State Highway 198. Sites One is located in the City of Visalia corporate limits (within the sites boundaries of the city-owned waste water treatment plant), and Sites Two is owned by the City of Visalia, and is located in unincorporated Tulare County. The City of Visalia has assumed Lead Agency responsibilities over the project, pursuant to CEQA Guidelines section 15051(b).

The sites are located as follows: Sites One: Southeast corner of Road 68 and Avenue 288. This sites consists of 80 acres of existing ponding basins that are five feet deep. Sites Two: Northeast corner of Road 44 and Avenue 280. ve to the north and Ferguson Avenue to the south in the City of Visalia, County of Tulare. APNs: Sites One: 118-002-031, -032 (portion), and -036 (portion), City of Visalia, County of Tulare. Sites Two: 118-001-017, County of Tulare.

Contact Person: Jim Ross, City of Visalia

Phone: (559) 713-4466

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 .

Reasons for Negative Declaration: Initial Study No. 2009-88 has not identified any significant, adverse environmental impacts that may occur because of the project that were not adequately described in a previous environmental document, and there are no impacts peculiar to the project that will increase the severity of impacts or create new impacts that were not covered in these documents. 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, California.

Comments on this proposed Negative Declaration will be accepted until Monday November 5, 2009.

✓
KAWEAH DELTA WATER
CONSERVATION DISTRICT
2975 NORTH FARMERSVILLE
BOULEVARD
FARMERSVILLE, CA 93223

TULARE IRRIGATION DITCH COMPANY
ATTN: ROGER THOMPSON
1350 WEST SAN JOAQUIN AVENUE
TULARE, CALIFORNIA 93274

✓
EVANS DITCH COMPANY
1350 WEST SAN JOAQUIN
TULARE, CALIFORNIA 93275

✓
MODOC DITCH COMPANY
11878 AVENUE 328
VISALIA, CA 93291

✓
WATSON/PERSIAN DITCH CO.
P. O. BOX 366
FARMERSVILLE, CA 93223

~~JEANNETTE LYONS
VISALIA UNIFIED SCHOOL DISTRICT
5000 WEST CYPRESS
VISALIA, CALIFORNIA 93277~~

~~TULARE COUNTY FIRE
DEPARTMENT
1968 SOUTH LOVERS LANE
VISALIA, CA 93277-5650~~

✓
TULARE COUNTY FARM BUREAU
737 N. BEN MADDOX WAY
VISALIA, CA 93292

~~TULARE COUNTY RESOURCE
MANAGEMENT AGENCY
LONG RANGE PLANNING
5961 SOUTH MOONEY BOULEVARD
VISALIA, CA 93277~~

✓
KINGS COUNTY PLANNING
DEPARTMENT
1400 W. LACEY BLVD.
HANFORD, CA 93230

~~TULARE COUNTY ASSOCIATIONS OF
GOVERNMENTS
5961 SOUTH MOONEY BOULEVARD
VISALIA, CA 93277~~

✓
SAN JOAQUIN VALLEY UNIFIED AIR
POLLUTION CONTROL DISTRICT
CENTRAL REGION OFFICE
2700 "M" STREET, SUITE 275
BAKERSFIELD, CA 93301

~~TULARE COUNTY PUBLIC WORKS
5961 S. MOONEY BOULEVARD
VISALIA, CA 93277~~

✓
TULARE COUNTY LOCAL AGENCY
FORMATION COMMISSION
5961 SOUTH MOONEY
BOULEVARD
VISALIA CA 93277

of these
BS
Max!

Form A

Notice of Completion & Environmental Document Transmittal

SCH # _____

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: Detention Basin Borrow Sites Project
Lead Agency: City of Visalia
Mailing Address: 315 E. Acequia
City: Visalia CA Zip: 93291
Contact Person: Jim Ross
Phone: 650-713-4466
County: TULARE

Project Location:

County: TULARE City/Nearest Community: Visalia
Cross Streets: Ave 288/Rd 65 and Ave 250/Rd 44 Zip Code: 93291 Total Acres: 240
Assessor's Parcel No. 118-002-091, 032, 034 Section: 243 Twp. 19S Range: 23E Base: MDB+M
Within 2 Miles: State Hwy #: 198 Waterways: Mill Creek
Airports: Visalia Airport Railways: UPR Schools: Delta View Joint Union School
Second Site APN 118-001-067

Document Type:

- CEQA: [] NOP [] Supplement/Subsequent EIR [] Early Cons (Prior SCH No.) [] Neg Dec [] Draft EIR
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other

Local Action Type:

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other

Development Type:

- [] Residential: Units _____ Acres _____
[] Office: Sq.ft. _____ Acres _____ Employees _____
[] Commercial: Sq.ft. _____ Acres _____ Employees _____
[] Industrial: Sq.ft. _____ Acres _____ Employees _____
[] Educational _____
[] Recreational _____
[] Water Facilities: Type _____ MGD _____
[] Transportation: Type _____
[] Mining: Mineral _____
[] Power: Type _____ Watts _____
[] Waste Treatment: Type _____
[] Hazardous Waste: Type _____
[] Other: Excavation & Transport Borrow materials from Detention Basins 9/25/05

Funding (approx.): Federal \$ _____ State \$ _____ Total \$ _____

Project Issues Discussed in Document:

- [x] Aesthetic/Visual [x] Flood Plain/Flooding [] Schools/Universities [x] Water Quality
[x] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [x] Water Supply/Groundwater
[x] Air Quality [x] Geologic/Seismic [x] Sewer Capacity [x] Wetland/Riparian
[x] Archeological/Historical [] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife
[] Coastal Zone [x] Noise [] Solid Waste [] Growth Inducing
[x] Drainage/Absorption [] Population/Housing Balance [x] Toxic/Hazardous [x] Landuse
[] Economic/Jobs [x] Public Services/Facilities [x] Traffic/Circulation [x] Cumulative Effects
[] Fiscal [x] Recreation/Parks [x] Vegetation [] Other

Present Land Use/Zoning/General Plan Designation:

Detention Basins / Agriculture and Quasi Public / Agriculture + Quasi public

Project Description:

Excavate up to 571,000 cy from existing detention basins and haul borrow material up to two miles to Hwy 198 Road widening construction site.

January 2004

Reviewing Agencies Checklist

Form A, continued

KEY

S = Document sent by lead agency

X = Document sent by SCH

✓ = Suggested distribution

- Resources Agency**
- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- Conservation
- Fish & Game
- Forestry & Fire Protection
- Office of Historic Preservation
- Parks & Recreation
- Reclamation Board
- S.F. Bay Conservation & Development Commission
- Water Resources (DWR)

Business, Transportation & Housing

- Aeronautics
- California Highway Patrol
- CALTRANS District # 6
- Department of Transportation Planning (headquarters)
- Housing & Community Development

Food & Agriculture

Health & Welfare

- Health Services _____

State & Consumer Services

- General Services _____
- OLA (Schools) _____

Environmental Protection Agency

- Air Resources Board
- California Waste Management Board
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- Regional WQCB # 5 (Central Valley)

Youth & Adult Corrections

- Corrections

Independent Commissions & Offices

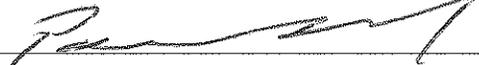
- Energy Commission
- Native American Heritage Commission
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency

- Other OMR

Public Review Period (to be filled in by lead agency)

Starting Date 10-5-09

Ending Date 11-5-09

Signature 

Date 10-7-09

Lead Agency (Complete if applicable):

Consulting Firm: _____
 Address: _____
 City/State/Zip: _____
 Contact: _____
 Phone: (____) _____

For SCH Use Only:

Date Received at SCH _____
 Date Review Starts _____
 Date to Agencies _____
 Date to SCH _____
 Clearance Date _____

Notes:

Applicant: City of Visalia
 Address: 315 E. Acequia
 City/State/Zip: Visalia CA 93291
 Phone: (559) 713-4369



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0472

Agenda Date: 10/20/2025

Agenda #: 9.

Agenda Item Wording:

Membership Agreement - Continue this item to a future City Council meeting after staff has been able to discuss current and alternative service options with the Tulare County Economic Development Corporation Board of Directors.

Prepared by:

Devon Jones, Economic Development Manager, devon.jones@visalia.gov
<<mailto:devon.jones@visalia.gov>>, (559) 713-4190 Paul Bernal, Planning and Community
Preservation Director, paul.bernal@visalia.city <<mailto:paul.bernal@visalia.city>>, (559) 713-4025.

Department Recommendation:

It is recommended the City Council continue this item to future City Council meeting after staff has been able to discuss current and alternative service options with the Tulare County Economic Development Corporation Board of Directors.

Summary:

On October 6, 2025, City Council directed staff to continue an item to receive a report from the Tulare County Economic Development Corporation (TCEDC) and continue membership for FY 25/26 through December 2025 in the amount of \$30,000 while staff assessed current and other potential service options for the remainder of FY 25/26 for future Council action. However, staff would recommend continuing this item further to a future City Council meeting after staff has been able to discuss current and alternative service options with the TCEDC Board of Directors given recent staff changes at the TCEDC.

Background Discussion:

The TCEDC has provided the attached report for Fiscal Year (FY) 2024/25 activity and requested continued membership for the City of Visalia for the FY 25/26 in the amount of \$60,000 (budgeted in Economic Development division budget).

In general, staff believes there is value in partnering in regional efforts to promote economic development. However, due to the City's own efforts to provide a high quality industrial park with many viable 'shovel ready' industrial sites, coupled with the efforts of a highly invested industrial development community of well-established speculative builders, property owners, local industrial real estate brokers, and the close partnership with the Visalia EDC and other strategic economic development partners such as the Tulare County WIB and the COS Training Resource Center, it is difficult to assert that all of the services TCEDC offers are necessary for continued growth in the industrial park. Currently, several other TCEDC member jurisdictions are scrutinizing the return on investment of TCEDC membership in its current configuration and with the current work program in place. It is staff's understanding that several jurisdictions have not yet signed contracts or paid for the current fiscal year dues. Now, given the recent departure of the Executive Director, staff would like to assess next steps with the Board of Directors and then return to Council with options to consider.

TCEDC membership for the entire FY 25/26 would be the same amount as this year, \$60,000. This amount is currently budgeted in the Economic Development division budget. Last FY, the City made biannual payments of \$30,000.

Fiscal Impact: None at this time.

Prior Council Action:

- 06.17.2024 - Authorized continued membership,
- 08.07.2023 - Authorized increase in membership cost to \$60,000,
- 04.17.2023 - Authorized continued membership

Other: N/A

Alternatives: Per Council direction

Recommended Motion (and Alternative Motions if expected):

I move to continue this item to future City Council meeting after staff has been able to discuss current and alternative service options with the Tulare County Economic Development Corporation Board of Directors.

Environmental Assessment Status: N/A

CEQA Review: N/A

Deadline for Action: 10/20/2025

Attachments:

- Attachment 1 - TCEDC report and mock prospect response packet
- Attachment 2 - PowerPoint Presentation



TULARE COUNTY ECONOMIC
DEVELOPMENT CORPORATION

A Different California

Tulare County EDC
Year-end Overview, 24-25
Prelim-plan for 25-26

Airica de Oliveira
President & CEO

ABOUT US

- Non-Profit 501(c)4, with 501(c)3 Foundation arm
- Led by a 22 Board of Directors; of public and private stakeholders
- Our Vision: To be the premier location in California to live, work, learn, and play.

OUR GOALS

- Maximize opportunities for economic growth and job creation
- Create a globally competitive environment for businesses
- Maintain a high performance, nationally acclaimed economic development organization

Key Activities

01

Recruitment

02

Site Selection

03

Practitioners





EMPLOYER & INDUSTRY RECRUITMENT

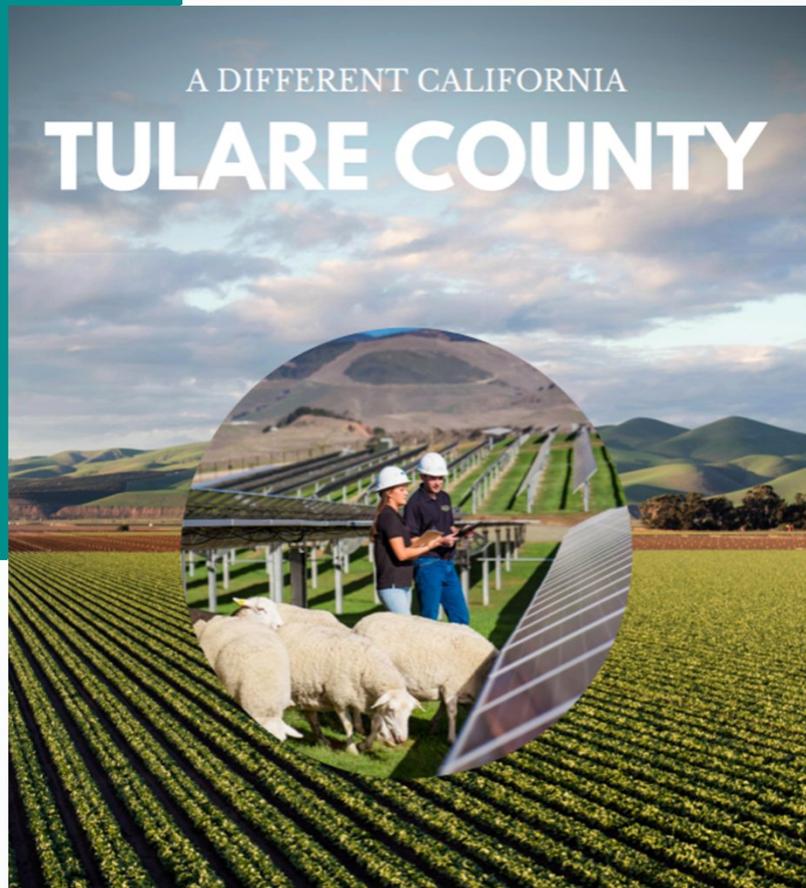
- LEADS by source
 - Referral
 - Direct (website, phone, email)
 - Contracted Vendor
 - GOBiz (Governor's Office of Business & ED)
 - CCVEDC (CA Central Valley EDC)
 - Broker/Site Selector



MARKETING CAMPAIGN

May 2025 metrics

- 39,899 emails sent
- 5,346 emails opened
- 13.7% open rate
- 733 click leads to website/information
- 76% clicks to open percentage



OPPORTUNITY. INNOVATION. GROWTH.

MARKETING CAMPAIGN



CALIFORNIA'S MOST INNOVATIVE LOCATION

A Thriving Hub of Youthful and Growing Workforce Power

Escape the familiar and explore a California that blends breathtaking landscapes with boundless opportunity. Nestled in the heart of the Central Valley, Tulare County offers a unique combination of thriving agriculture, vibrant communities, and a forward-thinking business climate.



because of its available workforce and ability to ship products to consumers overnight.

TULARE COUNTY FACTS:

- Tulare County spans 4,839 square miles
- Ranks among the top ag-producers with over \$8 billion annually
- Excellent access to major highways, rail, and major ports
- Over 200,000 workers for a young, diverse population
- 22 million square feet in industrial space

With its prime Central California location and direct access to major highways, rail, and ports, Tulare County offers unmatched logistical advantages, making it an ideal hub for efficient distribution and rapid market access.

If you need to expand or build in California, Tulare County is that place for you. Including easy and fast permitting process. Each community stands ready to assist decision-makers who seek to establish or expand businesses in our area. A growing number of manufacturers looking to access California and West Coast markets, have identified Tulare County as a strategic location.

Tulare County's workforce is known for their strong skills in manufacturing, agriculture, logistics, and healthcare. With a young and growing population, the county offers a reliable and adaptable labor pool ideal for businesses seeking both entry-level and skilled workers.

www.tularecountyedc.com

Global Trade Magazine

Over 100k subscribers monthly!

MARKETING CAMPAIGN

Workforce Demographics

Tulare County, situated in California's Central Valley, has a vibrant and diverse workforce that drives its economy. The workforce is central to the county's healthcare, agricultural, education, and manufacturing sectors. Understanding this workforce's composition, educational attainment, and employment trends is key to addressing challenges and leveraging opportunities for economic growth.

Labor

246,500

Tulare County
Labor Force

194,200 Employed

22,300 Unemployed

Population: Diversity in numbers

Tulare County is home to a vibrant and youthful workforce, with a median age of just 31.5 years. This dynamic, adaptable workforce fuels competitiveness and productivity across diverse industries. Our commitment is to build an innovative, inclusive economy that fosters growth and opportunity for all.

31.5

Kern County
32.2

Fresno County
32.8

San Joaquin County
34.8

Workforce Development



Tulare County is home to three community colleges with satellite campuses and two universities from the CSU system, within 1 hour from the county seat. Three private universities with satellite or online programs. 12 CSU campuses and 3 UC campuses within 210 miles.

Our workforce development partners work in tandem with companies and local community colleges to design and produce specialized trainings specific to any companies standards. They also provide no-cost hiring assistance and help maximize access to federal and state tax credits, as well as local and state training funds.

Source: PPIC.org | California's Higher Education system



TELLING THE TULARE COUNTY STORY

 (559) 625-3100  

TULARE COUNTY ECONOMIC
DEVELOPMENT CORPORATION



CONTACT US 

Strategic Advantages ▾

Incentives & Resources ▾

Site Selection ▾

Life in Tulare ▾

About Us ▾



Welcome to Tulare County *"A Different California"*

LIFE ENHANCING ENVIRONMENT

With an area of 4,863 miles, the county boasts a breathtaking landscape, complete with mountains, national forests and rich farmland, attracting millions of tourists each year. Mountain peaks of the Sierra Nevada range rise to more than 14,000 feet in its Eastern half, which comprises primarily public lands within the Sequoia National Park, National Forest and the Mineral King, Golden Trout and Domeland Wilderness areas.

TELLING THE TULARE COUNTY STORY

 (559) 625-3100  

TULARE COUNTY ECONOMIC
DEVELOPMENT CORPORATION



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Incentives & Resources ▾

Site Selection ▾

Life in Tulare ▾

About Us ▾



Featured Properties



YS Industrial Project – Building 3 | Visalia, CA

 Lot Size:
N/A

 Building Size:
176,800 SF

 Type:
Lease

 Price:
\$9.60 / SF / Year

[Download Brochure](#)

SITE SELECTION

- Real Estate & Demographic Database:
 - GIS Webtech,
 - 3D Spec Building Technology,
 - ESRI-based Demographics,
 - Zoning and Utility layers
 - **NEW! Industry Clusters**

The screenshot displays the Tulare County Economic Development Corporation's GIS web application. The interface is divided into a sidebar on the left and a main map area on the right. The sidebar shows a list of properties with details such as address, size, and distance. The map area shows a geographical map of the Central Valley region, with various locations marked by red circles containing numbers. The map includes labels for cities like Fresno, Hanford, Visalia, and Bakersfield, as well as geographical features like Kings Canyon National Park and Sequoia National Forest. The browser address bar shows the URL: https://tularecountyedc.giswebtechguru.com/?sorting=featured&showpropertyonmap=true&activebasemap2d=Navigation&mapextent=-13017334,180745738,4476892,951185583,-13427036,65235426,4198356,420114414&mapzoom=0.

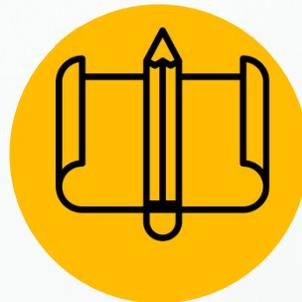
PRACTITIONERS



STATE OF CA

Governor's Office of Business & Economic Development

- New Business Leads & Facilitation
- CA Jobs First (S2J2)



FEDERAL GOVT.

Federal Economic Development Administration (EDA)

- Tulare County 5-year CEDS Report (Submitted on June 30, 2024)

S2J2 UPDATE

Governor's Office Announces new RFP in the Clean Energy Sector

ANNOUNCEMENT

The CA Jobs First Council, in collaboration with the Governor's Office of Business & Economic Development and the Labor & Workforce Development Agency provided a Request for Proposal (RFP) for the California Regional Investment Initiative (RII).

Purpose: The RFP seeks proposals for implementing projects that support economic development and workforce initiatives under the **California Jobs First** framework. Up to \$125 million in General State Funds are available through this RFP, with two review and award periods.

Objectives: To drive regional economic growth, support job creation, and enhance workforce development across California.

Eligibility: Organizations or entities capable of executing projects aligned with the state's economic and workforce goals.

Funding & Implementation: The RFP outlines the available funding, project requirements, and the expected impact of selected initiatives.

- **Key Deadlines:** Specific submission deadlines, review periods, and implementation timelines are detailed within the document.
 - **Round 1**
 - Pre-Application Due: April 23, 2025
 - Full Application Due: May 28, 2025
 - **Round 2**
 - Notice of Intent Due: March 20, 2026
 - Pre-Application Due: April 17, 2026
 - Full Application Due: May 22, 2025

All applications should be submitted via email to regionalinvestment@gobiz.ca.gov by 5:00 PM PST on or before the due dates listed above.

For assistance with the application process, please send an email to regionalinvestment@gobiz.ca.gov and copy our grant team

24-29 CEDS UPDATE

The Tulare County Economic Development Corporation (TCEDC) is pleased to present the Comprehensive Economic Development Strategy (CEDS) for 2024. This strategic plan outlines our roadmap for fostering economic growth, enhancing workforce development, and promoting sustainable development within Tulare County.

Overview

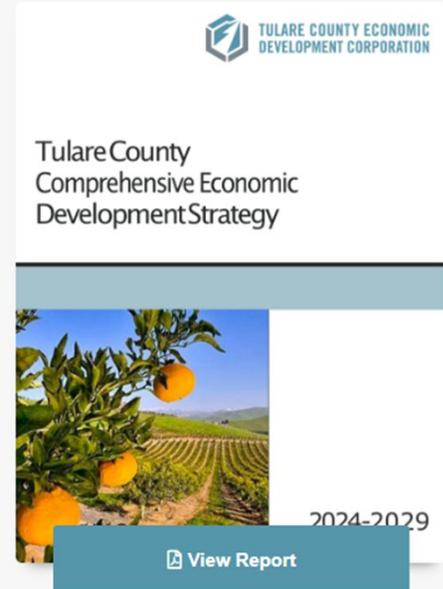
The CEDS 2024 is a collaborative effort aimed at setting a clear vision for Tulare County's economic future. It serves as a blueprint for business expansion, infrastructure investment, and community development, ensuring that our county remains competitive and resilient in the evolving economic landscape.

Key Objectives

- **Economic Growth:** Implement strategies to attract new businesses and support the expansion of existing ones, thereby creating job opportunities and stimulating the local economy.
- **Workforce Development:** Enhance job training and educational programs to align with the needs of businesses, ensuring a skilled and adaptable workforce.
- **Sustainability:** Promote environmentally sustainable practices and support the growth of green industries within the county.
- **Resilience:** Develop plans to strengthen the county's ability to withstand and recover from economic disruptions.

Community Engagement

The development of the CEDS involved extensive engagement with community stakeholders, including local businesses, educational institutions, and residents. This inclusive approach ensures that the strategy reflects the diverse needs and aspirations of



TOP INDUSTRIES (YTD)

1

MANUFACTURING

2

DISTRIBUTION/
WAREHOUSE

3

RECYCLING

24-25 YTD

39

Projects

23

Data Assists

67%

EDC Exclusive

152

Site Selector
Missions

12

Legislative
Meetings

23-24 FY

49

25

80%

27

6

TOTAL PROJECT LEADS

39 TOTAL PROJECTS
21 RFI'S DISTRIBUTED
17 PROPOSALS PREPARED
129 SITES SUBMITTED
2 SITE TOURS
12 SHORTLIST PROJECTS
26 INCENTIVE PACKETS SENT
23 ASSISTS

VISALIA PROJECT LEADS

47 SITES SUBMITTED OVER 13
PROPOSALS

2 SITE TOURS
2 SHORTLIST PROJECTS
4 ASSISTS

24-25 HIGHLIGHTS

- Received two grants: \$25,000 Grant from Bank of the Sierra, \$5k ARPA Grant
- Completed a new 5-year CEDS, annual update
- Updated 2025 Project Proposal (See attached)
- Website Additions:
 - 1st draft of Industry Cluster (Food Processing) to GURU
 - 24-29 CEDS Report
- Over 40,000 Marketing Impressions & Global Trade Magazine Highlight
- Projected to end the FY on a positive financial note
- CA Jobs First Key Stakeholders/Representatives for Tulare/Kings
- Welcomed two new Board Members: Bank of America, Gallagher Insurance
- Welcomed new Private Partners!
- Hosted another successful Economic Summit!



25-26 STRATEGIC GOALS

- Pursue additional grant opportunities
- Increase Private Partners' investments
- Increase marketing Impressions & Engagement
- Recruit new board members, filling industry gaps
- Maintain relationships with GoBiz, EDA
- Enhance GURU platform with industry clusters/
Collaborating with SJVMA and Central Valley Comm.

Foundation

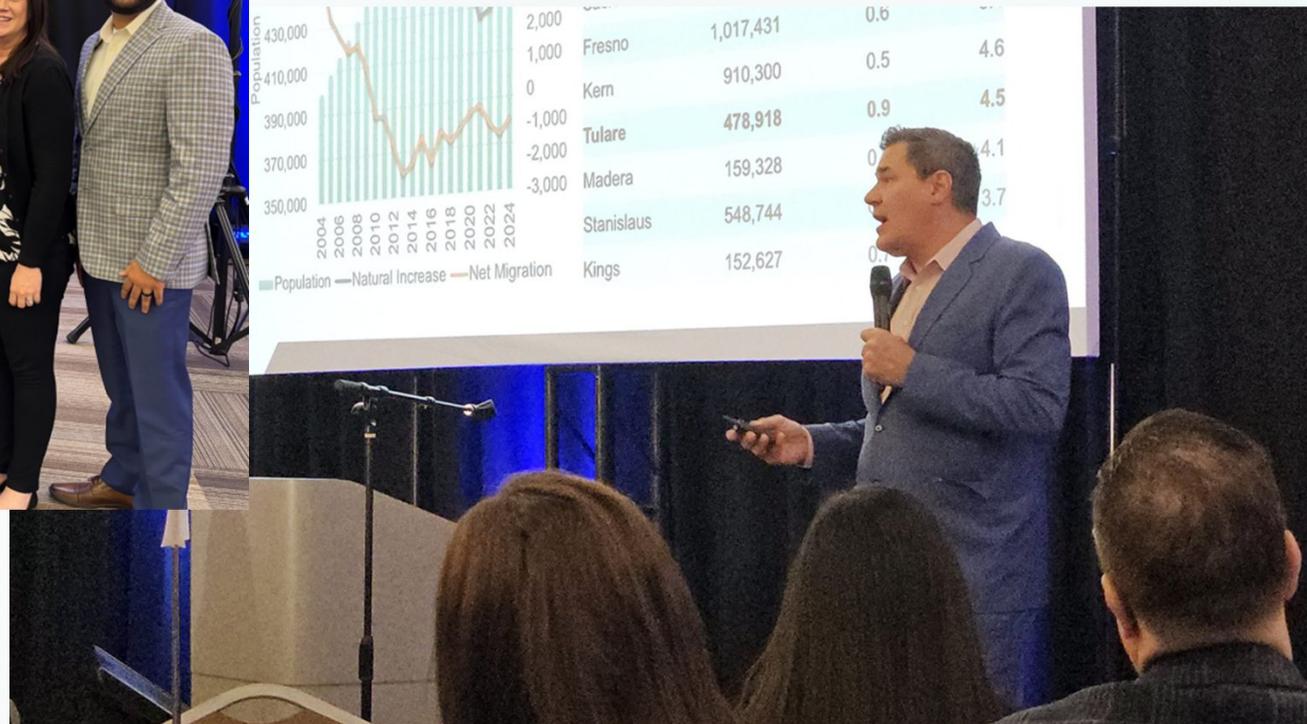
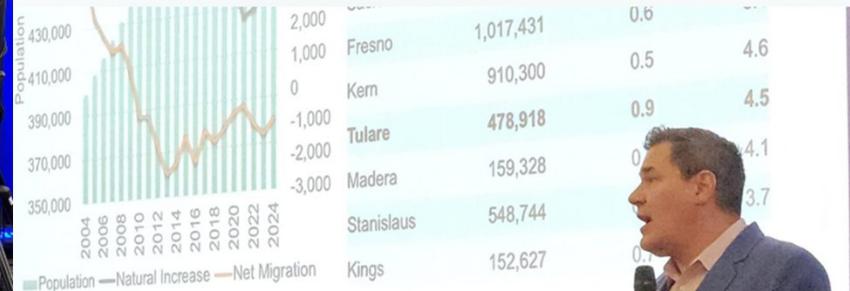
(Tentative plan pending board approval)

PRIVATE PARTNERS

4Creeks, Inc.
7Points
Adventist Health
AltSys Solar
AMR Plastics
Bank of the Sierra
Colliers Commercial
College of the Sequoias
Eagle Mountain Casino/ Tule River Tribe
Educational Employees Credit Union
Kaweah Health
Newmark Pearson
Pacific Gas & Electric

Proteus
Race Communications
Seals Construction
Setton Farms
Staffords Chocolates
Southern California Electric
Southern California Gas
True North Physicians Agency
Tulare Chamber of Commerce
Valley Children's Hospital
Valley Strong Credit Union
Ventura Coastal

2025 ECONOMIC SUMMIT



CONTACT US



TULARE COUNTY ECONOMIC DEVELOPMENT CORPORATION

559.625.3100

airica@tularecountyedc.com

shawna@tularecountyedc.com

www.tularecountyedc.com



TULARE COUNTY ECONOMIC
DEVELOPMENT CORPORATION

PROJECT MOCKUP



MARCH 26, 2025



OPPORTUNITY. INNOVATION. GROWTH.

TABLE OF CONTENTS

02	Welcome
03	Proposed Sites Listing
04	Site #01
05	Site #02
06	Site #03
07	Site #04
08	Site #05
09	Who We Are
10	Additional Incentives
11	About Tulare County
12	Utility Services
13	Our Workforce
14	Workforce Services





WELCOME MESSAGE

March 26, 2025
RE: Project Mockup

GREETINGS!

We are excited to submit sites in Tulare County for consideration of location for Project Mockup.

Our county is centrally located in California, halfway between Los Angeles and San Francisco with State Highway 99 & 65, Highway 198 & 190, ideal for transportation logistics. This proposal includes sites that would be well suited for your company, given our central location within the State.

We are very interested in learning more about your company. If you have any questions, or would like to discuss any of the sites proposed, we welcome and look forward to future discussion.

Sincerely,

A handwritten signature in black ink that reads "Dashauna Bryant".

Economic Development Manager
Tulare County Economic Development Corporation



TULARE COUNTY PROPOSED SITES

01 1343 S MAIN ST PORTERVILLE, CA

Industrial freestanding facility on +/-2.28 acres with +/-42,000 SF. Facility offers recently remodeled +/-4,000 SF office and +/-38,000 SF insulated warehouse. This move-in erady building features multiple truck doors, (4) ground level roll up doors, a paved yard area, and direct Main Street exposure.

03 30041 BRADHAM DR TULARE COUNTY, CA

Brand new tilt-up industrial building located in a prime location of CA-99 and CA-198. Total building size 115,00 SF. Facility located on +/-12.63 acres; warehouse space offering 38' clear height, and (6) Levelers.

05 136 S BLAIR RD WOODLAKE, CA

Woodlake Concord Center is a new development comprise of prime industrial space. The development includes three 5,000 SF buildings on a 1 acre lot. Each building is powered with an 1600 amps and connected to the municipal water supply.

02 199 E PAIGE AVE TULARE, CA

This state-of-the-art industrial facility located along CA-99. This Class A logistics hub on 36.15 acres and is designed for modern distrubition and warehousing needs. Building 1 is available now and features 544,077 SF with potential to expand to 1.1 million SF.

04 N PLAZA DR & W KIBLER AVE VISALIA, CA

Brand new CentralPoint industrial development, with 2.7 million SF planned. Phase 1 is new and features 1,270,750 SF facility with over 270 dock doors and is LEED certified.

SITE #01:

PORTERVILLE, CA

1343 SOUTH MAIN STREET



KEY FEATURES:

Property is +/-42,000 SF steel beam metal freestanding industrial building with recently remodeled office and fully insulated warehouse. Facility offers direct Main Street exposure with multiple truck doors and a functional layout with 2 side roll up doors. Equipped with heavy power and city utility services.

PROPERTY SPECIFICATION



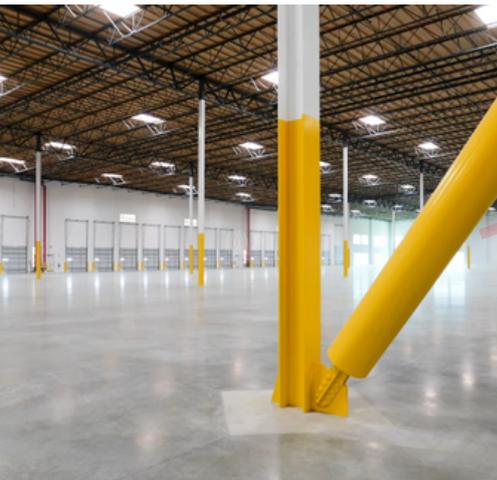
HIGHLIGHTS

- Property for sale
- Full recent remodel
- +/-2.28 AC plus +/-4.27 AC of Expansion Land
- 21' Clear Height

SITE #02:

TULARE, CA

199 EAST PAIGE AVENUE



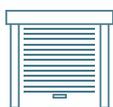
KEY FEATURES:

99 Central Logistics Center - Phase 1 construction completed and ready for occupancy in the +/-2,341,580 SF master planned business park. Phase 1 includes brand new facility with a clear height of 36', 266 fenced trailer parking, and 4 grade-level doors.

PROPERTY SPECIFICATION



35.21 AC



92 Dock Doors



1.2 miles from
CA-99

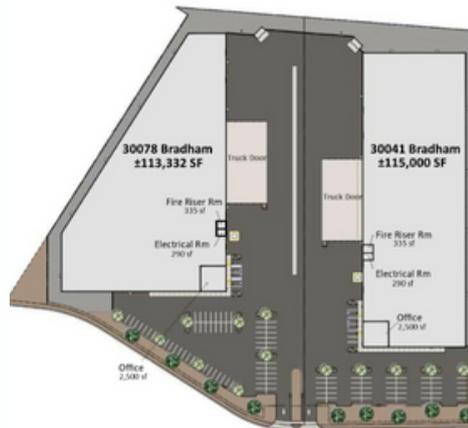
HIGHLIGHTS

- Property for lease
- All buildings expandable
- Power: 4,000 amp, 277/480-volt

SITE #03:

TULARE COUNTY, CA

30041 BRADHAM DRIVE



KEY FEATURES:

New concrete tilt up construction in a high identity location with nearby Highway 99 and CA-198 access. Near major corridors servicing college, airport, downtown and schools. Each building includes +/-2,500 SF office space and functional warehouse space.

PROPERTY SPECIFICATION



12.63 AC



Secure Yard



1.7 miles from
CA-99

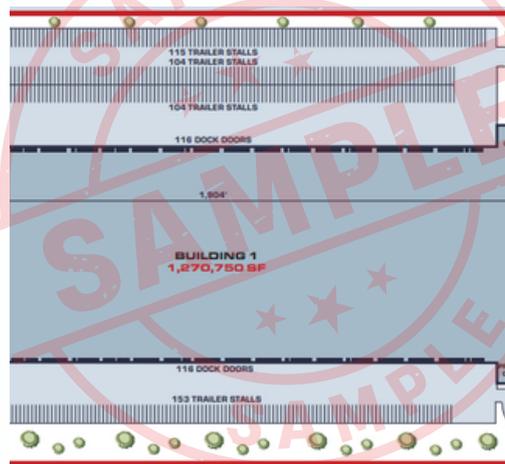
HIGHLIGHTS

- Property for lease
- New Construction
- Divisible by +/-113,332 - 115,000 SF
- High identity location

SITE #04:

VISALIA, CA

NORTH PLAZA DRIVE & WEST KIBLER AVENUE



KEY FEATURES:

This centrally connected state-of-the-art master planned development has two phases, four buildings totaling 2.7 million SF. Featuring 40' minimum warehouse clearance, secured drive around access, cross-dock configuration with 185' concrete courts, and LEED certified.

PROPERTY SPECIFICATION



Access to 39 million in 10-hr



Less than 3 miles from CA-99



4,000 AMPS 480/277 Volts

HIGHLIGHTS

- Building 1: 1,270,570 SF for lease
- 274 dock doors
- 890 car parking stalls

SITE #05:

WOODLAKE, CA

136 SOUTH BLAIR ROAD



KEY FEATURES:

The Woodlake Concord Center includes three newly constructed 5,000 SF buildings of industrial space. Each of the three buildings are equipped with sprinklers systems for fire safety; they are connected to the municipal water supply, and power.

PROPERTY SPECIFICATION



Privacy fence



Cannabis zone



E/V Charging

HIGHLIGHTS

- Zoned Industrial
- Property for sale
- EV charging station
- Privacy fence



WHO WE ARE

SUMMARY

The EDC is a non-for-profit corporation supported by private and public funding and dedicated to assisting companies desiring to locate or expand in California. In this role we are prepared to act as staff to your company in complete confidence and without obligation. We look forward to the opportunity of working with you.



LOCATION

Tulare County is recognized as one of the top three counties for agricultural production in the nation and a top exporter of products in the U.S. Our central location in California is ideal for freight distribution and it is possible to reach customers with next-day ground delivery service. Tulare County is equidistant to the Ports of Long Beach/L.A. and Oakland and can offer Foreign Trade Zone benefits through our subzone status with FTZ 226.

LABOR / EMPLOYMENT / TRAINING

Our workforce is loyal and dedicated and as diverse as our industries with many national companies posting their lowest turnover rates at their Tulare County operations. Our Workforce Development Agency provides companies with specialized training programs and offers recruitment, screening and hiring services at no cost.

INCENTIVES-STATE / FEDERAL / LOCAL

The EDC manages the California Business Incentive Zone that offers an array of incentives for companies considering a location in Tulare County. As a highlight, the following may be available to your company should you choose a location in Tulare County:

- Up to \$10,000 local cash incentives to offset permitting costs or other hard costs associated with the project.
- The EDC will help in accessing state incentives eligible for your project such as the California Hiring Tax Credits and will provide consultative assistance in applying for Cal Competes Tax Credit, including providing any analysis that can assist in attaining the tax credits.

ADDITIONAL INCENTIVES

CALIFORNIA BUSINESS INCENTIVE ZONE

In 1998, the eight incorporated cities and county governments formed the **California Business Incentive Zone (BIZ), the only one of its kind in California.** The BIZ offers an unprecedented array of incentives for companies considering a location in Tulare County. The following represents our preliminary list of incentives available in Tulare County, pending due diligence of the proposed project and site location.

BIZ Investment Incentive:

Tulare County has California's only BIZ Investment Fund, which provides up to \$10,000 for the company to use for permit application costs or other hard costs associated with the project. The EDC provides direct payment to help offset these project costs.

California Competes Tax Credit:

California provides a credit against state income taxes and the tax credit is negotiated with the California Competes Tax Credit Committee. The EDC has been successful in advocating for millions in tax credits for companies that have selected Tulare County as a final location and will facilitate the application on behalf of the company to access the maximum amount of credits available.

Sales & Use Tax Exemption:

The state provides a partial exemption of sales and use tax on manufacturing equipment and to modifications related to the manufacturing space. The EDC works closely with the state in accessing the tax exemption.

New Employment Hiring Credit:

The state provides a tax credit for hiring qualified employees that meet certain eligibility and wage criteria. The EDC's workforce development partners work to assist the company in maximizing the access of these tax credits.

Subsidized Employment:

Up to 100% wage reimbursement is available for qualified hires through our subsidized employment program.

Other employment related incentives:

The EDC's workforce development partners provide no-cost hiring assistance to the company and assist to maximize access to federal and state tax credits as well as local and state training funds.

Interest Free 5 Year Fee Deferral:

Our local cities provide an easy deferred payment plan for development costs which are interest free and typically paid over a five (5) year period. Each city negotiates their own deferral program.

Sales, Property and other tax sharing arrangements:

Our cities have provided tax sharing arrangements with companies depending on the revenue received to the city and the number of jobs created. If the facility is a point of sale, the city may consider negotiating sales tax sharing with the company.

Fast Track Permitting:

Projects have been fast tracked in our communities, including a 30 day expedited review for an 800,000 square foot distribution center. The cities of Tulare County are committed to meeting or exceeding the timelines established for this project.

Recycling Market Development Zone (RMDZ):

Tulare County is home to the Greater So. San Joaquin Valley RMDZ. The RMDZ provides attractive loans, help in locating feedstock, streamline permitting and other incentives to businesses located in designated RMDZ areas and that manufacture products using materials diverted from landfills.

Foreign Trade Zone:

Tulare County is included in U.S. Foreign Trade Zone (FTZ) No. 226. The FTZ is a designated area that is considered to be outside of U.S. Customs territory for the purpose of customs duty payments. Savings are realized in an FTZ through duty deferral, duty elimination, duty reduction and Merchandise Processing Fee Savings.

Project Manager:

During the site selection process, the company has access to a designated EDC project manager and following a final site selection, the City that is chosen would provide a dedicated staff person who would be available to the company and their construction team.

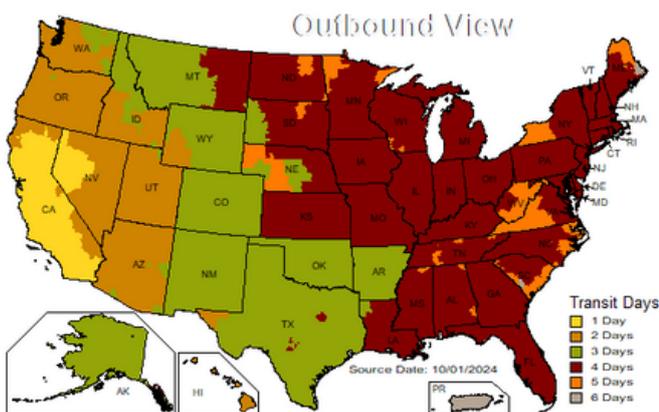
THE CENTER OF CALIFORNIA

Tulare County is the centerpiece for California agriculture and its strength is demonstrated in the diversity of industries and businesses, from farming to food processing and from the manufacturing of packaging materials to advanced technologies. Tulare County is also a center for distribution throughout California and the western U.S., with major distribution facilities of companies including:

- Wal-Mart
- VF Outdoor
- VWR
- Patterson Logistics
- Best Buy
- Joann's Stores
- Millipore Sigma
- Candy.com
- Bueno Beverage Company
- UPS Distribution Hub
- Amazon
- Ace Hardware
- International Paper
- BlueScope Steel
- American Inc.
- Conagra Foods
- California Dairies
- Diamond Crystal Brands
- Advanced Food Products
- Ruiz Foods
- Serpa Manufacturing
- Kawneer Co.
- Voltage Multipliers
- Hilti USA
- Pacific Stihl Inc.
- Heilind Electronics
- MWI Veterinary Supplies
- Service Spring Corp.
- Screw Conveyor Corp
- Diamond Perforated Metals
- Butler Manufacturing

GROUND TRANSPORTATION TO CALIFORNIA & THE WEST

- Due to its central location in California, both UPS and FedEx can guarantee next day ground delivery to most of California and northwest Nevada.
- UPS has expanded its Visalia hub to become the new Central Valley Regional hub for ground shipments. The expansion includes a new 450,000 sf facility in the Visalia Industrial Park.
- OnTrac, a regional delivery service in the Western U.S., consolidated facilities in Kings and Fresno counties to Visalia to become more efficient in their operations.
- Golden State Overnight recently completed a new 63,000 sf facility in Visalia to serve as its central distribution hub.
- National trucking companies such as Knight Transportation, Ruan and Gardner Trucking have substantial operations in the area to ensure that their customers are effectively served by a central location in California.



If picked up on...	Will be delivered by...						
	1 Day	2 Days	3 Days	4 Days	5 Days	6 Days	7+ Days
Monday	Tue	Wed	Thu	Fri	Mon [®]	Tue [®]	Wed [®]
Tuesday	Wed	Thu	Fri	Mon	Tue [®]	Wed [®]	Thu [®]
Wednesday	Thu	Fri	Mon	Tue	Wed [®]	Thu [®]	Fri [®]
Thursday	Fri	Mon	Tue	Wed	Thu [®]	Fri [®]	Mon [®]
Friday	Mon	Tue	Wed	Thu	Fri [®]	Mon [®]	Tue [®]
Saturday	Tue	Wed	Thu	Fri	Mon [®]	Tue [®]	Wed [®]
Sunday	Tue	Wed	Thu	Fri	Mon [®]	Tue [®]	Wed [®]



UTILITY SERVICES



SoCalGas



SOUTHERN CALIFORNIA EDISON

An EDISON INTERNATIONAL Company

WORLD CLASS FIBER OPTIC INFRASTRUCTURE

Service providers in Tulare County can offer an all-fiber network that is less than 5 years old, providing connectivity up to 100 Gbps. Direct connections to top tier data centers in Los Angeles and San Jose, as well as interconnection with most national providers ensures you will have connectivity to your corporate office or reliable and redundant Internet connections. Tulare County’s robust fiber infrastructure can deliver the same high-quality telecommunication services and competitive rates that are typically only available in major metropolitan markets.

UTILITY SERVICES IN TULARE COUNTY

Tulare County offers reliable and efficient utility services to support business operations. The region is served by a robust network of electricity, natural gas, water, and wastewater services provided by local and regional providers. Businesses benefit from competitive rates, renewable energy options, and infrastructure designed to accommodate growth and innovation. With a focus on sustainability and service reliability, Tulare County ensures businesses have the resources needed to thrive.



OUR WORKFORCE

As a result of the close working relationships with employers located in Tulare County, the Workforce Investment Board of Tulare County (WIB) is knowledgeable of the skills required by these companies. Training programs have been developed that include industrial maintenance mechanic; programmable logical controllers; HVAC; forklift driver; industrial welding, and other manufacturing and processing related training. The WIB will work in conjunction with company officials and local community colleges to design and present specialized trainings specific to company standards.



- On-the-Job Training – is a local wage reimbursement plan managed by the WIB that is available to businesses when they hire eligible candidates. The WIB will reimburse the company one dollar for every two spent.
- Incumbent Worker Training - a local WIB sponsored training that covers the costs of training for skills up-grades of current employees. The training can take place at the worksite or in a classroom setting.
- Upgrade On-the-Job Training - this program reimburses employers at 2:1 ratio for training incumbent workers as they train at a higher-level position. The employee must have received a promotion and increase in salary to qualify for this program. A locally provided WIB program, Upgrade OJT's provide the company with the opportunity to “grow their own” staff and promote from within.
- Employment Training Panel (ETP) – is a contractual program managed by the State of California and is funded by utilizing 1% of taxes paid by businesses in the state. ETP is used by business to cover the cost of training their current staff to upgrade their skills and allow the company to remain competitive.

WORKFORCE SERVICES

TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC.

The Tulare County Workforce Investment Board Employment Connection Partners are ready to personally assist you with your business and employment needs.

One Contact Facilitator: To ensure that all resources are being provided.

Full Service at no Cost:

The partners of the Employment Connection provide all phases of recruitment and screening at no cost to the employer. Referrals for drug testing, as well as some advertising assistance is also available.

Customized Recruitment:

Designed to meet your company needs. Professional well-trained staff is available to manage candidate flow, handle the distribution and acceptance of employment applications and verify right-to-work documents.

Employee Referral:

We can refer a large pre-screened candidate pool that will meet your hiring requirements. We can also screen employees for state and federal hiring incentives.

Facilities:

Pre-employment testing facility and administration. Private offices are available for use during the interview process. Large capacity meeting and training rooms are available along with access to copiers, FAX, and Internet. Staff and facilities are also available during non-traditional hours.

Occupational Skills Training:

Educational Institutions are utilized to provide classroom instruction for participants in need of schooling prior to or during job placement. Schools are able to develop curriculum specific to the needs of the employer.



WIB

Workforce Investment Board
OF TULARE COUNTY

Driving Economic Success

**PROVIDING NO COST
CUSTOMIZED
PERSONNEL SERVICES**

CUSTOMIZED TRAINING SERVICES

- Provided as a part of a customized training package
- Working with company, determine what pre-training is needed
- Curriculum development can be provided
- Staff trainers are available to implement training
- Training facilities including computer labs



Tulare County EDC

GET IN TOUCH



Global leader in agriculture, national leader in logistics and distribution and statewide leader in manufacturing and bioeconomy, Tulare County's central location combined with its unmatched array of incentives and the largest availability of land and buildings in California, you can see why Tulare County is dubbed "California's most innovative location."

CONTACT US

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Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0459

Agenda Date: 10/20/2025

Agenda #: 1.

Agenda Item Wording:

Ordinance Adoption - Public hearing and first reading of an Ordinance to adopt Zoning Text Amendment No. 2025-03: A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element of the General Plan. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

Prepared by:

Brandon Smith, Principal Planner, brandon.smith@visalia.gov <<mailto:brandon.smith@visalia.gov>>, (559) 713-4636;

Paul Bernal, Planning and Community Preservation Director, paul.bernal@visalia.gov <<mailto:paul.bernal@visalia.gov>>, (559) 713-4025

Department Recommendation:

Staff recommends that the City Council hold a public hearing and introduce the first reading of Ordinance No. 2025-13, to amend portions of Municipal Code Title 17 (Zoning Ordinance) as to implement Program 5.8 contained in the City of Visalia 6th cycle 2023-2031 Housing Element pertaining to updating the Municipal Code.

Executive Summary:

Zoning Text Amendment (ZTA) No. 2025-03 is a city-initiated request to implement Zoning Ordinance text amendments that stem from the adoption of the 6th cycle 2023-2031 Housing Element Update. The Housing Element was adopted by the City Council on December 18, 2023, and subsequently found by State Housing and Community Development (HCD) to be in full compliance with state Housing Element law. Following adoption, the Housing Element is implemented through a series of implementation programs.

The proposed ZTA represents the second series of changes being undertaken to remove constraints to a variety of housing types and ensure compliance with State law. Specifically, this ZTA responds to implementation program 5.8 that the Element identified to be completed by December 31, 2025, with Items B and H being discussed with the City Council and Planning Commission at the August 19, 2025, joint meeting. The amendments listed in the implementation program are:

- A. Allow transitional and supportive housing by-right in the O-C (Office Conversion) zone.
- B. Regarding emergency shelters, reduce development standards related to proximity to other emergency shelters, schools, and low barrier navigation centers to 300 feet, remove additional setback and perimeter wall requirements, and require only parking sufficient to meet the needs of facility employees but not more than what is required of residential or commercial uses in the same zone.
- C. Allow accessory dwelling units (ADUs) by-right in all zones allowing residential uses, in compliance with State law. The City will defer to State ADU and Junior ADU law until a compliant

ADU Ordinance is adopted.

- Note: This amendment was required to be completed immediately upon Housing Element adoption, and therefore was previously completed through ZTA No. 2024-05.
- D. Allow for at least two dwelling units per lot in all R-1 (Single-family Residential) zones (R-1-20, R-1-12.5, and R-1-5) consistent with SB 9.
- Note: This amendment was incorporated into the ADU Ordinance which was previously completed through ZTA No. 2024-03.
- E. Provide streamlined ministerial review and a preliminary application process in compliance with SB 330 and SB 35. Copies of these two bills are provided as Exhibits “C” and “D”.
- F. Permit large residential care facilities with objectivity and certainty in all residential zones, subject only to the same requirements of residential uses of similar form in the same zones.
- G. Adopt reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.
- H. Permit low barrier navigations centers by-right (without conditional use or other discretionary permit) in non-residential zones permitting residential uses.
- I. Reduce lot size requirements in the R-M (Multi-family Residential), C (Commercial), C-MU (Commercial Mixed Use), and D-MU (Downtown Mixed Use) zones (no more than one acre in the C-MU zone and no more than 20,000 square feet in the C and D-MU zones) to remove constraints to multi-family housing development and promote affordability.
- J. Provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval, limited to decision-making criteria regarding fundamental alteration of zoning and land use and financial and administrative burden.

The amendments being completed under this program are all being done only for the purpose of bringing the City’s Ordinance into compliance with State law. These amendments do not implement changes that are in any way more restrictive or relaxed than existing State law and do not go above and beyond State law. Additionally, the City Council will need to adopt these changes or face penalties if the state determines that the City is not making changes to bring its Ordinance(s) into compliance with State law, including the risk of having the City’s Housing Element fall out of compliance, and losing the ability for future housing grant opportunities.

Background Discussion:

Implementation program 5.8 is a list of updates which have a requirement to be completed within two years of the Housing Element adoption. Additional ZTAs to implement remaining implementation programs for more complex updates to the Zoning Ordinance will be implemented prior to the end of 2025, and roughly each year through 2031 through one or more separate ZTA processes in each year. Each ZTA allows for the code changes to be vetted publicly through the public hearing process.

The entire Housing Element can be accessed at the following link:

https://www.housevisalia.com/images/docs/VHEGP_HE_Compliant_2024-09-25.pdf

Project Analysis: Following are further explanations of the proposed municipal code amendments, along with staff recommendations and a summary of the specific changes to the Zoning Ordinance.

- A. **Allow transitional and supportive housing by-right in the O-C (Office Commercial) zone.**

State law requires local jurisdictions to permit transitional and supportive housing as a residential use in all multi-family and mixed-use zones where residential uses are allowed and are not subject to any restrictions not imposed on similar residential dwellings (i.e., single-family, multi-family) of the same type in the same zone. The City of Visalia is in compliance with State law, allowing transitional and supportive housing where other residential uses are allowed with no additional restrictions not imposed on similar residential dwellings, except in the O-C zone where transitional and supportive housing requires a Conditional Use Permit but allows residential units as a mixed-use in an existing building containing one or more commercial or office uses by-right. As a result, Implementation Program 5.8 commits the City to amend its Zoning Ordinance to allow transitional and supportive housing by-right in the O-C zone.

Staff recommendation: Staff recommends the amendment as described in the Housing Element.

Recommended Changes to Zoning Ordinance:

- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones will be amended as follows:
 - Transitional housing and Supportive housing will be listed as permitted by-right, if meeting State law regarding the definition of Transitional and Supportive Housing (Government Code Sections 65650 - 65656)

B. Update to Emergency shelters provisions as contained in Title 17 (Zoning), related to the following:

- **Reduce development standards related to proximity to other emergency shelters, schools, and low barrier navigation centers to 300 feet,**
- **Remove additional setback and perimeter wall requirements, and**
- **Require only parking sufficient to meet the needs of facility employees but not more than what is required of residential or commercial uses in the same zone.**

State law, as amended per Assembly Bill (AB) 2339 in 2022, places new requirements on the regulation of emergency shelters and limits the types of standards that shelters shall be subject to. Although the City of Visalia created performance standards for emergency shelters, which were adopted by ZTA No. 2021-07 on April 18, 2022, in response to an implementation program of a prior cycle (i.e. 5th cycle) of the Housing Element, the new law under AB 2339 limits the types of standards that emergency shelters shall be subject to. This means that certain performance standards from the 2022 Zoning Text Amendment must be revised or removed. The specific standards to be changed are listed in Implementation Program 5.8 as well as Implementation Program 5.2 for Emergency Shelters. The performance standards to be revised were discussed at the Joint City Council / Planning Commission Work Session held on August 19, 2025.

Note: Implementation Program 5.2 further requires the City to identify one or more zones where emergency shelters are allowed as a permitted use without a conditional use permit. This topic was also discussed at the Joint Work Session held on August 19, 2025, and will be processed as a separate Zone Text Amendment before the end of 2025.

Staff recommendation: Staff recommends the amendments to proximity, setback / wall requirements, and parking, as described in Implementation Programs 5.2 and 5.8 of the Housing Element. Staff further recommends the amendment to the definition of emergency shelter as described in Implementation Program 5.2.

Recommended Changes to Zoning Ordinance:

- Chapter 17.04: Definitions; Section 17.04.030: Definitions
 - Revise definition for Emergency shelter to include the following: *For purposes of this definition, “emergency shelter” shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.*
- Chapter 17.32: Special Provisions; Section 17.32.130: Emergency Shelters
 - Amend parking standards in Section 17.32.130(D)(2) to require only the number of parking spaces sufficient for all staff working in the facility and no more than what is required of residential and commercial uses in the same zone. (Compliance with GC §65583(a)(4)(B)(ii)) The code will be changed to require one (1) vehicle parking space per employee.

Bicycle parking provisions would remain unchanged, reading as follows:

A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

- Amend Section 17.32.130(C)(1) and (C)(2) to reduce the minimum proximity to other emergency shelters, schools, or low barrier navigation centers from 1,000 feet to 300 feet in compliance with GC §65583(a)(4)(B)(v). The site development standard regarding distances from a front property line of any existing dwelling unit will also be removed.
- Amend Section 17.32.130(C)(3) to remove the requirement that shelters incorporate a seven-foot perimeter wall on any sides abutting residential uses in compliance with GC §65583(a)(4)(B), since this requirement is not on the list of allowable objective standards that local governments can impose. The entire section will be removed.

C. Allow accessory dwelling units (ADUs) by-right in all zones allowing residential uses, in compliance with State law. The City will defer to State ADU and Junior ADU law until a compliant ADU Ordinance is adopted.

This amendment was required to be completed immediately upon Housing Element adoption, and therefore was previously completed through Zoning Text Amendment No. 2024-05. Therefore, no further updates or changes are necessary.

D. Allow for at least two dwelling units per lot in all R-1 (Single-family Residential) zones (R-1-20, R-1-12.5, and R-1-5) consistent with SB 9.

This amendment was previously completed through Zoning Text Amendment No. 2024-03 associated with the adoption of an Accessory Dwelling Unit Ordinance in compliance with State law. Specifically, Section 17.12.060, pertaining to the allowed number of dwelling units per site in the R-1 zone designation, was amended to read as follows:

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site notwithstanding Chapter 17.14 pertaining to accessory dwelling units, and

notwithstanding California Government Code Section 65852.21(a) which allows two residential units on a site.

ZTA No. 2024-03 furthermore removed the conditional use permit requirement for duplexes on corner lots, since the change to State law from SB 9 allows a duplex by right.

Therefore, no further updates or changes are necessary.

E. Provide streamlined ministerial review and a preliminary application process in compliance with Senate Bill 330 and Senate Bill 35.

Senate Bill 330

In 2019, Senate Bill (SB) 330, the Housing Crisis Act of 2019, was signed into law, with a sunset date of January 1, 2025. Senate Bill 8, signed in 2021, extended SB 330's sunset date to January 1, 2030. The Act amends existing State laws and creates new regulations around the production, preservation and planning of housing. The goal of SB 330 is to create certainty in the development of housing projects, speeding up the review of projects, preserving affordable housing and preventing certain zoning actions that reduce the availability of housing.

SB 330 creates a new vesting process for discretionary housing projects. It achieves this through the creation of a new "preliminary application" process that establishes a new date for the purpose of locking projects into the ordinances, policies, and standards in effect when a preliminary application (including all required information) is submitted and deemed complete by the local jurisdiction. This vesting process does not apply to California Environmental Quality Act (CEQA) determinations, including historic resource determinations pursuant to CEQA.

Senate Bill 35

In 2017, Senate Bill 35 was signed into law, with a sunset date of January 1, 2026. Senate Bill 423, signed in 2023, extended SB 35's sunset date to January 1, 2036. This bill assists with streamlining ministerial approval processes applicable to local jurisdictions that have failed to issue building permits for its share of regional housing need by income category. Due to the City of Visalia's insufficient progress toward lower income RHNA categories, it is subject to the streamlined ministerial approval process as defined in SB 35 for proposed multi-family developments with at least 50% affordability. The bill requires that qualifying multi-family housing developments on qualifying sites be approved as a ministerial action (i.e., no public hearings), regardless of the number of units, and without CEQA review. If a project is submitted and is following the parameters of SB 35, the City of Visalia must approve the project, subject to the ministerial process, within 90 to 180 days, depending on the number of units in the housing development.

At the time of Housing Element review, the City of Visalia was out of compliance since it did not have any described ministerial approval process or "preliminary application" process pertaining to either SB 330 or SB 35. As a result, Program 5.8 commits the City to establish a ministerial process to streamline the design and approval of by-right multi-family units in compliance with SB 330 and create a new preliminary application process that establishes a date for the purposes of locking projects into the ordinances, policies, and standards in effect when a preliminary application is submitted and deemed complete.

In response, staff has prepared separate SB 330 and SB 35 preliminary draft applications, which also outline the City's approval process for ministerial development under these bills. In regards to SB 35, this application identifies all of the eligibility requirements that a project must meet in order

to qualify under this State provision. Copies of the draft preliminary applications are included as Exhibits “A” and “B”. These materials will be made available to the public via the City’s website once they are finalized. No changes to the Zoning Ordinance are necessary in coordination with this effort.

Note: Since SB 35 streamlines the development of multi-family projects regardless of the number of units, the City plans to prepare and adopt objective design standards (ODS) for multi-family development. The adoption of multi-family ODS is further called out as an objective in Housing Element Implementation Programs 1.3 and 3.2 to assist with streamlining the construction of multi-family residential development, and must be completed in 2026.

F. Permit large residential care facilities with objectivity and certainty in all residential zones, subject only to the same requirements of residential uses of similar form in the same zones.

State law requires residential care facilities with six or fewer persons to be allowed by-right in all residential zones. The City of Visalia allows residential care facilities with six or fewer persons by-right in the following zones: A (Agriculture), OS (Open Space), R-1-20, R-1-12.5, R-1-5, R-M-2, and R-M-3, in compliance with State law. In commercial, mixed-use, office and industrial zones, a conditional use permit is required for residential care facilities with six or fewer persons.

Large residential care facilities (facilities with seven or more persons) are allowed with a conditional use permit in all residential, commercial, office, mixed-use, and industrial zones. Review of the City’s Housing Element determined that the use permit requirements

are a potential constraint to the development of large residential care facilities in residential zones. As a result, Implementation Program 5.8 commits the City to amending its Zoning Ordinance to permit large residential care facilities with objectivity and certainty in all residential zones, subject only to the same requirements of residential uses of similar form in the same zones.

Staff recommendation: Currently the Zoning Ordinance does not provide a definition or any performance standards for residential care facilities, and the use of terminology to describe such facilities is inconsistent (for example, group home and foster home are interchangeable with residential care facility). Therefore, staff recommends adding a new definition for residential care facility with references to the State Health and Safety Code (Section 1500 et seq.), and differentiating “small” as for six or less persons and “large” as for more than six. Performance standards would be added to provide objectivity to ensure that such uses, while still subject to the conditional use permit process, would be streamlined.

The recommended requirements for large residential care facilities are as follows:

- **Locational Criteria.**
 - Within one-half mile proximity to public transit facilities (fixed routes and bus or transit stops), or the provision of transportation for residents.
 - Not allowed within 300 feet of industrial facilities or the industrial zone (I).
 - Maintain a minimum 300-foot distance between large residential care facilities.
- **Open Space.** Open space for outdoor recreation shall be provided at a ratio of 100 square feet for each resident.

- Unit Size.
 - Single Occupancy. The minimum floor area for sleeping rooms shall not be less than 100 square feet in rooms intended for a single occupancy.
 - Multiple Occupancy. The minimum floor area for sleeping rooms shall not be less than 80 square feet per person in rooms intended for multiple occupancy.

Recommended Changes to Zoning Ordinance:

- Chapter 17.04: Definitions; Section 17.04.030: Definitions
 - Add new definitions for *Residential care facility, large* and *Residential care facility, small*. The definitions for this use are as follows:

“Residential care facility, large” means a community care facility licensed for the 24-hour care of 7 or more persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

“Residential care facility, small” means a licensed community care facility for the 24-hour care of 6 or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.
 - Chapters 17.08: Agriculture Zone, 17.10: Open Space Zone, 17.12 Single-family Residential zone, 17.16 Multi-family zone
 - Change use name from *Twenty-four (24) hour residential care facilities or foster homes* to *Residential care facility*.
 - Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones
 - Change use name from *Group/Foster Homes, Licensed - 1-6 and more than 6 individuals in addition to residing family* to *Residential Care Facility, Small and Large*
 - Chapter 17.32: Special Provisions; New Sections 17.32.145: Large residential care facilities and 17.32.147 Small residential care facilities
 - Create new sections which establish the purpose and applicable development standards. Refer to Resolution No. 2025-31 for full content regarding this new section.
- G. Adopt reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.**

In accordance with State law, the Housing Element contains an analysis on governmental constraints toward the production of housing for all income levels. Since off-street parking often requires large amounts of land, parking requirements have potential to negatively impact the development of affordable housing and increase the cost of development, limiting the funds

available for providing housing.

The Municipal Code requires 1.5 spaces per multi-family dwelling, and does not specify any reductions in parking spaces for affordable housing projects. This may be viewed as a constraint to the development of smaller, more affordable, multi-family housing types (single-room occupancy, studio, and 1-bedroom units).

Therefore, Program 5.8 commits the City to adopting reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.

Staff recommendation: Staff recommends the amendment to reduce parking requirements from 1.5 spaces per unit to 1 space per unit for affordable or small units (single-room occupancy, studio, or 1-bedroom units). The recommended changes include waiving staff's or the Planning Commission's authority to require additional guest parking spaces toward such units.

Recommended Changes to Zoning Ordinance:

- Chapter 17.34: Off-street parking and loading facilities; Section 17.34.020: Schedule of off-street parking space requirements
 - Reduce parking requirements from 1.5 spaces per dwelling unit to 1 space per unit for affordable or small units, and waive authority to require additional guest parking spaces.

H. Permit low barrier navigations centers by-right (without conditional use or other discretionary permit) in non-residential zones permitting residential uses.

A low barrier navigation center (LBNC) is defined as a service-enriched shelter providing temporary living facilities, with the low-barrier component allowing persons to be admitted as they are with as few entry restrictions as possible. In Visalia, for example, the winter season warming center which has been operated at 701 East Race Avenue utilized a "low barrier" approach to admitting persons. With the passage of Assembly Bill 101 in 2019, a LBNC shall be permitted by-right in mixed use zones and in non-residential zones where multi-family uses are permitted. This includes the two mixed zone districts in Visalia: Downtown Mixed Use and Commercial Mixed Use.

Staff interpreted in the 2021 ZTA that since the City allows multi-family residential uses in any non-residential zone with a CUP, LBNCs by extension would be conditionally permitted in these zones (i.e. all Commercial, Office, and Industrial zones). However, upon review of the current Housing Element, it was determined that LBNCs must be allowed by-right in these zones as well. Therefore, the current Housing Element includes Implementation Program No. 5.8 to amend all non-residential zones to allow LBNCs by-right.

Staff recommendation: Staff recommends that the line item found in the Zoning Ordinance's Zone Use Matrix for "Low Barrier Navigation Center" be amended to make the use permitted by-right in all Commercial and Mixed Use zones, Office zones, and Industrial zones, since all zones allow for multi-family residential uses as a conditionally allowed use.

Alternately, as explained by staff during the Joint Work Session of the Council and Commission held on August 19, 2025, an alternative path toward compliance with State law regarding LNBCs would be to amend the Zoning Ordinance's Zone Use Table to change one or more non-residential zones from allowing multi-family residential uses with a CUP to not allowed. This type

of approach may have some impact on City practice since in the last 20+ years there have been occasional requests (averaging once every two years) for multi-family residential uses in non-residential zones. Zone districts that have the recipient of CUPs for multi-family uses have been the Downtown Mixed Use zone, Commercial Mixed Use zone, Regional Commercial zone, Neighborhood Commercial zone, and Office Professional/Administrative zone. By comparison, there has historically only been one request to allow a LBNC in the City (i.e. Visalia Navigation Center, which located in the Commercial Mixed Use). It should be further noted that three non-commercial zones - Downtown Mixed Use, Commercial Mixed Use, and Regional Commercial - contain sites on the Housing Element "RHNA" site inventory.

Recommended Changes to Zoning Ordinance:

- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones
 - Table 17.25.030: Revise line item for low barrier navigation centers to be permitted by-right in all Commercial and Mixed Use zones, Office zones, and Industrial zones, if meeting criteria commencing in State G.C. Section 65650.

I. Reduce lot size requirements in the R-M (Multi-family Residential), C (Commercial), C-MU (Commercial Mixed Use), and D-MU (Downtown Mixed Use) zones (no more than one acre in the C-MU zone and no more than 20,000 square feet in the C and D-MU zones) to remove constraints to multifamily housing development and promote affordability.

The City of Visalia's R-M zones allow multi-family dwellings as a use permitted by-right, currently up to 80 units per site. While sites may be developed with multi-family dwellings as such, the City's development standards for the R-M zones state that the division of any R-M zoned property less than two acres shall be approved as a part of a conditional use permit. This standard may be considered as a constraint towards the development of multi-family residential opportunities by imposing a discretionary process on a use that would otherwise be a permitted by-right use. Furthermore, the standard implies that the development of such uses may be limited to only larger sites. As a result, Implementation Program 5.8 commits the City to amend its Zoning Ordinance to overcome this constraint.

The City's two Mixed Use zones - Commercial Mixed Use (C-MU) and Downtown Mixed Use (D-MU) - both allow for a wide range of land uses ranging from commercial and retail to office and residential. A minimum lot size of five acres is required in the C-MU zone. There is no minimum lot size requirement in the D-MU zone.

Also, the City has three Commercial zones - Neighborhood Commercial (C-N), Regional Commercial (C-R), and Service Commercial (C-S). Commercial zones allow multi-family residential development by conditional use permit. The C-N and C-R zones both have a minimum site area of five acres, while the C-S zone has a minimum site area of 5,000 square feet. However, Zoning Ordinance Section 17.30.015 still allows parcel sizes of less than the required minimum upon approval of an acceptable master plan by the site plan review team.

The Housing Element states that the five-acre minimum lot size poses a potential constraint to the development of affordable housing. Although the reduced minimum lot size would largely affect commercial uses since they are the predominant land use in these zones, staff does not have concern with the reduced lot sizes since lot sizes have generally not been an issue upon development if developed consistent with the purpose and intent in the General Plan and Zoning Ordinance.

Staff recommendation:

- R-M Zone: The Housing Element does not recommend a specific minimum lot size for the R-M zone. Therefore, staff recommends that the minimum site area be reduced to 6,000 square feet. This minimum site area is closer in range with the R-1-5 zone which generally has a minimum lot size of 5,000 square feet. This minimum size would allow no less than two units per site in the R-M-2 zone (based on the zone's density and description of one unit per 3,000 square feet site area) and no less than five units per site in the R-M-3 zone (based on the zone's density and description of one unit per 1,200 square feet site area). The ZTA would also remove the CUP requirement if divided into parcels less than two acres in size.
- C-MU Zone: Staff recommends the minimum lot size to no more than one acre in the C-MU zone, which is consistent with the maximum size recommended in the Element.
- D-MU Zone: No action recommended. Program 5.8's text erroneously directs the City to reduce lot size requirements in the D-MU zone; however, there currently is no minimum lot size requirement in the D-MU zone.
- C-N and C-R Zones: Staff recommends the minimum lot size to no more than 20,000 square feet in the C-N and C-R zones, which is consistent with the maximum size recommended in the Element.

Recommended Changes to Zoning Ordinance:

- Chapters 17.16 Multi-family zone, 17.18 Commercial zones, and 17.19 Mixed use zones
 - Change minimum site areas according to staff recommendation.

J. Provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval, limited to decision-making criteria regarding fundamental alteration of zoning and land use and financial and administrative burden.

In 2017, the City adopted a Reasonable Accommodation section to the Zoning Ordinance, in fulfillment of Program 5.3 of the City's prior (5th cycle) Housing Element. The text addition, located in Section 17.42.050(C), simply states that *"no variance shall be required for structures or devices necessary to facilitate access to a building for persons with physical and non-physical disabilities."* Reasonable accommodation requests are currently approved at the staff level without requiring a public hearing or discretionary permit. To date, the City has never received a request for reasonable accommodation.

The City has not adopted a formal process or any required findings for approving reasonable accommodation requests which, according to the Housing Element, poses a potential constraint to providing accommodation. Program 5.8 commits the City to amend the Municipal Code to provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval.

General practice among municipalities in California is to have a more comprehensive Reasonable Accommodation Ordinance within their Municipal Codes which describe the processing requirements for permits which include a reasonable accommodation request.

Staff has therefore researched and prepared a new ordinance that is based upon a model

ordinance made available by Minter Harnish which is the planning consulting firm that was contracted by the City of Visalia Planning Division to help with preparing the 6th cycle Housing Element update. The general outline of the draft ordinance is comprised of the following sections: Purpose; Applicability; Procedure and ministerial review process; Objective findings for approval; Iterative process; Reviewing authority; and Appeals. The full text of the draft Reasonable Accommodation ordinance is provided in the attached Resolution No. 2025-31 and is listed under Chapter 17.02 General Provisions.

Staff recommendation: Staff recommends that a new comprehensive ordinance, which describes a ministerial process for application review and includes objective findings for approval, be added to the Zoning Ordinance, see attached Resolution No. 2025-31 for the full text.

Recommended Changes to Zoning Ordinance:

- Chapter 17.02: General Provisions, New Article 4: Reasonable Accommodation

Add new "Article 4. Reasonable Accommodation", commencing at Section 17.02.250.

Fiscal Impact: None.

Prior Council Action: On December 18, 2023, the City Council voted to adopt the 6th Cycle 2023-2031 Housing Element. On December 16, 2024, the City Council voted to adopt Zoning Text Amendment No. 2024-05, to implement programs in the Housing Element pertaining to the Permit Streamlining Act, Accessory Dwelling Units, and the rezoning of certain sites within the Sites Inventory to allow by-right development without discretionary action.

Planning Commission Review and Action: On September 22, 2025, the Planning Commission voted 4-1 to recommend approval of Zoning Text Amendment No. 2025-03 as presented by staff. No public comment was received regarding the proposed changes to the ordinance.

Alternatives:

The City Council may, in lieu of the recommended motion, consider any of the following alternative motions:

1. Deny the Zoning Text Amendment in whole or in part, or
2. Return the item to the Planning Commission for further consideration.

Recommended Motion (and Alternative Motions if expected):

I move to introduce for first reading Ordinance No. 2025-13 for Zone Text Amendment No. 2025-03.

Environmental Assessment Status: The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061(b)(3) states that the project is exempted from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed text amendments, which largely pertain to expanding the scope of residential uses which are already allowed within the city, and are responding directly to requirements under State law, will not have a significant effect on the environment.

CEQA Review: A Notice of Exemption has been prepared for the project because Section 15061(b) (3) states that the project is exempted from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

Deadline for Action: 12/1/2025

Attachments:

1. Ordinance No. 2025-13 for Zoning Text Amendment No. 2025-03
2. Senate Bill 330 Preliminary Application
3. Senate Bill 35 / Senate Bill 423 Preliminary Application
4. Full Text of Senate Bill 330
5. Full Text of Senate Bill 35

ORDINANCE NO. 2025-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING ZONING TEXT AMENDMENT NO. 2025-03,
A REQUEST BY THE CITY OF VISALIA TO AMEND VISALIA MUNICIPAL CODE
TITLE 17 (ZONING ORDINANCE), AS TO IMPLEMENT PROGRAM 5.8 CONTAINED
IN THE CITY OF VISALIA 6TH CYCLE HOUSING ELEMENT.

WHEREAS, as required by California law, the City of Visalia has prepared an update (i.e., 6th Cycle Update) to its Housing Element to reflect the current Regional Housing Needs Allocation (RHNA) cycle of 2023-2031; and

WHEREAS, one implementation program (i.e. 5.8) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to adopt various text amendments to the Visalia Zoning Ordinance to remove constraints to a variety of housing types and to ensure compliance with State law; and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 22, 2025; and,

WHEREAS, the Planning Commission of the City of Visalia considered the Zone Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the City Council of the City of Visalia, after duly published notice, held a public hearing before said City Council on October 20, 2025, and introduced said Ordinance for first reading on that date; and,

WHEREAS, the Planning Commission finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (common sense exemption), as the proposed zone text amendment will not in and of themselves have an effect on the environment, and that the affected sites will continue to allow for residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15061(b)(3).

BE IT FURTHER RESOLVED that the City Council approves the proposed Zone Text Amendment based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or

welfare, or materially injurious to properties or improvements in the vicinity, as described by the following:

Housing Element Policy 1.8 - The City shall continue to provide assistance by and access to City Staff, in person, by phone, or by email, so as to encourage increased public awareness and understanding of the City's housing regulations, including opportunities for by-right development, and standards as they pertain to new construction.

Housing Element Policy 5.1 - The City shall encourage the development of housing for elderly, persons with disabilities, large families, families with female heads of household, families and persons in need of emergency shelter, and farmworkers, where compatible with surrounding land uses and where site conditions and service capabilities permit. Sites considered especially appropriate for these uses are those accessible to day care and transit, case management, commercial, and medical services.

Housing Element Policy 5.3 - The City shall encourage and facilitate private sector development and support non-profit organizations in the development of affordable housing, including rental assistance housing to very low, low, and moderate-income special needs households through the use of development incentives. The City shall reduce or defer development review fees (as appropriate) to facilitate development of affordable housing for special needs groups.

Housing Element Policy 5.5 - The City shall facilitate and encourage the creation, by public or quasi-public agencies, of low-barrier emergency shelters, transitional housing, and permanent supportive housing in the community, and shall allow these uses as a by-right use in accordance with standards contained in its Zoning Ordinance.

Housing Element Policy 5.8 - The City shall work to remove governmental constraints to housing development.

2. That the Zone Text Amendment is consistent, where applicable, with portions of State law, including but not limited to Government Code Section 65000 et. seq.
3. The Zone Text Amendment will not have a negative impact on the City's housing stock, as the amendment will aid the development of sites listed on the City's sites inventory list for Visalia's Regional Housing Needs Allocation.
4. That applying the proposed Zone Code standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2023-2031 Housing Element Update (6th Cycle Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.
5. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption) as the proposed zone text amendment will not in and of themselves have an effect on the environment, and that the affected sites will continue to allow for

residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA, that Zoning Text Amendment No. 2025-03, is approved, as contained in Exhibit “A” of this Ordinance, in accordance with the terms of this resolution and under the provisions of Section 17.44.090 of the Ordinance Code of the City of Visalia.

Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Effective Date. This Ordinance shall take effect thirty days after its adoption.

Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Ordinance No. 2025-13

EXHIBIT 'A'

Section 1. Title 17, Zoning Ordinance, is hereby amended to read as follows, as specified by italics & underline for additions and ~~strikeout~~ for deletions.

Chapter 17.02 General Provisions

Article 4. Reasonable Accommodation.

17.02.250 Purpose.

This purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodations in seeking equal access to housing under the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, practices, and procedures. This provision also establishes the criteria to be used when considering requests for reasonable accommodations.

17.02.260 Applicability.

- A. A request for reasonable accommodation may be made by any individual with a disability, his/her/their representative, or a developer or provider of housing for individuals with disabilities, when a requirement of this zoning code or other City requirement, regulation, policy, or practice acts as a barrier to fair housing opportunities. This chapter is intended to apply to individuals with disabilities as "disability" is defined under the Acts.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures for the siting, development, use of housing or housing-related facilities, and any other land use requirements that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his/her/their choice.
- C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
- D. A reasonable accommodation shall be a ministerial grant in compliance with this Chapter without the need for the approval of a variance, conditional use permit, special use permit or other exception process.

17.02.270 Procedure.

- A. A request for reasonable accommodation shall be submitted on an application form provided by the Planning and Community Preservation Department or in the form of a letter to the Director of the Planning and Community Preservation Department. Any information identified by an applicant as confidential shall be

retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection. The request for reasonable accommodation shall contain the following information:

1. The applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. The current use of the property;
 4. The basis for the claim that the individual is considered disabled under the Acts or that the housing which is the subject of the request will be used by an individual with a disability (protected health information including a specific diagnosis is not required to verify disability status);
 5. The zoning code or land use provision, regulation, policy or procedure for which reasonable accommodation is being requested; and
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.
- C. A request for reasonable accommodation shall be reviewed by the Director of the Planning and Community Preservation Department or their designee, if no approval is sought other than the request for reasonable accommodation. The Director of the Planning and Community Preservation Department or their designee shall make a written determination within 30 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

17.02.280 Approval Findings.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following findings:

- A. Whether the individual requesting the accommodation has a disability as defined under the Act or the housing which is the subject of the request will be used by an individual with a disability;
- B. Whether the requested accommodation is necessary for the individual to have equal opportunity to use and enjoyment of the housing and housing-related services;

- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City of Visalia; and
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

17.02.290 Iterative Process.

Prior to denying a request for reasonable accommodation, the Director shall offer to meet with the applicant to discuss whether there is an alternative accommodation that would meet the applicable findings. If a request for reasonable accommodation is heard by the Planning Commission instead of the Director and the request is denied, then the Director shall offer to meet with the applicant to discuss whether there is an alternative that could meet the applicable findings. After this meeting an applicant may decide to submit a revised request for reasonable accommodation.

17.02.300 Reviewing Authority.

A. Requests for reasonable accommodation shall be reviewed by the “reviewing authority,” as stated in Section 17.02.270, using the criteria set forth in Section 17.02.310.

B. When the reviewing authority is the Director, then the reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 17.02.310. When the reviewing authority is the Planning Commission, then the written decision on a request for reasonable accommodation shall be issued following completion of the hearing for the discretionary land use application.

C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

17.02.310 Appeals.

- A. Only an aggrieved applicant and abutting property owners who receive notice of the reasonable accommodation determination have a right to appeal the decision. An appeal to the Planning Commission must be filed within ten (10) calendar days after notification of the decision. An appeal shall be made in the same manner, and subject to the same fee as appeals under Section 17.28.050 for appeals to Planning Commission of decisions by the Director, and in the same manner as appeals to City Council under Section 17.02.145, of decisions by the Planning Commission. The appeal shall be in writing and shall specify the

reasons for the appeal and the grounds asserted for relief. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review the action against which the complaint is made shall be deemed to have been waived.

- B. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.
- C. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

Chapter 17.04 Definitions

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. For purposes of this definition, "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

"Residential care facility, large" means a community care facility licensed for the 24-hour care of 7 or more persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

"Residential care facility, small" means a licensed community care facility for the 24-hour care of 6 or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

Section 17.08.040 Conditional uses.

N. ~~Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.10.040 Conditional uses.

E. ~~Twenty four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.12.040 Conditional uses.

N. ~~Twenty four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.16.040 Conditional uses.

L. ~~Twenty four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

17.16.050 Site area and configuration.

A. ~~The division of (R-M) multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit. The minimum site area shall be six thousand (6,000) square feet, unless the site is created as part of a planned development or is part of a development containing new one-family dwelling units in accordance with item O of Section 17.16.040.~~

17.18.060 Development standards in the C-N zone.

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

A. Minimum site area: ~~five (5) acres~~ twenty thousand (20,000) square feet.

17.18.070 Development standards in the C-R zone.

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

A. Minimum site area: ~~five (5) acres~~ twenty thousand (20,000) square feet.

17.19.060 Development standards in the C-MU zones outside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

A. Minimum site area: ~~five (5) acres~~ one (1) acre.

Section 17.25.030 Commercial, Office, and Industrial Zone Use Table

D. [Table 17.25.030, Commercial, Mixed Use, Office, and Industrial Zones Use Matrix]

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
RESIDENTIAL (see also Residential Zones)											
Group/Foster Homes, Licensed — 1–6 individuals in addition to residing family <u>Residential Care Facility, Small</u>	C	C	C	C	C	C	C	C	C	C	C
Group/Foster Homes, Licensed — more than 6 individuals in addition to residing family <u>Residential Care Facility, Large</u>	C	C	C	C	C	C	C	C	C	C	17.32.145
Low Barrier Navigation Centers	$\frac{P}{C}$	$\frac{P}{C}$	$\frac{P}{C}$	P*/C	P*/C	$\frac{P}{C}$	$\frac{P}{C}$	$\frac{P}{C}$	$\frac{P}{C}$	$\frac{P}{C}$	17.32.135 *If meeting criteria stated in Cal. GC Sections 65660 - 65668
Transitional Housing and Supportive Housing as those terms are defined in City Ordinance Section 17.04.030	C	C	C	P*/C	P*/C	C	$\frac{P}{C}$	C	C	C	*If meeting criteria stated in Cal. GC Sections 65650 - 65656

17.32.130 Emergency shelters.

A. Applicability. The requirements of this section apply to all emergency shelters as defined in Chapter 17. 04. Furthermore, an emergency shelter may operate on a short-term basis provided that an operating schedule is included in the plan of operation.

B. Permits.

1. Emergency shelters are allowed as identified in the Zones Use Matrix included in Table 17.25.030. In accordance with State law, Government Code Section 65583, the zone where emergency shelters are allowed as a permitted use without a conditional use permit is the I-L (Light Industrial) zone. In addition, emergency shelters are a use requiring a conditional use permit in the QP quasi-public zone.

2. All emergency shelters are required to obtain a site plan review permit in accordance with Chapter 17.28 and are subject to the development standards in subsections C. and D. of this section.

C. Site development standards. The following standards are applicable to any permitted by right or conditionally allowed emergency shelter.

1. An emergency shelter may not be located closer than ~~one thousand (1,000)~~ three hundred (300) feet to a school (a school is herein defined as an existing or planned public or parochial elementary school, middle school, high school, or licensed day care facility) or another emergency shelter or low barrier navigation center.

~~— 2. An emergency shelter may not be located closer than twenty-five (25) feet to the front property line of any existing dwelling unit.~~

~~— 3. An emergency shelter shall incorporate a seven (7) foot height perimeter wall constructed of concrete block, brick or stucco if the shelter is adjacent to any dwelling units. The perimeter wall is only required on sides abutting residential uses.~~

D. Standards for permitted by-right uses. The standards in this subsection must apply to any emergency shelter that is a use permitted by right. These standards shall be used as guidelines for any emergency shelter that is a use conditionally allowed in other zones, wherein a deviation from any such standard may be requested and considered as part of an application for conditional use permit.

1. Beds. The maximum number of beds for an emergency shelter as a use permitted by right is one hundred (100).

2. Parking. One (1) vehicle parking space shall be provided ~~per ten (10) beds and one (1) parking space shall be provided per employee. Up to five (5) visitor spaces shall be provided for service providers based on the actual need as determined by the city. The City Planner has the authority to require an extra one (1) vehicle parking space per ten (10) beds for emergency shelters established in response to a natural or man-made disaster.~~ A covered and secured area for bicycle parking shall be provided for use by staff and clients. commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

3. Lighting. Adequate lighting shall be provided in all parking, pedestrian paths, and intake areas, and shall be shielded and directed away from adjacent properties.

4. Management/Security. Support staff and/or security must be present during the hours of operation. Facilities must maintain with the City a written plan of operation to be approved by the City Planner in consultation with the Police Department and Neighborhood Preservation Division and to be complied with at all times. The management shall address, at a minimum:

- a. Patron access requirements.
- b. Hours of operation.
- c. Operating schedule if intended to operate as a short-term shelter.
- d. Security measures.
- e. Litter removal.
- f. On-site management.
- g. Staff training.
- h. Property maintenance.
- i. Neighborhood relations and communication.
- j. Noise attenuation.
- k. Pet occupancy, if applicable.

5. Length of Stay. The maximum length of stay per individual shall be no longer than six (6) months in a consecutive twelve (12) month period. Days of stay need not be consecutive.

6. Pets. If an emergency shelter chooses to allow pets, they may be unleashed inside only if they are inside a private unit or may be outside within cages or in a protected area. No limit shall be placed on the number of pets that can be maintained.

7. Intake/Waiting Areas. On-site waiting and intake areas shall be enclosed or screened from the public right-of-way and adjacent adjacent properties. Queuing of clients shall not be permitted outside of approved waiting and intake areas.

8. Outdoor Activity. An emergency shelter shall designate at least five (5) percent of the site to open or outdoor recreational space, located outside of any required front or street side landscape setback area or parking field. Outdoor activity shall be allowed only during the hours of 7:00 a.m. to 10:00 p.m. (Ord. 2022-06 (part), 2022)

17.32.145 Large residential care facilities.

A. Purpose. The purpose of this Section is to clarify procedures for the establishment or construction of large residential care facilities for the care of seven or more persons, pursuant to the California Community Care Facilities Act. See California Health and Safety Code Section 1500 et seq.).

B. Conditional Use Permit. A conditional use permit is required to operate a large residential care facility.

C. Development Standards. Large residential care facilities shall be subject to the same objective development standards required of multifamily dwelling units in the applicable zone. In addition, large residential care facilities shall comply with the following requirements or guidelines:

1. Locational Criteria. Large residential care facilities shall be reviewed in light of the following factors in determining an appropriate location for such facilities:

a. One- half mile proximity to public transit facilities (fixed routes and bus or transit stops) or the provision of transportation for residents.

b. Residential care homes shall not be located within 300 feet of industrial facilities or the industrial zone (I).

c. The minimum distance between large residential care facilities, measured from the site boundaries, shall not be less than 300 feet.

2. Open Space. Open space for outdoor recreation shall be provided at a ratio of 100 square feet for each resident.

3. Unit Size.

a. Single Occupancy. The minimum floor area for sleeping rooms shall not be less than 100 square feet in rooms intended for a single occupancy.

b. Multiple Occupancy. The minimum floor area for sleeping rooms shall not be less than 80 square feet per person in rooms intended for multiple occupancy.

17.32.147 Small residential care facilities.

Small residential care facilities shall be subject only to City standards that apply to other residential uses of the same type in the respective zone (e.g. single-family detached, accessory dwelling unit).

17.34.020 Schedule of off-street parking space requirements.

A. Residential.

1. Single-family dwelling: two parking spaces (one covered) per unit;
2. Multi-family dwelling: 1.5 parking spaces per dwelling unit for all multi-family developments with the following exceptions:
 - a. One parking space per dwelling unit for senior citizen housing developments. Senior citizen means a person of fifty-five (55) years of age or older. Senior citizen housing development shall be defined as a multi-family project wherein the units are made available solely to senior citizens,
 - b. Planning Commission shall have the authority to require an additional .25 parking spaces per dwelling unit for guest parking spaces under the following circumstances:

i. Should on-street parking not be available to provide a minimum of .25 spaces per unit;

ii. Within developments that include more than fifty (50) percent of the units as three or four bedroom units.

iii. The multi-family unit is not deemed as affordable housing and is not a single-room occupancy, studio, or one-bedroom units.

c. In cases where multi-family developments do not require planning commission review, the site plan review staff shall have similar authority as described above.

d. One parking space per dwelling unit for multi-family developments deemed as affordable housing and multi-family units which are single-room occupancy, studio, or one-bedroom units.

3. Boarding houses, private clubs providing sleeping accommodations: one covered parking space for each bedroom or one parking space for each one hundred fifty (150) square feet of sleeping area, whichever is greater.

4. Motels, hotels. One parking space for each guest room.

5. Single-room occupancy (SRO) housing: One space ~~for each employee onsite on the highest shift~~ per unit.

Further, there shall be one parking space for each two employees per shift regularly employed by the motel, or any independent business located within the motel structure. If the motel provides an area for the consumption of food or beverages or provides meeting or assembly halls the following requirements must be met.

<i>Number of Motel Rooms</i>	<i>Parking Requirements</i>
3-10	One parking space for each 100 square feet of area used for the consumption of food or beverages and one parking space for each 35 square feet of meeting or assembly hall space.
11-40	One parking space for every 200 square feet of area used for the consumption of food or beverages and one parking space for each 70 square feet of meeting hall or assembly hall space.
41-75	One parking space for each 300 square feet of area designated for the consumption of food or beverages and one parking space for each 150 square feet of meeting or assembly hall space.
76 or more	One parking space for each 400 square feet of area set aside for the consumption of food or beverages and one parking space for each 300 square feet of meeting or assembly hall area.

6. Planned unit developments, condominiums: one covered parking space plus one uncovered guest parking space for each dwelling unit.

What is SB 330?

[Senate Bill \(SB\) 330](#), also known as the Housing Crisis Act of 2019 (HCA), signed into law in 2019 and effective January 1, 2020, established a statewide housing emergency and added new regulations focused on the production and preservation of housing. Changes included a new section of California Government Code called the "Housing Crisis Act" (CA Gov. Code Section 65941.1), as well as updates to the existing Housing Accountability Act (CA Gov. Code Section 65589.5) and Permit Streamlining Act (CA Gov. Code Section 65950 and related code sections). In 2021, [Senate Bill \(SB\) 8](#) came into law, which made several further changes to these code sections and extended the HCA to January 1, 2030. In October 2023, [Assembly Bill \(AB\) 1218](#) came into law, which expands replacement requirements of protected units to nonresidential developments.

This legislation includes broad goals of facilitating increased production of new residential units, protecting existing units, and providing for an expedited review and approval process for housing development projects. To increase transparency and certainty in the development application process, SB 330 allows a housing developer to submit a Preliminary Application to a local agency for a housing development project.

A **housing development project** includes:

- Residential projects of one or more units;
- A mix of commercial and residential uses where 2/3 of the total square footage is residential; or
- Transitional or supportive housing.

Preliminary Application

A Preliminary Application allows a developer to provide a subset of information on the proposed housing development ahead of providing the full amount of information required by the local government for a housing development application. Upon submitting a Preliminary Application and payment of the Permit Processing Fee, a housing developer is allowed to "freeze" the applicable fees and development standards that apply to their project while they assemble the rest of the material necessary for a full application submittal. After submitting a complete Preliminary Application, the applicant has 180 days to submit a full project application, or the Preliminary Application will expire.

Prior to filing a Preliminary Application, the applicant must file an application for Site Plan Review and receive a Revise and Proceed status. A Preliminary Application must be filed within one year of the date of receiving a Revise and Proceed status.

To apply for a Preliminary Application, the applicant must submit the SB 330 Preliminary Application and the required documents and the Permit Processing Fee to be "deemed submitted" and "vested."

After you submit this application, if you revise your project so that the number of residential units or square footage of construction changes by 20 percent or more (exclusive of any increase pursuant to Government Code Section 65915), you will need to submit a new Preliminary Application.

Your Preliminary Application will be deemed abandoned if you do not submit an entitlement application within 180 days of submitting this Preliminary Application, or, if your entitlement permit application is found to be

incomplete, you do not provide any additional information required within 90 days of notice that the application is incomplete.

Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions triggered, per Government Code Section 65889.5(o).

Application Checklist

Please verify that you have submitted the required documents with your application.

Application and documents may be submitted via PDF emailed to Planning@visalia.gov or in-person on a flash drive.

- **Site Plan** – A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.
- **Elevations** – Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Section 1: Project Main Contact – Applicant / Agent Information

[Copy from Planning Permit Application & Checklist]

Section 2: Property Owner Information

[Copy from Planning Permit Application & Checklist]

Section 3: Project Information

Title or Name of Project: _____

Project Location/Address: _____

Assessor's Parcel Number(s) (APN(s)): _____

Site Area (acres or square feet): _____

Site Plan Review (SPR) Number: _____

Date of SPR Revise and Proceed: _____

a. Existing Uses – Describe the existing uses on the project site and identify major physical alterations to the property on which the project is to be located. (You may also attach a site plan that clearly depicts all existing uses and proposed physical alterations.)

b. Residential Dwelling Unit Count – Please indicate the number of dwelling units proposed as well as a breakdown of levels by affordability set by each category (HCD or HUD).

	Total	HCD (State)	HUD (TCAC)
Market Rate		N/A	N/A
Managers Unit(s) – Market Rate		N/A	N/A
Extremely Low Income (30% or less of AMI)			
Very Low Income (31 to 50% of AMI)			
Low Income (51 to 80% of AMI)			
Moderate Income (81 to 120% of AMI)			
Total Number of Units			
Total Number of Affordable Units			
Total Number of Density Bonus Units			

c. Floor Area – Provide the proposed floor area and square footage of residential and non-residential development. When identifying specific land uses, please refer to the Zoning Use Matrix at Section 17.25.030 of the Municipal Code. If the project will contain multiple buildings, please provide a breakdown of square footage for each use by building.

Category of Use	Specific Use, if known	Square Footage
Residential		
Commercial		
Other		

d. Parking – The proposed number of automobile parking spaces.

Spaces for Residential Uses	Spaces for Nonresidential Uses	Total Spaces

Please describe any other parking that will be provided, including number of motorcycle spaces, short and long-term bicycle parking space, loading zones, EV charging stations, etc.

e. Affordable Housing Incentives, Waivers, Concessions, and Parking Reductions – Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915? If “Yes,” please describe.

f. Subdivision – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a subdivision map, a condominium map, or a lot line adjustment? If “Yes,” please describe.

g. Pollutants – Are there any proposed point sources of air or water pollutants? If “Yes,” please describe.

h. Existing Site Conditions – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

	Residential Units	Occupied Residential Units	Unoccupied Residential Units
Existing			
To Be Demolished			

i. Additional Site Conditions –

Is a portion of the property located within a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

Yes • No •

Is a portion of the property located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency?

Yes • No •

Does the project site contain historic and/or cultural resources?

Yes • No • If “Yes”, please describe.

Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

Yes • No • If “Yes”, please provide a site plan showing the location of any such easements.

j. Additional Site Conditions – Is there anything else about the proposed project that you would like to explain? Please also feel free to use this space to elaborate on any of your responses that you believe requires clarification or further explanation. Please attach additional sheets if necessary. You are not required to provide any information here.

APPLICANT’S SIGNATURE AND ACKNOWLEDGEMENT

By signing this application, I indicate that the information I have provided is true and correct to the best of my knowledge and belief. I further understand that all fees and deposits submitted with this application will be refunded only as provided for by the ordinances and regulations in effect at the time of the application submittal.

Signature

Date

What is Senate Bill 423?

California Senate Bill 423 (SB 423), was signed into law in 2023 and effective January 1, 2024. It established Government Code Section 65913.4 which created a streamlined ministerial (no public hearing) approval process for multi-unit housing projects that include a specified percentage of units affordable to lower-income households. SB 423 projects are exempt from discretionary review and must be consistent with objective design standards. This is a voluntary process a project applicant may elect to pursue if certain eligibility criteria are met. SB 423 is an extension of California Senate Bill 35 passed in 2017.

Where does it apply?

SB 423 applies in cities not meeting their Regional Housing Needs Allocation (RHNA) for affordable units. As of 2024, Visalia does not meet the RHNA goal for very-low and moderate-income units. Therefore, SB 423 requires the City to streamline approval of eligible housing projects which provide 50% of the units as affordable housing at or below 80% average median income by providing a ministerial approval process. The provisions of this program are in effect until January 1, 2036. Please refer to the updated Statewide Determination Summary on the HCD website for current affordability requirements.

Is my project eligible?

Eligibility for SB 423 streamlining is determined by meeting the eligibility requirements, which are State-mandated and cannot be waived or amended. Applicants intending to request SB 423 streamlining must first submit a **Notice of Intent** in the form of a **Preliminary Residential Application**. Prior to accepting an application, the City must initiate a California Native American Tribes consultation process. Applications will not be accepted without providing sufficient evidence that the project meets all eligibility criteria.

What are objective standards?

Objective standards are a type of regulation that requires no personal or subjective judgment to determine whether the standards have been met. SB 423 projects are subject to all objective standards found in the Zoning Ordinance Chapter 17.16 for Multi-family Residential and any other Citywide regulations and development standards.

Are there any exceptions?

No. The requirements for streamlined ministerial approval are State-mandated and cannot be waived or amended. A multi-unit housing project that does not meet one or more of the eligibility criteria or requires an exception to any development standard or regulations is not eligible and will be subject to the City's discretionary review process. State Density Bonus provisions are allowed to be applied to an SB 423 project and are not considered an exception.

How do I apply?

Applicants intending to request SB 423 streamlining must first submit a **Notice of Intent** in the form of a **Preliminary Residential Application**. Next, submit a formal application for an **Architectural and Site Review Permit** along with this **SB 423 Supplemental Application**.

SB 423 Streamlined Ministerial Approval Process

This is a summary of the affordable housing streamlined approval process for projects that meet the eligibility criteria according to California Government Code Section 65913.4.

Step 1: Conform the project is eligible

The first step is to confirm that the project meets the eligibility criteria. Read the attached **SB 423 Eligibility Checklist** to confirm the project is eligible.

Step 2: Submit a Notice of Intent

Once you have confirmed that the project meets all eligibility criteria, submit a **Notice of Intent** to submit an application in the form of the City's **Preliminary Residential Application**.

Step 3: Timelines for Tribal Scoping Consultation

Upon receipt of a **Notice of Intent**, the City will engage in a scoping consultation with any California Native American tribe that is affiliated with the geographic area. This may cumulatively take 90 days or more if further consultation is required.

1. **Notice.** Within 30 days, the City will provide formal notice for each Tribe.
2. **Acceptance.** Each Tribe has 30 days to accept the invitation to engage in consultation.
3. **Consultation.** The city initiates consultation within 30 days of acceptance of the invitation.

Step 4: Submit a complete application

Once the Tribal Scoping Consultation has been concluded, and the project meets the eligibility criteria, you will submit: (1) **this SB 423 Supplemental Application** along with (2) **an Architectural and Site Review Permit Application**.

Step 5: Timelines for Ministerial Review

The timelines for streamlined review are as follows:

1. **Application Review.** Planning staff will determine if the application is complete, and if the project conflicts with any objective zoning and design review standards, within 60 days for projects of 150 or fewer units and 90 days for more than 150 units.
2. **Action on the Application.** Action on the application must be completed in 90 days for 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of a complete application submittal.
3. **Expiration.** If the project includes public investment in housing affordability, beyond tax credits, then that approval shall not expire. If the project does not include public investment in housing affordability, beyond tax credits, the approval will expire after three years.

Step 6: Submit a building permit

A building permit must be issued prior to the three-year approval expiration date. A project may receive an extension upon approval by the Building Division.

SB 423 Eligibility Checklist

Projects must comply with ALL the following to qualify for SB 423 review:

1. **Affordability.** A minimum of 50% of the total residential units will be dedicated to low-income households making at or below 80% of the area median income (prior to calculating density bonus).
2. **Number.** Project contains at least two or more net new residential units.
3. **Residential Uses.** The parcel has a general plan and/or zoning designation for residential uses with at least 2/3 of the floor area of the proposed development dedicated to residential uses.
4. **Infill Development.** At least 75% of the perimeter of the site adjoins lots developed with urban uses. Includes lots separated by a street or highway.
5. **Historic Resources.** The project does NOT demolish a historic structure, site, or feature that has been placed on a national, state, or local historic register.
6. **Demolition of Residential Units.** The project does NOT demolish housing units that have been occupied by tenants in the last 10 years; or any housing subject to rent or price control; or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
7. **Location.** The project site is NOT within any of these areas: a coastal zone, prime farmland, wetland, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, floodway, community conservation plan area, a habitat for protected species, under a conservation easement, or located on a qualifying mobile home site.
8. **Prevailing Wages.** All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area if the development is not a public work. This requirement does not apply to projects that include 10 or fewer units and is not a public work project.
9. **Skilled and Trained Workforce.** A skilled and trained workforce will complete the development if the project consists of 50 or more units that are not 100 percent subsidized affordable housing.
10. **Subdivisions.** Does not involve a subdivision subject to the Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.
11. **Parking.** The project must provide at least one parking space per unit unless exempt pursuant to California Government Code Section 65913.4(d)(1).
12. **Notification to California Native American tribes.** The project proponent has submitted a **Notice of Intent** in the form of a preliminary application that includes all of the information described in California Government Code Section 65941.1 and concluded the tribal consultation process.
13. **Consistent with Objective Standards.** The project meets all objective general plan, zoning, subdivision, and design review standards at the time of SB 423 application submittal.

SB 423 Certificate for Compliance with Eligibility Requirements

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. Public Record. I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the city website.
- d. Affordable Housing. I agree to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3).
- e. Prevailing Wage. I agree to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- f. Workforce. I agree to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(B).
- g. Tenant-Occupied Housing. I certify that the project site has not contained any housing occupied by tenants within 10 years prior to the date written below.

PROPERTY OWNER:

Signature _____

Date _____

Printed Name _____

Supplemental Application

Please verify that you have submitted the required documents with your application.

Section 1: Project Main Contact – Applicant / Agent Information

[Copy from Planning Permit Application & Checklist]

Section 2: Property Owner Information

[Copy from Planning Permit Application & Checklist]

Section 3: Project Information

Title or Name of Project: _____

Project Location/Address: _____

Assessor's Parcel Number(s) (APN(s)): _____

Site Area (acres or square feet): _____

Site Plan Review (SPR) Number: _____

Date of SPR Revise and Proceed: _____

a. Is this a 100% Affordable Housing Project? Yes • No •

b. Will the Project use SB 423 in conjunction with the State Density Bonus? Yes • No •

c. **Project Description** – Please provide a narrative project description that summarizes the project and its purpose. Please include the Average Median Income (AMI) levels of the populations to be served in the development and describe the project's intended program.

d. Project Summary

Unit Information					
	Unit Size	Market Rate Units	Affordable Dwelling Units	Total Number of Units	Total Proposed Floor Area
Studios					
1 Bedroom					
2 Bedroom					
3+ Bedroom					
Accessory Dwelling Units					
Other					

Land Use Summary	
	Total Proposed Floor Area
Residential	
Non-Residential	

Other Project Features	
	Proposed
Building Stories	
Usable Open Space / Amenities	
Parking Spaces	
Loading Spaces	
Bicycle Spaces	

APPLICANT’S SIGNATURE AND ACKNOWLEDGEMENT

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the City website.
4. If the Applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner’s agent on all matters in connection with this pre-application.

Signature of Owner

Date

Signature of Applicant

Date

Senate Bill No. 330

CHAPTER 654

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65940, 65943, and 65950 of, to add and repeal Sections 65905.5, 65913.10, and 65941.1 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, relating to housing.

[Approved by Governor October 9, 2019. Filed with Secretary
of State October 9, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 330, Skinner. Housing Crisis Act of 2019.

(1) The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete.

This bill, until January 1, 2025, would specify that an application is deemed complete for these purposes if a preliminary application was submitted, as described below.

Existing law authorizes the applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization to bring an action to enforce the Housing Accountability Act. If, in that action, a court finds that a local agency failed to satisfy the requirement to make the specified findings described above, existing law requires the court to issue an order or judgment compelling compliance with the act within 60 days, as specified.

This bill, until January 1, 2025, would additionally require a court to issue the order or judgment previously described if the local agency required or attempted to require certain housing development projects to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

Existing law authorizes a local agency to require a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need, as specified.

This bill, until January 1, 2025, would, notwithstanding those provisions or any other law and with certain exceptions, require that a housing development project only be subject to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted, except as specified.

(2) The Planning and Zoning Law, except as provided, requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications. That law requires that notice of a public hearing be provided in accordance with specified procedures.

This bill, until January 1, 2025, would prohibit a city or county from conducting more than 5 hearings, as defined, held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, as defined. The bill would require the city or county to consider and either approve or disapprove the housing development project at any of the 5 hearings consistent with the applicable timelines under the Permit Streamlining Act.

(3) The Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each state agency and each local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project. That law requires the state or local agency to make copies of this information available to all applicants for development projects and to any persons who request the information.

The bill, until January 1, 2025, for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development project is a historic site, would require the city or county to make that determination, which would remain valid for the pendency of the housing development, at the time the application is deemed complete, except as provided. The bill, until January 1, 2025, would also require that each local agency make copies of any above-described list with respect to information required from an applicant for a housing development project available both (A) in writing to those

persons to whom the agency is required to make information available and (B) publicly available on the internet website of the local agency.

The Permit Streamlining Act requires public agencies to approve or disapprove of a development project within certain timeframes, as specified. The act requires a public agency, upon its determination that an application for a development project is incomplete, to include a list and a thorough description of the specific information needed to complete the application. Existing law authorizes the applicant to submit the additional material to the public agency, requires the public agency to determine whether the submission of the application together with the submitted materials is complete within 30 days of receipt, and provides for an appeal process from the public agency's determination. Existing law requires a final written determination by the agency on the appeal no later than 60 days after receipt of the applicant's written appeal.

This bill, until January 1, 2025, would provide that a housing development project, as defined, shall be deemed to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. The bill would require each local agency to compile a checklist and application form that applicants for housing development projects may use for that purpose and would require the Department of Housing and Community Development to adopt a standardized form for applicants seeking approval from a local agency that has not developed its own application form. After the submittal of a preliminary application, the bill would provide that a housing development project would not be deemed to have submitted a preliminary application under these provisions if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20% or more until the development proponent resubmits the information required by the bill so that it reflects the revisions. The bill would require a development proponent to submit an application for a development project that includes all information necessary for the agency to review the application under the Permit Streamlining Act within 180 days of submitting the preliminary application.

The bill, until January 1, 2025, would require the lead agency, as defined, if the application is determined to be incomplete, to provide the applicant with an exhaustive list of items that were not complete, as specified.

The Permit Streamlining Act generally requires that a public agency that is the lead agency for a development project approve or disapprove a project within 120 days from the date of certification by the lead agency of an environmental impact report prepared for certain development projects, but reduces this time period to 90 days from the certification of an environmental impact report for development projects meeting certain additional conditions relating to affordability. Existing law defines "development project" for these purposes to mean a use consisting of either residential units only or mixed-use developments consisting of residential and nonresidential uses that satisfy certain other requirements.

This bill, until January 1, 2025, would reduce the time period in which a lead agency under these provisions is required to approve or disapprove a project from 120 days to 90 days, for a development project generally described above, and from 90 days to 60 days, for a development project that meets the above-described affordability conditions. The bill would recast the definition of “development project” for these purposes to mean a housing development project, as defined in the Housing Accountability Act.

(4) The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. That law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. That law also authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, until January 1, 2025, with respect to land where housing is an allowable use, except as specified, would prohibit a county or city, including the electorate exercising its local initiative or referendum power, in which specified conditions exist, determined by the Department of Housing and Community Development as provided, from enacting a development policy, standard, or condition, as defined, that would have the effect of (A) changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; (B) imposing or enforcing a moratorium on housing development within all or a portion of the jurisdiction of the county or city, except as provided; (C) imposing or enforcing new design standards established on or after January 1, 2020, that are not objective design standards, as defined; or (D) establishing or implementing certain limits on the number of permits issued by, or the population of, the county or city, unless the limit was approved prior to January 1, 2005, in a predominantly agricultural county, as defined. The bill would, notwithstanding these prohibitions, allow a city or county to prohibit the commercial use of land zoned for residential use consistent with the authority of the city or county conferred by other law. The bill would state that these prohibitions would apply to any zoning ordinance adopted or amended on or after the effective date of these provisions, and that any development policy, standard, or condition on or after that date that does not comply would be deemed void.

This bill would also require a project that requires the demolition of housing to comply with specified requirements, including the provision of relocation assistance and a right of first refusal in the new housing to displaced occupants, as provided. The bill would provide that these provisions do not supersede any provision of a locally adopted ordinance

that places greater restrictions on the demolition of residential dwelling units or that requires greater relocation assistance to displaced households. The bill would require a county or city subject to these provisions to include information necessary to determine compliance with these provisions in the list or lists that specify the information that will be required from any applicant for a development project under the Permit Streamlining Act.

The bill would state that these prohibitions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly.

(5) This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(6) By imposing various new requirements and duties on local planning officials with respect to housing development, and by changing the scope of a crime under the State Housing Law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) This bill would provide that its provisions are severable.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Housing Crisis Act of 2019.

SEC. 2. (a) The Legislature finds and declares the following:

(1) California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita.

(2) Consequently, existing housing in this state, especially in its largest cities, has become very expensive. Seven of the 10 most expensive real estate markets in the United States are in California. In San Francisco, the median home price is \$1.6 million.

(3) California is also experiencing rapid year-over-year rent growth with three cities in the state having had overall rent growth of 10 percent or more year-over-year, and of the 50 United States cities with the highest United States rents, 33 are cities in California.

(4) California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over the next 7 years.

(5) The housing crisis has particularly exacerbated the need for affordable homes at prices below market rates.

(6) The housing crisis harms families across California and has resulted in all of the following:

(A) Increased poverty and homelessness, especially first-time homelessness.

(B) Forced lower income residents into crowded and unsafe housing in urban areas.

(C) Forced families into lower cost new housing in greenfields at the urban-rural interface with longer commute times and a higher exposure to fire hazard.

(D) Forced public employees, health care providers, teachers, and others, including critical safety personnel, into more affordable housing farther from the communities they serve, which will exacerbate future disaster response challenges in high-cost, high-congestion areas and increase risk to life.

(E) Driven families out of the state or into communities away from good schools and services, making the ZIP Code where one grew up the largest determinate of later access to opportunities and social mobility, disrupting family life, and increasing health problems due to long commutes that may exceed three hours per day.

(7) The housing crisis has been exacerbated by the additional loss of units due to wildfires in 2017 and 2018, which impacts all regions of the state. The Carr Fire in 2017 alone burned over 1,000 homes, and over 50,000 people have been displaced by the Camp Fire and the Woolsey Fire in 2018. This temporary and permanent displacement has placed additional demand on the housing market and has resulted in fewer housing units available for rent by low-income individuals.

(8) Individuals who lose their housing due to fire or the sale of the property cannot find affordable homes or rental units and are pushed into cars and tents.

(9) Costs for construction of new housing continue to increase. According to the Turner Center for Housing Innovation at the University of California, Berkeley, the cost of building a 100-unit affordable housing project in the state was almost \$425,000 per unit in 2016, up from \$265,000 per unit in 2000.

(10) Lengthy permitting processes and approval times, fees and costs for parking, and other requirements further exacerbate cost of residential construction.

(11) The housing crisis is severely impacting the state's economy as follows:

(A) Employers face increasing difficulty in securing and retaining a workforce.

(B) Schools, universities, nonprofits, and governments have difficulty attracting and retaining teachers, students, and employees, and our schools and critical services are suffering.

(C) According to analysts at McKinsey and Company, the housing crisis is costing California \$140 billion a year in lost economic output.

(12) The housing crisis also harms the environment by doing both of the following:

(A) Increasing pressure to develop the state’s farmlands, open space, and rural interface areas to build affordable housing, and increasing fire hazards that generate massive greenhouse gas emissions.

(B) Increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.

(13) Homes, lots, and structures near good jobs, schools, and transportation remain underutilized throughout the state and could be rapidly remodeled or developed to add affordable homes without subsidy where they are needed with state assistance.

(14) Reusing existing infrastructure and developed properties, and building more smaller homes with good access to schools, parks, and services, will provide the most immediate help with the lowest greenhouse gas footprint to state residents.

(b) In light of the foregoing, the Legislature hereby declares a statewide housing emergency, to be in effect until January 1, 2025.

(c) It is the intent of the Legislature, in enacting the Housing Crisis Act of 2019, to do both of the following:

(1) Suspend certain restrictions on the development of new housing during the period of the statewide emergency described in subdivisions (a) and (b).

(2) Work with local governments to expedite the permitting of housing in regions suffering the worst housing shortages and highest rates of displacement.

SEC. 3. Section 65589.5 of the Government Code is amended to read:

65589.5. (a) (1) The Legislature finds and declares all of the following:

(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(B) California housing has become the most expensive in the nation. The excessive cost of the state’s housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in

disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

(C) The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

(D) According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

(E) California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.

(F) Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

(G) The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

(H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

(I) An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.

(J) California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

(K) The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.

(L) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

(3) It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be

calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction’s housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a

monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) “Area median income” means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) Notwithstanding any other law, until January 1, 2025, “deemed complete” means that the applicant has submitted a preliminary application pursuant to Section 65941.1.

(6) “Disapprove the housing development project” includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(7) “Lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(8) Until January 1, 2025, “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

(9) Notwithstanding any other law, until January 1, 2025, “determined to be complete” means that the applicant has submitted a complete application pursuant to Section 65943.

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the housing development project’s application is deemed complete, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d), and that the findings are supported by a preponderance of the evidence in the record, and with the requirements of subdivision (o).

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and

criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed

housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

(I) The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(II) The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(III) (ia) Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

(ib) This subclause shall become inoperative on January 1, 2025.

(ii) If the court finds that one of the conditions in clause (i) is met, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section.

(B) (i) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular

Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

(ii) If any money derived from a fine imposed pursuant to this subparagraph is deposited in the Housing Rehabilitation Loan Fund, then, notwithstanding Section 50661 of the Health and Safety Code, that money shall be available only upon appropriation by the Legislature.

(C) If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.

(2) For purposes of this subdivision, “housing organization” means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney's fees and costs if it is the prevailing party in an action to enforce this section.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, "bad faith" includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court's order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) (1) Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the

preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

(A) In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(D) The housing development project has not commenced construction within two and one-half years following the date that the project received final approval. For purposes of this subparagraph, “final approval” means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:

(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.

(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. For purposes of this subdivision, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.

(4) For purposes of this subdivision, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other

rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

(8) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

SEC. 4. Section 65905.5 is added to the Government Code, to read:

65905.5. (a) Notwithstanding any other law, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, after the application is deemed complete, a city, county, or city and county shall not conduct more than five hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project. If the city, county, or city and county continues a hearing subject to this section to another date, the continued hearing shall count as one of the five hearings allowed under this section. The city, county, or city and county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

(b) For purposes of this section:

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Hearing” includes any public hearing, workshop, or similar meeting conducted by the city or county with respect to the housing development project, whether by the legislative body of the city or county, the planning agency established pursuant to Section 65100, or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof.

“Hearing” does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

(3) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) For purposes of this section, a housing development project shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent, compliant, or in conformity.

(2) A proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria, but the zoning for the project site is inconsistent with the general plan. If the local agency complies with the written documentation requirements of paragraph (2) of subdivision (j) of Section 65589.5, the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning that is consistent with the general plan; however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(d) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 5. Section 65913.10 is added to the Government Code, to read:

65913.10. (a) For purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

(b) For purposes of this section:

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 6. Section 65940 of the Government Code is amended to read:

65940. (a) (1) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(2) An affected city or affected county, as defined in Section 66300, shall include the information necessary to determine compliance with the requirements of subdivision (d) of Section 66300 in the list compiled pursuant to paragraph (1).

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 7. Section 65940 is added to the Government Code, to read:

65940. (a) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) This section shall become operative on January 1, 2025.

SEC. 8. Section 65941.1 is added to the Government Code, to read:

65941.1. (a) An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee:

(1) The specific location, including parcel numbers, a legal description, and site address, if applicable.

(2) The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

(3) A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.

(4) The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

(5) The proposed number of parking spaces.

(6) Any proposed point sources of air or water pollutants.

(7) Any species of special concern known to occur on the property.

(8) Whether a portion of the property is located within any of the following:

(A) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.

(D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

(E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

(9) Any historic or cultural resources known to exist on the property.

(10) The number of proposed below market rate units and their affordability levels.

(11) The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.

(12) Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.

(13) The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

(14) For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

(A) Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

(B) Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

(C) A tsunami run-up zone.

(D) Use of the site for public access to or along the coast.

(15) The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

(16) A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

(17) The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

(b) (1) Each local agency shall compile a checklist and application form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application.

(2) The Department of Housing and Community Development shall adopt a standardized form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application if a local agency has not developed its own

application form pursuant to paragraph (1). Adoption of the standardized form shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) A checklist or form shall not require or request any information beyond that expressly identified in subdivision (a).

(c) After submittal of all of the information required by subdivision (a), if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section until the development proponent resubmits the information required by subdivision (a) so that it reflects the revisions. For purposes of this subdivision, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(d) (1) Within 180 calendar days after submitting a preliminary application with all of the information required by subdivision (a) to a city, county, or city and county, the development proponent shall submit an application for a development project that includes all of the information required to process the development application consistent with Sections 65940, 65941, and 65941.5.

(2) If the public agency determines that the application for the development project is not complete pursuant to Section 65943, the development proponent shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

(3) This section shall not require an affirmative determination by a city, county, or city and county regarding the completeness of a preliminary application or a development application for purposes of compliance with this section.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 9. Section 65943 of the Government Code is amended to read:

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the application is determined to be incomplete, the lead agency shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency’s submittal requirement checklist. In any subsequent review of the application determined to be incomplete, the local agency shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete. If the written determination is not made within 30

days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials described in subdivision (a), the public agency shall determine in writing whether the application as supplemented or amended by the submitted materials is complete and shall immediately transmit that determination to the applicant. In making this determination, the public agency is limited to determining whether the application as supplemented or amended includes the information required by the list and a thorough description of the specific information needed to complete the application required by subdivision (a). If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

(f) Each city and each county shall make copies of any list compiled pursuant to Section 65940 with respect to information required from an applicant for a housing development project, as that term is defined in

paragraph (2) of subdivision (h) of Section 65589.5, available both (1) in writing to those persons to whom the agency is required to make information available under subdivision (a) of that section, and (2) publicly available on the internet website of the city or county.

(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 10. Section 65943 is added to the Government Code, to read:

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

(f) This section shall become operative on January 1, 2025.

SEC. 11. Section 65950 of the Government Code is amended to read:

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Sixty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a housing development project, as that term is defined in paragraph (2) of subdivision (h) of Section 65589.5.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 12. Section 65950 is added to the Government Code, to read:

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) One hundred twenty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing,

tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a use consisting of either of the following:

(1) Residential units only.

(2) Mixed-use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, “neighborhood commercial” means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall become operative on January 1, 2025.

SEC. 13. Chapter 12 (commencing with Section 66300) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 12. HOUSING CRISIS ACT OF 2019

66300. (a) As used in this section:

(1) (A) Except as otherwise provided in subparagraph (B), “affected city” means a city, including a charter city, that the Department of Housing and Community Development determines, pursuant to subdivision (e), is

in an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) Notwithstanding subparagraph (A), “affected city” does not include any city that has a population of 5,000 or less and is not located within an urbanized area, as designated by the United States Census Bureau.

(2) “Affected county” means a census designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.

(3) Notwithstanding any other law, “affected county” and “affected city” includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or city.

(4) “Department” means the Department of Housing and Community Development.

(5) “Development policy, standard, or condition” means any of the following:

- (A) A provision of, or amendment to, a general plan.
- (B) A provision of, or amendment to, a specific plan.
- (C) A provision of, or amendment to, a zoning ordinance.
- (D) A subdivision standard or criterion.

(6) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(7) “Objective design standard” means a design standard that involve no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.

(B) (i) Imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a

portion of the jurisdiction of the affected county or city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing.

(ii) The affected county or affected city, as applicable, shall not enforce a zoning ordinance imposing a moratorium or other similar restriction on or limitation of housing development until it has submitted the ordinance to, and received approval from, the department. The department shall approve a zoning ordinance submitted to it pursuant to this subparagraph only if it determines that the zoning ordinance satisfies the requirements of this subparagraph. If the department denies approval of a zoning ordinance imposing a moratorium or similar restriction or limitation on housing development as inconsistent with this subparagraph, that ordinance shall be deemed void.

(C) Imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.

(D) Except as provided in subparagraph (E), establishing or implementing any provision that:

(i) Limits the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated within all or a portion of the affected county or affected city, as applicable.

(ii) Acts as a cap on the number of housing units that can be approved or constructed either annually or for some other time period.

(iii) Limits the population of the affected county or affected city, as applicable.

(E) Notwithstanding subparagraph (D), an affected county or affected city may enforce a limit on the number of approvals or permits or a cap on the number of housing units that can be approved or constructed if the provision of law imposing the limit was approved by voters prior to January 1, 2005, and the affected county or affected city is located in a predominantly agricultural county. For the purposes of this subparagraph, “predominantly agricultural county” means a county that meets both of the following, as determined by the most recent California Farmland Conversion Report produced by the Department of Conservation:

(i) Has more than 550,000 acres of agricultural land.

(ii) At least one-half of the county area is agricultural land.

(2) Any development policy, standard, or condition enacted on or after the effective date of this section that does not comply with this section shall be deemed void.

(c) Notwithstanding subdivisions (b) and (f), an affected county or affected city may enact a development policy, standard, or condition to prohibit the commercial use of land that is designated for residential use, including, but not limited to, short-term occupancy of a residence, consistent with the authority conferred on the county or city by other law.

(d) Notwithstanding any other provision of this section, both of the following shall apply:

(1) An affected city or an affected county shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

(2) An affected city or an affected county shall not approve a housing development project that will require the demolition of occupied or vacant protected units, unless all of the following apply:

(A) (i) The project will replace all existing or demolished protected units.

(ii) Any protected units replaced pursuant to this subparagraph shall be considered in determining whether the housing development project satisfies the requirements of Section 65915 or a locally adopted requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households, as specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(iii) Notwithstanding clause (i), in the case of a protected unit that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power, and that is or was occupied by persons or families above lower income, the affected city or affected county may do either of the following:

(I) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(II) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit is replaced. Unless otherwise required by the affected city or affected county's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(B) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(C) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(D) The developer agrees to provide both of the following to the occupants of any protected units:

(i) Relocation benefits to the occupants of those affordable residential rental units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(ii) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(E) For purposes of this paragraph:

(i) “Equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(ii) “Protected units” means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(iii) “Replace” shall have the same meaning as provided in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.

(3) This subdivision shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.

(4) This subdivision shall only apply to a housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.

(e) The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a) by June 30, 2020. The department may update the list of affected cities and affected counties once on or after January 1, 2021, to account for changes in urbanized areas or urban clusters due to new data obtained from the 2020 census. The department’s determination shall remain valid until January 1, 2025.

(f) (1) Except as provided in paragraphs (3) and (4) and subdivisions (h) and (i), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this state to the extent that this section more fully advances the intent specified in paragraph (2).

(2) It is the intent of the Legislature that this section be broadly construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly.

(3) This section shall not be construed as prohibiting the adoption or amendment of a development policy, standard, or condition in a manner that:

(A) Allows greater density.

(B) Facilitates the development of housing.

(C) Reduces the costs to a housing development project.

(D) Imposes or implements mitigation measures as necessary to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(4) This section shall not apply to a housing development project located within a very high fire hazard severity zone. For purposes of this paragraph, “very high fire hazard severity zone” has the same meaning as provided in Section 51177.

(g) This section shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected county or an affected city, provided that the height limit, urban growth boundary, or urban limit complies with subparagraph (A) of paragraph (1) of subdivision (b).

(h) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

(2) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use on a site that is a mobilehome park, as defined in Section 18214 of the Health and Safety Code, as of the effective date of this section, and the no net loss requirement in paragraph (1) shall not apply.

(j) Notwithstanding subdivisions (b) and (f), this section does not prohibit an affected city or an affected county from enacting a development policy, standard, or condition that is intended to preserve or facilitate the production of housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or housing types that traditionally serve lower income households, including mobilehome parks, single-room occupancy units, or units subject to any form of rent or price control through a public entity’s valid exercise of its police power.

66301. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 14. The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income

levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the provisions of this act apply to all cities, including charter cities.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 16. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

O

Senate Bill No. 35

CHAPTER 366

An act to amend Sections 65400 and 65582.1 of, and to add and repeal Section 65913.4 of, the Government Code, relating to housing.

[Approved by Governor September 29, 2017. Filed with
Secretary of State September 29, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 35, Wiener. Planning and zoning: affordable housing: streamlined approval process.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires the housing element portion of the annual report to be prepared through the use of forms and definitions adopted by the department pursuant to the Administrative Procedure Act.

This bill would require the housing element portion of the annual report to be prepared through the use of standards, forms, and definitions adopted by the department. The bill would eliminate the requirement that the forms and definitions be adopted by the department pursuant to the Administrative Procedure Act and would instead authorize the department to review, adopt, amend, and repeal the standards, forms, or definitions, as provided. The bill would also require the planning agency to include in its annual report specified information regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy. The bill would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided.

(2) Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law

provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would authorize a development proponent to submit an application for a multifamily housing development, which satisfies specified planning objective standards, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. The bill would require a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. The bill would limit the authority of a local government to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that if a local government approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project expire automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for three years and remain valid thereafter so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local government from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions. The bill would repeal these provisions as of January 1, 2026.

(3) The bill would make findings that ensuring access to affordable housing is a matter of statewide concern and declare that its provisions would apply to all cities and counties, including a charter city, a charter county, or a charter city and county.

(4) By imposing new duties upon local agencies with respect to the streamlined approval process and reporting requirement described above, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would incorporate additional changes to Section 65400 of the Government Code proposed by AB 879 to be operative only if this bill and AB 879 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65582.1 of the Government Code proposed by AB 73 to be operative only if this bill and AB 73 are enacted and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 65400 of the Government Code is amended to read:

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions, to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) or Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(D) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing, including both rental housing and housing designated for

home ownership, satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale housing units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier, which must include an assessor's parcel number, but may also include street address or other identifiers.

(E) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the total number of building permits issued pursuant to subdivision (b) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of Section 65913.4.

(F) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

SEC. 1.5. Section 65400 of the Government Code is amended to read:

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions, to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The number of housing development applications received in the prior year.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Sections 65583 and 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.

(H) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier which

must include the assessor's parcel number, but may include street address, or other identifiers.

(I) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the total number of building permits issued pursuant to subdivision (b) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of Section 65913.4.

(J) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

SEC. 2. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the approval and construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(l) Limiting moratoriums on multifamily housing (Section 65858).

(m) Prohibiting discrimination against affordable housing (Section 65008).

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).

(o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

(p) Streamlining housing approvals during a housing shortage (Section 65913.4).

SEC. 2.5. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).
- (p) Streamlining housing approvals during a housing shortage (Section 65913.4).
- (q) Housing sustainability districts (Chapter 11 (commencing with Section 66200)).

SEC. 3. Section 65913.4 is added to the Government Code, to read:

65913.4. (a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development is located on a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(3) If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:

(A) Fifty-five years for units that are rented.

(B) Forty-five years for units that are owned.

(4) The development satisfies both of the following:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report

to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.

(ii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, “objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a

city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall

not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

(ii) For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a

monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special

Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(d) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(2) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(f) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(h) For purposes of this section:

(1) "Department" means the Department of Housing and Community Development.

(2) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(3) "Completed entitlements" means a housing development which has received all the required land use approvals or entitlements necessary for the issuance of building permit.

(4) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(5) "Production report" means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Section 65400.

(6) “Subsidized” means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(7) “Reporting period” means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(8) “Urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(i) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(j) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern, and not a municipal affair. Therefore, the changes made by this act are applicable to a charter city, a charter county, and a charter city and county.

SEC. 5. Each provision of this measure is a material and integral part of this measure, and the provisions of this measure are not severable. If any provision of this measure or its application is held invalid, this entire measure shall be null and void.

SEC. 6. (a) Section 1.5 of this bill incorporates amendments to Section 65400 of the Government Code proposed by both this bill and Assembly Bill 879. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 65400 of the Government Code, and (3) this bill is enacted after Assembly Bill 879, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 65582.1 of the Government Code proposed by both this bill and Assembly Bill 73. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65582.1 of the Government Code, and (3) this bill is enacted after Assembly Bill 73, in which case Section 2 of this bill shall not become operative.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0470

Agenda Date: 10/20/2025

Agenda #: 2.

Agenda Item Wording:

Change of Terms and Conditions - Ratify Authorized Changes to Terms and Conditions of Employment by and between the City of Visalia and City Manager.

Deadline for Action: 10/20/2025

Submitting Department: Administrative Services

Contact Name and Phone Number: Amy Powell, Human Resources Manager, Amy.Powell@visalia.gov, 713-4575; Shonna Oneal, Administrative Services Director, Shonna.Oneal@visalia.gov, 713-4053

Department Recommendation:

Ratify the approved changes to terms and conditions of employment for the City Manager and authorize the Mayor to sign an amendment to the City Manager Employment Agreement, effective the pay period including July 1, 2025. The amendment will reflect a 4% increase to base salary, with the existing 8% experience pay adjusted proportionally to align with the base salary increase, consistent with the compensation changes approved by Council on June 15, 2025.

Background Discussion:

Leslie Caviglia was appointed City Manager on September 4, 2021 and entered into an Employment Agreement at that time. Per Section 3A of the Employment Agreement, the City may from time-to-time adjust the City Manager's salary during the term of the agreement. Historically, Council has authorized comparable compensation and benefit changes for the City Manager as it has for the unrepresented department head bargaining group.

During the last round of negotiations, Council authorized a 4% base wage increase for the unrepresented department head group effective July 1, 2025. As a result of the increase in base pay, the previously approved experience pay would also be adjusted proportionally to reflect the increase in base salary.

Consistent with the terms and conditions Council recently approved for the department head bargaining group and the salary schedule adopted on June 15, 2025, it is recommended that Council ratify the 4% base salary increase and the proportional adjustment to the 8% experience pay for the City Manager, effective the pay period that includes July 1, 2025.

Fiscal Impact:

Wage increase of \$9,928.28 (from \$248,209 to \$258,137.28 (annually)). The 8% experience pay will be adjusted proportionally based on the new base salary.

Prior Council Action: June 15, 2025

Other: n/a

Alternatives: n/a

Recommended Motion (and Alternative Motions if expected):

I move to approve changes to terms and conditions of employment for the City Manager and authorize the Mayor to sign an amendment to the City Manager Employment Agreement, effective the pay period including July 1, 2025, reflecting a 4% base salary increase and the proportional adjustment of the existing 8% experience pay based on the base salary increase.

Environmental Assessment Status: N/A

CEQA Review: N/A

Attachments: Fifth Amendment to City Manager Employment Agreement; City Manager Employment Agreement 2021

**FIFTH AMENDMENT TO
CITY MANAGER EMPLOYMENT AGREEMENT**

**BETWEEN
THE CITY OF VISALIA AND LESLIE B. CAVIGLIA**

WHEREAS, the City Council (the "Council") of the City of Visalia (the "CITY") desires to continue to employ the services of Leslie B. Caviglia (the "CITY MANAGER"), in accordance with Article IV and Article VI of the Charter of the City of Visalia (the "Charter"); and

WHEREAS, the CITY acting through the Council has entered into that certain contract titled "City Manager Employment Agreement. An Agreement Made And Entered Into By And Between City Of Visalia and Leslie B. Caviglia" dated September 4, 2021, as amended December 4, 2021, June 15, 2022, May 17, 2023 and June 24, 2024 (the "Agreement"); and

WHEREAS, the Council has approved certain salary adjustments for all City of Visalia employees. In recognition of CITY MANAGER's performance and 29 years of experience with CITY, the Council wishes to adjust her compensation and has by action of the Council elected to provide this adjustment to CITY MANAGER; and.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, Council and CITY MANAGER agree as follows:

1. Effective the pay period that includes July 1, 2025, Section 3(A) of the Agreement is hereby deleted and replaced as follows:

A. Base Salary. In consideration for her services to CITY during the period in which this Agreement is effective, CITY will pay to CITY MANAGER a base salary of **\$258,137.28** per year, which amount is consistent with the FY 2025-2026 Salary Ranges adopted by Council June 16, 2025. CITY may, in its sole discretion and from time-to-time, adjust CITY MANAGER's base salary at any time after the Effective Date and during the term of this Agreement. Base salary shall accrue daily and be paid through biweekly pay periods during the period in which this Agreement is effective and shall be subject to all lawful withholdings and deductions required by federal and state laws, and any other authorized deductions.

B. Experience Pay. In consideration for her 29 years of experience and service to CITY, and in addition to the Base Salary identified in Paragraph 1(A), CITY will pay to CITY MANAGER an additional eight percent (8%) in and for experience pay. Effective the pay period that includes July 1, 2025, 8% equates to **\$20,651.00** per year, which amount shall be adjusted commensurate with changes to CITY MANAGER's Base Salary. Experience pay shall accrue daily and be paid through biweekly pay periods during the period in which this Agreement is effective and shall be subject to all lawful withholdings and deductions required by federal and state laws, and any other authorized deductions.

3. All other terms and conditions of the Agreement not in conflict with the foregoing are restated and shall remain in full force and effect.

IN WITNESS WHEREOF, the Council of the City of Visalia, California, has authorized this Agreement to be signed and executed this ____ day of _____, 2025.

ATTEST:

Reyna Rivera, Chief Deputy
City Clerk

Brett Taylor, Mayor
City of Visalia

Approved as to Form:

Rachele Berglund, Legal Counsel

APPROVED AND ACCEPTED:

Dated: _____

Leslie B. Caviglia, City Manager

**CITY MANAGER
EMPLOYMENT AGREEMENT**

**AN AGREEMENT MADE AND ENTERED INTO BY AND BETWEEN
CITY OF VISALIA
AND LESLIE B. CAVIGLIA**

This Employment Agreement (the "Agreement") is made and effective as of this **September 4, 2021** (the "Effective Date") between the City of Visalia through its duly elected and formed City Council (the "CITY"), a charter city in the State of California, and Leslie B. Caviglia, an individual ("CITY MANAGER").

WHEREAS, pursuant to City's Charter and duly adopted ordinances, resolutions, practices and policies, the City Council has the responsibility of establishing the terms and conditions of employment for its employees, and consistent with such Charter, ordinances, resolutions, practices and policies, the City Council may, where appropriate and at its option, enter into employment contracts with individual employees to set forth the terms and conditions of employment, including among other things any severance payments that the City Council may elect to provide in the case of termination without cause; and

WHEREAS, CITY desires to secure the services of CITY MANAGER and CITY MANAGER desires to accept such employment upon the terms and conditions hereinafter set forth;

NOW THEREFORE, in consideration of the material advantages accruing to the parties and the mutual covenants contained herein, and intending to be legally and ethically bound hereby, CITY and CITY MANAGER agree as follows:

SECTION 1: DUTIES AND SCOPE OF EMPLOYMENT

A. CITY shall employ CITY MANAGER as City Manager and CITY MANAGER accepts such employment. CITY MANAGER shall devote substantially all of her time, attention, energy, knowledge, and skill solely and exclusively to performing all duties as City Manager to perform the functions and duties specified in the City Charter, and to perform such other legally permissible and proper duties and functions as the Council shall from time to time assign. City Manager shall serve for an unspecified term at the will of the Council and may have her services terminated by a vote of the Council in accordance with provisions in the Charter and this Agreement.

B. As an exempt, salaried employee, CITY MANAGER will be expected to work such hours as required by the nature of CITY MANAGER's work assignments. CITY MANAGER agrees not to render full time services to any other entity or person during the term of this Agreement, unless otherwise

allowed by this Agreement. CITY reserves the right to modify CITY MANAGER's responsibilities and duties at any time in its sole and reasonable discretion.

SECTION 2: SCOPE OF EMPLOYMENT

A. Term. The term of this Agreement shall commence **September 4, 2021** and continue in effect until terminated pursuant to Section 6 of this Agreement.

B. Employment Status. This Agreement describes the only employment rights and benefits to which CITY MANAGER shall be entitled during the term of this Agreement. CITY MANAGER is an at-will employee who serves at the pleasure of the City Council. During the term of this Agreement, CITY MANAGER will not acquire or accrue tenure or any other employment rights with CITY including, without limitation, any property interest in continued employment with CITY unless otherwise required by law. Notwithstanding the at-will nature of this Agreement, the parties agree to the severance benefits described in Section 6(C) of this Agreement.

SECTION 3: COMPENSATION

A. Base Salary. In consideration for her services to CITY during the period in which this Agreement is effective, CITY will pay to CITY MANAGER an initial base salary of **\$203,390** per year. In or about November, 2021, the City Council will review the performance of CITY MANAGER and, upon a determination of satisfactory performance, shall increase CITY MANAGER's base salary by four percent (4%) effective the first pay period in December, 2021. CITY may, in its sole discretion and from time-to-time, adjust CITY MANAGER's base salary at any time after the Effective Date and during the term of this Agreement. Base salary shall accrue daily and be paid through biweekly pay periods during the period in which this Agreement is effective and shall be subject to all lawful withholdings and deductions required by federal and state laws, and any other authorized deductions.

SECTION 4: SUPPLEMENTAL BENEFITS

A. Deferred Compensation. CITY MANAGER may, if she so chooses, participate in one of CITY's deferred compensation programs for employees. At this time, CITY does not contribute to deferred compensation on CITY MANAGER's behalf. If in the future CITY begins contributing to deferred compensation, CITY MANAGER shall be entitled to such contributions to the same extent as CITY Department Heads.

B. Retirement. CITY MANAGER will remain enrolled in the 3% @ 60 CalPERS Miscellaneous Retirement Program for Classic CalPERS members. City Manager will pay 12 percent of salary toward required CalPERS contributions (representing the full employee contribution of 8 percent of salary together with 4 percent of the employer contribution), and the City will pay any remainder of the required CalPERS contributions.

C. Health Benefits. CITY MANAGER shall be eligible for medical, dental and vision care as offered to other CITY Department Head employees. CITY MANAGER's cost for participation is dependent upon the plan selected by CITY MANAGER, including whether coverage shall include any of CITY MANAGER's dependents.

D. Section 125. CITY MANAGER may participate in CITY's flexible spending account available for unreimbursed medical expenses, child care and group insurance premiums. CITY MANAGER may also choose to participate in voluntary plans at CITY MANAGER's expense.

E. Leave Accruals. CITY MANAGER shall accrue, on a bi-weekly basis, 20 days (160 hours) of compensated vacation per year. The maximum allowable vacation that may be accrued at any one time is 320 hours. CITY MANAGER shall accrue sick leave pursuant to City of Visalia Sick Leave Policy #305a, and all provisions of that policy apply to the CITY MANAGER.

F. Administrative Leave. CITY MANAGER shall be granted a total of 80 hours of administrative leave per calendar year. The amount available to CITY MANAGER for any partial calendar year of employment shall be prorated. CITY MANAGER shall be eligible to use such leave as of the Effective Date of this Agreement. CITY MANAGER shall be eligible to sell back unused administrative leave hours each calendar year, consistent with CITY's Personnel Policy Guidelines and as applied to CITY's department heads.

G. Holidays. CITY MANAGER shall receive eleven (11) compensated holidays per calendar year, to be taken consistent with CITY's Personnel Policy Guidelines and as applied to CITY's department heads.

H. Floating Holidays. CITY MANAGER shall be granted 8 hours of floating holidays per calendar year, and shall be eligible to use such floating holiday as of the Effective Date of this Agreement.

I. Educational Assistance. CITY MANAGER shall be eligible for up to \$1,200 in educational assistance on a reimbursement basis per fiscal year to help defray education expenses, such as tuition, books and other materials (if any) from accredited institutions, consistent with CITY's Personnel Policy Guidelines. The educational assistance shall constitute a non-taxable benefit and shall not be included as wages in CITY MANAGER's IRS form W-2.

J. Long-Term Disability. CITY MANAGER shall be eligible for long-term disability insurance up to two-thirds of her salary and up to the plan's cap, if disabled for more than 90 days. CITY MANAGER is responsible for payment of the premium, currently calculated at .052% of her base salary.

K. Vehicle Allowance. CITY shall provide CITY MANAGER with a \$550 monthly vehicle allowance paid the first pay period of each month.

L. Life Insurance. CITY shall provide CITY MANAGER a policy of term life insurance equal to twice annual base salary. CITY MANAGER may purchase a supplemental policy of up to \$300,000.00 at the established group-rate price.

M. Professional Organizations. CITY shall pay for CITY MANAGER's membership in professional organizations related to her duties as City Manager including, but not limited to: the California Redevelopment Association; the International City Managers Association; and the American Society of Public Administrators.

N. Service Clubs. CITY MANAGER will be reimbursed an amount not to exceed \$750.00 per calendar year for dues to participate in such local service clubs, which CITY MANAGER desires to join.

O. Event Expense. CITY MANAGER will be paid \$1,000 in the paycheck including January 1 of each year. These funds may be used for voluntary activities at the discretion of CITY MANAGER for attending and/or making charitable contributions to community events, fundraisers, and other community-related activities.

SECTION 5: PERFORMANCE AND REVIEWS

A. Annual Performance Reviews. In order to maintain a clear and well-defined relationship between CITY and CITY MANAGER, the City Council and CITY MANAGER will endeavor to annually, or more often at the discretion of City Council, review CITY MANAGER's performance and set goals and objectives for CITY MANAGER. Such review shall be consistent with CITY's Personnel Policy Guidelines, or as otherwise directed by City Council.

SECTION 6: TERMINATION

A. Termination by Death.

1. CITY MANAGER's employment with CITY shall terminate automatically upon CITY MANAGER's death.

2. CITY's obligations under this Agreement in such event shall be limited to: (1) the prorated payment of CITY MANAGER's base salary through the date of death to the extent not yet paid; (2) the payment of accrued and unused vacation and administrative leave, and unused sick leave if CITY MANAGER otherwise qualifies under applicable CITY sick leave policy, at CITY MANAGER's then applicable rate of base salary through the date of CITY MANAGER's death; and (3) the payment of any unpaid reimbursable business expenses incurred and documented by CITY MANAGER or her legal representative in accordance with this Agreement. CITY shall make the payments to CITY MANAGER's estate or beneficiary, as applicable. As of the date of CITY MANAGER's death, CITY's obligations under this Agreement shall terminate and CITY will have no further obligation to pay CITY MANAGER or

her estate or beneficiaries any compensation or other amounts, except as required by law.

B. CITY Termination For Cause.

1. Notwithstanding any other provision contained in this Agreement, CITY may terminate this Agreement at any time, for cause. Termination pursuant to this paragraph shall be effective on the date written notice is provided to CITY MANAGER describing the cause for termination as defined herein below, and shall be subject to a post-termination hearing on the factual grounds for such cause as may be required by law. For purposes of this Agreement, "cause" shall mean:

- (i) Any willful breach or habitual neglect of CITY MANAGER's duties which she is required to perform under the terms of this Agreement, job description, or other City policy or procedure;
- (ii) The commission of any material act of dishonesty, fraud, misrepresentation, or other act of moral turpitude;
- (iii) Gross carelessness or misconduct;
- (iv) Failure to obey the lawful direction of CITY's City Council in such a way that has a direct, substantial, and adverse effect on CITY's reputation; and/or
- (v) Conviction of a felony.

2. In the event of such termination, CITY's obligations under this Agreement shall be limited to: (1) the prorated payment of CITY MANAGER's base salary through the date of termination to the extent not yet paid; (2) the payment of accrued and unused vacation and administrative leave through the date of termination, and unused sick leave if CITY MANAGER otherwise qualifies under applicable CITY sick leave policy, at CITY MANAGER's then applicable rate of base salary; and (3) the payment of any unpaid reimbursable business expenses incurred and documented by CITY MANAGER in accordance with this Agreement. As of the date of termination, CITY's obligations under this Agreement shall terminate and CITY will have no further obligation to pay CITY MANAGER any compensation or other amounts, except as required by law.

C. Termination by CITY for Other than Death or Cause.

1. CITY may terminate this Agreement for any reason upon delivery of 30 days' written notice to CITY MANAGER or such later date as may be specified in the notice.

2. In the event of such termination, CITY's obligation under this Agreement shall be limited to: (1) the prorated payment of CITY MANAGER's base salary through the date of termination to the extent not yet paid; (2) the payment of accrued and unused vacation and administrative leave through the date of termination, and unused sick leave if CITY MANAGER

otherwise qualifies under applicable CITY sick leave policy, at the CITY MANAGER's then applicable rate of base salary; (3) the payment of any unpaid reimbursable business expenses incurred and documented by CITY MANAGER in accordance with this Agreement; and (4) payment of 6 months' compensation, as defined in Section 3 of this Agreement, in and for severance and as consideration of a mutual release of all claims through the date of termination.

3. Notwithstanding the foregoing, notice of termination shall not be given during or within a period of ninety (90) days succeeding any general municipal election held in the City at which new member(s) of the City Council are elected.

D. Termination by CITY MANAGER.

1. CITY MANAGER may terminate this Agreement for any or no reason, upon 30 days' written notice to the City Council.

2. In the event of such termination, CITY's obligations under this Agreement shall be limited to the prorated payment of: (1) CITY MANAGER's base salary through the date of termination to the extent not yet paid; (2) accrued and unused vacation and administrative leave through the date of termination, and unused sick leave if CITY MANAGER otherwise qualifies under applicable CITY sick leave policy, at CITY MANAGER's then applicable rate of base salary; and (3) any unpaid reimbursable business expenses incurred and documented by CITY MANAGER in accordance with this Agreement. As of the date of termination, CITY's obligations under this Agreement shall terminate and CITY will have no further obligation to pay CITY MANAGER any compensation or other amounts, except as required by law.

SECTION 7: RELEASE OF CLAIMS

If the Agreement is terminated pursuant to Section 6(C) and CITY MANAGER accepts any of the payments described therein after termination and to the extent not prohibited by law, CITY MANAGER shall be deemed to voluntarily release and forever discharge CITY and its officers, directors, employees, agents, and their successors and assigns, individually and collectively and in their official capacities (the "Releasees"), from any and all liability arising out of her employment and/or the termination of her employment. Nothing contained in this paragraph shall prevent CITY MANAGER from enforcing the terms of this Agreement.

SECTION 8: CONFIDENTIALITY

CITY MANAGER shall maintain in confidence the confidential information he receives in the course of her employment and shall not disclose any such information and shall not, either during the term of this Agreement or thereafter, use or permit the use of any such information in connection with any activity or business and shall not divulge such information to any person,

firm, or corporation whatsoever, except as may be necessary in the performance of her duties hereunder or as required by law. The term "confidential information" includes local, state or national security information, personnel information, and patient information.

SECTION 9: GENERAL PROVISIONS

A. Entire Agreement. This Agreement constitutes the entire agreement between the parties and contains all the agreements between them with respect to the subject matter hereof. It also supersedes any and all other agreements or contracts, either oral or written, between the parties with respect to the subject matter hereof.

B. Amendments. Except as otherwise specifically provided, the terms and conditions of this Agreement may be amended at any time by mutual written agreement of the parties.

C. Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect its other provisions, and the other provisions of this Agreement shall be construed in all respects as if such invalid or unenforceable provisions had been omitted.

D. Governing Law. This Agreement shall be governed and enforced according to the laws of the State of California.

E. Attorneys' Fees and Costs. Each party will bear its/her own costs including attorneys' fees in connection with the negotiation and execution of this Agreement. If either party commences any legal proceeding against the other party with respect to any of the terms and conditions of this Agreement, the non-prevailing party shall pay the prevailing party all expenses of those proceedings and any appeal thereof, including reasonable attorneys' fees, and all attorneys' fees, costs and expenses incurred in collecting or executing on any judgment, order or award.

F. Necessary Acts. The parties agree to perform any further acts and execute and deliver any further documents, which may be reasonably necessary to carry out the provisions of this Agreement.

G. Ambiguities and Uncertainties. This Agreement and any ambiguities or uncertainties herein, or the documents referenced herein, shall be equally and fairly interpreted and construed without reference to the identity of the party preparing this document or the documents referred to herein, on the express understanding and agreement that the parties participated equally in the negotiation and preparation of the Agreement and the documents referred to herein, or have had equal opportunity to do so. Accordingly, the parties hereby waive the benefit of California Civil Code section 1654 and any successor or amended statute providing that in cases of uncertainty, language

or a contract should be interpreted most strongly against the party who caused the uncertainty to exist.

H. Execution. This Agreement may be executed in counterparts and by facsimile or electronic PDF, all of which shall constitute one binding and legally enforceable instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement.

CITY OF VISALIA

AUTHORIZED REPRESENTATIVE: STEVE NELSEN

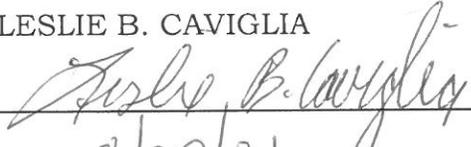
TITLE: Mayor

SIGNATURE: 

DATE: 8/19/21

CITY MANAGER

NAME: LESLIE B. CAVIGLIA

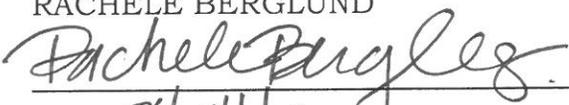
SIGNATURE: 

DATE: 8/20/21

APPROVED AS TO FORM

LEGAL COUNSEL FOR CITY

RACHELE BERGLUND

SIGNATURE: 

DATE: 8/24/2021



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 25-0430

Agenda Date: 10/20/2025

Agenda #: 1.

Agenda Item Wording:

Upcoming City Council Meetings

Thursday, October 23, 2025 @ 5:30 p.m. at 5000 W. Cypress Avenue, Joint VUSD mtg.

Monday, November 3, 2025 @ 7:00 p.m. at 707 W. Acequia

Note: Meeting dates and times are subject to change, check posted agenda for correct details. In compliance with the American Disabilities Act, if you need special assistance to participate in meetings contact 713-4512.

Written materials relating to an item on this agenda submitted to the Council after distribution of the agenda are available for public inspection in the Office of the City Clerk, 220 N. Santa Fe Street, Visalia CA 93292, during normal business hours.