

REPORT TO CITY OF VISALIA PLANNING COMMISSION



HEARING DATE: May 9, 2022

PROJECT PLANNER: Rafael Garcia, Senior Planner
Phone No.: (559) 713-4031
Email: rafael.garcia@visalia.city

SUBJECT: **Annexation No. 2021-03:** A request by Quest Equity, LLC, to annex one parcel totaling 32.35-acres into the City limits of Visalia, and to detach said parcel from Tulare County Service Area No. 1. This parcel is designated Residential Low Density in the Visalia General Plan Map and will be zoned R-1-5 (Single-family Residential) which is consistent with the Residential Low Density land use designation.

Higgins Ranch Tentative Subdivision Map No. 5585: A request by Quest Equity, LLC, Inc. to subdivide a 32.35-acre parcel into 174-lots for residential use with additional lots for landscaping and lighting district lots consistent with the R-1-5 (Single-family Residential) zone.

Tentative Parcel Map No. 2022-01: A request by Quest Equity, LLC, Inc. to subdivide a 32.35-acre parcel into 2-lots for phasing and financing.

Project Location: The project site is located on the southeast corner of South Lovers Lane and East Cherry Avenue within the jurisdiction of the County of Tulare (APN: 127-030-018).

STAFF RECOMMENDATION

Annexation No. 2021-03

Staff recommends that the Planning Commission recommend that City Council approve Annexation No. 2021-03, as conditioned, based on the findings in Resolution No. 2021-65. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan.

Higgins Ranch Tentative Subdivision Map No. 5585

Staff recommends approval of the Higgins Ranch Tentative Subdivision Map No. 5585, as conditioned, based on the findings and conditions in Resolution No. 2021-66. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances.

Tentative Parcel Map No. 2022-01

Staff recommends approval of Tentative Parcel Map No. 2022-01, as conditioned, based on the findings and conditions in Resolution No. 2022-05. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances.

RECOMMENDED MOTION

I move to recommend approval of Annexation No. 2021-03, based on the findings and conditions in Resolution No. 2021-65.

I move to approve Higgins Ranch Tentative Subdivision Map No. 5585, based on the findings and conditions in Resolution No. 2021-66.

I move to approve Tentative Parcel Map No. 2022-01, based on the findings and conditions in Resolution No. 2022-05.

PROJECT DESCRIPTION

The applicant, Quest Equity, LLC, has filed entitlement applications for the annexation of a 32.35-acre parcel, a tentative subdivision map and a tentative parcel map. Annexation No. 2021-03 is a request to annex a 32.35-acre parcel located beyond the city limits and within Tulare County (see Exhibit "B"). The annexation application is requesting to annex the development site within the City. Upon annexation, the Zoning designation for the 32.35-acre parcel will be R-1-5 (Single-family Residential 5,000 square foot minimum site area) for the entire project site.

The Higgins Ranch tentative subdivision map is a request to subdivide the 32.35-acre parcel into a 174-lot single-family residential subdivision at a density of 5.38 dwelling units per acre (see Exhibit "A"). Most of the proposed lots will conform to the zoning standards required within the R-1-5 zoning district for lot sizes of 5,000 square feet or greater. A total of 160 of the 174 lots will be a minimum of 5,000 square feet in area and will conform to the normal setbacks prescribed by the R-1-5 zoning district. The remaining balance of the lots will be less than 5,000 square feet (range between \pm 3,600 square feet to \pm 4,900 square feet) in area will utilize the setback standards prescribed as part of Visalia Municipal Code (VMC) Section 17.12.135.B of the zoning ordinance. No conditional use permit is necessary to establish the lots less than 5,000 square feet under this code section. The code section allows newly created lots to deviate from the required zoning standards so long as all the lots are minimum of 3,600 square feet in area. The small lots will have reduced setbacks along the front and rear yards but will comply with all other requirements as identified in Section 17.12.135 of the VMC with the exception of Section 17.12.135.4. The 14 lots will be located along the south border of the subdivision that abut the San Joaquin Valley Railroad and South California Edison (SCE) transmission lines. Due to the SCE transmission lines, SCE is requiring a 25-foot easement along the rear property lines of Lots 152 through 165 of the Higgins Ranch Subdivision. The SCE easement will prohibit any structure from being located within the required 25-foot easement as noted on the tentative subdivision map. This is discussed in greater detail in the Development Standards section of the staff report.

The proposed single-family subdivision will be serviced by 60-foot wide public local streets containing full improvements (curb, gutter, parkway landscaping, sidewalks, and streetlights), sewer lines, storm drainage, and other public infrastructure, utilities, and services (i.e., electricity, gas, and water). Primary access to the subdivision will be from Lovers Lane, an arterial street, and Cherry Avenue, a local roadway. Both streets will be improved to their ultimate right-of-way width within the boundaries of the Higgins Ranch subdivision. Improvements along these major streets include construction of curb, gutter, parkway landscaping, sidewalks, block wall, installation of park strip landscaping, streetlights, and undergrounding of utility lines. The street improvements associated with this subdivision are discussed in greater detail in the Lovers Lane and Cherry Avenue Improvements and Local Street Connectivity section of the staff report.

The subdivision map will also create lettered lots for Landscaping and Lighting District (LLD) purposes. The LLD lots will contain landscaping and six-foot tall block walls along Lovers Lane and a portion of Cherry Avenue adjacent to lots 70 and 71. The LLD lots will also extend around to the street sides on the corner lots adjacent to "D" Street abutting against lots 84 and 149.

The Parcel Map will also subdivide the area into two sites for phasing purposes. Phase I will be approximately 19.05 acres in area and will include 100 lots. Phase II will be approximately 13.30 acres in area and will include 74 lots. The 32.35-acre project site is currently undeveloped with an active walnut farm that will continue to operate until the site is ready for development. The parcel is surrounded by a residential subdivision to the north, a church to the west and undeveloped lots within the county's jurisdiction to the east and south. The project site also abuts a canal belonging to the Tulare Irrigation District to the east and southeast as well as railroad tracks along the south operated by San Joaquin Valley Railroad.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Residential Low Density
City Zoning:	R-1-5 (Single-family Residential, 5,000 square foot minimum lot size)
Surrounding Zoning and Land Use:	<p>North: R-1-5 / Residential subdivision</p> <p>South: County AE-20 (Agricultural Exclusive 20-acre County jurisdiction) / Undeveloped Land</p> <p>East: County AE-20 (Agricultural Exclusive 20-acre County jurisdiction) / Undeveloped Land</p> <p>West: R-1-5 / Lovers Lane (Arterial street), Parcel currently improved with church building</p>
Environmental Review:	Initial Study / Negative Declaration No. 2021-49
Special Districts:	None
Site Plan Review:	SPR No. 2021-157, 2021-219 and 2022-044

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies.

SIMILAR PROJECTS

None.

PROJECT EVALUATION

Staff supports the annexation based on the project's consistency with the Land Use Element of the General Plan. Specifically, the annexation will facilitate a residential subdivision development on a 32.35-acre site in a manner that is consistent with residential neighborhoods in the area. Furthermore, staff recommends approval of Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01 based on the project's consistency with the Land Use Element of the General Plan, and the Zoning and Subdivision Ordinances for approval of the tentative subdivision map. The following potential issue areas have been analyzed for the proposed project.

General Plan Consistency

The proposed 174-lot single-family residential subdivision on 32.35-acres is compatible with existing residential development adjacent to the area. The project is consistent with Land Use Policy LU-P-21 of the 2014 General Plan, which states that the city should “Allow annexation and development of residential, commercial, regional retail, and industrial land to occur within the Urban Development Boundary (Tier II) consistent with the City’s Land Use Diagram”. The proposed site is within the County of Tulare and is adjacent to developed sites to the north and west. Existing utility infrastructure (i.e., sewer, storm and water) can be provided to accommodate the project at buildout. Further, the site is in the Urban Development Boundary (UDB) Tier 2, which allows for immediate development upon successful annexation. Visalia met the residential land use thresholds for expanding into the Tier 2 growth boundary in July 2021.

Furthermore, the project is consistent with Policy LU-P-55. The policy allows for residential development consistent with the Low Density Residential designation at a density range between two to ten dwelling units per gross acre. The proposed development will be developed at a residential density of 5.38 units per acre consistent with the Low Density Residential General Plan land use designation as well as the R-1-5 zoning district. The policy states: *“this designation is intended to provide for single-family subdivisions.”* Compatibility with the surrounding area is required by the General Plan in the decision to approve the proposed subdivision. The proposed subdivision meets all of the codified standards contained in the Zoning and Subdivision Ordinances, as well as all General Plan policies pertaining to residential development. Staff finds that the proposed tentative subdivision map is compatible with the surrounding area and the Low Density Residential land use designation.

Annexation No. 2021-03

The project proponents have also filed an application to initiate the annexation of the 32.35-acre parcel (i.e., Annexation No. 2021-03). This is required in order to annex the site into the City’s land use jurisdiction. The Annexation can be supported on the basis that the proposed use is consistent with Land Use Policy LU-P-21, which allows for the annexation and development of residential land to occur within the Urban Development Boundary (Tier II) consistent with the City’s Land Use Diagram. The site can be serviced with all of the requisite utility and infrastructure available to serve the site upon development. Cities can approve tentative maps prior to final approval of the annexation by the local agency formation commission, but cannot approve the final subdivision map until after the land is annexed and the annexation is recorded through the Tulare County Recorder. Staff has included this requirement as Condition No. 3 of the Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01.

Lovers Lane and Cherry Avenue Improvements and Local Street Connectivity

The developer of the subdivision will be required to construct major street improvements along both South Lovers Lane and East Cherry Avenue. Improvements along the subdivision frontage for these major streets include improving these streets to their ultimate right-of-way design.

Lovers Lane is a designated 110-foot wide arterial street. Improvements along the right of way within the boundaries of the subdivision map include improving the street to its full width which will include a Class II bike lane, curb, gutter, sidewalks, streetlights, block wall and landscaping along the east side of the street. Lovers Lane is currently improved with two south bound and two northbound lanes, but there is no curb, gutter, sidewalks, streetlights, block wall or landscaping along the east side of the street. The landscaping frontage along Lovers Lane is required to be dedicated as part of a Landscape and Lighting District which will be formed with the subdivision map. The Landscape and Lighting District lots are identified as out-lots “A” and “B” of the Higgins Ranch tentative subdivision map (see Exhibit “A”). The establishment of the

district provides maintenance of the landscape lots, block walls, street pavement and street lighting. Also, as noted in the Engineering Division's Site Plan Review comments, all new utilities that will service the residential subdivision will be placed underground.

No changes are proposed as part of the existing median island on Lovers Lane. The Lovers Lane and Cherry Avenue intersection will be limited to right-in, right-out, and left-in traffic movements, while the Lovers Lane and "D" Street intersection will be limited to right-in and right-out only. No new left-turn pocket will be required along this segment of Lovers Lane.

Cherry Avenue is a 56-foot wide local street. Full street improvements along Cherry Avenue include a street widening, new curb, gutter, parkway landscaping and new sidewalk along the south side of the roadway fronting the new development. The north side of the roadway has been improved as part of the improvements that were required as part of the residential subdivision to the north. The landscaping frontage along Cherry Avenue adjacent to lots 70 and 71 is required to be dedicated to a Landscape and Lighting District which will be formed with the subdivision map. The Landscape and Lighting District lot is identified as out-lot "A" of the Higgins Ranch tentative subdivision map (see Exhibit "A"). In addition, as noted in the Engineering Division's Site Plan Review comments, all new utilities required to service the residential subdivision will be required to be undergrounded.

Local Street Connectivity: The 174-lot subdivision is designed to comply with the City's Engineering Improvement Standards "P-15 – Super Block Connectivity". This improvement standard provides for access via the local street connectivity pattern within a superblock thereby reducing trips onto arterial and collector streets. The superblock connectivity design allows for interconnectivity between and within neighborhoods. The local street connection proposed within the 174-lot subdivision provides for the local street stub-out connection to a future subdivision located to the east of the project site which will be accessible via "E" Street as shown on Exhibit "A". The city will require that the street connection up to the ditch easement with temporary barricade be installed as part of Phase I of the development. The applicant will also be required to submit a deposit of 50 percent of the cost associated with the required culvert crossing.

Development Standards

Most of the proposed lots will utilize standard single-family residential standards for lot size and setbacks. The lots will be required to meet R-1-5 zoning standard setback standards, described in further detail in VMC chapter 17.12 (see attached Related Plans and Policies). However, 14 of the 174 lots will utilize lot sizes and setbacks that will deviate from the conventional R-1-5 zoning standards. The 14 lots will be less than 5,000 square feet in area (ranging between 3,600 and 4,999 square feet) and will utilize setback standards prescribed as part of VMC Section 17.12.135.B. of the zoning code. The lots are located along the southern boundary of the subdivision and are adjacent to a Southern California Edison easement that will be required for SCE transmission lines located along the southern border of the subdivision. The easement will prevent any development or structures within 25 feet from the rear property lines of lots 152 through 165. The easement will reduce the buildable area for the 14 lots to less than 5,000 square feet. VMC Section 17.12.135 allows newly created lots to deviate from the required zoning standards so long as all the lots are a minimum of 3,600 square feet in area. All lots that are a minimum of 5,000 square feet in area will have a minimum lot depth between ± 93 to ± 110 feet with the exception of the lots located on cul-de-sac or knuckle street bulbs. These lots will also be required to utilize standard single-family residential setback standards but are permitted to have a 20-foot setback for front-loading garages as identified in Section 17.12.080.C of the Zoning Ordinance. Lots less than 5,000 square feet in area are required to be a minimum of 46 feet in width by 70 feet in depth as prescribed by VMC Section 17.12.135.B. Reduced setbacks are also allowed along the front and rear yard setbacks as outlined on the breakdown below.

The setbacks within the R-1-5 zone for lots 5,000 square feet or greater are as follows:

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

The setbacks for the R-1-5 zone for lots that are between 3,600 and 4,999 square feet in area are as follows:

Minimum Lot Area	Front	Side	Street Side	Rear
3,600 to 4,999 sq. ft.	12-ft. to habitable space 20-ft. to garage	5-ft.	10-ft.	15-ft.

Landscape and Lighting Assessment District and Block Walls

A Landscaping and Lighting District (LLD) will be required for the long-term maintenance of the out lots (Lots A through C), which include blocks walls, landscaping, streets lights and a small park as noted on Exhibit "A". The block walls along the major street frontages will be typical City standard 6-foot, 8-inch block walls. The block wall height shall be reduced to three feet where the block wall runs adjacent to the front yard setback along the front yard areas of the adjoining residential lots. The three-foot transition areas can be found between the corner residential lots and the local streets heading into the subdivision from South Lovers Lane. Staff has included Condition No. 6 to require the stepped down walls.

Infrastructure

Water Service: Staff received correspondence (Exhibit "D", attached herein) from the California Water Service Company (Cal Water), indicating that Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission. The determination of water availability shall remain valid for two years from the date of their letter, January 11, 2022. The letter also states that if the project does not commence within the two-year time frame, Cal Water will be under no obligation to serve the project site unless the developer receives an updated letter from Cal Water reconfirming water availability. In addition, the letter can be rescinded at any time in the event that water supply is severely reduced by legislative, regulatory or environmental factors. Staff has included Condition No. 7 that requires the developer to obtain a valid Will Serve Letter from the California Water Service Company if, prior to development of the subdivision, the determination of water availability letter lapses.

Sanitary Sewer: The sewer system will have to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will be sized in order to service the entire subdivision. The sanitary sewer master plan for the entire development will be required to be submitted for approval prior to approval of any portion of the system.

Storm Drainage: The subdivision will be required to provide a temporary retention basin for storm water drainage. Coordination with the City Engineer as part of the master storm infrastructure plan will be necessary to design the subdivision accordingly to ultimately tie into a future storm drain basin. A capital improvement project is currently under design for a regional storm drain master plan in the area. A temporary easement will be required over the lots (170 to 174) impacted by the temporary basin and any backfill stockpiles.

Subdivision Map Act Findings

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

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

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed maps have been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision and Tentative Parcel Maps. There are no specific plans applicable to the proposed maps.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the maps have been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision and Tentative Parcel Maps. There are no specific plans applicable to the proposed maps.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed maps and its affiliated development plan, which is designated as Low Density Residential and developed at a density of 5.38 units per acre. This is included as recommended Finding No. 3 of the Tentative Subdivision and Tentative Parcel Maps.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed maps and its affiliated development plan, which is designated as Low Density Residential. This is included as recommended Finding No. 4 of the Tentative Subdivision and Tentative Parcel Maps.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvements of the maps have not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project’s determination of no new effects under the Guidelines for the Implementation of the California

	Environmental Quality Act (CEQA), included as recommended Finding No. 6 of the Tentative Subdivision and Tentative Parcel Maps.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has been found to not cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Subdivision and Tentative Parcel Maps.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.	The proposed design of the maps do not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 5 of the Tentative Subdivision and Tentative Parcel Maps.

Environmental Review

An Initial Study and Negative Declaration were prepared for the proposed project. Initial Study and Negative Declaration No. 2021-49 disclosed that environmental impacts are determined to be not significant. Staff concludes that Initial Study and Negative Declaration No. 2021-49 adequately analyzes and addresses the proposed project and reduces environmental impacts to a less than significant level.

RECOMMENDED FINDINGS

Annexation No. 2021-03

1. That the Annexation is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Annexation, which will re-designate 32.35-acres of AE-20 (Agricultural Exclusive 20-acre) County zone district to R-1-5 (Single-family Residential) City zone district, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the parcel is not located within an Agricultural Preserve.
4. That the parcel will be annexed into Voting District 2 per the Council Election Voting District Map.
5. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-49, is hereby adopted. Furthermore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish, wildlife or their habitat.

Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01

1. That the proposed location and layout of the Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01, its improvements and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance. The 32.35-acre project site, which is the site of the proposed 174-lot single-family residential subdivision, is consistent with Land Use Policy LU-P-21 of the General Plan. Policy LU-P-21 allows for the “annexation and development of residential, commercial, regional retail, and industrial land to occur within the Urban Development Boundary (Tier II) consistent with the City’s Land Use Diagram”.
2. That the proposed Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01, its improvements and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative subdivision map will be compatible with adjacent land uses. The project site is bordered by existing residential development and two major streets.
3. That the site is physically suitable for the proposed tentative subdivision map. The Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01 is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is adjacent to land zoned for residential development, and the subdivision establishes a local street pattern that will serve the subject site and the future development of vacant parcels located to the west of the subject site.
4. That the site is physically suitable for the proposed tentative subdivision and tentative parcel maps and the project’s density, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Higgins Ranch Tentative Subdivision Map No. 5585, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance. The 32.35-acre project site, which is the site of the proposed 174-lot single-family residential subdivision, is consistent with Land Use Policy LU-P-21.
5. That the proposed Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The 174-lot subdivision is designed to comply with the City’s Engineering Improvement Standards. The development of the site with a 174-lot single-family residential subdivision would extend local streets, infrastructure improvements, utilities, right-of-way improvements and a residential lot pattern consistent with existing residential development found in the area. The project will include the construction of local streets within the subdivision, connection stub out to a future subdivision to the east and frontage street improvements along both South Lovers Lane and East Cherry Avenue.
6. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-49, is hereby adopted. Furthermore, the design of the subdivision or the proposed improvements is not likely to neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

RECOMMENDED CONDITIONS

Annexation No. 2021-03

1. Upon annexation, the territory shall be zoned Single-Family Residential, 5,000 square foot minimum (R-1-5) consistent with the pre-zoning designated by the General Plan Land Use Map.
2. That the applicant(s) enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The draft Pre-Annexation Agreement is attached herein as Attachment "B" of Resolution No. 2021-65. The agreement is subject to final approval by the City Council of the City of Visalia.

Higgins Ranch Tentative Subdivision Map No. 5585

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2021-157 and 2021-219 incorporated herein by reference.
2. That the Higgins Ranch Tentative Subdivision Map No. 5585 be prepared in substantial compliance with the subdivision map in Exhibit "A".
3. That approval of the Higgins Ranch Tentative Subdivision Map No. 5585 shall not become effective unless Annexation No. 2021-03, placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO) and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2021-03.
4. That all lots that are a minimum of 5,000 square feet in area shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) zone district standards for the front, side, street side yard, and rear yard setbacks.
5. That all lots that are less than 5,000 square feet in area shall comply with the R-1-5 zoning district standards contained as part of Visalia Municipal Code Section 17.12.135.
6. That the block walls located within the Landscape and Lighting District lots shall transition to three-foot height within the 15-foot front yard setback areas of the adjoining residential identified as Lots 84 and 149 of the Higgins Ranch Tentative Subdivision Map No. 5585 (Exhibit "A").
7. That if, prior to development of the subdivision, the determination of water availability letter lapses, then the applicant/developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
8. That Street "E" shall be designed as a "stub" street connection to facilitate future local street connectivity to the east per the City's Engineering Improvement Standards P-15 Super Block Connectivity. The street connection up to the ditch easement with temporary barricade shall be installed as part of Phase I of the development. The applicant shall also be required to submit a deposit of 50 percent of the cost associated with the required culvert crossing.
9. That all applicable federal, state, regional, and city policies and ordinances be met.

Tentative Parcel Map No. 2022-01

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2022-044.
2. That Tentative Parcel Map No. 2022-01 be prepared in substantial compliance with Exhibit "C".

3. That approval of the Tentative Parcel Map No. 2022-01 shall not become effective unless Annexation No. 2021-03, placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO) and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2021-03.
4. That all other federal, state and city codes, ordinances and laws be met.

APPEAL INFORMATION

Annexation

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

Higgins Ranch Tentative Subdivision Map No. 5585 and Tentative Parcel Map No. 2022-01

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

Attachments:

- Related Plans and Policies
- Resolution No. 2021-65 – Annexation No. 2021-03
 - Attachment "A" – Annexation Area
 - Attachment "B" – Annexation Agreement
- Resolution No. 2021-66 – Higgins Ranch Tentative Subdivision Map No. 5585
- Resolution No. 2022-05 – Tentative Parcel Map No. 2022-01
- Exhibit "A" – Higgins Ranch Tentative Subdivision Map No. 5585
- Exhibit "B" – Annexation Area
- Exhibit "C" – Tentative Parcel Map No. 2022-01
- Exhibit "D" – California Water Service Company Will Serve Letter
- Initial Study / Negative Declaration No. 2021-49
- Site Plan Review Item No. 2021-157, 2021-219 and 2022-044
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

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

General Plan Land Use Policies:

LU-P-21: Allow annexation and development of residential, commercial, regional retail, and industrial land to occur within the Urban Development Boundary (Tier II) and the Urban Growth Boundary (Tier III) consistent with the City's Land Use Diagram, according to the following phasing thresholds:

- "Tier II": Tier II supports a target buildout population of approximately 178,000. The expansion criteria for land in Tier II is that land would only become available for development when building permits have been issued in Tier I at the following levels, starting from April 1, 2010:

Residential: after permits for 5,850 housing units have been issued.

LU-P-55: Update the Zoning Ordinance to reflect the Low Density Residential designation on the Land Use Diagram for development at 2 to 10 dwelling units per gross acre, facilitating new planned neighborhoods and infill development in established areas. This designation is intended to provide for single-family detached housing with densities typical of single-family subdivisions. Duplex units, townhouses, and small-lot detached housing may be incorporated as part of Low Density Residential developments. Development standards will ensure that a desirable single-family neighborhood character is maintained.

Zoning Ordinance Chapter for R-1 Zone

Chapter 17.12

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

17.12.010 Purpose and intent.

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

17.12.015 Applicability.

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

17.12.020 Permitted uses.

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

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.
- N. Transitional or supportive housing for six (6) or fewer resident/clients.
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;

P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

17.12.030 Accessory uses.

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

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

17.12.040 Conditional uses.

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

- A. Planned development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.

S. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

The minimum site area shall be as follows:

Zone Minimum Site Area

R-1-5 5,000 square feet

R-1-12.5 12,500 square feet

R-1-20 20,000 square feet

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

Zone Interior Lot Corner Lot

R-1-5 50 feet 60 feet

R-1-12.5 90 feet 100 feet

R-1-20 100 feet 110 feet

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

17.12.060 One dwelling unit per site.

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

17.12.070 Replacement and expansion of legally existing multiple family units.

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

A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.

B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.28.050.

C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.

D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.

E. The number of multiple family units on the site shall not be increased.

F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

Zone Minimum Front Yard

R-1-5 Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade

canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.

R-1-12.5 Thirty (30) feet

R-1-20 Thirty-five (35) feet

B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

17.12.090 Side yards.

A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochères.

B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.

D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

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

F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five-foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots.

This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

17.12.100 Rear yard.

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

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

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

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

17.12.110 Height of structures.

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

17.12.120 Off-street parking.

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

17.12.130 Fences, walls and hedges.

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

17.12.135 Lot area less than 5,000 square feet.

A. Notwithstanding Section 17.12.050, lots in the R-1-5 zone may have a lot area of between 3,600 and 4,999 square feet if all of the following standards are met:

1. The Planning Commission finds that the development's overall density is consistent with the General Plan.
2. The maximum number of lots less than 5,000 square feet that may be approved by a tentative subdivision map shall be fifty (50) percent or less of the total lots.
3. Streets shall be constructed to public street standards.
4. Each subdivision with at least 15 lots that are less than 5,000 square feet in size shall make available to buyers at least three (3) different small lot floor plans with at least four (4) available elevation designs for each floor plan to construct on those lots.
5. The primary frontage of the dwelling unit shall face a public street, primary entryway, circulation walkway, or open space with sidewalks that provide delineated paths of travel.
6. The primary frontage of the dwelling unit shall include the primary entrance and at least one window.
7. Required covered parking spaces shall be in garages. Carports are prohibited.
8. The width of the garage shall not be greater than fifty (50) percent of the width of the dwelling unit.
9. The garage shall not extend beyond the front building facade (living area.)
10. All dwelling units shall include a covered front porch at least four (4) feet deep and six (6) feet wide or an uncovered front courtyard at least five (5) feet wide and five (5) feet deep that is surrounded on four sides by the dwelling unit or a wall or fence between three (3) and four (4) feet high with a pedestrian gate or entryway.
11. The building official shall not approve a building permit for a new dwelling unit on a lot with a lot area less than 5,000 square feet until the city planner, or designee, has determined that the standards identified in this section are met.
12. The subdivision shall provide a common, usable open space area of a minimum 3,000 square feet or two hundred fifty (250) square feet per lot under 5,000 square feet, whichever is greater. The area shall be landscaped and maintained with funding from either a homeowner's association or a landscape and lighting act district.

B. Notwithstanding this Chapter, lots with less than five thousand (5,000) square feet shall have the following minimum dimensions and building setback areas, unless they were approved with a planned development permit:

1. The minimum lot depth shall be seventy (70) feet.
2. The minimum lot width shall be forty-six (46) feet for interior lots and fifty-one (51) feet for corner lots.

3. The minimum front building setback area shall be twelve (12) feet for livable space and twenty (20) feet for garages.
4. The minimum rear yard building setback area shall be fifteen (15) feet.
5. The minimum interior side yard building setback area shall be five (5) feet.
6. The minimum corner side yard building setback area shall be ten (10) feet.
7. The maximum building height shall be thirty-five (35) feet.
8. Lots shall provide for a usable open space area of a minimum three hundred (300) square feet. The open space shall be a minimum fifteen (15) feet wide.

C. Lots less having a lot area of 3,600 square feet, or lots that do not meet the standards in this section may be approved through the planned development permit process per Chapter 17.26. (Ord. 2017-01 (part), 2017)