

# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** September 11, 2023

**PROJECT PLANNER:** Brandon Smith, Principal Planner  
Phone No.: (559) 713-4636  
Email: [brandon.smith@visalia.city](mailto:brandon.smith@visalia.city)

**SUBJECT:** Consideration of the following items:

**Specific Plan No. 2021-13:** A request to establish a new specific plan (Carleton Acres Specific Plan) consisting of approximately 507 acres, including districts for low, medium, and high density residential, commercial mixed use, neighborhood commercial, parks / open space, and public institutional. Full buildout of the plan will accommodate for approximately 3,262 dwelling units, approximately 205,000 square feet of leasable commercial area, 17 acres of parks / trails / recreational facilities, 17 acres for a drainage basin, and a future elementary school site, to be developed across Urban Development Boundary Tiers I, II, and III.

**General Plan Amendment No. 2021-14:** A request to amend the location and acreage of General Plan land use designations within 507 acres, resulting in the redistribution of Residential Low, Medium, and High Density, Parks / Recreation, Commercial Neighborhood, and Public Institutional designations, and the establishment of a Commercial Mixed Use designation.

**Initiation of Proceedings for Annexation No. 2021-05:** A request to annex 468.3 acres, located within the City of Visalia Urban Development Boundary Tiers II and III, into the Visalia city limits. The annexation request includes authorizing the detachment from County Service Area No. 1 in accordance with State and County requirements and authorizing the City Manager to sign and enter into a Pre-Annexation Agreement. (APN: 077-100-108 only)

**Carleton Acres Phase 1 Tentative Subdivision Map No. 5590:** A request to subdivide 100.86 acres into 375 lots for single-family dwellings and additional park lots, landscape / lighting district lots, and remainder lots, to be located within the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone district upon annexation to the Visalia city limits. The subdivision site is bound by the Shannon Parkway alignment to the north, Shirk Street to the west, and the Roeben Street alignment to the east, between 300 and 800 feet north of Riggin Avenue. (APN: 077-100-108 only)

**Tentative Parcel Map No. 2023-04:** A request to subdivide an existing 468-acre parcel into eight parcels for commercial use, having a gross acreage of 28.7 acres, plus a remainder parcel. (APN: 077-100-108 only)

Recommended certification of the **Final Environmental Impact Report prepared for the Carleton Acres Specific Plan** (State Clearinghouse Number 2021050418).

**Project Applicant:** West Star Construction Inc.

**Project Location:** The proposed Project is located on approximately 507 acres, generally bound by W. Riggin Avenue to the south, N. Akers Street to the east, N. Shirk Road to the west and Avenue 320 (W. Kibler Avenue) to the north (APN 077-100-108 and 077-100-105.)

## STAFF RECOMMENDATION

### **Final Environmental Impact Report:**

Staff recommends that the Planning Commission adopt Resolution No. 2023-42, recommending that the City Council certify the Final Environmental Impact Report (State Clearinghouse Number 2021050418), including a Finding of Fact and Statement of Overriding Considerations, for the project, based upon the findings in said resolution.

### **Specific Plan No. 2021-13, General Plan Amendment No. 2021-14, Annexation No. 2021-05:**

Staff recommends that the Planning Commission recommend that City Council approve these entitlements, as conditioned, based on the findings in Resolution Nos. 2023-43, 2023-44, and 2023-45. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and the required findings for each respective entitlement.

### **Carleton Acres Phase 1 Tentative Subdivision Map No. 5590 and Tentative Parcel Map No. 2023-04:**

Staff recommends approval of the Carleton Acres Phase 1 Tentative Subdivision Map No. 5590 and Tentative Parcel Map No. 2023-04, as conditioned, based on the findings and conditions in Resolution Nos. 2023-46 and 2023-47. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances, Housing Accountability Act (Government Code section 65589.5), and the required findings for each respective entitlement.

## RECOMMENDED MOTION

I move to recommend that the City Council certify the **Final Environmental Impact Report prepared for the Carleton Acres Specific Plan** (State Clearinghouse Number 2021050418), according to Resolution No. 2023-42.

I move to recommend approval of **Specific Plan No. 2021-13**, based on the findings and conditions in Resolution No. 2023-43.

I move to recommend approval of **General Plan Amendment No. 2021-14**, based on the findings in Resolution No. 2023-44.

I move to recommend approval of **Annexation No. 2021-05**, based on the findings in Resolution No. 2023-45.

I move to approve **Carleton Acres Phase 1 Tentative Subdivision Map No. 5590**, based on the findings and conditions in Resolution No. 2023-46.

I move to approve **Tentative Parcel Map No. 2023-04**, based on the findings and conditions in Resolution No. 2023-47.

## PROJECT DESCRIPTION

The applicants, West Star Construction, Inc. and Hayes Ranch LLC, have filed entitlement applications for the development of a 507-acre new community, containing residential, commercial, and quasi-public elements, on property that is largely located outside of City Limits, within the Tier II and Tier III urban development boundaries. One parcel that is 29 acres in size is already within the City limits, part of Tier I, and will be included in the specific plan area.

The property is planned to be developed with a mixture of residential product types, including single-family residences on City standard-size lots which is the subject of the tentative subdivision map. The property is also planned to be developed with two separate commercial sites, including one site within Tier II that is anticipated to include a Costco warehouse store. Entitlements for this project consist of an annexation, tentative subdivision map, commercial tentative parcel map,

adoption of a specific plan (which includes the establishment of alternative development standards), and a general plan amendment. A conditional use permit is required for the Costco warehouse store, and it is anticipated that this application will come separately to Planning Commission at a future date once their site plan is perfected. The project site is currently vacant, and has a long history of agricultural use as explained in the specific plan.

The request for development across the two growth tiers is being made in accordance with General Plan Land Use Policy LU-P-22, which allows for City Council approval of master plans (or, in this case, a specific plan), following Planning Commission review and recommendation, for sites under a single ownership, which includes developmental land within multiple development tiers.

**Annexation No. 2021-05** is a request to annex parcels totaling approximately 468 acres located outside the city limits and within Tulare County (see Exhibit “E”). Upon annexation, the Zoning designations for the project area will consist of the following, consistent with the underlying General Plan land use designations as proposed through the General Plan Amendment.

- R-1-5 (Single-Family Residential 5,000 square foot minimum site area),
- R-M-2 (Multi-Family Residential, one unit per 3,000 square feet site area),
- R-M-3 (Multi-Family Residential, one unit per 1,200 square feet site area),
- C-MU (Commercial Mixed Use),
- C-N (Neighborhood Commercial),
- Q-P (Quasi-Public).

**General Plan Amendment No. 2021-14** is requested to redistribute land use designations that are located upon several sites that are under a single ownership. Current and proposed land use designations are summarized as follows:

<u>Land Use Designation</u>	<u>Zoning Designation</u>	<u>Existing ac.</u>	<u>Proposed ac.</u>
Low Density Residential	R-1-5 designation	349.5	305.4
Medium Density Residential	R-M-2 designation	75.8	No change
High Density Residential	R-M-3 designation	31.4	No change
Commercial Mixed Use	C-MU designation	0.0	28.7
Neighborhood Commercial	C-N designation	11.4	6.4
Public Institutional	QP designation	9.9	13.0
Basin	QP designation	0.0	17.3

One parcel that is 29 acres in size is already within the City limits, part of Tier I, is entirely designated High Density Residential and is not affected by the General Plan Amendment.

Currently, the Tier II portion contains all 31.4 acres of the High Density Residential designation and approximately half (about 40 acres) of the Medium Density Residential (see General Plan Land Use Map at end of attachments). The changes in designation will achieve a more even distribution of the Low, Medium, and High Density Residential land use designations among the 468-acre parcel and between Tiers II and III (see concept plan attached as Exhibit “A”). The Neighborhood Commercial, currently in Tier II, will move to Tier III, and a new commercial designation (Commercial Mixed Use) will be established in Tier II. The Public Institutional designation is and will remain in Tier III.

**Specific Plan No. 2021-04** establishes the Carleton Acres Specific Plan (“Plan”, see Exhibit “B”), which is applicable to the entire area within Tiers II and III plus an existing undeveloped parcel

within Tier I. The purpose of the Plan is to carry out establish land use and development patterns over the Tier II and III areas in accordance with General Plan Policy LU-P-22. This is further done through the establishment of a Development Agreement, which sets criteria for development between growth tiers and specific improvements to be installed with each tier.

Full buildout of the plan will accommodate for up to 3,262 dwelling units, up to 205,000 square feet of leasable commercial area, 17 acres of parks / trails / recreational facilities, 17 acres for a drainage basin, and a future elementary school site, to be developed across Urban Development Boundary Tiers I, II, and III.

The Plan establishes a master land use plan (see Exhibit "A"), together with the approval of General Plan Amendment No. 2021-14. The Plan further provides design and development standards for the property's residential communities, providing some deviations to City development standards for rear yard setbacks. There are six residential product types or building configurations anticipated by the Plan for the single and multi-family designations, in addition to six allowable architectural themes permitted for the residences. The Plan does not serve as a Planned Residential Development in that there are no small lots or private streets currently proposed through the subdivision map, nor are there any specific home models proposed for use with the plan. Subsequent development of the multi-family designated parcels could establish private streets if developed through a tentative subdivision map and conditional use permit.

Throughout the Plan are policies and standards applicable to commercial development (Section 4.4), single-family residential (Section 5.4.1), multi-family residential (Section 5.4.2), residential architecture (Sections 5.6.2 and 5.6.3), and site elements including landscaping, parking, and signage (Sections 6.8 and 6.9). Design principles are also included for landscape (Section 6.2).

A key feature of the Specific Plan is a pedestrian trail and riparian buffer along the Modoc Ditch that is referred to in the Plan as the Modoc Greenway (see Section 6.5.2.3). This will be established alongside the existing segments of Modoc Ditch at the Shannon Parkway and on Akers Street north of Shannon Parkway (see Figure 7.N for a Shannon Parkway cross section). The Greenway is comprised of a Class I bike trail and heavily landscaped bioswales serving as groundwater recharge swales, all maintained by the Landscape and Lighting District. Additional Class I trails are placed throughout the plan area to connect the various residential land use designations to schools, parks, and commercial areas. Parks and trails will have uniform features and amenities, such as landscaping, lighting features, and open space features. The Plan goes into more clear detail in Sections 6, 7, and 8 on the development's circulation, infrastructure, administration and implementation.

The **Carleton Acres Phase 1 Tentative Subdivision Map** is a request to subdivide 100.86 acres into a 375-lot single-family residential subdivision at a density of 3.71 dwelling units per gross acre (see Exhibit "C"). The subdivision map covers the entirety of the single-family residential area that is within Tier II, with remainder lots created for the multi-family residential areas.

The subdivision, through dedication, will establish right-of-way necessary for curb-to-curb development of collector streets Roeben Street and Shannon Parkway within the subdivision. Three roundabouts are shown on the map, proposed for the intersections of Shannon & Roeben (collector/collector), Roeben & Sedona (collector/local), and Denton & Sedona (local/local). The subdivision, along with the rest of the specific plan, continues the use of roundabouts along collector streets, including one roundabout placed in each quadrant of the plan area.

The subdivision contains several typical lot sizes grouped throughout the map, ranging as small as 50' x 105' lots and as large as 70' x 115', with all lots corresponding to the R-1-5 zone or Low Density Residential designation.

The subdivision map will include the creation of several lettered lots maintained through a Landscaping and Lighting District (LLD). Outlots A through E will be established for purpose of containing landscaping and block walls along Shirk Street, Shannon Parkway, and Roeben Street, and portions of lots adjacent to interior street sides on the corner lots. Outlots F, G, H, and I as well as portions of Outlots D and E establish open space and landscaping in corners of the roundabouts. Outlot J will be an approximately 0.50-acre pocket park in the middle of the subdivision.

**Tentative Parcel Map No. 2023-04** is a request to subdivide the 28.7 gross acres of Commercial Mixed Use designation on the northeast corner of Shirk Street and Riggan Avenue into eight parcels, plus a 443 acre for the remainder of the existing parcel (see Exhibit “D”). The map coincides with the commercial development layout depicted in the Carleton Acres Specific Plan concept plan (Exhibit “A”). This includes establishment of a future Costco Warehouse store on Parcel 1, gas station and car wash on Parcels 2 and 3, and conceptual commercial development on Parcels 4 through 8. Reciprocal access and utility easements are established between the Costco portion and the conceptual commercial development and for the creation of access points along Riggan Avenue and Shirk Street.

The project site is within the City’s Urban Development Boundary (UDB) Tier 2 and 3 and is subject to City’s Agricultural Preservation Ordinance. This is discussed in greater detail in the Agricultural Preservation Ordinance section of the staff report below.

**BACKGROUND INFORMATION**

Existing General Plan Land Use Designation:	<ul style="list-style-type: none"> <li>• Low Density Residential</li> <li>• Medium Density Residential</li> <li>• High Density Residential</li> <li>• Neighborhood Commercial</li> <li>• Public Institutional</li> </ul>
Existing County Zoning:	AE-40, excepting AE-20 for Modoc Ditch adjacent to City limits and south along Akers Street
Zoning upon annexation to City:	<ul style="list-style-type: none"> <li>• R-1-5 (Single-Family Residential 5,000 square foot minimum site area),</li> <li>• R-M-2 (Multi-Family Residential, one unit per 3,000 square feet site area),</li> <li>• R-M-3 (Multi-Family Residential, one unit per 1,200 square feet site area),</li> <li>• C-MU (Commercial Mixed Use),</li> <li>• C-N (Neighborhood Commercial),</li> <li>• Q-P (Quasi-Public).</li> </ul>
Surrounding General Plan & Land Use:	<p>North: Agriculture / Dairy farm, agriculture</p> <p>South: Residential Very Low Density, Residential Low Density, Residential Medium Density / Residential, church, water storage tank, vacant dairy</p> <p>East: Public Institutional, Residential Low Density / Ag.</p> <p>West: Light Industrial / Dairy farm, agriculture</p>

Environmental Review: Draft and Final Environmental Impact Report for Carleton Acres Specific Plan, State Clearinghouse #2021050418

Special Districts: None

Site Plan Review: SPR No. 2022-073; R&P 05/04/2022 (Concept Plan)  
SPR No. 2022-164; R&P 10/12/2022 (Residential Map)  
SPR No. 2022-174; R&P 11/9/2022 (Commercial Map)

### **RELATED PLANS & POLICIES**

Please see attached summary of related plans and policies.

### **RELATED PROJECTS**

None.

## **PROJECT EVALUATION**

Staff supports the annexation based on the project's consistency with the Land Use Element of the General Plan.

Specifically, Annexation No. 2021-05 will facilitate a new community on a 468-acre site in a manner that is consistent with the General Plan land use designations that exist within the project site, and will complement existing development to the south and east.

Furthermore, staff recommends approval of Carleton Acres Phase 1 Tentative Subdivision Map No. 5590, Tentative Parcel Map No. 2023-04, General Plan Amendment No. 2021-14, and Specific Plan No. 2021-13, based on the project's consistency with the Land Use Element of the General Plan, the Zoning and Subdivision Ordinances, Housing Accountability Act (Government Code section 65589.5) and the Visalia Housing Element for approval of the tentative subdivision map. The subdivision map proposes to develop a parcel of land that is designated for residential development at a density prescribed in the 2030 Visalia General Plan.

### **Annexation No. 2021-05**

The project proponents have filed an application to initiate annexation of the 468-acre project site into the Visalia City limits. In addition to the project site, the final annexation area will include acreage from the adjoining public streets – Shirk Street, Avenue 320, and Akers Street. The site will be pre-zoned to zoning districts that are consistent with the subject site's corresponding land use designations proposed through the General Plan Amendment. The annexation can be supported on the basis that the proposal is consistent with **Land Use Policy LU-P-21**, which allows for the annexation and development of residential land to occur within the Tier II Urban Development Boundary consistent with the City's Land Use Diagram.

The annexation of the Tier III Urban Development Boundary portion is consistent with **Land Use Policy LU-P-22**, which allows for annexation before development is permitted in Tier III under Policy LU-P-21. The policy explicitly allows for a project to annex and develop while the City still limiting development approvals to land within the Tier II designation.

The site can be serviced with all 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 (i.e., LAFCO) but cannot approve a final subdivision or parcel map until after the land is annexed and the annexation is recorded through the Tulare County Recorder. Staff has included this requirement as conditions of approval in the Carleton Acres Phase 1 Tentative Subdivision Map No. 5590 and Tentative Parcel Map No. 2023-04.

While the City finds the annexation of the 468-acre parcel consistent with City policies, subject to the Development Agreement, Tulare County Local Agency Formation Commission (LAFCO) will need to analyze that the annexation will not cause an impact towards exceeding a 10-year supply of residential land within the existing City limits, as a guideline for determining conformance with State Government Code 56377.

### **Development Agreement Regarding Expansion to Growth Tier III**

A Development Agreement has been prepared by staff to accompany the proposed project (see Exhibit “F”), based upon the proposal of a master-planned site that spans between Tiers II and III.

Specifically, **Land Use Policy LU-P-22** allows for master-planned sites that are under a single ownership or unified control to be annexed and developed, subject to the City Council approval of a master plan (in this case, a specific plan) and a development agreement. The intent of the development agreement is to spell out “details regarding the overall development, density/intensity and phasing, infrastructure needs and financing, and what each party would do”. The development agreement, once entered into between the City and the landowner or developer, would enable the property to annex and develop within Tier III, subject to criteria, while the City is still limiting development approvals to land within the Tier II designation.

The project proponent, Hayes Ranch, LLC, has requested to allow the Carleton Acres Specific Plan development to begin growth in the Tier II area and to have continuous growth from south to north into the Tier III portion of the plan (see memo attached as Exhibit “G”). The memo cites how the property is in unified control and has been master-planned in an effort to facilitate better infrastructure and financial arrangements.

Staff’s draft Development Agreement recommends that certain criteria be met before the City will process any subdivision map entitlement in the Tier III area. The intent is to ensure that substantial progress and investment is made in the Tier II area, such that no portion of the Tier II area is being passed over prior to the Tier III area. The criteria are summarized as follows:

Prior to the processing of a Tier III tentative subdivision map:

- All phases and lots specified in the Carleton Acres Phase 1 Tentative Subdivision Map No. 5590 shall have final maps recorded with the Tulare County Recorder.
- Permits for new dwelling units shall be issued for:
  - At least 80% of lots located within the Carleton Acres Phase 1 Tentative Subdivision Map (i.e., 300 lots),
  - At least 80% of units associated with the 5.5-acre Tier II Medium Density Residential area as indicated by Table 2-1 in the Specific Plan (i.e., 44 units), and
  - At least 80% of units associated with either the 3.6-acre Tier II Medium Density Residential area or the 9.7-acre Tier II High Density Residential areas as indicated by Table 2-1 in the Specific Plan (i.e., 29 units or 117 units respectively).

This cumulatively equates to construction in at least three of the four stand-alone land use districts in Tier II prior to approvals of any development in Tier III. This requirement does not involve the 29.3-acre R-M-3 zoned site located inside the City limits situated in Tier I.

- Improvements for Circulation Element streets, pedestrians trail and landscaping, and other public areas shown in the Tier II area shall be completed.
- A street (i.e., Sedona Avenue or Shannon Parkway) shall be constructed between Roeben and Ridgeview Middle School to provide circulation within the site, reducing reliance on arterial streets.

## **General Plan Consistency**

### **Land Use Element Policies**

The subdivision's design pattern and lot pattern consisting of a minimum lot size of 5,000 square feet is consistent with the site's Residential Low Density land use designation. The entire site has been designated for residential land uses since the adoption of the Visalia General Plan in 2014.

The subdivision is further consistent with General Plan **Land Use Policy LU-P-55**, which allows for residential development consistent with the Low Density Residential designation at a density range between 2 to 10 dwelling units per gross acre.

### **Low Density Residential**

Areas of the project designated as Low Density Residential are shown on the concept plan with a street pattern and lotting pattern, though only the area in Tier II is presently being subdivided. The tentative subdivision map will be developed at a density of 3.71 dwelling units per gross acre and 5.85 dwelling units per net acre. For the Tier III (a.k.a. Phase 2) portion of the Low Density Residential, Specific Plan Table 2-1 anticipates that this portion is proposed to be 5 dwelling units per gross acre.

Land Use Policy LU-P-55 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 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 existing residential development within the Low Density Residential land use designation situated south of Riggan Avenue and east of Akers Street.

### **Medium and High Density Residential**

The areas of the Specific Plan designated as Medium Density Residential and High Density Residential are anticipated for future development upon annexation. At this time, no development plans have been submitted to the City for consideration. The Specific Plan affirms that future development within these areas will be developed with approximately 10 dwelling units per gross acre for Medium Density Residential properties and approximately 15 dwelling units per gross acre in the High Density Residential properties.

**Land Use Policy LU-P-56** states: *"[The Medium Density Residential] designation can accommodate a mix of housing types including small-lot single-family, townhouses, two- and four-plexes, and garden apartments on infill lots or new development areas within walking distance of neighborhood nodes and corridors. ... Development standards will ensure that new development contributes positively to the larger community environment."*

**Land Use Policy LU-P-57** states: *"[The High Density Residential] designation is appropriate for some infill sites and new areas in close proximity to neighborhood centers and major transportation routes. ... Development standards will ensure that new development contributes positively to the creation of neighborhood nodes or districts."*

Specific Plan Section 5.5 calls out four multi-family product types or building configurations that can be utilized in the new community: cluster single-family; townhouses, duplexes and four-plexes, and apartment buildings. The Plan further provides a highly detailed set of architectural design guidelines (Section 5.6) that ensures high-quality character, which is consistent with **Land Use Policy LU-P-52** that states *"Facilitate high-quality building and site design for multi-family developments ... by creating and adopting design guidelines to be used in the development review and approval process."*

The Specific Plan has been designed in a manner that plots all multi-family residential designations within one-half mile of the two commercial nodes located at the corners of Shirk/Riggin and Akers/Avenue 320. Furthermore, all designations contain frontage or adjoining proximity to arterial roadways.

### Neighborhood Commercial

The existing 11.4-acre Neighborhood Commercial designation on the site is the sole commercial designation serving the entire one-mile block that constitutes most of the project area. The Plan proposes to move its location within the plan area and reduce its size to 6.4 acres.

With this changes, the designation is still consistent with all aspects of **Land Use Policy LU-P-67**. The policy states that shopping centers in Neighborhood Commercial areas shall have a total size of 5 to 12 acres, be no closer than one mile from other General Plan-designated Neighborhood Commercial or Community Commercial locations, and be integrated with surrounding neighborhood uses in terms of design, with negative impacts minimized. The nearest General Plan designation from the proposed Akers/ Avenue 320 site is one mile away at the future intersection of Linwood & Shannon Parkway.

### Commercial Mixed Use

The Plan proposes a new 28.7-acre Commercial Mixed Use designation at the intersection of Shirk & Riggin to facilitate the development of a Costco Warehouse and additional supporting commercial uses. The proposed change in land use and the conceptual development plan associated with the request is consistent with General Plan policies that pertain to Commercial Mixed Use. The land use designation is suitable for this location based on the site's proximity to two arterial streets and the anticipated types of uses within the commercial site.

**General Plan Policy LU-P-66**, which in part states that the Commercial Mixed Use designation shall "allow for either horizontal or vertical mixed use development and a range of commercial, service, office, and residential uses", does not provide any locational criteria.

Visalia's existing Costco store is located at the intersection of Cameron & Stonebrook, which is designated as Regional Commercial on the General Plan land use and zoning maps. It would therefore be reasonable for the Regional Commercial land use and zoning designation to also be contemplated for the subject site.

A review of the City's Land Use Element finds that either the Regional Commercial or Commercial Mixed Use designations could be considered for this site and use consistent with the Element's policies. While the Land Use Element's policies would not strictly prohibit placement of either designation at this corner, staff feels that a Commercial Mixed Use (C-MU) designation is better suited for the site and is still able to accommodate a Costco or another big box store. Being that the site would facilitate a second Costco store within Visalia, a case could be made that Costco is not a strictly regional land use in the context of Visalia. Unlike the Regional Commercial zone, the Commercial Mixed Use zone requires a conditional use permit for any single retail use exceeding 60,000 square feet.

Staff's recommendation is based on C-MU designations that do tend to be freestanding at major intersections, whereas Regional Commercial is concentrated along corridors (i.e., Mooney, Cameron). The C-MU designation is also favorable since the concept plan proposed by the applicant, supported by the commercial tentative parcel map, shows a limited amount of smaller scale commercial pads along Riggin Avenue.

Staff further recognizes that the 28.7-acre C-MU designation is only being requested in order to accommodate a new Costco store at this location, and that staff's support of a 28.7-acre designation is solely based upon the proposed Costco. As such, in the unanticipated circumstance

that Costco decides not to build at this location, and if no alternative commercial tenant of similar size and compatibility is found to replace the Costco, staff would recommend through Draft Development Agreement Article 4 that a Specific Plan Amendment and General Plan Amendment be processed to reduce the gross acreage associated with the C-MU designation to approximately 10 acres or less.

### Housing Accountability Act (Government Code section 66589.5)

The Housing Accountability Act (HAA) requires local agencies to approve housing developments that are consistent with applicable general plan, zoning, and subdivision standards, including design review, if they were in effect at the time that the housing development application was deemed complete. A local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and that there is no feasible way to mitigate or avoid the impact<sup>1</sup>.

The project is considered to be consistent, compliant, and in conformity with the General Plan, Zoning Ordinance, and single-family residential development standards. The lots proposed for the Carleton Acres Phase 1 subdivision meet density standards for the \ Low Density Residential land use designation and will be compatible with surrounding developed residential areas. Furthermore, the subdivision will develop a network of local streets, improve adjacent arterial public roadways, and construct new collector public roadways, thereby facilitating increased street connectivity to accommodate future growth areas.

### Background on Specific Plans

Specific plans are a type of guiding and policy utilized in California jurisdictions. Whereas general plans provide context, land uses, objectives and goals for an entire jurisdiction (i.e., county-wide or city-wide), a specific plan covers part of an area covered by the general plan. When being written for a particular document, a specific plan can also include zoning regulations for the mix of land uses within it, including architectural standards if desired. Specific plans may be voluntarily initiated by one or more property owners, or may be required or recommended by a general plan document. In this instance, the Carleton Acres Specific Plan is being proposed based on Visalia General Plan Policy LU-P-22.

Specific plans are regulated by state law per Government Code Sections 65450 through 65457, and regulated by Visalia city law per Municipal Code Chapter 12.04 (see Related Plans and Policies for full text).

### Development Standards

In most circumstances, Carleton Acres Specific Plan and the related tentative subdivision map proposed to follow codified standards contained in the Zoning Ordinance regarding lot size, setbacks, and so on. The Plan does not propose the utilization of small lots or private streets with the single-family residential portions of the Plan, and no specific development details have been proposed for any multi-family residential portions of the Plan. Subsequent development of the multi-family designated parcels could establish private streets if developed through a tentative subdivision map and conditional use permit.

The proposed setbacks and deviations to the City's Zoning Ordinance standards are discussed here.

**Single-family Residential.** For single-family residential, wherein lots in Tier II are being established through the proposed Tentative Subdivision Map, the City's Zoning Ordinance standards will be utilized, excepting for the rear yards.

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<sup>1</sup> Gov. Code Section 65589.5(j)(1).

All lots will have lot depths ranging from approximately 105 feet to 115 feet, excepting lots located on 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.

Minimum Lot Area	Front	Side	Street Side	Rear
5,000 sq. ft.	15-ft. to habitable space.	5-ft.	10-ft.	<u>60' minimum lot width: 20-ft.;</u> 7-ft. is allowed if: <ul style="list-style-type: none"> <li>• single story,</li> <li>• over 1,500 SF of useable open space in the rear,</li> <li>• minimum lot depth of 112' and space for accessory dwelling unit</li> </ul>
	22-ft. to garage			<u>50' minimum lot width: 10-ft.,</u> with open space requirements: <ul style="list-style-type: none"> <li>• 12% minimum of site area to be open space in the rear, including setbacks</li> </ul>

- **Rear yards.** City standard rear yard setbacks are 25 feet with allowance for one-story structure to go to 20' subject to open space requirements. The developer proposes allowing reduced setbacks as low as 7' or 10' due to the configuration of certain one-story residences that places open space equal or greater than the minimum rear yard setback area within a portion of the side/rear of the lot (an example is shown in the Figure 1 to the right).

Staff is granting this setback on the basis that all single-family zoned lots in the Specific Plan will be subject to this standard and that the site does not and will not directly abut other similarly zoned lots. Additionally, the open space that is traditionally contained within a rear yard setback area is still provided behind the residence.

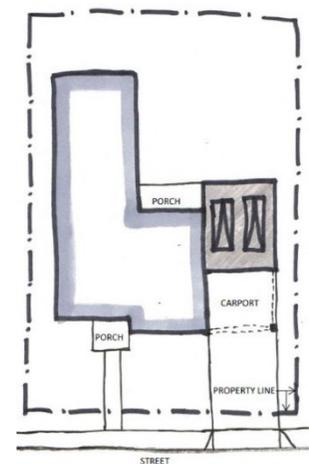


Figure 1: Example single-family residential plot and rear yard setback.

**Multi-family Residential.** For multi-family residential, the City’s Zoning Ordinance standards will be utilized, excepting for the rear yards.

Minimum Lot Area	Front	Side	Street Side	Rear
R-M-2: One unit per 2,000 sq. ft. R-M-3: One unit per 1,200 sq. ft.	15-ft. to habitable space. 22-ft. to garage	5-ft. (0-ft if attached)	10-ft.	10 to 25-ft.*

\*Criteria

Exception if the rear yard is to be used for parking.

Exception if open space is provided elsewhere.

Planned Unit Development with individual lots allow 0' setbacks, overall development shall follow the above setback requirements.

3-R Cluster Lot Private Yards: Each building shall have a private yard. The yard should be 200 SF minimum. One side having a minimum 7' wide dimension.

- **Rear yards.** City standard rear yard setbacks are 15 feet in the R-M-3 zone and 25 feet in the R-M-2 zone. The developer proposes allowing reduced setbacks depending on the product type if certain conditions can be met, as further summarized in the tables on Specific Plan pages 77 through 80. Staff is granting these setbacks on the basis that all multi-family zoned areas in the Specific Plan will be subject to this standard. The variation

in the rear yard setbacks still require that common open space setbacks be met in accordance with City standards.

### **Landscape and Lighting Assessment Districts**

A Landscaping and Lighting District (LLD) will be required for the long-term maintenance of the out lots, which include blocks walls, streetlights, landscaping, and all park amenities as noted on Exhibit "C".

The block walls along street frontages will be similar to City standard block walls but with a fluted block top as depicted in Specific Plan Figure 6.D.

### **Traffic Circulation and Street Improvements**

Street improvements to arterial, collector, and local roadways will be required within the specific plan area as development progresses. The full circulation plan for the entire project, including street cross sections, is shown in Specific Plan Section 7. Street improvements will be completed in phases, wherein the initial improvements related to the project will focus on the streets surrounding the single-family residential and mixed use commercial components in Growth Tier II. Phase 1 in the Specific Plan refers to areas in Growth Tiers I and II, while Phase 2 refers to area in Growth Tier III.

#### **Phase 1**

**Arterial Streets.** **Shirk Street** and **Riggin Avenue** are designated 110-foot wide arterial streets with four travel lanes at full buildout. Both roadways are currently improved as two-lane County roadways with only Riggin Avenue having frontage improvements on the south side. The commercial parcel map will provide irrevocable offers of dedication for these roadways. The initial development phase will improve these streets, resulting in a full width of Riggin between Shirk and Roeben Street and a 2/3 width of Shirk between Riggin and Shannon Parkway. The 2/3 buildout refers to two northbound and one southbound travel lane, wherein future development on the west side of Shirk will be responsible for completing the full improvements. Cross sections are shown on Specific Plan Figures 7.B through 7.E and in some cases incorporate bike lanes with a planter strip separation from vehicle travel lanes.

**Collector Streets.** **Roeben Street** and **Shannon Parkway** are designated 84-foot wide collector streets with two travel lanes at full buildout. Both roadways are currently unconstructed. The tentative subdivision map will provide dedication for the roadways to allow for 2/3 buildout along the Phase 1 frontages. In this context, the 2/3 buildout refers to full improvements on the development side plus an 18-foot median and travel lane in each direction. Future development on the east side of Roeben will be responsible for completing the full improvements. The north side of Shannon Parkway will be completed with Phase 2 of the Specific Plan. Cross sections are shown on Specific Plan Figures 7.J through 7.O and in some cases incorporate bike lanes with a planter strip separation from vehicle travel lanes.

As part of the pedestrian trail improvements, there will be a 12-foot wide pedestrian/bike path on the west side of Roeben west of the future high school. The cross section of Roeben shows the pedestrian/bike path being within the 84-foot right of way, with an additional 5-foot LL&D lot on the subdivision site.

**Local Streets.** **Denton Street** is a future 60-foot wide local street located on the east side of the Commercial Mixed Use site. The commercial parcel map will provide an irrevocable offer of dedication for Denton, and travel/parking lanes will be constructed with the commercial development connecting to Phase 1A of the single-family subdivision, with frontage improvements completed with adjoining development.

**Sedona Avenue** is a 60-foot wide local street that currently exists south of Ridge View Middle School and will ultimately extend westerly to Shirk Street. The applicant will be constructing Sedona west of Roeben with the single-family subdivision. The segment from Roeben east to the existing round-about is intended to be built with adjoining development. Cross sections are shown on Specific Plan Figures 7.P and 7.Q.

As part of the pedestrian trail improvements, there will be a 12-foot wide pedestrian/bike path along **Prescott Avenue**, parallel to Riggan Avenue, providing connection between the commercial, multi-family, and school uses. Cross sections shown on Specific Plan Figures 7.R and 7.S show the pedestrian/bike path straddle between the right of way and a landscape & lighting lot.

## Phase 2

Future development in the Tier III portion will include the extension of improvements along Shirk Street, Roeben Street, and Shannon Parkway.

Additional improvements along the frontages of arterial roadways **Akers Street** and **Avenue 320** (Kibler) will be installed with development in a 2/3 buildout configuration. Cross sections are shown on Specific Plan Figures 7.F through 7.I.

Phase 2 improvements include the Modoc Greenway improvements to be located within L&LD lots on the opposite side of Modoc Ditch from Shannon Parkway and Akers Street (see Specific Plan Figures 7.I and 7.N).

## Traffic Impact Study

A Traffic Impact Study (TIS) was prepared for the proposed project (ref.: Carleton Ares Specific Plan Traffic Study. Ruettgers & Schuler, March 2023). The purpose of the study is to analyze traffic conditions related to buildout of the Carleton Acres and its projected level of service (LOS) at opening year and at five-year increments, and the corresponding environmental impact as required by the California Environmental Quality Act (CEQA). A roadway capacity analysis was conducted for Riggan Avenue between Shirk and Akers Street.

The TIS concluded that various intersection improvements are needed at 5-year increments, corresponding with anticipated build-out conditions at 5-year intervals. Intersection improvements are summarized in Table 1a (Table 3.17-15 in the EIR) and queue length improvements are summarized in Tables 7a, 7b, and 7c (Table 3.17-11 in the EIR).

Roadway improvements are also required in the form of widening Riggan Avenue between Shirk Street and Akers Street with the initial Phase 1 improvements (identified as “2023” conditions in the TIS).

Mitigation measures have been included in the Environmental Impact Report to address the roadway deficiencies described above. Measure TRA-1 requires the payment of Transportation Impact Fees based on the City’s adopted fee schedule, in tandem with the issuance of building permits. Measure TRA-2 requires that the project will be responsible for paying its pro-rata fair share cost percentages and/or constructing the recommend on-site improvements and site improvements identified in the tables specified above.

At full buildout of the Specific Plan (identified as “2046” conditions in the TIS), all study intersections are expected to operate with minimal delay (at or above LOS D) during peak hours, both with and without project traffic, or can be mitigated to operate at an acceptable LOS, excepting for five intersections:

- Rd 67 / Betty Dr (Goshen / County of Tulare)
- Dinuba Blvd / Riggin Ave
- Akers St / Ferguson Ave
- Demaree St / Goshen Ave
- Demaree St / Mineral King Ave

As a result, even with implementation of all feasible mitigation measures, the project EIR concludes that full buildout of the Specific Plan will result in significant and unavoidable impacts.

A Vehicle Miles Traveled (VMT) analysis was also conducted using the Tulare County Association of Governments (TCAG) Model by comparing the project's expected VMT per capita to regional averages, and ensuring that the City meets or exceeds the significance threshold of 84% of the existing regional service population for mixed-use projects. The Tulare County Region VMT is 28.2% based on the TCAG model, meaning that the Visalia threshold is 23.7%. The TIS concluded that the project's VMT per service population is 18.5%, which is less than the Visalia threshold. Therefore, the project's impacts to VMT are concluded to be less than significant under CEQA.

### **Riggin Avenue Widening**

The project's March 2023 TIS concluded that roadway improvements shall include widening Riggin Avenue from two lanes to four lanes between Shirk Street and Akers Street with the initial Phase 1 improvements.

A draft focused traffic study prepared in association with the Costco development (ref.: Visalia Costco Warehouse Focused Traffic Study. Kittelson & Associates, "Draft" August 2023) confirms the widening of Riggin to four travel lanes between Shirk and Akers is a suggested improvement with Phase 1.

Planning for the widening of Riggin has required coordination efforts between the City, applicant, and Southern California Edison based on issues described below.

Currently there are 15 transmission/power poles along Riggin that will ultimately need to be relocated to outside of the four planned travel lanes. Edison anticipates a June 2025 completion date for moving the poles, despite coordination efforts that have been ongoing for years. The applicant has been actively working and submitting plans to Edison to coordinate street widening improvements and power pole relocation for the segment between Shirk and Roeben.

The project's traffic consultant has prepared supplemental analysis to identify the traffic impact upon Riggin Avenue that examines multiple scenarios of certain land uses developing in Phase 1. The objective of this analysis was to confirm that the development of the Phase 1 single-family residential portion of the project alone would not incur a Level of Service (LOS) that requires widening of Riggin Avenue, and to examine the impact of Costco together with other types of Phase 1 development.

The supplemental analysis concludes the following:

- The development of Low, Medium, and High Density Residential housing units in Phase 1 only, with no commercial development, would remain within LOS C, which meets City standards for acceptable traffic flow on a two-lane roadway.
- The development of Costco alone, without the development of any residential uses or the commercial pads fronting Riggin, would remain within LOS C.
- However, with the development of Costco alone, the addition of 13 additional Peak Hour Trips would raise the traffic level to LOS D, which would trigger widening. The 13 additional

trips could be in the form of the construction of 13 single-family residences or construction of the retail pads in front of Costco.

Staff finds that while certain scenarios are presented in the supplemental analysis, other Phase 1 development scenarios involving more than one land use type could occur but have not been explored, and that additional information could be provided on stages of the development of Riggan.

Considering all traffic study findings discuss above, staff holds to the fact that the widening of Riggan Avenue is an essential and necessary improvement associated with the development of Costco in the Phase 1 plan. Staff is therefore recommending to the City Council, through Draft Development Agreement Article 5, that the applicant take all necessary steps to pursue widening Riggan Avenue before final occupancy of Costco. Staff will continue to consult with the applicant on clearer language in the Development Agreement regarding the staged development of Riggan from west to east joining with Akers, and different scenarios that may result in only certain stages being widened. This is also notwithstanding the mutual understanding that the timing and sections of the power pole relocation along Riggan may postpone the widening or result in a temporary circulation pattern while poles are still being relocated.

### **Agricultural Preservation Ordinance Requirements**

The 468-acre project site is in the City's Tier II and III urban development boundary and is designated as Prime Farmland as defined per the Tulare County Farmland Mapping and Monitoring Program. As a result, the development of this site is subject to the City's recently adopted Agricultural Preservation Ordinance.

On May 15, 2023, the City Council approved the second and final reading of Ordinance No. 2023-02, which adopts an addition to the Visalia Municipal Code referred to as Title 18 "Agricultural Land Preservation", Chapter 18.04 "Agricultural Land Preservation Program". This code creates an Agricultural Preservation Ordinance (APO) to implement Visalia General Plan Land Use Policy LU-P-34.

The APO established a process for the required preservation of agricultural land through the acquisition of agricultural conservation easements or the payment of an in-lieu fee for projects subject to the provisions of the ordinance.

The developer of the project is subject to complying with the requirements of the adopted APO since the site is located with the Tier II urban development boundary. The preserved land obligation shall be calculated at a ratio of one acre of preserved land for each acre of converted land. Converted land acreage shall be calculated by determining the applicable project acreage less the acreage of exclusions. In addition, the preserved land obligation, as established in Section 18.04.070(A), shall be preserved through acquisition of an agricultural easement in accordance with Section 18.04.080, unless eligible for payment of an in-lieu fee in accordance with Section 18.04.090.

The preserved land obligation shall be satisfied prior to issuance of any permit directly authorizing or resulting in disturbance to the project site. Compliance of the ordinance is achieved when either the approved agricultural conservation easement has been recorded or the applicant has remitted the approved in-lieu fee to the qualified entity.

### **Infrastructure**

Water Service: Staff has included Condition No. 5 that requires 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 specific plan area. 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.

A sewer analysis has been prepared for the site consistent based upon a request from the Public Works Department (see Exhibit “H”). After a thorough review of the documents and since these additional subdivisions are not planned for immediate construction, while also not factoring in any further continuing growth, it appears that the Wastewater Treatment Facility possesses the capacity to effectively accommodate this tier of development. As mentioned in a previous email, It is crucial to highlight that any projects scheduled up until 2026 can be accommodated within our current capacity. However, for developments beyond that timeframe, it will be essential for us to engage in discussions and initiate the formulation of plans and resolutions. This approach aims to ensure that we sustain our 80 percent utilization threshold and avoid surpassing the plant's capacity.

**Storm Drainage:** The storm drainage system will have to be extended to the boundaries of the development where future connection and extension is anticipated. The storm drain system will be sized in order to service the entire specific plan area. A storm drainage plan for each development proposal will be required to be submitted to the City for approval.

**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 and the proposed Carleton Acres Specific Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision and Parcel 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 and Carleton Acres Specific Plan. This is included as recommended Finding No. 2 of the Tentative Subdivision and Parcel 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, Medium Density Residential, and Parks/Recreation, and is developed at densities that are within the allowed ranges of the specified land use designations. This

	is included as recommended Finding No. 3 of the Tentative Subdivision and 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 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. 7 of the Tentative Subdivision and 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 maps have been found to not cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Subdivision and 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 does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 4 of the Tentative Subdivision and Parcel Maps.

## **Environmental Review**

A Draft and Final Environmental Impact Report (EIR) (State Clearinghouse Number 2021050418), incorporated herein by reference, has been prepared in association with the Carleton Acres Specific Plan project, in accordance with the California Environmental Quality Act (CEQA).

### *Significant and Unavoidable Impacts*

The EIR has determined that all project impacts were either less than significant or could be mitigated to a less than significant level with the exception of the following impacts that are considered significant and unavoidable:

- **Aesthetics** – Degrade existing visual character (project and cumulative level)
- **Agriculture & Forestry Resources** - Loss of farmland (project and cumulative level)
- **Air Quality** – Conflict with Air Quality Plan / Exceed criteria pollutant thresholds (project and cumulative level)
- **Hydrology & Water Quality** – Water supply (cumulative level only)
- **Transportation** – Conflict with Plan/Program (project and cumulative level)
- **Utilities & Service Systems** – Water supply (cumulative level only)

Pursuant to CEQA Guidelines sections 15043, 15091 and 15092, the City, as the Lead Agency, may still approve a project for which the EIR identifies significant and unavoidable environmental impacts resulting from the project. This requires the adoption of a Statement of Overriding Considerations for each environmental impact that falls into the category of significant and

unavoidable.

The decision to adopt a Statement of Overriding Considerations must be supported by factual documentation that supports the decision that:

1. There is no feasible way to lessen or avoid the significant impact; and,
2. Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.

The findings and recommended conclusions for each of the six environmental analysis areas noted above are contained in the resolution recommending certification of the EIR.

### *Mitigation Measures*

The EIR further disclosed mitigation measures that are incorporated into the project to reduce or avoid significant effects on the environment. The measures address the following resources:

- Two (2) mitigation measures pertaining to **Agricultural** for the loss of prime farmland and addressing conflicts between urban and agricultural uses.
- Three (3) mitigation measures pertaining to **Air Quality** for impacts during construction and for evaluating potential health risk impacts within close distance of sensitive land uses.
- Five (5) mitigation measures pertaining to **Biological Resources** for impacts of the project to special-status wildlife species (i.e., Sanford's arrowhead, Swainson's Hawk, Burrowing Owl, nesting birds).
- Two (2) mitigation measures pertaining to **Cultural Resources** to reduce the impacts of the project on the potential of exposing historical or archaeological materials during construction.
- Two (2) mitigation measures pertaining to **Geology & Soils** for the submittal of plans for storm water pollution and pollutant discharge and for geotechnical analysis.
- Three (3) mitigation measures pertaining to **Hazards & Hazardous Materials** for the testing of potentially hazardous soil and groundwater and the identification of abandoned oil wells.
- Four (4) mitigation measures pertaining to **Noise** to address noise-sensitive land uses, construction of block walls along arterial roadways, installation of specific blowers for Costco's drive-through car wash, and bus movements along public roadways.
- Three (3) mitigation measures pertaining to **Transportation** for the payment of transportation impact fees, paying pro-rata fair share cost percentages and/or constructing recommended on-site and site-adjacent improvements, and submitting a construction traffic control plan.
- Four (4) mitigation measures pertaining to **Tribal Cultural Resources** to address site inspections by a tribal monitor and measures in the event that resources are discovered.

### *Project Alternatives*

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed Project that could feasibly attain most of the objectives of the proposed Project. This Draft EIR analyzed the following alternatives:

- **No Project Alternative:** Under this Alternative, the Project would not be constructed and the site would remain in agricultural production.
- **Alternate Locations Alternative:** Under this Alternative, the Project would be developed

on a different site of similar size and scale.

- **Reduced (50%) Project Alternative:** Under this Alternative, the Project would be reduced by 50% (overall site acreage, residential units, commercial acreage, and recreational facilities).

### *Public Review and Recommendation*

Circulation of the Draft EIR followed a Notice of Availability period wherein the Draft EIR was duly noticed and conducted for the project for a 45-day public review and comment period from May 4 to June 19, 2023. The City of Visalia is the lead agency for the preparation of the EIR. Three comment letters were received during this public review period, from California Department of Fish & Wildlife, San Joaquin Valley Air Pollution Control District, and Lozano Smith, Attorneys at Law on behalf of Visalia Unified School District. City staff and the consultant have prepared responses to the comments received (refer to the Final EIR, dated August 2023). The Draft Program EIR, including the technical appendices, all the comments received and the responses to these comments, constitute the Final EIR.

The Planning Commission is asked to review the overall content of the Final EIR, the responses to the comments received to date, and consider any further testimony received during the public hearing. At the conclusion of the public hearing, the Planning Commission will make its recommendations on the Final EIR and entitlements, including recommendations to the City Council where they have final authority. The recommendations will be forwarded to the City Council in Resolution form to be included in the materials presented to the City Council for its final determination. The certification of the EIR for this projects rests with the final approving body, which is the City Council.

## **RECOMMENDED FINDINGS**

### **Environmental Impact Report (State Clearinghouse Number 2021050418)**

The findings are incorporated into Resolution No. 2023-42.

*If the Planning Commission finds that the Annexation, Specific Plan, and General Plan Amendment are consistent with the intent of the General Plan, staff recommends that the following findings be made:*

#### **Annexation No. 2021-05**

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 468 acres of AE-20 (Agricultural Exclusive 20-acre) and AE-40 (Agricultural Exclusive 40-acre) County zone district to QP (Quasi-Public) zone, R-1-5 (Single-family Residential, 5,000 square feet minimum lot size) zone, R-M-2 (Multi-family Residential, one unit per 3,000 square feet), R-M-3 (Multi-family Residential, one unit per 1,200 square feet), C-MU (Commercial Mixed Use), and C-N (Neighborhood Commercial), 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 3 per the Council Election Voting District Map.
5. That the project is consistent with the project description contained in the Final Environmental Impact Report (FEIR) (SCH# 2021050418) for the project associated with this Annexation,

specifically for development is identified and described in the Carleton Acres Specific Plan, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this Annexation request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

#### **General Plan Amendment No. 2021-14**

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, 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 General Plan Amendment creating 28.7 acres of Commercial Mixed Use and 17.3 acres of Basin will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the General Plan Amendment will help facilitate additional residential units within the Tier II and III Urban Development Boundaries, and that the proposed tentative subdivision map resulting from the amended General Plan land use map is compatible with the adjacent residential uses.
4. That the project is consistent with the project description contained in the Final Environmental Impact Report (FEIR) (SCH# 2021050418) for the project associated with this General Plan Amendment, specifically for development is identified and described in the Carleton Acres Specific Plan, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this General Plan Amendment request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

#### **Specific Plan No. 2021-13**

1. That the Carleton Acres Specific Plan has been prepared in accordance with adopted local ordinance – in particular, Chapter 12.04 of the Visalia Municipal Code.
2. That the Carleton Acres Specific Plan has been prepared in accordance with adopted State law – in particular, Sections 65450 through 65457 of the California Government Code.
3. That the Carleton Acres Specific Plan is consistent with the Visalia General Plan, and in particular, satisfactorily meets the intent of LU-P-22
4. That the Carleton Acres Specific Plan is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
5. That the project is consistent with the project description contained in the Final Environmental Impact Report (FEIR) (SCH# 2021050418) for the project associated with this Specific Plan adoption, specifically for development is identified and described in the Carleton Acres Specific Plan, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this Specific Plan adoption request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

#### **Carleton Acres Phase 1 Tentative Subdivision Map No. 5590**

1. That the proposed location and layout of the Carleton Acres Phase 1 Tentative Subdivision Map No. 5590, its improvement and design, and the conditions under which it will be maintained, is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance, and the proposed Carleton Acres Specific Plan. The 101-acre

project site, which is the site of the proposed 375 lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states “ensure that growth occurs in a compact and concentric fashion by implementing the General Plan’s phased growth strategy.”

2. That the proposed Carleton Acres Phase 1 Tentative Subdivision Map No. 5590, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site does not directly abut any existing developed uses, and development standards contained within the City’s Zoning Ordinance and the Carleton Acres Specific Plan will address land use conflicts with future adjacent multi-family residential, commercial, public institutional, and light industrial uses.
3. That the site is physically suitable for the proposed tentative subdivision map. The project is consistent with the intent of the General Plan, Zoning Ordinance and Subdivision Ordinance, and the proposed Carleton Acres Specific Plan, 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 itself is designated as Low Density Residential, and developed at a density that is within the allowed range for Low Density Residential development.
4. That the site is physically suitable for the proposed tentative subdivision map and the project’s density, which is consistent with the proposed Low Density Residential General Plan Land Use Designation while being developed at 3.71 dwelling units per gross acre. The design of the proposed 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 375-lot subdivision is designed to comply with the City’s Engineering Improvement Standards. Areas of dedication will be obtained as part of the tentative map recording for new street improvements, including the construction of curb, gutter, curb return, sidewalk, parkway landscaping, and pavement.
5. That the proposed location of the tentative subdivision map is in accordance with the Visalia General Plan and the objectives of the Zoning and Subdivision Ordinances. The proposed location of the subdivision is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Multiple General Plan policies identify the implementation of development standards to ensure that new single-family residential development will contribute to positive land use compatibility. The size of the property combined with the number of residential lots proposed is consistent and compatible with existing surrounding residential development. The proposed project will result in the creation of new single-family residential developments which, for the Low Density Residential portion at a density of 3.71 units per acre, is consistent with General Plan land use designation of Low Density Residential and the R-1-5 zoning designation that will be applied to the site when annexed into the city limits.
6. That there is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance and development standards. The Housing Accountability Act (Government Code Section 66589.5) requires local agencies to approve housing developments that are consistent with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete. A local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the

evidence that the project would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate or avoid the impact.

7. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
8. That the project is consistent with the project description contained in the Final Environmental Impact Report (FEIR) (SCH# 2021050418) for the project associated with this Tentative Subdivision Map, specifically for development is identified and described in the Carleton Acres Specific Plan, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Tentative Subdivision Map request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

#### **Tentative Parcel Map No. 2023-04**

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, Subdivision Ordinance, and the proposed Carleton Acres Specific Plan.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site does not directly abut any existing developed uses, and development standards contained within the City's Zoning Ordinance and the Carleton Acres Specific Plan will address land use conflicts with future adjacent multi-family residential uses.
3. That the site is physically suitable for the proposed tentative parcel map. The project is consistent with the intent of the General Plan, Zoning Ordinance and Subdivision Ordinance, and the proposed Carleton Acres Specific Plan, 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 situated on land designated Commercial Mixed Use development.
4. That the site is physically suitable for the proposed tentative parcel map which is consistent with the underlying Commercial Mixed Use Land Use Designation and zone. The design of the proposed parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed commercial map. The commercial parcel map is designed to comply with the City's Engineering Improvement Standards. Areas of dedication will be obtained as part of the tentative map recording for new street improvements, including the construction of curb, gutter, curb return, sidewalk, parkway landscaping, and pavement.
5. That the proposed location of the tentative parcel map is in accordance with the Visalia General Plan and the objectives of the Zoning and Subdivision Ordinances. The proposed location of the parcel map is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Multiple General Plan policies identify the implementation of development standards to ensure that new commercial development will contribute to positive land use compatibility.
6. That there is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance and development standards.

7. That the design of the parcel map or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
8. That the proposed parcel sizes resulting from the parcel map are consistent with the Zoning Ordinance's Planned Development and Commercial zone standards since they are part of a specific plan established through Specific Plan No. 2021-13 for adoption of the Carleton Acres Specific Plan.
9. That the project is consistent with the project description contained in the Final Environmental Impact Report (FEIR) (SCH# 2021050418) for the project associated with this Tentative Parcel Map, specifically for development is identified and described in the Carleton Acres Specific Plan, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Tentative Parcel Map request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

## **RECOMMENDED CONDITIONS**

### **Annexation No. 2021-05**

1. Upon annexation, the territory shall be zoned QP (Quasi-Public) zone, R-1-5 (Single-family Residential, 5,000 square feet minimum lot size) zone, R-M-2 (Multi-family Residential, one unit per 3,000 square feet), R-M-3 (Multi-family Residential, one unit per 1,200 square feet), C-MU (Commercial Mixed Use), and C-N (Neighborhood Commercial), consistent with the underlying General Plan land use designations as proposed through the General Plan Amendment.
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. 2023-45. The agreement is subject to final approval by the City Council of the City of Visalia.

### **Specific Plan No. 2021-13**

1. That the Carleton Acres Specific Plan be adopted in substantial compliance with the Specific Plan attached as Attachment "A" of Resolution No. 2023-43.
2. That the Carleton Acres Specific Plan be developed in accordance with the development agreement, attached as Exhibit "F", which shall be signed and recorded prior to the recording of any final maps.
3. That the mitigation monitoring and reporting program and its mitigation measures adopted with the Final Environmental Impact Report certified for the project (State Clearinghouse 2021050418) and all conditions of this project be met during construction and upon final occupancy and ongoing operation of the project.

### **Carleton Acres Phase 1 Tentative Subdivision Map No. 5590**

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. 2022-164 incorporated herein by reference.
2. That the Carleton Acres Phase 1 Tentative Subdivision Map No. 5590 be prepared in substantial compliance with the subdivision map in Exhibit "C".
3. That development standards for this map shall be in compliance with those defined in the Carleton Acres Specific Plan.

4. That the mitigation measures found within the Mitigation Monitoring and Reporting Program of the Carleton Acres Specific Plan Final Environmental Impact Report are hereby incorporated as conditions of the Carleton Acres Phase 1 Tentative Subdivision Map No. 5590.
5. That prior to the issuance of any residential building permit on the site, the applicant / developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
6. That approval of the Carleton Acres Phase 1 Tentative Subdivision Map No. 5590 shall not become effective unless Annexation No. 2021-05, 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. 2021-05.
7. That the Project be null and void unless General Plan Amendment No. 2021-14 and Specific Plan No. 2021-13 are approved by the City of Visalia.
8. That all applicable federal, state, regional, and city policies and ordinances be met.
9. That the mitigation monitoring and reporting program and its mitigation measures adopted with the Final Environmental Impact Report certified for the project (State Clearinghouse 2021050418) and all conditions of this project be met during construction and upon final occupancy and ongoing operation of the project.

**Tentative Parcel Map No. 2023-04**

1. That the parcel 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. 2022-174 incorporated herein by reference.
2. That Tentative Parcel Map No. 2023-04 be prepared in substantial compliance with the parcel map in Exhibit "D".
3. That development standards for this map shall be in compliance with those defined in the Carleton Acres Specific Plan.
4. That the mitigation measures found within the Mitigation Monitoring and Reporting Program of the Carleton Acres Specific Plan Final Environmental Impact Report are hereby incorporated as conditions of Tentative Parcel Map No. 2023-04.
5. That approval of Tentative Parcel Map No. 2023-04 shall not become effective unless Annexation No. 2021-05, 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. 2021-05.
6. That the Project be null and void unless General Plan Amendment No. 2021-14 and Specific Plan No. 2021-13 are approved by the City of Visalia.
7. That all applicable federal, state, regional, and city policies and ordinances be met.
8. That the mitigation monitoring and reporting program and its mitigation measures adopted with the Final Environmental Impact Report certified for the project (State Clearinghouse 2021050418) and all conditions of this project be met during construction and upon final occupancy and ongoing operation of the project.

## **APPEAL INFORMATION**

### **Annexation No. 2021-05, General Plan Amendment No. 2021-14, Specific Plan No. 2021-13**

For the Annexation, General Plan Amendment, and Specific Plan, 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.

### **Carleton Acres Phase 1 Tentative Subdivision Map No. 5590 and Tentative Parcel Map No. 2023-04**

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, 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the City's website at:

[https://www.visalia.city/government/committees/planning\\_commission/default.asp](https://www.visalia.city/government/committees/planning_commission/default.asp).

**Attachments:**

- Related Plans and Policies
- Resolution No. 2023-42 – Recommendation of certification of Final EIR
- Resolution No. 2023-43 – Specific Plan No. 2021-13
- Resolution No. 2023-44 – General Plan Amendment No. 2021-14
- Resolution No. 2023-45 – Annexation No. 2021-05
  - Attachment “A” – Annexation Area
  - Attachment “B” – Annexation Agreement
- Resolution No. 2023-46 – Carleton Acres Phase 1 Tentative Subdivision Map No. 5590
- Resolution No. 2023-47 – Tentative Parcel Map No. 2023-04
- Exhibit "A" – Plan Area Concept
- Exhibit “B” – Carleton Acres Specific Plan
- Exhibit “C” – Carleton Acres Phase 1 Tentative Subdivision Map No. 5590
- Exhibit "D" – Commercial Parcel Map
- Exhibit “E” – Annexation Area
- Exhibit “F” – Draft Development Agreement
- Exhibit “G” – Memorandum regarding request for Tier III development
- Exhibit “H” – Sewer Analysis
- Draft Environmental Impact Report
- Final Environmental Impact Report
- Comments from Site Plan Review Item Nos. 2022-073
- Comments from Site Plan Review Item Nos. 2022-164
- Comments from Site Plan Review Item Nos. 2022-174
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

**Available online via City of Visalia Website:**

- Draft EIR Appendices A through I: <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=53414>
- Draft EIR Appendices J: <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=53415>

## RELATED PLANS AND POLICIES

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

### General Plan Land Use Policies:

**LU-P-19:** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.

**LU-P-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-22:** Allow for City Council approval of master plans, following Planning Commission review and recommendation, for sites under a single ownership or unified control, which may include developable land within both multiple development tiers. Allow for pre-zoning of this master planned land, subject to execution of a development agreement between the City and the land owner conforming to the requirements of Government Code Section 65864 et seq., with the project allowed to annex and develop while the City is still limiting development approvals to land within the Tier I or Tier II designation.

*An approved master-planned site then could be annexed before development is permitted in Tier II or Tier III under Policy LU-P-21. The development agreement would spell out details on overall development, density/intensity and phasing, infrastructure needs and financing, and what each party would do. This policy will allow large land owners, with Council approval, to have a longer time frame for development and infrastructure planning, consistent with the vision of the General Plan, and also "nail down" the numbers for their financial partners while still maintaining the City's interest in having concentric growth through a phasing plan.*

**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.

**LU-P-56:** Update the Zoning Ordinance to reflect the Medium Density Residential designation on the Land Use Diagram for development at 10 to 15 dwelling units per gross acre.

This designation can accommodate a mix of housing types including small-lot single-family, townhouses, two- and four-plexes, and garden apartments, on infill lots or new development areas within walking distance of neighborhood nodes and corridors. Medium Density Residential development may also be permitted on corner lots in single-family zones and in

infill areas where it can be made to be consistent with adjacent properties through the conditional use process. Development standards will ensure that new development contributes positively to the larger community environment. Projects on sites larger than five acres or involving more than 60 units will require discretionary review.

- LU-P-57** Update the Zoning Ordinance to reflect the High Density Residential designation on the Land Use Diagram for development at 15 to 35 dwelling units per gross acre, accommodating townhouses, two- and four-plexes, and multistory condominium and apartment buildings.

The designation is appropriate for some infill sites and new areas in close proximity to neighborhood centers and major transportation routes. High Density Residential development may also be permitted in infill areas where it can be made to be consistent with adjacent properties through the conditional use permit process. Development standards will ensure that new development contributes positively to the creation of neighborhood nodes or districts. Projects on sites larger than five acres or involving more than 60 units will require discretionary review.

- LU-P-66** Update the Zoning Ordinance to reflect the Commercial Mixed Use designation on the Land Use Diagram, to allow for either horizontal or vertical mixed use development and a range of commercial, service, office, and residential uses.

New development in Commercial Mixed Use Areas should have an FAR of at least 0.4 and up to 1.0 for commercial space. If residential uses are included, density may be up to 35 dwelling units per gross acre. Commercial development must be part of all new development in the Commercial Mixed Use district.

- LU-P-67** Update the Zoning Ordinance to reflect the Neighborhood Commercial designation on the Land Use Diagram, intended for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported. Provide standards to ensure that neighborhood commercial uses are economically-viable and also integrated into neighborhoods, with multimodal access and context-sensitive design.

Neighborhood Commercial development shall be subject to design review and public input. If residential uses are included, density should be 10 to 15 dwelling units per gross acre. Shopping centers in Neighborhood Commercial areas shall have the following characteristics:

- Anchored by a grocery store or similar business offering fresh produce, poultry, fish and meat;
- Include smaller in-line stores of less than 10,000 square feet;
- Total size of 5 to 12 acres or as shown on the Land Use Diagram; and
- Integrated with surrounding neighborhood uses in terms of design, with negative impacts minimized.
- Located no closer than one mile from other General Plan-designated Neighborhood Commercial or Community Commercial locations, or from existing grocery stores.
- No individual tenant shall be larger than 40,000 square feet in size.

Standards for Neighborhood Commercial development also shall require design measures that create a walkable environment and require local street and pedestrian connections. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

## **Municipal Code Chapter 12.04 ADOPTION OF SPECIFIC PLANS**

### 12.04.010 Adoption.

A. The planning commission shall hold a public hearing on any specific plan, or amendment to any specific plan, and submit their findings and recommendation to city council.

B. City council shall reject or adopt by resolution the specific plan, or specific plan amendment, by a majority vote. (Prior code § 7197.0)

### 12.04.020 Application to ordinances of city council.

Nothing in this chapter applies to the adoption or amendment of any ordinance by the legislative body, except ordinances expressly adopting or amending a specific plan initiated pursuant to this chapter. (Prior code § 7197.1)

### 12.04.030 Rules and regulations.

The city council may determine and establish administrative rules and procedures for the application and enforcement of specific plans and regulations, and may assign or delegate such administrative functions, powers and duties to the planning or other agency as may be necessary or desirable. (Prior code § 7197.2)

### 12.04.040 Boards in aid of administration.

The city council may create boards of review, appeal, and adjustment, in connection with any portion of the specific plan. (Prior code § 7197.3)

### 12.04.050 Street improvement--Conformance with plan.

No street shall be improved and no sewers or connections or other improvements shall be laid or authorized in any street within any territory for which there is an adopted specific street or highway plan until the matter has been referred to the planning commission for a report as to conformity with such specific street or highway plan unless one of the following conditions applies:

A. The street has been accepted, opened or has otherwise received the legal status of a public street prior to the adoption of the plan;

B. It corresponds with streets shown on the plan;

C. It corresponds with streets shown on a subdivision map or record of survey approved by the legislative body;

D. It corresponds with streets shown on a subdivision map previously approved by the planning commission;

E. It is a local residential street not shown on the specific plan and is approved by the site plan review committee. (Prior code § 7197.4)

### 12.04.060 Open space and landscaping--Conformance with plan.

No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works, including school buildings, constructed within any territory for which the Council has adopted a specific plan regulating the development of the use of open-space land and landscaping until a finding has been made that the open space and landscaping are in substantial compliance with the adopted specific plan. (Prior code § 7197.5)

### 12.04.070 Improvements--Cost distribution.

The cost of all public improvements of specific benefit to the area for which there is an adopted specific plan may be distributed among all properties in the plan area based on benefit. City council shall assess the cost of improvements to each property, based on the benefit to that property. The assessment process shall include public hearing affording each property owner affected an opportunity to be heard. The public hearing process may be waived on any parcel where the property owner has voluntarily agreed to the assessment. This agreement shall be recorded and run with the property ownership. The parcel assessment may be collected at the time of building permit issuance and may replace other existing fees where the same improvements are paid for through a new collection method. (Prior code § 7197.6)

## Zoning Ordinance 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.

### 17.12.050 Site area.

The minimum site area shall be as follows:

<b>Zone</b>	<b>Minimum Site Area</b>
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:

<b>Zone</b>	<b>Interior Lot</b>	<b>Corner Lot</b>
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).

### 17.12.080 Front yard.

A. The minimum front yard shall be as follows:

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

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

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

**17.12.090 Side yards.**

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

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

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

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

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

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

**17.12.100 Rear yard.**

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

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

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

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

**17.12.110 Height of structures.**

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

**17.12.120 Off-street parking.**

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

### **17.12.130 Fences, walls and hedges.**

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

## **Chapter 17.60 DEVELOPMENT AGREEMENTS**

### **17.60.010 Authority for adoption and applications.**

These regulations are adopted under the authority of Government Code Sections 65864--65869.5.

#### **A. Applications.**

1. The city planner shall prescribe the form for each application, notice and documents provided for or required under these regulations for the preparation and implementation of development agreements.

2. The city planner may require an applicant to submit such information and supporting data as the city planner considers necessary to process the application.

**B. Fees.** The city council shall by separate resolution fix the schedule of fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations.

**C. Qualification as an Applicant.** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. Applicant includes authorized agent. The city planner may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the city planner may obtain the opinion of the city attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

**D. Proposed Form of Agreement.** Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the city's standard form of development agreement and including specific proposals for changes in or additions to the language of the standard form.

**E. Review of Application.** The city planner shall endorse on the application the date it is received. He shall review the application and may reject it if it is incomplete or inaccurate for processing. If he finds that the application is complete, he shall accept it for filing. The city planner shall review the application and determine the additional requirements necessary to complete the agreement. After receiving the required information, a staff report and recommendation shall be prepared, which shall state whether or not the agreement as proposed or in an amended form would be consistent with the general plan and any applicable specific plan. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7740)

### **17.60.020 Hearing and notice.**

**A.** The planning commission and city council shall each hold a public hearing on each application for a development agreement. The city planner shall give notice of intention to consider adoption of the development agreement. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice to all property owners within three hundred (300) feet of the property that is the subject of the proposed development agreement, and by publication in a newspaper of general circulation within the city. The form of the notice of intention to consider adoption of the development agreement shall contain:

1. The time and place of the hearing;
2. A general explanation of the matter to be considered including a general description of the area affected;
3. Other information required by specific provision of these regulations or which the city planner considers necessary or desirable.

B. The failure of any person entitled to notice required by law or these regulations to actually receive such notice, does not affect the authority of the city to enter into a development agreement. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not presumption that error is prejudicial or that injury was done if error is shown. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7741)

#### 17.60.030 Action by planning commission.

A. After the public hearing, the planning commission shall make its recommendation in writing to the city council. The recommendation shall include the planning commission's determination whether or not the following findings can be made:

1. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan, any applicable specific plan, and/or any proposed amendment to the general plan or applicable specific plan submitted simultaneously and in conjunction with the proposed development agreement;
2. That the proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. That the proposed development agreement is in conformity with public convenience, general welfare and good land use practice;
4. That the proposed development agreement will not be detrimental to the public health, safety and general welfare;
5. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values.

B. The recommendation shall include the reasons for the recommendation. (Ord. 2017-01 (part), 2017: prior code § 7742)

#### 17.60.040 Action by city council.

A. After the city council completes the public hearing, it may accept, modify or disapprove the recommendation of the planning commission. It may, but need not, refer matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation.

B. The planning commission may, but need not, hold a public hearing on matters referred back to it by the city council.

C. The city council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan, and any applicable specific plan. Any proposed change in the general plan or applicable specific plan must be approved prior to, but simultaneously with, the approval of the development agreement.

D. If the city council approves the development agreement, it shall do so by the adoption of an ordinance. Upon the ordinance approving the development agreement taking effect, the city may enter into the agreement. (Ord. 2017-01 (part), 2017: prior code § 7743)

#### 17.60.050 Amendment or cancellation of agreement by mutual consent.

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The procedure for such proposing and adoption of an amendment or cancellation is the same as the procedure for entering into an agreement in the first instance, as prescribed by Sections [17.60.010](#) through [17.60.040](#). However, where the city initiates the proposed

amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least thirty (30) days in advance of the giving of notice of intention to consider the amendment or cancellation required by this section. (Ord. 2017-01 (part), 2017: prior code § 7744)

#### 17.60.060 Recordation.

Within ten days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section [17.60.050](#), or if the city terminates or modifies the agreement as provided in Section [17.60.050](#) for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city clerk shall have notice of such action recorded with the county recorder. (Ord. 2017-01 (part), 2017: prior code § 7745)

#### 17.60.070 Periodic review.

A. Time for and Initiation of Review. The city planning staff shall review the development agreement every twelve (12) months from the date the agreement is entered into. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:

1. Recommendation of the planning staff;
2. Affirmative vote of at least three members of the planning commission;
3. Affirmative vote of at least three members of the city council.

B. Notice of Periodic Review. The city planner shall begin the review proceeding by giving notice to the property owner that the city intends to undertake a periodic review of the development agreement. Following the review of the development agreement, the city planner shall make a determination that the property owner has made good faith performance and compliance with the terms of the agreement. If such finding is made by the city planner, no further action on the part of the city need be taken. If the city planner finds reasonable cause or evidence that the property owner has not demonstrated good faith performance and compliance with the terms of the agreement, such finding constitutes grounds for referring the matter of periodic review before the planning commission in public hearing. The city planner shall give the notice at least thirty (30) days in advance of the time at which the matter will be considered by the planning commission.

C. Public Hearing. The planning commission shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

D. Findings Upon Public Hearing. The planning commission shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

#### E. Procedure Upon Findings.

1. If the planning commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded;
2. If the planning commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the planning commission may recommend to the city council that the agreement be modified or terminated. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7746)

#### 17.60.080 Modification or termination.

A. If, upon a finding under Section [17.60.070](#)(E)(2), the planning commission recommends the modification or termination of the agreement, the city council shall give notice to the property owner of its intention to consider such modification or termination. The notice shall contain:

1. The time and place of the council meeting at which the matter is to be considered;

2. A statement as to whether the city proposes to terminate or to modify the development agreement;
3. Other information that the city considers necessary to inform the property owner of the nature of the proceeding.

B. Action by City Council. At the time and place set for the consideration of modification or termination, the property owner shall be given an opportunity to be heard. The city council may modify or terminate the agreement. The council may, but need not, refer the matter back to the planning commission for further proceedings. The council may impose those conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the council is final. (Ord. 2017-01 (part), 2017: prior code § 7747)

17.60.090 Moratorium on further development.

In the event that the applicant fails to complete the agreement as specified under Section [17.60.060](#), or the agreement is terminated as specified under Section [17.60.080](#), the city council shall enact an urgency ordinance placing a moratorium on further development activities on the property which is the subject of the agreement so terminated. The moratorium shall continue until such time as a new development agreement is executed; or until the property is rezoned or other regulations or controls on the development of the property are enacted that the city considers sufficient to protect its interests. (Ord. 2017-01 (part), 2017: prior code § 7748)

## GOVERNMENT CODE SECTION 65450 - 65457

65450. After the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan.

65451. (a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

- (1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- (2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- (3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- (4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

65452. The specific plan may address any other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the general plan.

65453. (a) A specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body.

(b) A specific plan may be repealed in the same manner as it is required to be amended.

65454. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.

65455. No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.

65456. (a) The legislative body, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan. The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. It is the intent of the Legislature in providing for such fees to charge persons who benefit from specific plans for the costs of developing those specific plans which result in savings to them by reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the specific plan.

(b) Notwithstanding Section 66016, a city or county may require a person who requests adoption, amendment, or repeal of a specific plan to deposit with the planning agency an amount equal to the estimated cost of preparing the plan, amendment, or repeal prior to its preparation by the planning agency.

(c) Copies of the documents adopting or amending the specific plan, including the diagrams and text, shall be made available to local agencies, and shall be made available to the general public as follows:

(1) Within one working day following the date of adoption, the clerk of the legislative body shall make the documents adopting or amending the plan, including the diagrams and text, available to the public for inspection.

(2) Within two working days after receipt of a request for a copy of the documents adopting or amending the plan, including the diagrams and text, accompanied by payment for the reasonable cost of copying, the clerk shall furnish the requested copy to the person making the request.

(d) A city or county may charge a fee for a copy of a specific plan or amendments to a specific plan in an amount that is reasonably related to the cost of providing that document.

65457. (a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.

(b) An action or proceeding alleging that a public agency has approved a project pursuant to a specific plan without having previously certified a supplemental environmental impact report for the specific plan, where required by subdivision (a), shall be commenced within 30 days of the public agency's decision to carry out or approve the project.