

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING 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. 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.)

WHEREAS, Specific Plan No. 2021-13 is 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. The proposed Project is located on approximately 507 acres, generally bound by W. Riggan 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.); and,

WHEREAS, the Draft Environmental Impact Report (Draft EIR) for the Carleton Acres Specific Plan Project, which considered impacts from Specific Plan No. 2021-13, was released on May 4, 2023, for circulation for a period of 45 days; and,

WHEREAS, the Final Environmental Impact Report (Final EIR) for the Carleton Acres Specific Plan Project, was released on September 1, 2023, and consists of the Draft EIR and the revisions of, and additions to, the Draft EIR; the written comments and recommendations received on the Draft EIR; the written responses of the City of Visalia to public comments on the Draft EIR; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and,

WHEREAS, the California Environmental Quality Act (CEQA) required that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects, which in full are contained in Visalia Planning Commission Resolution No. 2023-42 and the Visalia City Council Resolution pertaining to the certification of the Final EIR prepared for the Carleton Acres Specific Plan Project; and,

WHEREAS, the Planning Commission of the City of Visalia, after ten days published notice, held a public hearing before said Commission on September 11, 2023; and

WHEREAS, the Planning Commission of the City of Visalia considered the Carleton Acres Specific Plan (Specific Plan No. 2021-13) to be in accordance with Chapter 12.04 of the Municipal Code of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the Planning Commission of the City of Visalia adopted Resolution No. 2023-43 recommending approval of Specific Plan No. 2021-13; and,

WHEREAS, the City Council of the City of Visalia, after ten days published notice, held a 1st reading and public hearing for Specific Plan No. 2021-13 on October 2, 2023, and held a 2nd reading for Specific Plan No. 2021-13 on November 6, 2023; and,

WHEREAS, the City Council of the City of Visalia finds that Carleton Acres Specific Plan (Specific Plan No. 2021-13) has been prepared in accordance with Chapter 12.04 of the Municipal Code of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the City Council of the City of Visalia finds that Carleton Acres Specific Plan has been prepared for a new community that includes low density housing, medium density housing, high density housing, commercial, and parks and open space, and that the community is designed to integrate various modes of transportation including automotive, pedestrian, bicycle, and public transit; and,

WHEREAS, a development agreement has been prepared for this project in accordance with Land Use Policy LU-P-22, which allows for parcels under common ownership or unified control that are within multiple Urban Growth Boundary Tiers to be annexed and developed in accordance with a master plan and development agreement that details the overall site plan development while maintaining the City of Visalia's interest in maintaining concentric growth through the Urban Growth Boundary Tiers; and,

WHEREAS, currently, the Development is situated in Growth Tiers II and III as defined in the City of Visalia General Plan. In accordance with Policy No. LU-P-22, the Development may be allowed to annex and develop in Tier III while the City is still limiting development approvals to land within the Tier II designation, subject to the terms and conditions stated in this Development Agreement; and,

WHEREAS, the Development Agreement includes criteria that specify under what circumstances development in Growth Tier III map occur.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia finds that Final EIR for the Carleton Acres Specific Plan Project, SCH# 2021050418, was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves Specific Plan No. 2021-13, and authorizes the City to enter into the Development Agreement, subject to making the following findings regarding Specific Plan No. 2021-13, and the following findings pursuant to Section 17.60.030 for development agreements based on the evidence presented:

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.
6. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan of the City of Visalia, and of the Carleton Acres Specific Plan (being adopted through entitlement Specific Plan No. 2021-13) and of the proposed General Plan Amendment No. 2021-14, which have both been submitted simultaneously and in conjunction with the proposed development agreement. As explained in the development agreement itself, it is being prepared for the purpose of meeting General Plan Policy LU-P-22.
7. 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. Related findings have been made in the Commission's consideration of Specific Plan No. 2021-13 and General Plan Amendment No. 2021-14, wherein the project's residential and commercial land uses that are discussed in the development agreement are compatible uses with the land use districts of Residential Low Density, Residential Medium Density, Residential High Density, Commercial Mixed Use, Neighborhood Commercial, Public Institutional, and Parks/Recreation.
8. That the proposed development agreement is in conformity with public convenience, general welfare and good land use practice. The intent of the development agreement is to maintain the City of Visalia's interest in keeping concentric growth through the Urban Growth Boundary Tiers while honoring land that is under common ownership to annex across growth boundaries so that the owner may have a longer time frame for development and infrastructure planning while maintaining financing interests.
9. That the proposed development agreement will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
10. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves Specific Plan No. 2021-13, as shown on Exhibit “1”, on the real property described herein, in accordance with the terms of this ordinance and under the provisions of Chapter 12.04 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the Carleton Acres Specific Plan be adopted in substantial compliance with the Specific Plan attached as Exhibit “1” of Ordinance No. 2023-10.
2. That the Carleton Acres Specific Plan be developed in accordance with the development agreement, attached as Exhibit “2”, 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.

EXHBIT “1” OF ORDINANCE NO. 2023-10
AN ORDINANCE OF THE CITY COUNCIL
ADOPTING THE CARLETON ACRES SPECIFIC PLAN AS FOLLOWS

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

Section 1: The following Specific Plan document is hereby adopted.

Exhibit “1” of Ordinance No. 2023-10 of the Visalia City Council refers to the Specific Plan document found in Attachment 1 of the City Council Agenda Item that includes the Second Reading of Ordinance No. 2023-10 for Specific Plan No. 2021-13 held on November 6, 2023.

Exhibit "2" OF ORDINANCE NO. 2023-10
AN ORDINANCE OF THE CITY COUNCIL
ADOPTING THE CARLETON ACRES SPECIFIC PLAN

Exhibit "2" of Ordinance No. 2023-10 of the Visalia City Council refers to the Development Agreement exhibit found in Attachment 2 of the City Council Agenda Item that includes the Second Reading of Ordinance No. 2023-10 for Specific Plan No. 2021-13 held on November 6, 2023.