



Community & Economic Development Department

To: *Planning Commission*
From: *Steven Sopp, Associate Planner*
Re: *Quail Hollow Court Tentative Subdivision Map*
Date: *August 13, 2018*

Department staff has received a request by Todd Holmes for a time extension for the Quail Hollow Court Tentative Subdivision Map (TSM). The Quail Hollow Court TSM subdivides approximately 1.85 acres into 14 single family lots to allow for small lot residential planned development with lots fronting on private streets. The property is zoned R-1-4PD (Small Lot Residential, 5,000 sq. ft. minimum lot area Planned Development) and is located on the south side of Bardsley Avenue between Laspina Street and Irwin Street.

The Quail Hollow Court TSM was approved by the Planning Commission on March 14, 2016 and was valid for a period of 24 months. The Subdivision Map Act Section 66452.6(e) allows that the developer may request and the City may grant, discretionary extensions not to exceed a total of (6) years. The requested time extension would be the first one year time extension available under provisions of the Subdivision Map Act and would extend the map to March 14, 2019.

RECOMMENDATION

Staff offers no objections and recommends that a one-year extension be approved until March 14, 2019.

Attachments

Applicants Extension Request
Quail Hollow Court TSM

7/6/2018

1 Todd Holmes am requesting
a one time extension
on Quad follow of Map.



Todd Holmes

JANUARY 2016

**QUAIL HOLLOW COURT
TENTATIVE SUBDIVISION MAP
& PLANNED UNIT DEVELOPMENT PERMIT**

THIS MAP AND THE PLANNED UNIT DEVELOPMENT PERMIT ARE SUBJECT TO THE CITY OF TULARE'S GENERAL ORDINANCE NO. 100, AS AMENDED, AND THE CITY OF TULARE'S ZONING ORDINANCE NO. 100, AS AMENDED.

LEGEND

- APN: 122-310-004
- PROJECT NAME: QUAIL HOLLOW COURT
- FLOOD ZONE: R-1-5
- ZONING (EXISTING): R-1-5
- ZONING (PROPOSED): R-1-5
- ELECTRICITY: SOUTHERN CALIFORNIA EDISON
- CITY OF TULARE
- WATER: CITY OF TULARE
- SEWER: CITY OF TULARE
- TELEPHONE: CITY OF TULARE
- REFUSE: SOUTHERN CALIFORNIA GAS
- NATURAL GAS: SOUTHERN CALIFORNIA GAS
- EXISTING USE: SINGLE FAMILY RESIDENTIAL
- PROPOSED USE: SINGLE FAMILY RESIDENTIAL

SINGLE FAMILY DENSITY: 17 UNITS PER ACRE
 NET ACRES: 41.85 AC
 TOTAL UNITS: 712 UNITS
 S.F. NET DENSITY: 17.2 UNITS PER ACRE
 S.F. GROSS DENSITY: 17.57 UNITS PER ACRE

UNVAC: 0.08 AC
 LOT A: 0.02 AC
 LOT B: 0.02 AC
 LOT C: 0.02 AC
 LOT D: 0.10 AC

LETTERED LOTS: 0.26 AC

LOTS A-D TO BE PRIVATELY MAINTAINED BY HOME OWNERS ASSOCIATION

LOTS A-D TO BE CREATED WITH PHASE 1, LOTS E-H TO BE CREATED WITH PHASE 2

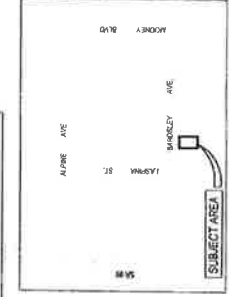
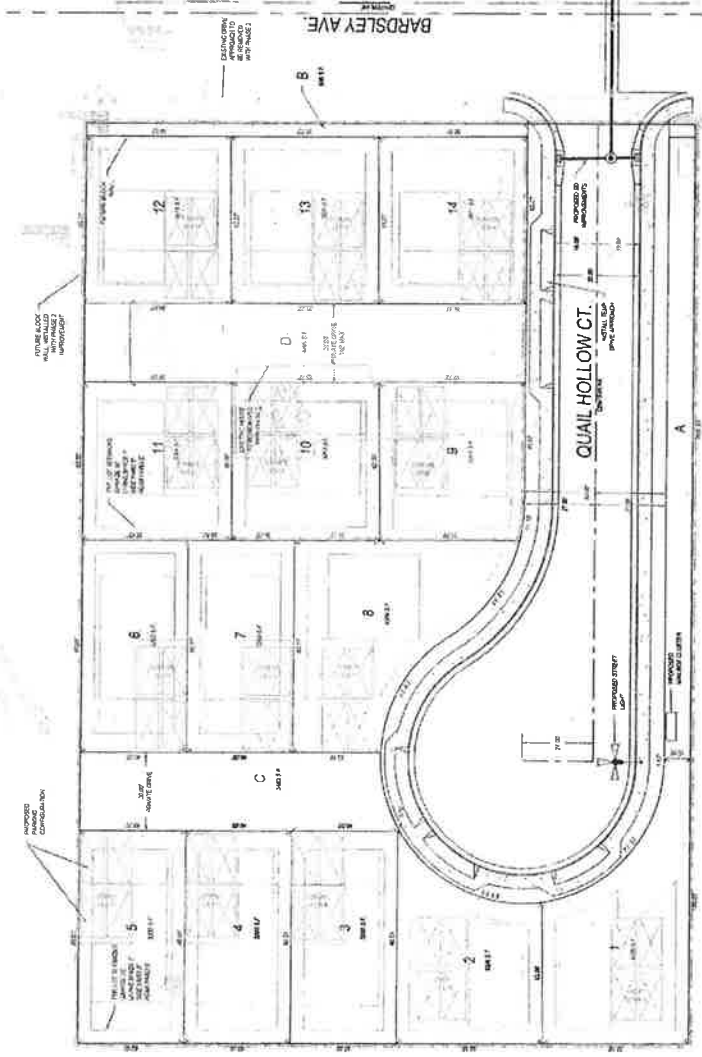
STORM RETENTION TOTAL REQUIRED: 17 AC FT.
 (APPROX PER CITY OF TULARE HYDROLOGY MANUAL)

SEWER (SS) CONNECTION ALONG BARDSLEY AVE

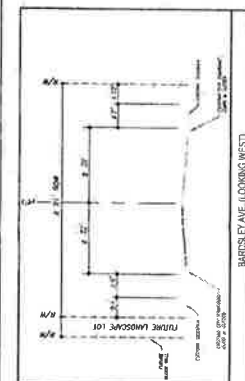
WATER (WT) CONNECTION ALONG BARDSLEY AVE

BUILDING SETBACK MINIMUMS FOR PHASE 1 (THE HOUSE PLANS WILL STAGGER DEPENDING ON FLOOR PLAN):
 FRONT: MINIMUM 20' (20' TO GARAGE)
 REAR: MINIMUM 5'

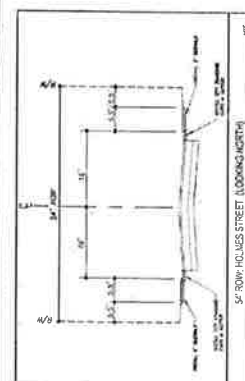
SIDE: MINIMUM 5' (ZERO LOT LINE OPTIONAL WITH 8' MINIMUM BETWEEN SINGLE STORY STRUCTURES AND 7' AN ADDITION 2' OF SETBACK FOR EACH ADDITIONAL STORY)



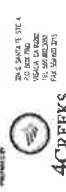
VICINITY MAP



BARDSLEY AVE (LOOKING WEST)



ROW-HOUSES STREET (LOOKING NORTH)



214 S. MAIN ST., STE. 1
 TULARE, CA 93200
 (559) 938-2200

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

August 13, 2018

**ZONING ORDINANCE CHAPTER 10-120 AMENDMENT
ZONE AMENDMENT NO. 730**

PROJECT PLANNER:	Josh McDonnell, Director
APPLICANT:	City of Tulare
LOCATION:	Citywide
APN:	All properties located within Tulare City limits
ZONING CLASSIFICATION:	All Zoning classifications
GENERAL PLAN DESIGNATION:	All General Plan designations
SURROUNDING LAND USES AND ZONING:	Citywide

RELATED PREVIOUS PROJECTS:

None

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission receive a staff presentation, take public testimony, and approve a resolution recommending that the City Council adopt an Amendment to Chapter 10.26 of the Tulare Municipal Code, as described herein.

REQUEST AND DETAILS OF THE PROPOSAL:

In response to comments from the local development industry, as well as the observations of staff, an amendment to Municipal Code Section 10.26 “Annexations” is recommended. The purpose of the amendment would be to reduce the complexities and timeline associated with successfully processing an application for annexation of land to the City limits.

STAFF COMMENTS:

The goal of this effort is to establish an annexation review process that includes submittal requirements that closely mimics the Tulare County Local Agency Formation

Commission's requirements, which are well vetted and consistent with State law. While an emphasis of this effort has been placed on encouraging an efficient process, multiple passages in the draft ordinance language make clear that any proposed annexation must be able to prove that the addition of the property or properties to the City will not result in an additional financial burden to existing City properties.

Given the relatively substantial scope of the revisions that have been made to Chapter 10.26, two attachments are provided to this staff report, a document comprising the current Chapter 10.26 text and a document depicting the proposed text. Specific changes to the existing text include the following:

10.26.010 Purpose – This section has been consolidated and re-written to emphasize that the purpose of the chapter is to:

- Assure orderly growth and development
- Assure that the City has the financial resources to service the proposed annexation, and
- Provide a process for annexing land into the City limits

10.26.020 Definitions – This section has been removed. Definitions of pertinent terms are provided in State law as necessary.

10.26.030 General Provisions – The General Provisions have been substantially consolidated and revised. Direct opposition to any proposed action for which city approval has not been sought has been removed. In addition, duplicative and unnecessary statements declaring opposition to waivers of notice and hearing or the provision of discretionary municipal services have also been removed.

10.26.040 City Applications – This section has been re-written to incorporate a number of the requirements in Section 10.26.060 Annexation Impact Reports. The goal of re-writing this section is to provide a single passage that describes the application content requirements, role of the Community Economic Director, role of the Planning Commission, role of the City Council, and the issues the City should consider prior to taking action on a proposed annexation.

10.26.050 Key City Utility Related Property Protection – This section affirms that the City will act consistently with its General Plan regarding land use decisions near the Wastewater Treatment Plant. This section is considered unnecessary, as the General Plan already provides the land use designations for the areas surrounding the Plant.

10.26.060 Annexation Impact Reports – This section was combined with 10.26.040 City Applications. However, some components of the report requirements, particularly City staff's analysis requirements of the annexation impact report as well as provisions for requiring more detailed fiscal impact reports, specific plans, and proposed dedications have been deleted as being unnecessarily burdensome on potential annexation applicants.

10.26.070 Annexation Agreements – This section was slightly revised to consolidate the statement allowing the City to require an agreement.

10.26.080 Proposed Zoning – This section was kept intact.

10.26.090 Standards for Evaluating Applications – Standards for evaluating applications have been consolidated with the standards in 10.26.060 and 10.26.040. The proposed standards now reside within Section 10.26.030 as opposed to being dispersed throughout the Chapter.

10.26.100 – Petitions – This section was kept intact.

10.26.110 Extraterritorial Service – California Government Code Section 56133 provides guidance for when and how a city may provide or extend services to areas outside its jurisdictional boundary. Section 10.26.110 narrowed the City’s options for when it may seek to provide extraterritorial services. The revised Chapter deletes this section under the premise that State law already identifies the circumstances under which a City may provide extraterritorial services and further refining these circumstances reduce the City’s options for providing services when it may be beneficial for both the City and the receiving area.

10.26.120 Post Annexation, 10.26.130 Applicability Date, 10.26.140 Severability, 10.26.150 Construction of this Chapter– These sections are considered unnecessary and have been deleted.

In addition to the revisions noted above, several sections have been added to the Chapter for Commission consideration. Specifically, sections have been added to provide details on the duties of the Planning Commission, City Council, and Local Agency Formation Commission with regard to reviewing and considering annexation applications. A final section has also been added that specifically subjects any properties annexed to the City to taxation equally with property already within the City.

Following Planning Commission consideration, the proposed Zoning Ordinance Amendment will be submitted to the City Council at a properly noticed public hearing for consideration. If approved by City Council, the revised language will become effective 30 days after the second reading of the Ordinance before the City Council.

ENVIRONMENTAL:

The proposed Zoning Ordinance Amendment is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(B)(3).

No comments have been received during the public review period.

APPEAL INFORMATION:

Given that the Planning Commission's action on this matter is a recommendation to the City Council, and that the City Council will take final action on the proposed Zoning Ordinance Amendment, the item will automatically be forwarded to the City Council for review and consideration.

Attachments:

Attachment 1- Resolution of the Planning Commission

- Exhibit 1 – Draft Revised Chapter 10.26

Attachment 2 – Existing Chapter 10.26

RESOLUTION NO. 5291

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
RECOMMENDING APPROVAL OF ZONE AMENDMENT NO. 730 TO THE CITY
COUNCIL FOR ADOPTION**

WHEREAS, the City of Tulare Planning Commission at a regular meeting held August 11, 2018 considered a request by the City of Tulare to revise Zoning Ordinance Chapter 10.26.. The Zoning Ordinance Amendment would affect properties city-wide; and

WHEREAS, the City of Tulare Planning Commission held a public hearing to receive public testimony; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed amendment is in the public interest; and,

WHEREAS, the City of Tulare Planning Commission determined the proposed action will promote the goals and objectives of the Zoning Title as prescribed in Section 10.04.020 of the Tulare City Code; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed request will not be detrimental to the public health, safety, and welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, the proposed Zoning Ordinance Amendment is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(B)(3).

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that Zone Amendment Application No. 724 is hereby recommended to the City Council for adoption, as described in Exhibit 1.

PASSED, APPROVED AND ADOPTED this thirteenth day of August, 2018 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

JOSH MCDONNELL, SECRETARY
City of Tulare Planning Commission

EXHIBIT 1

CHAPTER 10.26: ANNEXATIONS

Section

- 10.26.010 Purpose.
- 10.26.020 General provisions.
- 10.26.030 Application.
- 10.26.040 Annexation agreements.
- 10.26.050 Proposed zoning.
- 10.26.060 Petitions.
- 10.26.070 Planning Commission duties.
- 10.26.080 City Council duties.
- 10.26.090 Tulare County Local Formation Commission.
- 10.26.100 Taxation Authorization.

§ 10.26.010 Purpose.

(A) The purpose of this chapter is to:

- (1) Assure orderly growth and development, which are essential to the social, fiscal, and economic well-being of the City and its residents; and
- (2) Assure that the need for services and facilities are weighed against the total financial resources available for securing such services and facilities; and
- (3) Provide a process for the annexation of land into the City limits.

§ 10.26.020 General provisions.

Whether initiated by petition or by resolution for application, the following general provisions will apply with regard to all proposed or requested annexation actions:

- (A) Staff is authorized to take all actions and file any protests or notices necessary to protect and preserve city rights and opportunities for further comment or action; whether in connection with LAFCO or any other entity to the extent the city is an “affected city,” as defined in Cal. Gov't Code § 56011 or as amended.
- (B) The city's adopted General Plan and Zoning Ordinance reflect the City Council's statement of the city's intentions with regard to future development and expansion. City staff is to work with the County of Tulare and LAFCO to implement the City Council's intent in documents and processes within their jurisdiction and with regard to all actions to achieve consistency with the city's adopted General Plan and Zoning Ordinance.

(C) Complete applications are required and fees must be paid before processing any annexation request.

(D) The city will seek to recover the costs of facilities and system capacities needed by any annexed properties proposed for annexation in a manner consistent with the city's connection fee and development impact fee programs.

§ 10.26.030 Application.

(A) An application for an annexation shall be initiated with the City by submission of an application to the Community and Economic Development Department. The Community and Economic Development Director is directed to establish appropriate application forms, fee studies, and processes and to issue administrative guidelines defining a "complete" application and to set the required number of copies. The application materials shall include, but not be limited to, the following:

(1) A copy of any annexation or pre-annexation agreement between the party and the City or between the party and the county;

(2) Copies of any known studies or reports by any local governmental agency concerning the condition of the infrastructure and any service deficiencies within the area proposed for annexation;

(3) A statement regarding the nature and extent of existing public safety and emergency services and an evaluation of additional such services required with regard to the area proposed to be annexed;

(4) A statement of the applicant's plans (if any) for extending, financing, and providing municipal services within the area to be annexed;

(5) A summary identifying all existing special districts within the area to be annexed;

(6) A map of the city and adjacent area showing;

(a) Present and proposed boundaries of the city in the vicinity of the proposed annexation;

(b) The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation;

(c) The existing and proposed land use patterns in the areas to be annexed;

(7) A map and legal description of the area proposed to be annexed.

(B) The Applicant/Petitioner shall be responsible for the cost of preparing all environmental documentation required by the California Environmental Quality Act associated with the proposed annexation.

(C) Only owners of the properties proposed for annexation using the city resolution process permitted under Cal. Gov't Code § 56654, and registered electors within the proposed area proposed for annexation (or an organization lawfully formed by them to represent their interests), may submit an application.

(D) Community and Economic Development Director. The Community and Economic Development Director shall administer all city processes required by either the Act or this chapter in cooperation with department heads from other affected departments. Upon receipt of an application, the Director shall determine if the application is complete and will notify the applicant within 30 days if the application is deficient in any manner. Deficient applications will not be processed further until the defects are remedied.

(E) In connection with any LAFCO sphere of influence reviews, LAFCO annexation proceedings, or annexation pre-application (collectively, the action) processes the Director will perform an evaluation identifying potential city issues and will make recommendations with regard to such issues. At a minimum the following issues will be analyzed:

(1) Whether the property meets the statutory requirements for annexation.

(2) Whether the property is within the City of Tulare's sphere of influence as shown on the last adopted city General Plan.

(3) Whether the proposed action is consistent with intergovernmental agreements where the city is a party.

(4) Whether the proposed action creates concerns regarding the city's finances or ability to provide municipal services (including without limitation municipal utility services) to the entire city if the proposed action is approved.

(5) Projects that will be required or impacted if the city supports the proposed action or if it is completed.

(6) City policies that will be affected (such as voting districts, by way of example) if the proposed action is completed.

(7) Any other foreseeable consequences about which the Planning Commission and City Council should be informed.

(F) In connection with proposed annexations which include inhabited territory, at a minimum, the following additional standards will be applied:

(1) The Pavement Condition Index (PCI), as applied to city streets through the city's adopted Transportation System Management Policy will be used to assess the transportation infrastructure and service needs;

(2) The factors specified in Cal. Health and Safety Code §§ 33030 - 33031 for determining whether "blight" exists and its degree; and,

(3) Expected specific increases to city general fund and other fund revenues and other articulable expected city benefits are to equal or exceed the expected increased city disbursements and expected adverse city impacts;

(G) Staff decisions are reviewable by City Manager. All final decisions of City Manager are appealable to the City Council.

§ 10.26.040 Annexation agreements.

The city may require that applicants requesting a resolution for application from the Council enter into an Annexation agreement with the city as a condition to issuing a resolution of application for a proposed annexation. The annexation agreement may contain provisions for zoning of the property, the physical development of the property, the timing of development, the allocation of the cost of required public improvements and services, and/or other matters relating to the public interest.

§ 10.26.050 Proposed zoning.

(A) The proposed zoning for the area to be annexed may be addressed in an annexation agreement pursuant to § 10.26.040. The annexation agreement may provide for further reorganization to detach the property if, after annexation, the proposed zoning is materially different than that specified in the annexation agreement.

(B) The city may zone the property either concurrent with the proposed annexation or within 90 days of recording of the annexation.

§ 10.26.060 Petitions.

(A) When LAFCO annexation proceedings are initiated by landowner or voter petitions, the city will fully participate in proceedings in a manner consistent with the provisions, purposes, and objectives in this chapter. City staff is directed and authorized to take all actions consistent with these directions. Such participation will include, without limitation, the following:

(1) Seeking LAFCO imposition of terms and conditions on any annexations to mitigate adverse impacts and to implement the provisions of this chapter;

(2) If preliminary staff analysis demonstrates the potential for significant adverse fiscal or other impacts to the city, staff is directed to take all actions to mitigate such adverse impacts and to fully inform the City Council regarding such events;

(3) Pursue formation of improvement districts and Mello-Roos districts and other financing tools to address significant blight, infrastructure deficiencies, and anticipated disproportionately burdensome service costs as terms and conditions for annexation;

(4) Negotiate in good faith with the County of Tulare for a property tax transfer agreement based on the anticipated financial impacts to the city;

(5) Prepare and publish factual information describing likely impacts to the residents in the proposed annexation area and to the city in connection with the proposed action. Such information should include, but not be limited to, any information that might be helpful in with the process and in describing differences between being in the county and being in the city such as the following: tax differences, land use regulation, code enforcement and animal control ordinance standards, potential effects of the city's water and sewer ordinances, specific city fees, assessments related to indebtedness, procedures and policies defined by this chapter.

(B) Staff will, in all discussions, negotiations and processes established by the Act or otherwise, seek to cause an application with all related fees and costs and deposits to be filed with the city in order to be able to complete the Annexation impact report described in § 10.26.060 above and all city reviews allowed by the Act and provided for in this Code.

(C) Regardless of whether that occurs, the city's efforts to obtain fair share contributions from the other agencies for impact related costs and LAFCO imposed terms and conditions will be the same whether the annexation process is commenced by a resolution for application of annexation or by landowner/voter petition directly to LAFCO.

§ 10.26.070 Planning Commission duties

(A) Public Hearing Required. Following acceptance of an application, the Planning Commission shall conduct a public hearing for consideration of the application with the following minimum requirements:

(1) Notice of a hearing shall be given in accordance with Chapter 10.16 Public Hearings of this article.

(2) The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(3) Following the conclusion of the public hearing, the Planning Commission shall make written recommendations to the City Council to approve, approve with conditions or modifications, or deny the application as submitted or in modified form and shall make written findings supporting the reasons for the recommendation.

§ 10.26.080 City Council duties

(A) **Public Hearing Required.** After the Planning Commission makes a recommendation on the application the City Council shall hold a public hearing on the application with the following minimum requirements:

(1) Notice of a hearing shall be given in accordance with Chapter 10.16 Public Hearings of this article.

(2) The City Council shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(3) Following the conclusion of the public hearing, the City Council shall approve, modify, or reject the Planning Commission's recommendation, provided that a substantial modification not previously considered by the Planning Commission shall be referred to the Planning Commission for a written recommendation prior to consideration of an amendment. Prior to adoption of an annexation, the City Council shall make written findings supporting the reason for the decision. Approval of the annexations shall be by adoption of a resolution of application.

(B) **Property Tax Exchange Resolution.** If the City Council adopts a resolution of application in accordance with Section 56700 of the Government Code, the Council shall also adopt a property tax exchange resolution in accordance with Section 99 of the Revenue and Taxation Code establishing the amount of property tax revenues to be exchanged between and among local agencies whose service area or service responsibility will be altered by the amount of, and allocation factors with respect to, property tax revenue estimated from the proposed application.

(C) **Filing.** The City Council shall direct the Tulare City Clerk to file a certified copy of the resolution of application and a copy of the property tax exchanged resolution with the executive officer of the Tulare County Local Agency Formation Commission (LAFCO)

§ 10.26.090 Tulare County Local Agency Formation Commission (LAFCO)

Following approval of the resolution of application by the city council, the applicant shall submit an application to the Tulare County LAFCO in order to initiate annexation proceedings with that agency.

§ 10.26.100 Taxation authorization

In addition to any and all fees, all property annexed to the city shall be subjected to taxation equally with property within the city, and to pay and bonded indebtedness outstanding or authorized on the effective date of the annexation.

Attachment 2

CURRENT ORDINANCE LANGUAGE

CHAPTER 10.26: ANNEXATIONS

Section

- 10.26.010 Purpose.
- 10.26.020 Definition.
- 10.26.030 General provisions.
- 10.26.040 City applications.
- 10.26.050 Key city utility related property protection.
- 10.26.060 Annexation impact reports.
- 10.26.070 Annexation agreements.
- 10.26.080 Proposed zoning.
- 10.26.090 Standards for evaluating applications.
- 10.26.100 Petitions.
- 10.26.110 Extraterritorial service.
- 10.26.120 Post annexation.
- 10.26.130 Applicability date.
- 10.26.140 Severability.
- 10.26.150 Construction of this chapter.

§ 10.28.010 Purpose.

(A) This chapter sets forth City Council policies, processes, and directions in relation to processes connected with LAFCO actions such as annexation petitions, sphere of influence determination proceedings, and requests for extraterritorial city services. By this chapter Council intends to:

(1) Ensure that city's internal processes are orderly and efficient, that adequate municipal services are, or can be made, available to annexed properties to meet health and safety standards; and

(2) Assure that annexations will not cause unreasonable and unanticipated adverse financial impacts to the city nor undermine the city's ability to provide essential municipal services within existing city limits; and

(3) Provide city staff with direction and authorization to take all actions within the deadlines contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Cal. Govt. Code §§ 56000 *et seq.* ("the Act"), and to preserve the city's rights and the city's ability to meaningfully participate in proceedings, all as permitted under the Act; and

(4) Provide notice of the city's internal policies, processes, and directions to city staff in connection with discretionary acts permitted under the Act.

(B) This chapter promotes fulfillment of the City Council's intent that the fiscal impact of annexation, subdivision and development should properly be borne by those parties who receive the benefits therefrom to the maximum extent permitted by law.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.020 Definitions.

Unless otherwise stated, all other terms used in this chapter which coincide with terms defined by the Act will carry the definitions stated in the Act.

ACTION. Any determination or decision made by LAFCO.

ANNEXATION AGREEMENT. A contract between a property owner and the city in connection with a proposed annexation into the city, which may include provisions for: property pre-zoning, property development, timing of development, dedications, cost recovery and allocation of costs for required public improvements and service costs, and any other matters relating to the public interest.

ANNEXATION APPLICATION. An application filed with the city requesting that the City Council issue a resolution of application for annexation to LAFCO.

ANNEXATION REQUEST. An application filed with the city requesting that the City Council issue a resolution in support of the applicant's landowner/ voter LAFCO petition to be annexed to the city.

APPLICATION. Either an annexation application, annexation request or an extraterritorial service application or combination of the above, depending upon context.

DEVELOPMENT AGREEMENT. A contract between a developer and the city in connection with any discretionary development approval, including without limitation, rezoning, subdivision and/or planned development approval.

EXTRATERRITORIAL SERVICE APPLICATION. An application filed with the city requesting that the City Council issue a resolution in support of the applicant's LAFCO petition for the city to provide extraterritorial services to the applicant's property outside of the city limits.

LAFCO. The County of Tulare Local Agency Formation Commission.

PETITION. A petition filed by a third party with LAFCO.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.030 General provisions.

Whether initiated by petition or by resolution for application, the following general provisions will apply with regard to all proposed or requested actions:

(A) Staff is authorized to take all actions and file any protests or notices necessary to protect and preserve city rights and opportunities for further comment or action; whether in connection with LAFCO or any other entity to the extent the city is an affected city, as defined in Cal. Gov't Code § 56011 or as amended. Without limitation, staff is authorized to do the following to preserve the city's rights and opportunities:

(1) File a written demand on behalf of the city objecting to waiver of notice and hearing as allowed by Cal. Gov't Code § 56663(b);

(2) Prepare and submit letters to LAFCO correcting errors, stating factual information, or stating city's position in connection with any LAFCO proceedings regarding proposed actions reasonably likely to impact the city's financial status, financial plans, work plans, staffing, programs, projects, policies, or any of the foregoing in any combination.

(B) The city's adopted General Plan and Zoning Ordinance reflect the City Council's statement of the city's intentions with regard to future development and expansion; city staff is to work with the County of Tulare and LAFCO to implement the City Council's intent in documents and processes within their jurisdiction and with regard to all actions to achieve consistency with the city's adopted General Plan and Zoning Ordinance.

(C) To the maximum extent permitted by law, the city will not provide discretionary municipal services or make improvements to infrastructure in areas into which the city does not intend to grow or expand or in areas annexed to the city which were outside of the sphere of influence line defined in the city's adopted General Plan until clearly defined methods for paying and financing such services and improvements are specified.

(D) Applications are required and fees must be paid before processing any request to the city for a resolution or other Council or Board of Public Utilities actions or approval in connection with the following: mandatory service review, sphere of influence proposed actions, annexation pre-application meetings and services, pre-zoning applications, reorganizations as defined by the Act, plans for service creation (Cal. Gov't Code § 56653), and creation of financing mechanisms and satisfaction of conditions in connection with Cal. Gov't Code §56886, and all California Environmental Quality Act (CEQA) compliance related to the foregoing. The City Council will from time to time set deposit and fees amounts by resolution.

(E) City staff will analyze and report on the financial, project, programming, and General Plan impacts with regard to any extraterritorial service application.

(F) The city will seek to recover the costs of facilities and system capacities needed by any annexed properties proposed for annexation in a manner consistent with the city's connection fee and development impact fee programs.

(G) The city opposes, and staff is directed to take any and all actions permitted by law to express such opposition and to stop any proposed actions for which city approval has not been sought or denied by the city, in compliance with the provisions of this Code.

(H) Subdivision review may be conducted concurrently with initial zoning or with site-plan review.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.040 City applications.

(A) *Petitioner/applicant.* Any person filing an application is required to prepare all necessary documents to be filed with the city in a complete manner and submit the required number of copies of complete sets of all documents. The Planning Director is directed to establish appropriate application forms, fee studies, and processes and to issue administrative guidelines defining a "complete" application and to set the required number of copies. The City Council may set required elements, formats, timelines, and standards for such applications from time to time by resolution.

(B) Only owners of the properties proposed for annexation using the city resolution process permitted under Cal. Gov't Code § 56654, and registered electors within the proposed area proposed for annexation (or an organization lawfully formed by them to represent their interests), may submit an application.

(C) *Planning Director.* The Planning Director shall administer all city processes required by either the Act or this chapter in cooperation with department heads from other affected departments. Upon receipt of an application, the Planning Director shall determine if the application is complete and will notify and applicant within 30 days if the application is deficient in any manner. Deficient applications will not be processed further until the defects are remedied. In connection with any LAFCO sphere of influence reviews, LAFCO annexation proceedings, or annexation pre-application (collectively, the action) processes the Planning Director will perform an evaluation identifying potential city issues and will make recommendations with regard to such issues. At a minimum the following issues will be analyzed:

- (1) Whether the property meets the statutory requirements for annexation.
- (2) Whether the property is within the City of Tulare's sphere of influence as shown on the last adopted city General Plan.
- (3) Whether the proposed action is consistent with intergovernmental agreements where the city is a party.
- (4) Whether the proposed action creates concerns regarding the city's finances or ability to provide municipal services (including without limitation municipal utility services) to the entire city if the proposed action is approved.
- (5) Projects that will be required or impacted if the city supports the proposed action or if it is completed.
- (6) City policies that will be affected (such as voting districts, by way of example) if the proposed action is completed.
- (7) Any other foreseeable consequences about which the City Council should be informed.

(D) *City Manager/City Clerk.* The City Manager/City Clerk or deputy designee will comply with all public notice requirements for any public hearings before the City Council or Board of Public Utilities in the manner required by state law. The City Clerk will also be responsible for

serving any adopted city resolutions, ordinances or other documents evidencing City Council or Board of Public Utility actions on LAFCO, the County Board of Supervisors, or any other party on which a notice or comment is to be served to be effective, under the Act.

(E) *Public Works Director.* The Public Works Director, in consultation with the City Engineer and Finance Director will evaluate city's available infrastructure and planned infrastructure and the funding available for new infrastructure and the requirements to remedy existing infrastructure deficiencies, and will render an opinion regarding the impacts of the proposed action. This evaluation will consider the condition of public infrastructure in the property subject to the action.

(F) *Police Chief and Fire Chief.* The Police and Fire Chiefs will assess the needs and capabilities of providing all public safety and emergency services in connection with proposed actions and in particular will, in consultation with the Finance Director, estimate the costs of any change in service requirements. For purposes of this paragraph the term, **PUBLIC SAFETY AND EMERGENCY SERVICES** includes, without limitation, code enforcement and animal control and sheltering services.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.050 Key city utility related property protection.

The city will act consistently with its General Plan and any plans adopted by the City Council or the Board of Public Utilities to protect the buffer around its wastewater pollution control facility ("wastewater treatment plant") from land uses or activities that might induce growth that could jeopardize or significantly increase costs of operating the wastewater treatment plant. The city will similarly act to protect its entire utility infrastructure system and the adopted expansion, operating, replacement, and maintenance plans associated with its municipal utility systems.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.060 Annexation impact reports.

(A) Included, without limitation, in the processing of annexation applications, will be a requirement for an annexation impact report that will be prepared for parcels larger than ten acres. The report will be used as a basis for property tax exchange negotiations with the county as provided for in Cal. Revenue and Taxation Code § 99, for CEQA reviews, and for allowing the city to prepare all reports required or helpful to participating in proceedings under the Act, and will be a condition of the City Council issuing any resolution in connection with a proposed action. Applicants will be responsible for the costs of preparing the annexation impact report. Fees and deposits for the annexation impact report will be set by City Council resolution.

(B) Applicants will submit the following at a minimum:

(1) A copy of any annexation or pre-annexation agreement between the party and the city or between the party and the county;

(2) A proposed voting district that will apply if the property is annexed;

(3) Copies of any studies or reports by any local governmental agency concerning the condition of the infrastructure and any service deficiencies within the area proposed for annexation;

(4) The nature and extent of existing public safety and emergency services (as defined in § 10.26.040) and an evaluation of additional such services required with regard to the area proposed to be annexed;

(5) A statement of the applicant's plans (if any) for extending, financing and providing municipal services within the area to be annexed;

(6) A statement identifying all existing special districts within the area to be annexed;

(7) A map of the city and adjacent area showing;

(a) Present and proposed boundaries of the city in the vicinity of the proposed annexation;

(b) The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation;

(c) The existing and proposed land use patterns in the areas to be annexed;

(8) A map and legal description of the area proposed to be annexed;

(9) As to urbanized areas, a written plan specifying how compliance will be achieved with City of Tulare Municipal Code § 7.20.160 (Duty to connect to municipal sewer) and related provisions in the city's Sewer Code.

(C) City staff will, at the applicant's expense, analyze and include in the report determinations regarding the following:

(1) The condition of the transportation system including without limitation the portion of the transportation used for multi-modal transportation purposes along with an estimate of the costs of required improvements;

(2) An evaluation of whether blight exists, as defined in Cal. Health and Safety Code §§ 33030 - 33031, and if so the programs needed to remedy the blight and the best preliminary estimate that can be made of the costs to remediate such blight.

(3) Staffs recommendation on whether the city should notify LAFCO that it elects to succeed or to not succeed to any Williamson Act contracts in the proposed annexation area pursuant to Cal. Gov't Code § 51243.5.

(4) Staffs discussion and recommendations regarding city comments and suggestions for inclusion into the comprehensive fiscal analysis that LAFCO must perform pursuant to Cal. Gov't Code § 56800.

(5) Staffs discussion and recommendation regarding a Council finding about whether the proposed service plan is feasible and whether the annexation is feasible from both the standpoint of the property proposed to be annexed as well as from the impacts the annexation will likely have on the existing city services and capacities.

(D) The city may also require that a more detailed fiscal impact report be prepared under its direction at the applicant's expense if needed by the city to evaluate the fiscal costs and benefits of the proposed annexation over a multi-year period and to devise a financing and funding plan to make the annexation feasible or to mitigate adverse financial impacts to existing city residents.

(E) The city may also require a specific plan as described in Cal. Gov't Code §§ 65450 *et seq.*, be prepared at the applicant's expense to show the infrastructure plan and to allow the city to prepare a meaningful plan for services as described in Cal. Gov't Code § 56653.

(F) Staff discussion and analysis as to proposed dedications to be requested of LAFCO as terms and conditions of annexation pursuant to § 10.26.080.

(G) Nothing in this chapter shall be construed as preempting the Planning Commission's role in recommending approval of the zoning for the property. The Planning Commission shall conduct a public hearing on any application for the initial zoning of the property separately from any proposed action related application review process; although the zoning hearing and any hearings concerning an annexation proposal before the City Council may occur on the same date.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.070 Annexation agreements.

(A) The city may require that applicants requesting a resolution for application from the Council enter into an Annexation agreement with the city as a condition to issuing a resolution of application for a proposed annexation. The annexation agreement may contain provisions for zoning of the property, the physical development of the property, the timing of development, the allocation of the cost of required public improvements and services, and/or other matters relating to the public interest.

(B) Any annexation agreement entered into will address the issues and concerns raised by any of the studies and reports required under this chapter.

(C) All executed annexation agreements shall be recorded with the appropriate County Clerk/Recorder.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.080 Proposed zoning.

(A) The proposed zoning for the area to be annexed may be addressed in the annexation agreement. The annexation agreement may provide for further reorganization to detach the property if, after annexation, the proposed zoning is materially different than that specified in the annexation agreement.

(B) The city may zone the property either concurrent with the proposed annexation or within 90 days of recording of the annexation.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.090 Standards for evaluating applications.

The City Council may from time to time adopt standards for evaluating applications. Such evaluation standards will be applied to applications requesting a resolution for application from

the city and may also be used in connection with LAFCO landowner/voter petitions, in formulating specific property tax transfer negotiation proposals to the County of Tulare, for formulating comments and a request to LAFCO to impose specific terms and conditions in relation to any determinations and approvals it makes, and as allowed by Cal. Gov't Code § 56886. In connection with proposed annexations which include inhabited territory, at a minimum, the following standards will be applied:

(A) The Pavement Condition Index (PCI), as applied to city streets through the city's adopted Transportation System Management Policy will be used to assess the transportation infrastructure and service needs;

(B) The factors specified in Cal. Health and Safety Code §§ 33030 - 33031 for determining whether "blight" exists and its degree;

(C) Expected specific increases to city general fund and other fund revenues and other articulable expected city benefits are to equal or exceed the expected increased city disbursements and expected adverse city impacts.

(D) Staff decisions are reviewable by City Manager. All final decisions of City Manager are appealable to the City Council.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.100 Petitions.

(A) When LAFCO annexation proceedings are initiated by landowner or voter petitions the city will fully participate in proceedings in a manner consistent with the provisions, purposes and objectives in this chapter. City staff is directed and authorized to take all actions consistent with these directions. Such participation will include, without limitation, the following:

(1) Seeking LAFCO imposition of terms and conditions on any annexations to mitigate adverse impacts and to implement the provisions of this chapter;

(2) If preliminary staff analysis demonstrates the potential for significant adverse fiscal or other impacts to the city, staff is directed to take all actions to mitigate such adverse impacts and to fully inform the City Council regarding such events;

(3) Pursue formation of improvement districts and Mello-Roos districts and other financing tools to address significant blight, infrastructure deficiencies, and anticipated disproportionately burdensome service costs as terms and conditions for annexation;

(4) Negotiate in good faith with the County of Tulare for a property tax transfer agreement based on the anticipated financial impacts to the city;

(5) Prepare and publish factual information describing likely impacts to the residents in the proposed annexation area and to the city in connection with the proposed action. Such information should include, but not be limited to, any information that might be helpful in with the process and in describing differences between being in the county and being in the city such as the following: tax differences, land use regulation, code enforcement and animal control ordinance standards, potential effects of the city's water and sewer ordinances, specific city fees, assessments related to indebtedness, procedures and policies defined by this chapter.

(B) Staff will, in all discussions, negotiations and processes established by the Act or otherwise, seek to cause an application with all related fees and costs and deposits to be filed with the city in order to be able to complete the Annexation impact report described in § 10.26.060 above and all city reviews allowed by the Act and provided for in this Code.

(C) Regardless of whether that occurs, the city's efforts to obtain fair share contributions from the other agencies for impact related costs and LAFCO imposed terms and conditions will be the same whether the annexation process is commenced by a resolution for application of annexation or by landowner/voter petition directly to LAFCO.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.110 Extraterritorial service.

The city will only seek LAFCO approval to provide extraterritorial services pursuant to Cal. Gov't Code § 56133 in the following circumstances:

(A) Where application for a resolution to annex is anticipated to be filed with the city within three years of the city's application to LAFCO to provide extraterritorial services pursuant to an annexation agreement to which the city is a party; or

(B) Under circumstances in which the City Council makes findings that providing extraterritorial services are in the best interests of the city and that annexation of the area will not compromise the purposes and intent of this chapter.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.120 Post annexation.

(A) Following an annexation the following will apply:

(1) The Finance Director will provide prompt written notice to all service-suppliers of the boundary change for purposes of collecting the city's utility users tax and will notify any residents in the area by letter of the applicability of the tax.

(2) The Public Works Director will promptly notify the residents within the annexed area of the current city water conservation stage and the rules applicable to such stage.

(3) The Police Chief, or his or her Code Enforcement Division supervisor, will promptly send written notice to all property owners identifying City Code violations that are subject to penalization or abatement and will begin the Code Enforcement process to bring violations of the City Code into compliance. Said notices will include, without limitation, any nonconforming keeping of animals and will advise regarding the period during which non-conforming use of the properties must be abated.

(4) All lands shall be designated OS (open space) districts, unless otherwise classified through pre-zoning at the time of annexation.

(B) Following a landowner/voter petition initiated annexation of any property not within the city's sphere of influence as shown in its adopted General Plan or opposed by the city at LAFCO, or for which City proposed terms and conditions to mitigate city service capacity and financial concerns are rejected by LAFCO, at a minimum the following will apply:

(1) The city will take full advantage of the financial provisions provided by Cal. Gov't §§ 56886.6, and 56886.7.

(2) No projects will be commenced within the annexed area except those selected and approved through the Tulare Project Management System Policy adopted by the City Council.

(3) The city will make all efforts to assure services are maintained within the non-newly annexed portions of the city before extending compelled services into newly annexed areas.

(4) City will seek all financing and revenue mechanisms available to it to pay for services required in newly annexed areas that exceed the service standards in existing portions of the city.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.130 Applicability date.

The chapter is applicable to the processing of applications and petitions dated after the effective date of this chapter.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.140 Severability.

If any portion of this chapter is found to be unconstitutional or invalid, the City Council hereby declares that it would have enacted the remainder of this chapter regardless of the absence of any such invalid part and that the unconstitutional or invalid portion may be severed from the chapter without affecting the validity of the remaining portion.

(Ord. 15-09, passed 1-19-2016)

§ 10.26.150 Construction of this chapter.

(A) This chapter is intended to be consistent with the Act and is to be construed accordingly.

(B) All other provisions of this Code pertaining to any topic subject to this chapter are to supplement this chapter and are to be interpreted consistently with the provisions of this chapter.

(Ord. 15-09, passed 1-19-2016)

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

August 13, 2018

**LIBERTY HILL – TENTATIVE SUBDIVISION MAP
GENERAL PLAN AMENDMENT NO. 2018-01
ZONE AMENDMENT NO. 728**

PROJECT PLANNER: Steven Sopp, Associate Planner

APPLICANT: Central Pacific Development Group

ENGINEER: Land Design Consulting

LOCATION: Property is approximately 79.5 acres located on the northwest corner of Bardsley Avenue and West Street

APN: 168-090-006

ZONING CLASSIFICATION: R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area) and C-1 (Neighborhood Commercial)
Project proposes a Zone Change to R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area)

GENERAL PLAN DESIGNATION: Low Density Residential and Neighborhood Commercial (*Project proposes General Plan Amendment to Low Density Residential*)

SURROUNDING LAND USES AND ZONING:

North: Vacant; Residential	R-1-6
South: Vacant	County
West: Vacant	R-1-5
East: Residential	R-1-6

REQUEST

The following items are requested:

- Zone Amendment 728 – request to change the existing zone from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area).

- General Plan Amendment 2018-01 – request to change the existing zoning from neighborhood commercial to low density residential on an approximately 7 acre portion of subject property.
- Liberty Hill Tentative Subdivision Map – A request to establish a 384-lot single family residential subdivision on approximately 79.5 acres.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Liberty Hill Tentative Subdivision Map and adopt the Mitigated Negative Declaration prepared for the Liberty Hill Tentative Subdivision map subject to the findings and conditions in Resolution No. 5288. Staff also recommends that the Planning Commission recommend to the City Council approval of General Plan Amendment No. 2018-01 and Zone Amendment No. 728 subject to the findings and conditions in Resolution No. 5289. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

RELATED PREVIOUS PROJECTS:

Liberty Hill Tentative Subdivision Map – Request to subdivide approximately 80 acres into 312 lots for single family residential development. *Planning Commission approval 04/17/2006.*

Conditional Use Permit No. 2007-17 - Request to establish a 399 unit manufactured home community with public streets. *City Council approved 11/16/2007. Expired 11/18/2011.*

General Plan Amendment No. 2007-05 – Amendment of the land use designation from Low Density Residential to Community Commercial on approximately 7 acres located at the northwest corner of Bardsley Avenue and West Street. *City Council approval 11/18/2008.*

Zone Amendment No. 658 – Amend zoning on approximately 7 acres from R-1-6PD to C-1 (Neighborhood Commercial). *City Council approval 11/18/2008.*

DETAILS OF THE PROPOSAL:

This is a request by Central Pacific Development Group to subdivide approximately 79.5 acres into a 384-lot single-family residential subdivision to be zoned R-1-5 (Single Family Residential – 5,000 square foot minimum lot area) to be developed in four phases.

The subject parcel is currently zoned R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum lot area) and C-1 (Neighborhood Commercial). The applicant proposes to amend the Zoning to allow for the proposed single family residential development. The

Zone Amendment is a request to change the existing zoning from R-1-6/C-1 to R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area).

The project is proposed on an approximately 79.5 acre parcel (APN 168-090-006) located on the northwest corner of Bardsley Avenue and West Street. Entry access to the development will be established through two new access points off of Bardsley Avenue, one new access point off of West Avenue and from the existing single family residential subdivision to the north off of Napa Street and Maricopa Street.

STAFF COMMENTS:

General Plan Amendment / Zone Amendment

The existing General Plan designation for the site is Low Density Residential and Neighborhood Commercial within the City of Tulare adopted 2035 General Plan. The existing zoning is R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum lot area). The applicant proposes to amend the General Plan land use designation on approximately 7 acres of the subject site from Neighborhood Commercial to Low Density Residential. The applicant also proposes to amend the existing zoning from R-1-6/C-1 to R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area).

The City of Tulare General Plan (2035) density standard for Low Density Residential ranges from 3.1 to 7.0 dwelling units per acre. The proposed Tentative Subdivision Map illustrates a density of approximately 4.83 dwelling units per acre, which is within the required density range for the Low Density Residential land use designation. The proposed R-1-5 zone district is consistent with the existing/proposed Low Density Residential land use designation.

The applicant has provided written justification for the proposed General Plan Amendment which includes responses to relevant General Plan Policies. This justification has been included attached (see attachment V).

Tentative Subdivision Map

The proposed Tentative Subdivision Map has been reviewed in accordance with § 8.24 – Subdivision Regulations of the City of Tulare Municipal Code. In addition, the proposed Tentative Subdivision Map is in compliance with the Subdivision Map Act.

The development standards of the R-1-5 zone district will apply to the Tentative Subdivision Map as well as the design standards of the Subdivision Regulations. The minimum lot size for the R-1-5 zone district is 5,000 square feet. Front yard setbacks are 20-foot minimum and side and rear yard setbacks are five feet, with the exception of corner lots, which have a 10-foot side yard minimum on the street side. The minimum lot dimensions required are as follows:

<i>District</i>	<i>Interior Lot Width</i>	<i>Corner Lot Width</i>	<i>All Lots Depth</i>
R-1-5	50 feet	60 feet	100 feet

Cul-de-sac lots shall have minimum street frontage of 40-feet, and shall have a minimum width as depicted in the table above, at a point along both side property lines, midway between the front and rear property lines.

A 7-foot tall block wall will be required along West Street, Bardsley Avenue, the western boundary of the proposed development and along any lot boundaries which are adjacent to the proposed ponding basin. Backing lot treatment is also proposed along West Street and Bardsley Avenue. An assessment district in conformance with the Landscaping and Lighting Act of 1972 would be required to be formed to provide funding for the maintenance and servicing of landscaping improvements, sidewalks, and fences/block walls within common lot areas (including areas of backing lot treatment), and for street maintenance on local streets within the project boundaries.

Currently the Tulare Irrigation District (T.I.D.) has an easement on the west side of West Street along the eastern boundary of the proposed development and maintains an open irrigation ditch. As part of the development the applicant will be required to work with both T.I.D. and the City, and will be responsible to pipe the existing irrigation ditch.

Electrical and gas service to the Project site will be provided by Southern California Edison and the Gas Company. AT&T will provide telephone service and cable television service would be provided by Comcast. The Applicant will be required to extend the services to the project site.

The Site Plan Review Committee consisting of representatives from Public Works, Engineering, Planning, Community Services, Fire and Solid Waste reviewed this project with the applicant on February 14, 2018. The Public Works Director and City Engineer, have determined that the proposed project will not have a significant impact on the existing water system. The water distribution system within the project site would be provided and maintained by the City. Existing water and sewer mains are located along West Street on the east side of the proposed development. The proposed development will provide connections to the existing water and sewer lines. Storm water collection from the subdivision will be provided on-site and located in the northwest corner of the proposed project site. The applicant will be responsible for the construction of storm drain facilities subject to the approval of the City of Tulare Engineering Division.

As part of the analysis of the impacts of the project, a Traffic Impact Study (TIS) was completed by JLB Traffic Engineering and reviewed by City staff. The purpose of the TIS was to evaluate the potential onsite and offsite traffic impacts of the proposed project and identify potential mitigation measures and to identify any critical traffic issues that should be addressed in the ongoing planning process. As a result of the TIS mitigation measures were identified and have been included within the engineering conditions of approval for the project.

ENVIRONMENTAL:

A Mitigated Negative Declaration was prepared for this project for public review pursuant to provisions of the Public Resources Code, State of California, Section 210000 to 21177 of the California Environmental Quality Act (CEQA). The City of Tulare was the lead agency on the preparation of the Mitigated Negative Declaration. A notice of Public Hearing for Zone Amendment 728, General Plan Amendment No. 2018-01, Liberty Hill Tentative Subdivision Map and the Notice of Intent to Adopt the Mitigated Negative Declaration was published on June 11, 2018. Comments were received by the California Department of Fish and Wildlife and the California Department of Transportation, which are addressed in the final Mitigated Negative Declaration attached (see appendix E).

On March 26, 2018, pursuant to Public Resources Code Section 21080.3.1, a request for review to determine if formal consultation is appropriate was sent to tribes that were identified by the Native American Heritage Commission. On April 19, 2018 a written request for tribal consultation was received from representatives of the Wuksachi Indian Tribe. In response staff made multiple unsuccessful attempts schedule an on-site meeting and consultation with the tribe. Staff has provided representatives of the tribe with copies of the Mitigated Negative Declaration that was prepared for the project. No subsequent response has been received.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Liberty Hill Tentative Subdivision Map:

Environmental:

- 1) That the Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act.
- 2) That the Planning Commission has considered the proposed Mitigated Negative Declaration and finds that there is no substantial evidence that the project will have a significant effect on the environment.
- 3) The Planning Commission finds that the proposed Mitigated Negative Declaration reflects the independent judgment of the lead agency.

Tentative Subdivision Map:

- 1) That the proposed subdivision map is consistent with applicable Tulare General Plan.
- 2) That the design or improvements of the proposed subdivision are consistent with the Tulare General Plan.

- 3) That the site is physically suitable for the type of development proposed.
- 4) That the site is physically suitable for the density of the development.
- 5) That the design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.
- 6) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- 7) That a Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act of 1970 and State CEQA Guidelines.
- 8) That the proposed subdivision map is consistent with the Tulare City Municipal Code.

General Plan Amendment No. 2018-01:

- 1) That the proposed amendment is in the public interest.
- 2) That the proposed amendment is consistent and compatible with the general plan and implementation programs which may be affected.
- 3) That the proposed amendment impacts have been adequately assessed and have not been determined to be detrimental to public health.
- 4) That the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

Zone Amendment No. 728:

- 1) The proposed amendment is consistent with the Tulare General Plan.
- 2) That the proposed request will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the expected environmental impacts resulting from the proposed amendment will not have a significant impact on the environment.

CONDITIONS:

- A. Adopt a Mitigated Negative Declaration for the Liberty Hill Tentative Subdivision Map, General Plan Amendment No. 2018-01 and Zone Amendment No. 728 (Resolution 5288).

- B. Recommend to City Council approval of General Plan Amendment No. 2018-01 changing the general plan designation on approximately 7 acres from Neighborhood Commercial to Low Density Residential (5289). The subdivision map is not approved until/unless the proposed General Plan Amendment is approved.
- C. Recommend to City Council approval of Zone Amendment No. 728 changing the zoning on approximately 79.5 acres from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area) to R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area) (Resolution 5289).
- D. Based on the approved findings, staff recommends that Liberty Hill Tentative Subdivision Map, be approved subject to the following conditions:
- 1) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved tentative map.
 - 2) Applicant shall comply with Engineering, Fire Department, Parks and Solid Waste Division comments/conditions (Attachments VI, VII, VIII and IX).
 - 3) The existing Tulare Irrigation District (T.I.D.) ditch along the west side of West Street shall be piped. The proposed method of piping shall be subject to both T.I.D. and City approval.
 - 4) Adequate permanent or temporary fire protection facilities as approved by the Fire Chief, shall be installed prior to the issuance of any building permits and prior to the storage of combustible materials on site.
 - 5) Final acceptance of the tract shall be contingent upon the subdividers' providing within and/or outside the tract, drainage disposal facilities, as required to receive drainage and dispose for drainage and storm waters from this tract. Said facilities shall be subject to the approval of the Public Works/Engineering Department.
 - 6) Applicant shall establish a landscape maintenance district prior to the recordation of the final map. All landscape plans within the landscape maintenance district shall be consistent with city standards and approved by the Community and Economic Development Director and/or the City Engineer.
 - 7) Applicant shall record a note on final map indicating that all residential lots are subject to a landscape maintenance district pursuant to the Landscape and Lighting Act.
 - 8) Applicant shall record a document notifying homeowners that the subject property is within a landscape maintenance district.

- 9) Applicant shall submit four copies of a landscape and irrigation plan consistent with the City's landscape ordinance.
- 10) Six-foot public utility easements shall be granted along all front yards as required for public utilities.
- 11) Final subdivision map shall depict all easements.
- 12) The applicant shall comply with the requirements of the Public Works Director and City Engineer regarding sewage disposal and water supply facilities.
- 13) All lots shall meet the provisions of the applicable zoning district.
- 14) Street names will be consistent with street names approved by the Street Naming Committee, and approved by the Community & Economic Development Director.
- 15) Applicant to record a "Right to Farm" notice on final map.
- 16) A 7-foot block wall is required along West Street, Bardsley Avenue, the western boundary of the proposed development and along any lot boundaries which are adjacent to the proposed ponding basin. Final block wall design is subject to the Community & Economic Development Director's approval.
- 17) Applicant to comply with San Joaquin Valley Air Pollution Control District regulations regarding dust control during construction.
- 18) Applicant to comply with San Joaquin Valley Air Pollution Control District Rule 9510 for the final map.
- 19) Recording of the final map is subject to the approval of General Plan Amendment No. 2018-01 and Zone Amendment No. 728.
- 20) Applicant to comply with all mitigation measures within the Mitigated Negative Declaration per adopted Resolution 5288.
- 21) Applicant to provide and locate mailbox clusters as approved by the U.S. Postmaster, Tulare.
- 22) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, beings as of the date of Planning

Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later changing such exactions.

- 23) Applicant to provide a retaining wall wherever adjacent lot grades exceed six inches.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

- I. Project Vicinity Map
- II. Tentative Subdivision Map
- III. General Plan Amendment No. 2018-01 Exhibit Map
- IV. Zone Amendment No. 728 Exhibit Map
- V. Applicant General Plan Amendment Justification
- VI. Engineering Comments
- VII. Fire Comments
- VIII. Solid Waste Comments
- IX. Parks Comments
- X. IS/MND Liberty Hill Tentative Subdivision Map
- XI. Resolution 5288
- XII. Resolution 5289

Liberty Hill

TSM-Liberty Hill, ZA-728, GPA 2018-10

Legend

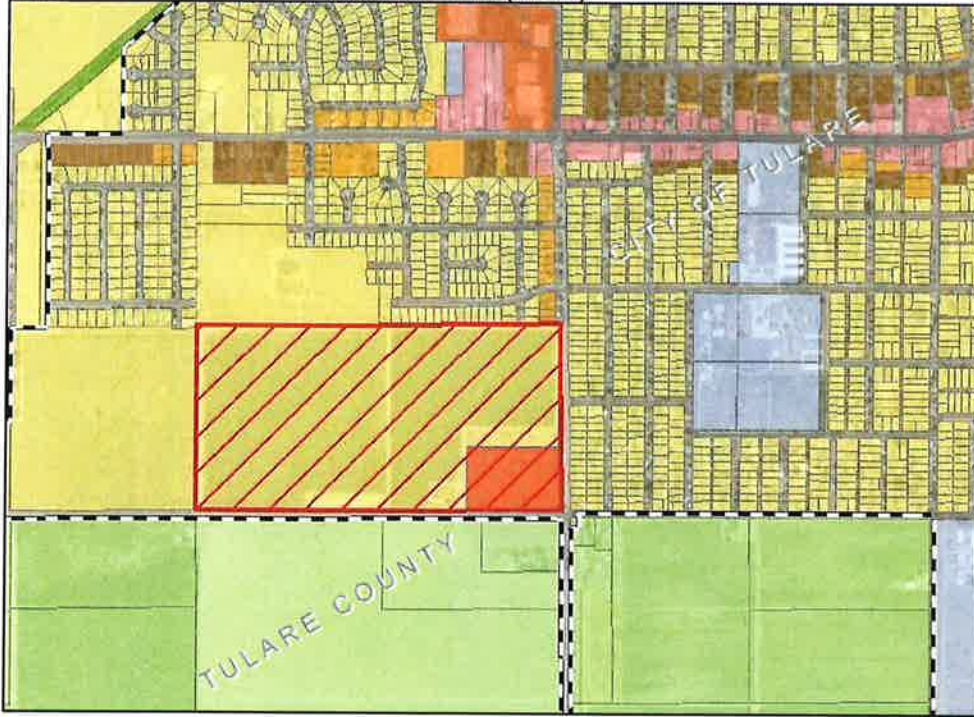
Liberty Hill



GENERAL PLAN AMENDMENT 2018-01

EXISTING LAND USE:

LOW DENSITY RESIDENTIAL (71.49 AC)
NEIGHBORHOOD COMMERCIAL (7 AC)



Liberty Hills TSM

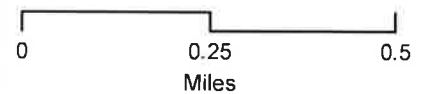
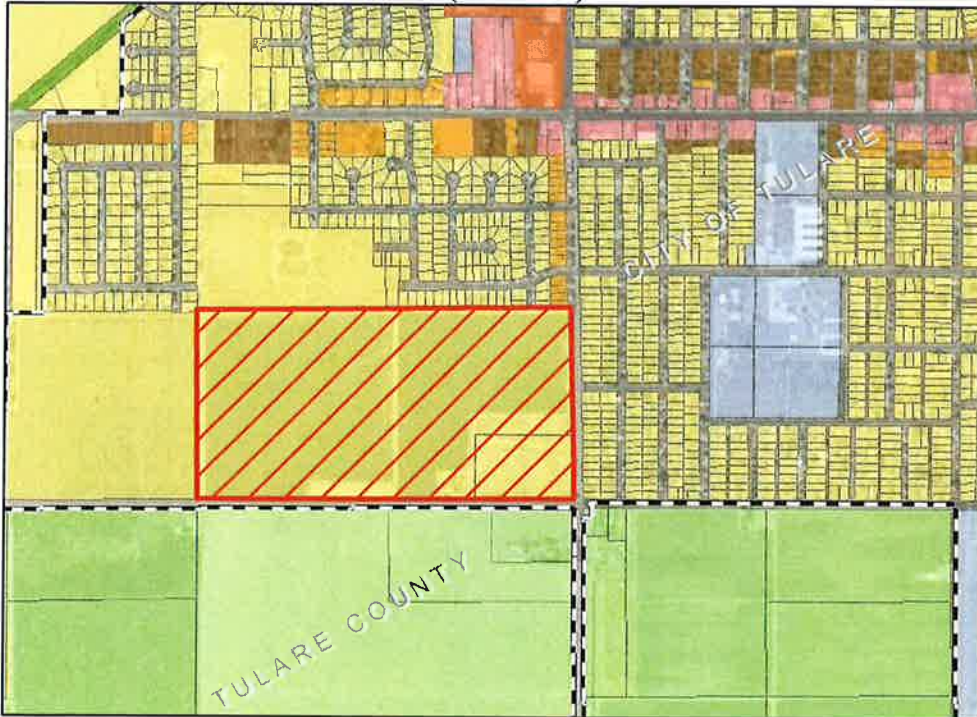
APN: 168-090-006

Legend

- Liberty Hill TSM - NC
- Project Location
- General Plan Designation**
- Rural Residential
- Residential Estate
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Service Commercial
- Central Business District
- Office Commercial
- Light Industrial
- Heavy Industrial
- Public/Quasi-Public
- Parks & Recreation
- Open Space/Agriculture
- Village
- COS North TOD

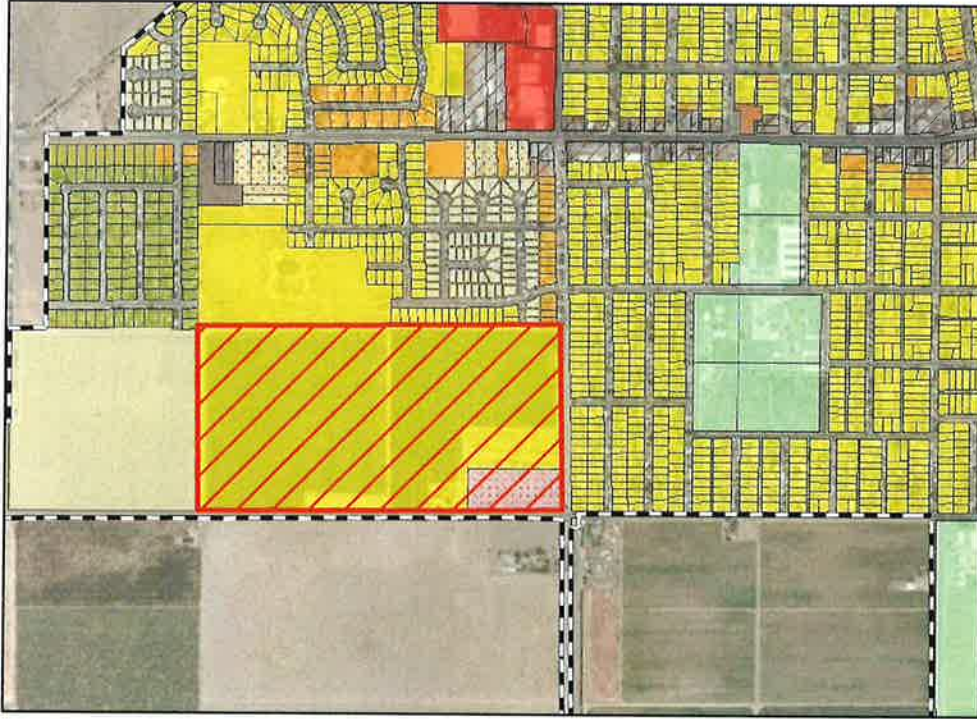
PROPOSED LAND USE:

LOW DENSITY RESIDENTIAL (78.49 AC)



ZONING AMENDMENT 728

EXISTING ZONING: R-1-6



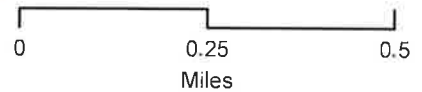
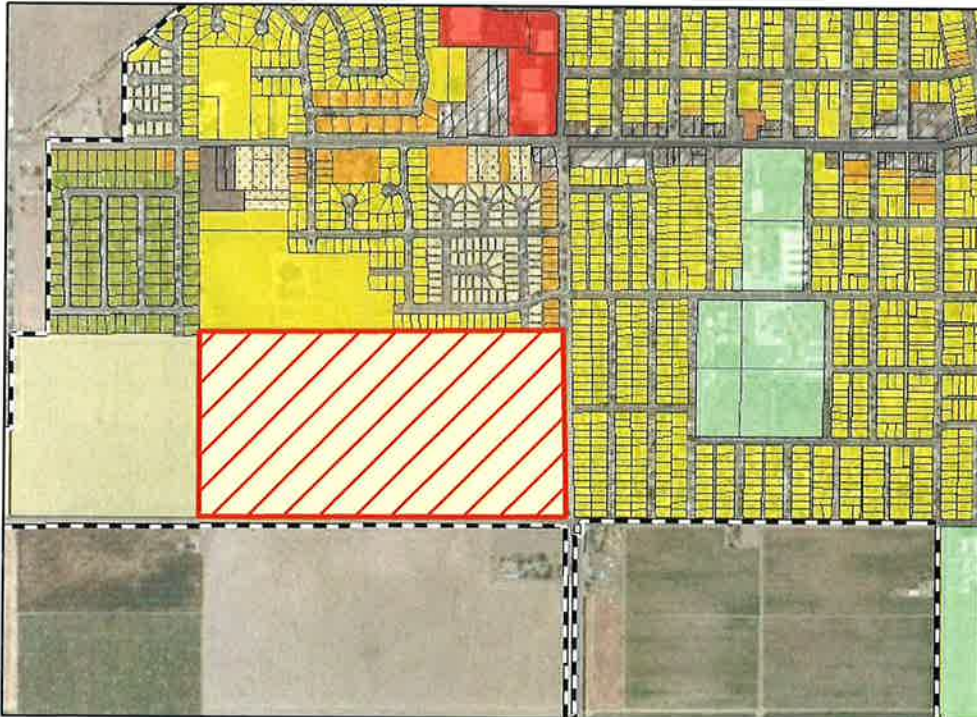
Liberty Hills TSM

APN: 168-090-006

Legend

-  Project Location
-  A: Agricultural County
-  C-1: Neighborhood Commercial
-  C-2: Professional Office
-  C-3: Retail Commercial
-  C-4: Service Commercial
-  C-5
-  M-1: Light Industrial
-  M-2: Heavy Industrial
-  PL: Public Lands
-  R-1-20: Single Family: 20,000 SF min.
-  R-1-12.5: Single Family: 12,500 SF min.
-  R-1-4: Small Lot Residential
-  R-1-5: Single Family: 5,000 SF min.
-  R-1-5 (H): Single Family: 5,000 SF min.
-  R-1-6: Single Family: 6,000 SF min.
-  R-1-7: Single Family: 7,000 SF min.
-  R-1-8: Single Family: 8,000 SF min.
-  RA: Rural Residential
-  RM1
-  RM2: Multiple Family: 3,000 SF/unit
-  RM3: Multiple Family: 2,000 SF/unit
-  RM4: Multiple Family: 1,500 SF/unit
-  Urban Reserve

PROPOSED ZONING: R-1-5



Windward Pacific Builders - Liberty Hill

General Plan Amendment Consistency and Land Use Determination

Project Description:

The Applicant, Windward Pacific Builders, is requesting a General Plan Amendment, for the development of a 384 single-family lot residential project on the subject Property, known as "Liberty Hill" (hereinafter referred to as the proposed project). The Subject Property is designated for Low Density Residential and Neighborhood Commercial under the City of Tulare General Plan.

The proposed project consists of the development of 384 single-family lots. The project will include a mixture of 5,000 square feet and 6,000 square feet lots.

The proposed project will connect to the existing sewer and water infrastructure provided by the City of Tulare.

The layout of the proposed project features five (5) outlots, 2.96, 0.29, 0.22, 0.61, and 0.50 acres in size. These outlots will be used for open space and landscaping, storm drainage, and act as a Tulare Irrigation Pipeline easement. Total amount of open space in the project site is 198,910 square feet. The property owner will accommodate the existing storm drainage needs of the proposed project site through the creation of outlot A, which will be utilized as a storm drainage basin.

Primary access into the proposed project site is provided via West Bardsley Avenue and South West Street. Three (3) future access points will link the proposed project site to neighboring development. These access points are located on the proposed Napa Street, Maricopa Street, and West Elm Avenue.

General Plan Amendment

The Applicant is requesting a General Plan Amendment to the existing City of Tulare General Plan. The Applicant is proposing a General Plan Amendment of a portion of the proposed project site from Neighborhood Commercial to Low Density Residential (LDR).

General Plan Consistency

The proposed amendment to the City of Tulare General Plan will be consistent with the City's general plan in the following ways:

Goal LU-1: To ensure that Tulare's future growth will proceed in an orderly manner, provide for an appropriate mix of land use opportunities, encourage and provide incentives for infill development, prevent urban sprawl, and promote the efficient and equitable provision of public services to all neighborhoods.

- The proposed project site is located within the City of Tulare City Limits, and is planned for urban development in the City of Tulare General Plan. The Applicant has presented a single-family residential subdivision that will connect to existing public infrastructure. The residential subdivision as proposed includes a variety of lot sizes, to provide a mix of housing options for citizens in the City of Tulare. The residential subdivision borders other residential subdivision and therefore does not create an island. Residents of the subdivision will have access to public services.

Policy LU-P1.2: Land Use Designations. The City will utilize the land use designations presented.... For regulating future growth within the UDB. Low Density Residential (LDR). This designation establishes areas for single-family residences in a suburban configuration. Uses typically allowed include detached single-family homes, secondary dwellings, and residential support uses such as churches, schools, and other necessary public utilities and safety facilities. Density Range: 3.1-7.0 DU/A; Minimum Lot Size: 4,000 Square Feet.

- The majority of the proposed project site has a General Plan Designation of Low Density Residential. The lot sizes proposed by the applicant are consistent with the low density land use designation standards as all lots are larger than the 4,000 square foot minimum. Further, the overall density of the proposed project site as presented by the applicant is 4.9 dwelling units per acre, which is consistent with the low-density residential standards of 3.1 - 7.0 dwelling units per acre.

Policy LU-P1.2: Neighborhood Commercial (NC). This designation establishes areas for daily convenience shopping services adjacent to residential neighborhoods. Uses typically allowed include supermarkets, drug stores, and other residential-serving uses that are convenient to vehicular access and highly accessible for pedestrians and bicyclists. These centers typically contain 30,000 to 100,000 square feet of floor area on approximately two to five acres. Neighborhood centers usually include a grocery store as a leading tenant, and generally require a support population of 3,000 to 4,000 people. Maximum Intensity: 0.6 FAR; Minimum Development Size: 2 Acres.

- The Applicant is requesting a General Plan Amendment to amend the land use designation of the southeast corner of the project site. The current land use designation of the southeast corner of the project site is Neighborhood Commercial (NC). The project site is an area that is in the process of being developed. The project site borders vacant land to the north, south, and west. Further, the project site is in close proximity to existing commercial land uses along Inyo Avenue that could serve future residents within the project site. The project site is 0.5 miles away from the intersection of South West Avenue and Inyo Avenue where neighborhood commercial uses can be utilized by residents



of the project site. Within one mile of the project site there are approximately 11.25 acres of neighborhood commercial areas, which could support up to 10,000 people. Neighborhood Commercial uses within one mile of the project site include: Family Dollar, CVS, Palace Food Depot, Dollar General, Spirit Gas Station, West Tulare Gas Station and Food Mart, Big Discount Store, and various eating establishments. The development of the project site could result into investment into the nearby neighborhood commercial areas. The project will add customers to the existing neighborhood commercial businesses.

Policy LU-P2.14: Development Impact Fees. The City shall keep and maintain current development impact fee categories for new construction so that new construction adequately mitigates potential impacts to existing levels of service of infrastructure and public services.

- The project will be paying all applicable development impact fees to ensure the project funds their fair share of impacts on public services and infrastructure.

Goal LU-3: To designate, protect, and provide land to ensure sufficient residential development capacity and variety to meet community needs and project population growth.

- The proposed residential development is designed to offer various types of single-family homes to the City of Tulare's community. Lot sizes range from 5,000 - 10,000 square feet in size offering options to the potential home buyer. The proposed project site is within the City of Tulare City Limits and has been designated for single-family residential development. The project will support the community needs for new housing options.

Goal TR-2: To maintain an efficient, affordable, and safe roadway system throughout Tulare in a way that is economically sustainable and fits within the project budgeted resources.

- The proposed project includes public improvements. More specifically the proposed project will provide frontage improvements to both West Bardsley and South West Street. These frontage improvements will provide an efficient, affordable, and safe roadway system to residents entering and exiting the project site as well as for the existing community.

Policy TR-P2.2: Roadway Standards. The City shall utilize the roadway standards shown on Table 3-2 for new roadways for determining improvements for new projects, and as part of City projects for roadway enhancements and maintenance.

- As stated above, the proposed project will be improving their frontage along West Bardsley Avenue and South West Street in a manner that is consistent with Table 3-2 presented in the City of Tulare General Plan.

Policy TR-P2.18: Dual Access: The City shall require at least two (2) independent access routes for all major development areas.

- The design of the residential subdivision features six (6) independent access routes for residents. There will be one (1) access point onto South West Street, two (2) access points onto West Bardsley, and three (3) access points linking the project site with neighboring subdivisions.

Policy TR-P2.25: The City shall require new development to construct public streets within their project boundaries to standards adequate to serve projected traffic volumes. The City shall ensure that plan lines and right-of-ways be provided to meet the standards of appropriate street designation.

- The design of the project features internal streets that are consistent with the City of Tulare Standards for streets and roads. The streets are designed to serve projected traffic volumes from the development and surrounding areas. All plan lines and right-of-ways will meet City standards of appropriate street designation.

Policy TR-P2.27: The City shall require residential development to be oriented away (side-on or rear-on) from major arterials, and arterials, and properly buffered from these roadway types to preserve the carrying capacity on the street and protect the residential environment. No single-family residence driveways are allowed on collector streets.

- The project site features unique landscaped buffers along both South West Street and West Bardsley Avenue. The buffer along South West Street will be fifty-four (54) feet and will accommodate a Tulare Irrigation Easement for a pipeline. The buffer along West Bardsley Avenue will be 42 feet. Further, the residential subdivision has no lots that have driveways onto collector streets.

Goal TR-3: To maintain a system for funding needed roadway improvements that ensure a safe and efficient level of service that meets the City's established standards.

- The proposed project will be paying traffic impact fees, which will contribute the project's fair share of funding needed for roadway improvements.

Policy TR-P3.1: The City shall ensure future development is responsible for its fair-share of street improvements required by cumulative traffic increases.

- The project will be improving South West Street and West Bardsley Avenue to meet City of Tulare Standards. Further, the project will be paying City of Tulare Traffic Impact Fees to pay their fair share towards roadway improvements.

Policy TR-P3.4: The City shall require dedication of right-of-way or construction of planned facilities within and adjacent to new development projects when such improvements are deemed necessary to promote safe and efficient circulation patterns.

- The project will dedicate right-of-way along the site's frontage of South West Street and West Bardsley Avenue. The project will feature five (5) outlots, which

will be landscaped. Outlot A will serve as the project's storm water basin. Outlots B through E will be landscaped, work with the storm drainage system, and serve as open space buffers between the project site and South West Street and West Bardsley Avenue.

Goal NOI-1: Protect the citizens of Tulare County from the harmful effects of exposure to excessive noise.

- The project features a concrete masonry unit (CMU) block wall, as well as a buffering area to protect residents from any noise exposure from both South West Street and West Bardsley Avenue.

Policy NOI-P1.2: The City shall require sound attenuation features such as walls, berming, heavy landscaping, and setbacks between commercial, industrial, and residential uses to reduce noise and vibration impacts.

- As stated above, the project is installing a CMU block wall back along the perimeter of the project's frontage to South West Street and West Bardsley Avenue. The project also features various landscaping buffers along both South West Street and Bardsley Avenue both for easement purposes and to reduce the impacts of noise and vibrations.

Goal COS-4: To provide parks and recreation facilities and services that adequately meet the existing and future needs of all Tulare residents.

- The project will be dedicating 4.58 acres of open space to the City of Tulare. In addition, the project will be paying development impact fees for parks and open space in order to adequately meet the existing and future needs of all Tulare residents.

Policy COS-4.1: Parkland/Open Space Standards. The City's goal is to provide 4 acres of developed parkland per 1,000 residents. New residential or mixed-use developments containing a residential component may be required to provide parkland, or pay in-lieu fees, in this ratio as directed by the City.

- The project will include the development of 384 dwelling units. "According to the State Department of Finance, in 2012 Tulare's average household size was 3.35 persons per household." (Tulare GP 2-12). Using the statistic stated above the project will support around 1,200 new residents. This requires the project to dedicate approximately five acres of developed parkland. The project will be providing open space dedication of 4.58 acres, will pay a park in-lieu fee to make up the difference, and also pay development impact fees.

Policy COS-P4.6: Land Dedication. The City shall continue its practice of requiring the dedication of community and neighborhood park lands as a condition of approval for large residential development projects (50 or more lots), if applicable.

- As stated above, the project will be dedicating 4.58 acres of open space for the residents of the subdivision. The dedication of 4.58 acres of open space and the payment of development impact fees will satisfy this condition.

Policy COS-P4.7: Fees In Lieu of Parkland Dedication. The City shall allow the payment of fees in lieu of parkland dedication, especially in area where dedication is not feasible, as provided under the Quimby Act.

- The project will be dedicating 4.58 acres of open space through landscaped outlots and the development of a storm drainage basin. Any additional parkland that the project is required to dedicate will be mitigated through the payment of in-lieu parkland dedication fees.

Land Use Determination

The City's 2035 General Plan Land Use Element states, "*Neighborhood Centers usually include a grocery store as a leading tenant, and generally require a support population of 3,000 to 40,000 people.*" The proposed project is expected to generate 1,286 residents (384 units x 3.35 persons per household, as defined by the City's General Plan).

As noted previously, there are existing Neighborhood Commercial land use designations located to the north of the proposed project, at the intersection of West Inyo Avenue and West Street. Assuming the Neighborhood Commercial land use accommodates a population range of 3,000 to 40,000 people, it would be determined that this Neighborhood Commercial could accommodate existing residents, as well as future residents, of the western portion of Tulare. Combined with the anticipated population projection for the proposed project of 1,286 residents, as well as the land uses to the south (Parks and Recreation and Public/Quasi Public), the Neighborhood Commercial land use designation within the proposed project is not necessary.



SITE PLAN REVIEW COMMENTS

Engineering Department

Michael W. Miller, City Engineer

TO: Planning Division

FROM: Engineering Division

DATE: July 9, 2018

PROJECT: Tentative Subdivision Map Liberty Hill Revised

PROJECT LOCATION: Northwest Corner of Bardsley Avenue and West Street

OWNER/DEVELOPER: Windward Pacific Builders

STANDARD CONDITIONS OF APPROVAL:

SOILS:

The Subdivider shall submit a preliminary soils report for structural foundation, which shall be prepared by a Registered Civil Engineer based upon adequate soil test borings. Said report shall be submitted to the City Engineer or Chief Building Official.

The Subdivider shall have the soils investigated and make recommendations as to the correct method of trench backfill for the soils encountered in the subdivision so as to assure 90% relative compaction between the select bedding around the pipe to within 2 feet of the subbase. The top 2 feet shall be compacted to 95% relative compaction. Compaction tests are required on all trenches. All soils testing shall be performed at the sole cost of the Subdivider. The Subdivider shall establish an account with a licensed and certified soil-testing firm acceptable to the City Engineer prior to the start of construction for compaction testing of trench backfill and fills. The City shall order and direct all compaction tests.

STREETS:

Street design shall conform to City of Tulare Design Guidelines and Public Improvement Standards. Arterial street widths and design traffic indices shall be as noted in Attachment "A."

The structural section of all streets shall be not less than the minimums requirements of the City of Tulare Design Guidelines and Public Improvement Standards. A greater thickness may be required by soils test results and engineered structural section calculations. The design of the pavement structural section for streets shall be asphalt concrete over aggregate base materials.

R-Value tests shall be taken for the design of all pavement areas to be constructed by this project. The spacing of said R-Value tests shall not be more than 400 feet apart, per linear foot of paving.

All streets shall have the City standard cross section with curb, gutter and sidewalk.

All utility services shall be placed in the streets prior to paving.

Compaction tests are required on all street subgrades. All soil testing shall be performed at the sole cost of the Subdivider.

Knuckles and transition curves to knuckles shall have 50-foot radii for streets with parkways and 49-foot radii for streets with adjacent sidewalks.

The centerlines of all streets shall be the continuations of the centerlines of existing streets, or shall be offset at least two hundred (200) feet.

The centerline curve radius for roadway design shall be a minimum of 250 feet for local streets, 600 feet for collector streets, and 1,200 feet for arterial streets. Provision for a smaller radius shall be subject to the approval of the City Engineer.

Street monuments shall be installed at locations as required by the City Engineer.

Driveway widths and spacing shall conform to requirements of City Code and the City of Tulare Design Guidelines and Public Improvement Standards.

Side lines of all lots wherever practicable shall be at right angles or radials to the centerline of the street.

Property line chamfers or radii are required at all street intersections per the requirements of the City of Tulare Design Guidelines and Public Improvement Standards.

The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For Landscape and Lighting Act District parcels, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

Turnarounds are required at all dead end streets, except where refuse pickup on lot frontages does not require the refuse collection vehicle to back up.

A barricade and a 2" x 8" rough redwood header shall be provided at dead end streets. As an option, an additional 1-foot of paving beyond the required limits of paving may be installed in lieu of a redwood header.

In conformance with Section 8.24.040 (A) 7 of the City of Tulare Municipal Code, "each street intersection shall be as near to a right angle as practicable."

If work by the Subdivider or his contractors render any existing City street to be in a condition unacceptable to the City Engineer, or his authorized representatives, said street must be restored to a condition as good as or better than before the development's construction activities began. Said repair work must be completed within 2 weeks of the damage having occurred, or in accordance with a schedule authorized by the City Engineer. Thenceforth, the Subdivider shall maintain the street in its repaired state for the duration of the development's construction activities.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

UTILITY RELOCATIONS AND UNDERGROUNDING REQUIREMENTS:

The Subdivider shall be responsible for all costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements. All utility lines, including but not limited to electric, communications, street lighting and cable television, shall be required to be placed underground in accordance with Section 8.24.160 (B) 3 of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the subdivision bonds.

SANITARY SEWERS:

Sanitary sewers shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Sewer laterals shall be installed to the property lines of all lots before the streets are surfaced. Laterals shall be located 8 feet from the centerline of each lot, unless otherwise approved to accommodate driveway approach locations.

All sewer lines shall pass both mandrel and air pressure tests, and shall be subject to video inspection by the City. The cost of one video inspection of the Development's entire sewer line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

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STORM DRAINAGE:

The storm drain system shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

All pipe sizes where necessary shall be adjusted to carry the design flow at the final design slope.

All gutter runs shall be limited to 1000 feet by installing pipe and storm water inlets.

The minimum fall around curb returns shall be 0.3 foot.

All storm drain lines shall be subject to video inspection by the City. The cost of one video inspection of the Development's entire storm drain line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

FIRE HYDRANTS:

Fire hydrants are to be located as required by the Fire Chief and City Engineer.

EASEMENTS:

Easements will be required for all utilities outside of dedicated rights-of-way. Six-foot Public Utility Easements will be required along all street frontages.

The Subdivider shall submit to the City of Tulare a title report for areas outside of the parcel to be developed where easements are to be dedicated for City utilities.

WATER SUPPLY:

Water mains shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Water services shall be installed to the property line of all lots before the streets are surfaced. Services shall be located either 8 feet from the centerline of each lot or 2 feet from property line. The minimum horizontal distance between water services and sewer laterals shall be 10 feet.

The Engineer shall propose locations for water services that will accommodate ultimate driveway approach locations.

Individual 1" polyethylene water services with meter boxes and meter idlers per City standards shall be installed to all single-family residential lots.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

Pressure, leakage, and purity tests are required on all City water system installations at the sole cost of the Subdivider.

STREET NAMES:

Street names shall be approved by the Director of Planning and Building.

Street name sign posts shall be installed at each intersection as required by the City Traffic Engineer, and the Subdivider shall pay for the new street name signs and mounting hardware prior to recordation of the final map, at the rate established at the time of recordation of the final map. Actual installation of the street name signs shall be completed by City personnel at such time that the development reaches a sufficient state of completion.

TRAFFIC SIGNS:

Types, sizes and locations of traffic signs shall be as required by the City Traffic Engineer and City standards.

PAVEMENT DELINEATION:

The Subdivider shall install and/or replace traffic striping, pavement markers, and pavement markings as required by the City Traffic Engineer.

STREET LIGHTS AND ELECTRICAL SERVICE:

The Subdivider must make provisions for the underground installation of electrical services and street lighting. Pole type shall be marbelite. Fixture type shall be LED unless otherwise approved by City Engineer. Design of the street lighting system shall comply with the City of Tulare Design Guidelines and Public Improvement Standards, and shall be subject to the approval of the City Engineer. Subdivider shall provide the City Engineer with an AutoCAD drawing file used as the basis of street light layout. The cost of the systems shall be included in the subdivision bonds.

GAS SERVICE:

The Subdivider must make provisions for the installation of a gas distribution system in all streets and at the sizes determined by the Southern California Gas Company.

PRIVATE IRRIGATION PIPELINES:

Existing private irrigation pipelines will need to be removed within street right of ways.

IRRIGATION CANALS:

The existing Tulare Irrigation District (T.I.D.) ditch along the west side of West Street shall be piped and shall be so designated on the plan drawings. The proposed method of piping shall be subject to both T.I.D. and City approval, and shall be shown on one of the master plans if full piping does not occur within the first phase.

TELEPHONE/CABLE:

The Subdivider must make provisions for the installation of underground telephone and cable service.

EXISTING STRUCTURES:

Any existing structures within the subdivision boundary shall be removed.

WELLS:

Any existing wells on the site shall be abandoned and sealed in accordance with City standards.

ELEVATIONS:

Any elevations shall be based on the official City of Tulare datum.

GENERAL CONDITIONS:

All design and construction shall be in accordance with all applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering considerations are intended to deal with major issues apparent to this office while reviewing this tentative map. Nothing in these conditions precludes our office from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.

A City encroachment permit is required for any work to be performed within existing City rights-of-way or easements. A traffic control plan subject to the approval of the City Engineer is required for any work that will impact existing roadways. Encroachment permits may also be required by the State, Tulare Irrigation District and/or Union Pacific Railroad for any work impacting their rights-of-way, easements or facilities.

ADDITIONAL REQUIREMENTS:

Submit closures and tabulation of areas (square feet) of all lots within the subdivision. A blue line area shall also be submitted.

Provide the City of Tulare with three (3) prints of the final map of the subdivision, and three (3) prints of the improvement drawings for final checking.

Following approval of the final map, provide the City of Tulare with an electronic copy.

Following approval of the improvement drawings, provide the City of Tulare with one reproducible copy, four (4) prints and an electronic copy. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.

Submit to the City of Tulare a title report for the parcel(s) to be developed.

The Subdivider's engineer will be required to certify in writing that all lot grading has been performed in accordance with the approved lot-grading plan prior to issuance of any building permits.

Prior to constructing any improvement that involves City reimbursements, the Subdivider shall submit to the City copies of their contractor's bid prices to be reviewed and approved by the City Engineer. Such work must be performed at prevailing wage rates to be eligible for reimbursement. If the Subdivider fails to obtain approval of reimbursable costs before the start of construction, the City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

Prior to the start of construction, a meeting will be called by the City Engineer with the Subdivider, Contractor and all concerned including utility companies to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City requirements are met. The Contractor shall perform no construction in the field until after this meeting.

This project involves construction activity including clearing, grading and excavation which may require the filing a Notice of Intent with the State Water Resources Control Board under the General Permit to discharge storm water associated with construction activity, the preparation of a storm water pollution prevention plan, and monitoring program.

For traffic improvements identified in the Traffic Impact Study prepared by JLB Traffic Engineering, Inc, the following requirements shall be installed as part of Phase 1:

1. The intersection of Bardsley Avenue and West Street shall be modified to provide a dedicated southbound left-turn lane, and a combined southbound thru/right-turn lane.

2. Median improvements shall be constructed in West Street at the proposed intersection of West Mayberry Avenue. The median shall be designed so as to prevent eastbound left-turns from West Mayberry Avenue onto West Street, and shall allow for northbound left-turn movements from West Street to West Mayberry Avenue. Eligible costs associated with the construction of median improvements would be subject to the oversize reimbursement policies established by the City Municipal Code.
3. Other project impacts identified in the Phase 1 Scenario of the Traffic Impact Study shall be mitigated through the payment of development impact fees.

The following traffic improvements shall be installed in subsequent phase:

4. A traffic signal warrant study for the intersection of Bardsley Avenue and West Street shall be required in conjunction with the submittal of final maps for future Phases 2-4 of the Liberty Hill tentative map. If signal warrants are found to be met with one of the future phases, the Developer shall be required to install a traffic signal as a condition of final map approval. Eligible costs associated with the installation of said traffic signal would be subject to the oversize reimbursement policies established by the City Municipal Code.
5. An all-way stop warrant study for the intersection of Sonora Avenue and West Street shall be required in conjunction with the submittal of final maps for future Phases 2-4 of the Liberty Hill tentative map.
6. Other project impacts identified in the Buildout Scenario of the Traffic Impact Study shall be mitigated through the payment of development impact fees.

Prepared By: Michael Miller

Date: July 9, 2018

ATTACHMENT "A"

The engineering considerations checked below shall be made a condition of approval of the subject subdivision.

- 1) A master plan for street layout for the entire development shall be submitted for approval prior to approval of any portion thereof.
- 2) Roadway design criteria shall be as indicated below. Structural section design shall be based upon the indicated traffic index, but shall not be less than the minimum requirements of the City of Tulare Design Guidelines and Public Improvement Standards:

	Roadway	Classification	Traffic Index	Sidewalk Width	Sidewalk Configuration
a)	Bardsley Avenue	96' Minor Arterial	-	10 ft	Multi-use Path
b)	West Street	84' Minor Arterial	-	6 ft	Parkway
c)	Windward Street	72' Collector	-	5 ft	Parkway
d)	Alpine Avenue between Maricopa and Windward Streets	60' Collector	-	5 ft	Adjacent
e)	Maricopa Street	60' Collector	-	5 ft	Parkway
f)	Local Streets	56' Local Street	-	5 ft	Adjacent
g)	Cul-de-sacs	52' Cul-de-sac	-	5 ft	Adjacent

- The Subdivider shall be responsible for the following minimum Arterial improvements:
 - Full paveout from lip of gutter to the existing edge of pavement
 - Reconstruction of the following portions of existing pavement: North half of Bardsley Avenue along project frontage.
 - Install medians (curbing only) within the following frontages: West Street if Elm Avenue connection remains.
 - Provide at least _____ feet of paving on the opposite side of the median
 - Provide stabilized shoulders on the opposite side of the street in accordance with the City of Tulare's adopted PM-10 control guidelines
 - Provide a pavement transition from the existing roadway cross-section to the new roadway cross-section, of a width and length as approved by the City Traffic Engineer
 - Other:
 - The Subdivider shall be responsible for the following minimum improvements along existing non-arterial streets adjacent to this development:
 - Full paveout, from lip of gutter to the existing edge of pavement
 - Reconstruction of the following portions of existing pavement:
 - Rehabilitation of the following portions of existing pavement, by methods approved by the City Engineer
 - Other:
- 3) Backing lot treatment with common area landscaping, irrigation and block wall improvements shall apply to the following frontages: Bardsley Avenue, West Street, project entrances on Elm Avenue, Windward Street and Mendocino Street.

- 4) Waiver of direct access rights shall be provided as follows: Bardsley Avenue, West Street, project entrances on Elm Avenue, Windward Street, Mendocino Street and Lots 356-364 backing lot frontages.
- 5) The Subdivider shall submit a plan for landscaping/street trees and irrigation along streets with backing lot treatment to be approved by the Director of Parks and Community Services. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- 6) A Landscape & Lighting District will maintain common area landscaping, common area irrigation systems, common area block walls, street trees, street lights and local street maintenance. The Subdivider shall submit a completed Landscape & Lighting District application and all necessary calculations and supporting documentation for the formation of a the district a minimum of 75 days before approval of any final map or related parcel map. Dedication to the City is required for all landscape and common area lots to be maintained by the Landscape & Lighting District at time of final map approvals.
- 7) A master plan for sanitary sewer for the entire development shall be submitted for approval prior to approval of any portion of the system. Sewer for the development shall be directed to the intersection of Bardsley Avenue and Windward Street. The project shall construct a 30" diameter master plan sewer main in Bardsley Avenue between Windward Street and a point of connection to an existing 12" diameter sewer main located in the Gemini Street alignment west of the proposed project site. The development will also be responsible for paying in-lieu fees for its fair share of an 8" diameter sewer main in Bardsley Avenue between Windward Street and West Street.
- 8) The sanitary sewer alignments shall be 6 feet north and/or east of street centerline, unless other alignments are approved by the City Engineer.
- 9) A master plan for storm drainage for the entire development shall be submitted for approval prior to approval of any portion of the system. A regional storm water retention basin shall be constructed with this project, and shall be sized to accommodate the drainage requirements of both the proposed project and an adjacent 66.27 acres north of the project site that is currently directed to a temporary drainage basin. The proposed project shall complete the connection to the existing storm drain system so as redirect drainage from the temporary basin to the new regional basin.
- 10) A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property.
A letter verifying that lot grading was completed in accordance with the approved grading/ drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of a notice of completion. The Engineer or Architect shall affix their stamp and seal to the letter.
- 11) The storm drain alignments shall be 11 feet south and/or west of centerline unless other alignments are approved by the City Engineer.
- 12) A master plan for water for the entire development shall be submitted for approval prior to approval of any portion of the system.
- 13) The water main alignments shall be 6 feet south and/or west of street centerline, unless other alignments are approved by the City Engineer.
- 14) A water sampling station shall be installed per the direction of the City Public Works Director.

ATTACHMENT "B"

The Subdivider shall pay to the City at the time of approval of the final map all applicable fees, including, but not limited to, those checked below:

Benefit Districts

- 1) Sewer front foot charges: \$ 25.00 per front foot for frontages on West Street.
- 2) Sewer Lift Station Fee of \$ _____ per acre.
- 3) Water front foot charges: \$ 17.50 per front foot for frontages on West Street.
- 4) Street front foot charges: \$ _____ per front foot for frontages on _____.
- 5) Benefit District Creation Fee (if applicable): \$ 1,008.19 per district.
- 6) Other: Benefit District fees owed for share of T.I.D. ditch piping completed by Monterey Estates subdivision along northern boundary of development.

Special In-Lieu Fees

- 6) Traffic Signals Fee: \$ _____.
- 7) TID Ditch Piping Fee: \$ _____.
- 8) Sewer Main Fee: \$ TBD. Bardsley Avenue frontage fair share cost of 8" sewer main for length of frontage where sewer is not installed by project.
- 9) Water Main Fee: \$ _____.
- 10) Street Fee: \$ _____.
- 11) Other Fees: \$ _____.

Plan Check, Inspection, and Impact Fees

- 12) Engineering Inspection Fee to be based on a percentage of the estimated cost of construction.
- 13) Development Impact Fees to be paid with Building Permit.
- 14) Engineering Plan Review Fee to be paid at time of submittal.
- 15) Final Map Plan Check Fee to be paid at time of submittal.

All fees shall be based on the current fee schedule in effect at the time of recordation of the final map.

**TULARE FIRE DEPARTMENT
FIRE PREVENTION BUREAU**

The Fire Prevention Bureau conveys the following site plan comments for Liberty Hill TSM:

1. The project must comply with all of the latest applicable codes.
2. When any portion of the facility or buildings to be protected is more than 400 feet from an existing hydrant, on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains *shall* be provided where required by the fire code official.
3. Additional fire hydrants shall be required. Fire hydrant spacing shall be as follows:
 - a. **Residential development**, one hydrant shall be installed at **500-foot** intervals.
4. An approved water supply for fire protection *shall* be made available prior to combustible materials arriving on the site.
5. An approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved into or within the City of Tulare. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. The road shall be a minimum of 20' wide and have a minimum height clearance of 13'6"
6. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
7. Additional access may be required per CFC 2013 Chapter 5. The Fire Code Official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code.
 - a. Through access must be provided at all of the following roads: West, Napa, Maricopa, and Elm.
8. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City standards.
 - a. A site plan identifying all of the phases of this project will assist in avoiding the construction of any dead end roads.

Ryan Leonardo
Fire Inspector III
November 8, 2017

Solid Waste Division

Site Plan Refuse & Recycling Service

Frank Rodriguez, Solid Waste Manager
Office: 559-684-4328 Fax:559-685-2378
frodriguez@tulare.ca.gov



Location: Bardsley and West Street
Name: Liberty Hill Subdivision
Date: 2/21/2018
Plan #: GPA 2018-01, ZA 728, TSM 2018-11 & TPM 2018-01

TYPE OF SERVICE

- Commercial
- Residential
- Roll Off
- Mandatory Recycling / Composting

- Revisions required prior to submitting final plans. See comments below.

- Customer responsible for setting can's out for service by 6:00 am and removing can's from curb, gutter, or alley on the same day after serviced. Customer is responsible for any violations.

- Mandatory Commercial Recycling AB 341. All Commercial Businesses and Multi Family customers must have a blue recycle Bin, Roll Off, or Can for clean paper, cardboard, cans, bottles etc.

- Customer is required to flatten, breakdown all cardboard and other bulky recyclables in blue containers
Customer is responsible for any contamination in containers and all fines and charges resulting from contaminated recyclables.

- Mandatory Food Waste and Compost Recycling AB 1826. Green 96 gallon containers for yard waste/food scraps required.
Additional storage area attached to enclosure to store up to 3-96 gallon cans as option shown on enclosure specs is required.

- A concrete slab/apron is required in front of enclosure as shown in enclosure specifications. The apron shall be the width of the enclosure by 10 feet in front and be a minimum of eight inches thick to withstand truck weight..

- All refuse enclosures must be Double Wide by City Standards

- Location of bin enclosure not acceptable. See comments below.

- Bin enclosure is not to city standards double.

- Inadequate number of Trash/Recycling containers to provide sufficient service. See comments below.

- All containers are to be stored in fenced area on property on non service days.

- Area not adequate for allowing refuse truck turning radius of :
Commercial () 50 ft. outside 36 ft. inside; Residential () 50 ft. outside, 36 ft. inside.

- Paved areas should be engineered to withstand a 60,000 lb. refuse truck.

- Enclosure gates are () required (X) optional. () Lockable
(Gates and poles to be constructed as shown in City of Tulare enclosure specifications.)

- Gates shall be equipped with heavy duty hinges and cane bolts/sleeves attached to hold the gate in the open and closed positions. Gate shall shall open 180 degrees from closed position.

- Mandatory turnarounds in each phase for refuse trucks. Hammerhead turnaround must be built per city standards.

- All bin enclosures are for city refuse containers only. Grease drums or any other items or equipment are not allowed to be stored inside any trash/recycling/compost enclosures.

- Area in front of refuse enclosure must be marked off indicating "No Parking"

- Enclosure will have to be designed and located for a STAB service (Direct Access)

- Customer will be required to roll container out to curb/alley for service.

Section 7.16.040 of the Tulare Municipal Code prohibits private companies/haulers from providing refuse services without authorization. Roll Off services for construction and demolition, recycling, compost or greenwaste and metal are to be provide by the City of Tulare Solid Waste Division. Any Private Roll Off companies/haulers used must be listed on the Board of Public Utilities City Resolution Approved Authorized Haulers List, Resolution No. 07-04. Commercial Front Load Bin service in the City of Tulare is provided exclusively by the City of Tulare Solid Waste Division only as per Municipal Code (No Exceptions).

Comments:
 Any areas requiring the backing of refuse truck into traffic to service container will not be acceptable in any way.



SITE PLAN REVIEW COMMENTS

Community Services Department – Parks Division

Rob A. Hunt, Director, Community Services

TO: Planning Division

FROM: Community Services Department – Parks Division

MEETING DATE: November 8, 2017

PROJECT: Tentative Subdivision Map Liberty Hill

PROJECT LOCATION: Northwest Corner of Bardsley Avenue and West Street

OWNER/DEVELOPER: Windward Pacific Builders

The Parks Division recommends the following Site Plan Review Status for the subject project:

- Resubmit: Additional Information Required, Redesign Required
 Revise and Proceed, comply with comments below
 Proceed, comply with comments below

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained.

All projects that require a landscaping and irrigation plan pursuant to Chapter 10.196 of MC shall comply with the following development standards:

GENERAL STANDARDS:

All landscape development over 500 square feet (new) or 2,500 square feet (rehabilitated) that requires a permit, plan check or design review shall meet the water efficiency and site design requirements detailed in other sections of the Landscape Ordinance Chapter 10.196 of the Municipal Code. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

Elements of the Landscape Documentation Package:

(A) Projects 2,500 square feet and less: Projects 2,500 square feet and less may comply with the requirements of this chapter by conforming to the prescriptive measures. Compliance with all of the items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option.

(B) Any project including all projects over 2,500 square feet: The Landscape Documentation Package shall include the following six elements:

- (1) Project information;
 - (a) Date;
 - (b) Project applicant;
 - (c) Project address (if available, parcel and/or lot number(s));

- (d) Total landscape area (square feet);
 - (e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 - (f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor;
 - (g) Checklist of all documents in Landscape Documentation Package;
 - (h) Project contacts to include contact information for the project applicant and property owner;
 - (i) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
- (2) Water Efficient Landscape Worksheet;
 - (a) Hydrozone information table.
 - (b) Water budget calculations.
 - 1. Maximum applied water allowance (MAWA).
 - 2. Estimated total water use (ETWU).
 - (3) Soil management report;
 - (4) Landscape design plan;
 - (5) Irrigation design plan; and
 - (6) Grading design plan.

Landscape and irrigation plans for individual residential lots are to be submitted to the Building Department along with building permit submittals for review and approval. Attachment "A" are copies of the landscape prescriptive compliance and sample landscape plan and water calculation sheets. A complete copy of the City's landscape standards may be viewed on-line at www.tulare.ca.gov.

ADDITIONAL REQUIREMENTS:

1. All landscaping on city-owned property shall conform to city landscaping and irrigation standards including the City of Tulare Community Services Department (Parks, Recreation and Library Division) Improvements Standards; area specific plans and other applicable documents.
2. The maintenance and upkeep of all proposed Outlots and Pocket Park are to be part of the Landscape and Lighting District that will be formed in conjunction with this subdivision.
3. It is recommended that in order to minimize the footprint of the basin, a standard retention basin with 3:1 side slopes be constructed within the proposed Outlot A. The remaining area to be developed as at-grade park space with an ADA compliant walking path around the perimeter of Outlot A. Provisions should be made for the future extension of the ADA compliant walking path to the designated park space in the Shenandoah Park vesting tentative map.
4. Proposed Pocket Park is not eligible for Park Development Impact Fee credits and shall be constructed as part of the proposed subdivision.
5. Proposed Pocket Park amenities shall include but not limited to turf, trees and landscape plantings, 6 ft. wide ADA compliant walking path with low level lighting, and multiple benches and trash receptacles.
6. All Outlot landscape and irrigation improvement plans shall be reviewed and approved by the Community Services Director and City Engineer.
7. Prior to the start of construction of landscape and irrigation improvements on all Outlots, a meeting will be held by the Community Services Director with the Subdivider and Contractor to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City landscape and irrigation requirements are met. The Contractor shall perform no construction in the field until after this meeting.
8. All common area landscaping and irrigation areas, Outlots and Pocket Park shall be subject to a 12 month maintenance period after the Notice of Completion has been issued.

If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Community Services Department at 559-684-4310.

ATTACHMENT "A"



LANDSCAPE PRESCRIPTIVE COMPLIANCE (MC Section 10.196)

(A) *Projects 2,500 square feet and less.* Projects 2,500 square feet and less may comply with the requirements of this chapter by conforming to the prescriptive measures below. Compliance with all of the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:

(1) Submit a Landscape Documentation Package which includes the following elements:

- (a) Date.
- (b) Project applicant.
- (c) Project address (if available, parcel and/or lot number(s)).
- (d) Total landscape area (square feet), including a breakdown of turf and plant material.
- (e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).
- (f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.
- (g) Contact information for the project applicant and property owner.
- (h) Applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option of the MWELO".
- (i) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contraindicated by a soil test).

(2) Plant material shall comply with all of the following:

(a) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; for non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

(b) A minimum three inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications where mulch is contraindicated.

(3) Turf shall comply with all of the following:

(a) Turf shall not exceed 25% of the landscape area in residential areas and there shall be no turf in non-residential areas;

(b) Turf shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length;

(c) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

(4) Irrigation systems shall comply with the following:

(a) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data.

(b) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

(c) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range.

(d) Manual shut-off valves (such as a gate valve, ball valve or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

(e) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014, "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(5) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

(B) *Any project including all projects over 2,500 square feet.* The Landscape Documentation Package shall include the following six elements:

(1) Project information;

(a) Date;

(b) Project applicant;

(c) Project address (if available, parcel and/or lot number(s));

(d) Total landscape area (square feet);

(e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);

(f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;

(g) Checklist of all documents in Landscape Documentation Package;

(h) Project contacts to include contact information for the project applicant and property owner;

(i) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."

(2) Water Efficient Landscape Worksheet;

(a) Hydrozone information table.

(b) Water budget calculations.

1. Maximum applied water allowance (MAWA).

2. Estimated total water use (ETWU).

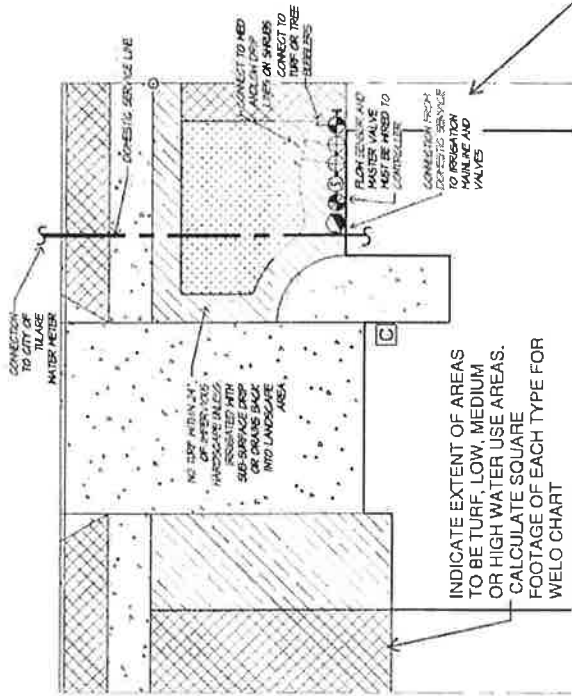
(3) Soil management report;

(4) Landscape design plan;

(5) Irrigation design plan; and

(6) Grading design plan.

Street Name



SCHEMATIC LANDSCAPE AND IRRIGATION PLAN

NOTE THAT PROJECTS WITH 2,500 SF OF LANDSCAPE OR LESS CAN USE THE "PRESCRIPTIVE OPTION" WHICH DOES NOT REQUIRE CALCULATIONS OR THE SIGNATURE OF A LICENSED PROFESSIONAL. SEE TULARE MUNICIPAL CODE 10.196.060(a)

NOTES AND SYMBOLS AS REQUIRED TO INDICATE HOW PROJECT MEETS TERMS OF WATER EFFICIENT ORDINANCE

SIGNATURES AND CERTIFICATIONS AS REQUIRED IN TULARE MUNICIPAL CODE 10.196.060(a)1A OR 10.196.060(b)11, AND 10.196.060b(1) AND 10.196.063(b)13

LANDSCAPE USE

- LOW WATER USE PLANTS (Kc 3 AND LESS)
- MIXED LOW AND MEDIUM WATER USE PLANTS (Kc 5 AND LESS)
- WARM SEASON TURF (BERMUDA) Kc=6

PLANTS APPROPRIATE FOR EACH ZONE ARE LISTED IN THE MICHOLS PLANT INDEX - AVAILABLE AT: WWW.CITIZENSAFARI.COM/PLANTS
TULARE IS ZONE 2

- PLANTS LISTED BY LOW (AND VERY LOW) AND MEDIUM WATER USE.
- MIXED BEDS ARE RATED BY THE MOST WATER-USING VARIETIES INCLUDED (MEDIUM AND LOW = A MEDIUM BED)
- LOW MEDIUM (OR MIXED), AND TURF AREAS MUST BE ON SEPARATE IRRIGATION VALVES
- 4 CYCLOPS SF LANDSCAPE AREA OF COMPOST IS REQUIRED. TILL INTO TOP 6" OF SOIL
- INSTALL MINIMUM OF 3" OF ORGANIC MULCH IN ALL SHRUB AREAS

TEXT AS NECESSARY TO INDICATE TYPE OF EQUIPMENT TO BE USED AND ANY OTHER NECESSARY INFORMATION

IRRIGATION EQUIPMENT KEY

- IRRIGATION CONTROLLER AND EL SENSOR - HANTER I-CORE CONTROLLER AND SOLAR SYNC OR TORO THC-42E WITH CLIMATE-LOGIC OR EQUAL
- PRESSURE BACKFLOW PREVENTER - TORO 53300 PWB OR SIMILAR
- MASTER VALVE - IRRITROL 2400 SERIES OR EQUAL, SIZED FOR LARGEST CIRCUIT
- VALVE - IRRITROL 2600RK-1LF or MF DRIP KIT OR EQUAL, SIZED TO DEMAND FOR FLOW
- VALVE - IRRITROL 2420 SERIES VALVE FOR TURF ROTATOR HEADS, SIZED TO DEMAND FOR FLOW
- FLOW SENSOR - HANTER FGT-100 AND HFS FOR FLOWS TO 11 GPM, FGT-150 AND HFS FOR FLOWS TO 35 GPM OR IRRITROL FS-150 FOR FLOWS 5-100 GPM. SENSOR TO BE COMPATIBLE WITH CONTROLLER

- MAINLINE - 5/41 40 PVC, 1" MIN OR AS REQUIRED FOR FLOW
- DRIIP IRRIGATION - IN-LINE EMITTERS IN DRIFLINE OR OTHER LOW VOLUME (DRIP) IRRIGATION SYSTEM MEASURED IN GPH
- TURF IRRIGATION - TORO PRECISION ROTATING NOZZLES (PR-551M/R) OR SIMILAR ROTATOR NOZZLE ON PRESSURE COMPENSATING BODY

NOTE:
• FLOWS VALUES THAT SHOW MAY BE REQUIRED
• ALL MATERIALS MUST BE INSTALLED AT LOCATION SELECTED BY LANDSCAPE CONTRACTOR.

I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION AND LANDSCAPE DESIGN PLANS

PROFESSIONAL'S NAME _____ LICENSE NUMBER _____ DATE _____

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WELO ORDINANCE

APPLICANT _____ DATE _____



TRACT NUMBER / LOT NUMBER
TYPICAL LANDSCAPE PLAN AND WATER CALCULATIONS

RESOLUTION NO. 5288

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
APPROVING TENTATIVE SUBDIVISION MAP 2018-12- LIBERTY HILL AND
ADOPTING A MITIGATED NEGATIVE DECLARATION GENERAL PLAN
AMENDMENT NO. 2018-01, ZONE AMENDMENT NO. 728 AND TENTATIVE
SUBDIVISION MAP 2018-12- LIBERTY HILL**

WHEREAS, the City of Tulare Planning Commission at a regular meeting on August 13, 2018 held a public hearing, received public testimony, and considered a request by Central Pacific Development Group to subdivide approximately 79.5 acres into a 384-lot single family residential subdivision on property located on the northwest corner of Bardsley Avenue and West Street APN 168-090-006); and

WHEREAS, the City of Tulare Planning Commission determined that the proposed subdivision map is consistent with applicable Tulare General Plan; and,

WHEREAS, the City of Tulare Planning Commission determined that the design or improvements of the proposed subdivision are consistent with the Tulare General Plan; and,

WHEREAS, the City of Tulare Planning Commission determined that the site is physically suitable for the type of development proposed; and,

WHEREAS, the City of Tulare Planning Commission determined that the design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat; and,

WHEREAS, the City of Tulare Planning Commission determined that 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 the property within the proposed subdivision; and,

WHEREAS, an Initial Study was prepared and found that although the proposed project could have a significant effect on the environment, there will not be a significant environmental impact with mitigation measures incorporated; and,

WHEREAS, the City of Tulare Planning Commission determined that a Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act; and,

WHEREAS, the City of Tulare Planning Commission considered the proposed Mitigated Negative Declaration and finds that there is no substantial evidence that the project will have a significant effect on the environment with mitigation measures incorporated; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed Mitigated Negative Declaration reflects the independent judgment of the lead agency, and,

NOW, THEREFORE, BE IT RESOLVED, that the Mitigated Negative Declaration prepared for General Plan Amendment No. 2018-01, Zone Amendment No. 728 and Tentative Subdivision Map 2018-12- Liberty Hill is hereby adopted by the City of Tulare Planning Commission.

The IS/Mitigation Negative Declaration is attached hereto as Exhibit “A” and incorporated as fully set forth.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

1. That the proposed location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the Tentative Subdivision Map and the conditions under which it would be built or maintained will not be detrimental to the public health, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed Tentative Subdivision Map will be in keeping with existing and future land uses on the site.

BE IT FURTHER RESOLVED, that the Planning Commission hereby approves Tentative Subdivision Map 2018-12, subject to the following:

- 1) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved tentative map.
- 2) Applicant shall comply with Engineering, Fire Department, Parks and Solid Waste Division comments/conditions (Attachments VI, VII, VIII and IX).
- 3) All mitigation measures identified by the Mitigated Negative Declaration prepared for the Liberty Hill Tentative Subdivision Map and adopted within Resolution 5288 shall be incorporated and required as conditions of approval.

- 4) The existing Tulare Irrigation District (T.I.D.) ditch along the west side of West Street shall be piped. The proposed method of piping shall be subject to both T.I.D. and City approval.
- 5) Adequate permanent or temporary fire protection facilities as approved by the Fire Chief, shall be installed prior to the issuance of any building permits and prior to the storage of combustible materials on site.
- 6) Final acceptance of the tract shall be contingent upon the sub dividers providing within and/or outside the tract, drainage disposal facilities, as required to receive drainage and dispose for drainage and storm waters from this tract. Said facilities shall be subject to the approval of the Public Works/Engineering Department.
- 7) Applicant shall establish a landscape maintenance district prior to the recordation of the final map. All landscape plans within the landscape maintenance district shall be constant with city standards and approved by the Community and Economic Development Director and/or Community Services Director.
- 8) Applicant shall record a note on final map indicating that all residential lots are subject to a landscape maintenance district pursuant to the Landscape and Lighting Act.
- 9) Applicant shall record a document notifying homeowners that the subject property is within a landscape maintenance district.
- 10) Applicant shall submit four copies of a landscape and irrigation plan consistent with the City's landscape ordinance.
- 11) Six-foot public utility easements shall be granted along all front yards as required for public utilities.
- 12) Final subdivision map shall depict all easements.
- 13) The applicant shall comply with the requirements of the Public Works Director and City Engineer regarding sewage disposal and water supply facilities.
- 14) All lots shall meet the provisions of the applicable zoning district.
- 15) Street names will be consistent with street names approved by the Street Naming Committee, and approved by the Community & Economic Development Director.
- 16) Applicant to record a "Right to Farm" notice on final map.

- 17) A 7-foot block wall is required along West Street, Bardsley Avenue, the western boundary of the proposed development and along any lot boundaries which are adjacent to the proposed ponding basin. Final block wall design is subject to the Community & Economic Development Director's approval.
- 18) Applicant to comply with San Joaquin Valley Air Pollution Control District regulations regarding dust control during construction.
- 19) Applicant to comply with San Joaquin Valley Air Pollution Control District Rule 9510 for the final map.
- 20) Recording of the final map is subject to the approval of General Plan Amendment No. 2018-01 and Zone Amendment No. 728.
- 21) Applicant to provide and locate mailbox clusters as approved by the U.S. Postmaster, Tulare.
- 22) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later changing such exactions.
- 23) Applicant to provide a retaining wall where ever adjacent lot grades exceed six inches.

Engineering:

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.

SOILS:

The Subdivider shall submit a preliminary soils report for structural foundation, which shall be prepared by a Registered Civil Engineer based upon adequate soil test borings. Said report shall be submitted to the City Engineer or Chief Building Official.

The Subdivider shall have the soils investigated and make recommendations as to the correct method of trench backfill for the soils encountered in the subdivision so as to assure 90% relative compaction between the select bedding around the pipe to within 2 feet of the subbase. The top 2 feet shall be compacted to 95% relative compaction. Compaction tests are required on all trenches. All soils testing shall be performed at the sole cost of the Subdivider. The Subdivider shall establish an account with a licensed and certified soil-testing firm acceptable to the City Engineer prior to the start of construction for compaction testing of trench backfill and fills. The City shall order and direct all compaction tests.

STREETS:

Street design shall conform to City of Tulare Design Guidelines and Public Improvement Standards. Arterial street widths and design traffic indices shall be as noted in Attachment "A."

The structural section of all streets shall be not less than the minimums requirements of the City of Tulare Design Guidelines and Public Improvement Standards. A greater thickness may be required by soils test results and engineered structural section calculations. The design of the pavement structural section for streets shall be asphalt concrete over aggregate base materials.

R-Value tests shall be taken for the design of all pavement areas to be constructed by this project. The spacing of said R-Value tests shall not be more than 400 feet apart, per linear foot of paving.

All streets shall have the City standard cross section with curb, gutter and sidewalk.

All utility services shall be placed in the streets prior to paving.

Compaction tests are required on all street subgrades. All soil testing shall be performed at the sole cost of the Subdivider.

Knuckles and transition curves to knuckles shall have 50-foot radii for streets with parkways and 49-foot radii for streets with adjacent sidewalks.

The centerlines of all streets shall be the continuations of the centerlines of existing streets, or shall be offset at least two hundred (200) feet.

The centerline curve radius for roadway design shall be a minimum of 250 feet for local streets, 600 feet for collector streets, and 1,200 feet for arterial streets. Provision for a smaller radius shall be subject to the approval of the City Engineer.

Street monuments shall be installed at locations as required by the City Engineer.

Driveway widths and spacing shall conform to requirements of City Code and the City of Tulare Design Guidelines and Public Improvement Standards.

Side lines of all lots wherever practicable shall be at right angles or radials to the centerline of the street.

Property line chamfers or radii are required at all street intersections per the requirements of the City of Tulare Design Guidelines and Public Improvement Standards.

The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For Landscape and Lighting Act District parcels, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

Turnarounds are required at all dead end streets, except where refuse pickup on lot frontages does not require the refuse collection vehicle to back up.

A barricade and a 2" x 8" rough redwood header shall be provided at dead end streets. As an option, an additional 1-foot of paving beyond the required limits of paving may be installed in lieu of a redwood header.

In conformance with Section 8.24.040 (A) 7 of the City of Tulare Municipal Code, "each street intersection shall be as near to a right angle as practicable."

If work by the Subdivider or his contractors render any existing City street to be in a condition unacceptable to the City Engineer, or his authorized representatives, said street must be restored to a condition as good as or better than before the development's construction activities began. Said repair work must be completed within 2 weeks of the damage having occurred, or in accordance with a schedule authorized by the City Engineer. Thenceforth, the Subdivider shall maintain the street in its repaired state for the duration of the development's construction activities.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. Within 90 days following the notice of

completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversized improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

UTILITY RELOCATIONS AND UNDERGROUNDING REQUIREMENTS:

The Subdivider shall be responsible for all costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements. All utility lines, including but not limited to electric, communications, street lighting and cable television, shall be required to be placed underground in accordance with Section 8.24.160 (B) 3 of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the subdivision bonds.

SANITARY SEWERS:

Sanitary sewers shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Sewer laterals shall be installed to the property lines of all lots before the streets are surfaced. Laterals shall be located 8 feet from the centerline of each lot, unless otherwise approved to accommodate driveway approach locations.

All sewer lines shall pass both mandrel and air pressure tests, and shall be subject to video inspection by the City. The cost of one video inspection of the Development's entire sewer line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

The City shall reimburse the Subdivider for oversized costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversized improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

STORM DRAINAGE:

The storm drain system shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

All pipe sizes where necessary shall be adjusted to carry the design flow at the final design slope.

All gutter runs shall be limited to 1000 feet by installing pipe and storm water inlets.

The minimum fall around curb returns shall be 0.3 foot.

All storm drain lines shall be subject to video inspection by the City. The cost of one video inspection of the Development's entire storm drain line improvements shall be paid prior to recordation of the final map at the rate established at the time of recordation of the final map. The cost of any additional video inspections required shall be paid at the rate established at the time of inspection.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

FIRE HYDRANTS:

Fire hydrants are to be located as required by the Fire Chief and City Engineer.

EASEMENTS:

Easements will be required for all utilities outside of dedicated rights-of-way. Six-foot Public Utility Easements will be required along all street frontages.

The Subdivider shall submit to the City of Tulare a title report for areas outside of the parcel to be developed where easements are to be dedicated for City utilities.

WATER SUPPLY:

Water mains shall be designed and constructed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards.

Water services shall be installed to the property line of all lots before the streets are surfaced. Services shall be located either 8 feet from the centerline of each lot or 2 feet from property line. The minimum horizontal distance between water services and sewer laterals shall be 10 feet.

The Engineer shall propose locations for water services that will accommodate ultimate driveway approach locations.

Individual 1" polyethylene water services with meter boxes and meter idlers per City standards shall be installed to all single-family residential lots.

The City shall reimburse the Subdivider for oversize costs for any facilities designated "masterplan facilities" by the City Engineer, subject to review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Subdivider shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Subdivider shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

Pressure, leakage, and purity tests are required on all City water system installations at the sole cost of the Subdivider.

STREET NAMES:

Street names shall be approved by the Director of Planning and Building.

Street name sign posts shall be installed at each intersection as required by the City Traffic Engineer, and the Subdivider shall pay for the new street name signs and mounting hardware prior to recordation of the final map, at the rate established at the time of recordation of the final map. Actual installation of the street name signs shall be completed by City personnel at such time that the development reaches a sufficient state of completion.

TRAFFIC SIGNS:

Types, sizes and locations of traffic signs shall be as required by the City Traffic Engineer and City standards.

PAVEMENT DELINEATION:

The Subdivider shall install and/or replace traffic striping, pavement markers, and pavement markings as required by the City Traffic Engineer.

STREET LIGHTS AND ELECTRICAL SERVICE:

The Subdivider must make provisions for the underground installation of electrical services and street lighting. Pole type shall be marbelite. Fixture type shall be LED unless otherwise approved by City Engineer. Design of the street lighting system shall comply with the City of Tulare Design Guidelines and Public Improvement Standards, and shall be subject to the approval of the City Engineer. Subdivider shall provide the City Engineer with an AutoCAD drawing file used as the basis of street light layout. The cost of the systems shall be included in the subdivision bonds.

GAS SERVICE:

The Subdivider must make provisions for the installation of a gas distribution system in all streets and at the sizes determined by the Southern California Gas Company.

PRIVATE IRRIGATION PIPELINES:

Existing private irrigation pipelines will need to be removed within street right of ways.

IRRIGATION CANALS:

The existing Tulare Irrigation District (T.I.D.) ditch along the west side of West Street shall be piped and shall be so designated on the plan drawings. The proposed method of piping shall be subject to both T.I.D. and City approval, and shall be shown on one of the master plans if full piping does not occur within the first phase.

TELEPHONE/CABLE:

The Subdivider must make provisions for the installation of underground telephone and cable service.

EXISTING STRUCTURES:

Any existing structures within the subdivision boundary shall be removed.

WELLS:

Any existing wells on the site shall be abandoned and sealed in accordance with City standards.

ELEVATIONS:

Any elevations shall be based on the official City of Tulare datum.

GENERAL CONDITIONS:

All design and construction shall be in accordance with all applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering considerations are intended to deal with major issues apparent to this office while reviewing this tentative map. Nothing in these conditions precludes our office from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.

A City encroachment permit is required for any work to be performed within existing City rights-of-way or easements. A traffic control plan subject to the approval of the City Engineer is required for any work that will impact existing roadways. Encroachment permits may also be required by the State, Tulare Irrigation District and/or Union Pacific Railroad for any work impacting their rights-of-way, easements or facilities.

ADDITIONAL REQUIREMENTS:

Submit closures and tabulation of areas (square feet) of all lots within the subdivision. A blue line area shall also be submitted.

Provide the City of Tulare with three (3) prints of the final map of the subdivision, and three (3) prints of the improvement drawings for final checking.

Following approval of the final map, provide the City of Tulare with an electronic copy.

Following approval of the improvement drawings, provide the City of Tulare with one reproducible copy, four (4) prints and an electronic copy. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.

Submit to the City of Tulare a title report for the parcel(s) to be developed.

The Subdivider's engineer will be required to certify in writing that all lot grading has been performed in accordance with the approved lot-grading plan prior to issuance of any building permits.

Prior to constructing any improvement that involves City reimbursements, the Subdivider shall submit to the City copies of their contractor's bid prices to be reviewed and approved by the City Engineer. Such work must be performed at prevailing wage rates to be eligible for reimbursement. If the Subdivider fails to obtain approval of reimbursable costs before the start of construction, the City reserves the right to reduce the reimbursable cost if deemed excessive by the City Engineer.

less than the minimum requirements of the City of Tulare Design Guidelines and Public Improvement Standards:

	Roadway	Classification	Traffic Index	Sidewalk Width	Sidewalk Configuration
a)	Bardsley Avenue	96' Minor Arterial	-	10 ft	Multi-use Path
b)	West Street	84' Minor Arterial	-	6 ft	Parkway
c)	Windward Street	72' Collector	-	5 ft	Parkway
d)	Alpine Avenue between Maricopa and Windward Streets	60' Collector	-	5 ft	Adjacent
e)	Maricopa Street	60' Collector	-	5 ft	Parkway
f)	Local Streets	56' Local Street	-	5 ft	Adjacent
g)	Cul-de-sacs	52' Cul-de-sac	-	5 ft	Adjacent

The Subdivider shall be responsible for the following minimum Arterial improvements:

- Full paveout from lip of gutter to the existing edge of pavement
- Reconstruction of the following portions of existing pavement: North half of Bardsley Avenue along project frontage.
- Install medians (curbing only) within the following frontages: West Street if Elm Avenue connection remains.
- Provide at least _____ feet of paving on the opposite side of the median
- Provide stabilized shoulders on the opposite side of the street in accordance with the City of Tulare's adopted PM-10 control guidelines
- Provide a pavement transition from the existing roadway cross-section to the new roadway cross-section, of a width and length as approved by the City Traffic Engineer
- Other:

The Subdivider shall be responsible for the following minimum improvements along existing non-arterial streets adjacent to this development:

- Full paveout, from lip of gutter to the existing edge of pavement
- Reconstruction of the following portions of existing pavement:

Rehabilitation of the following portions of existing pavement, by methods approved by the City Engineer

Other:

- 3) Backing lot treatment with common area landscaping, irrigation and block wall improvements shall apply to the following frontages: Bardsley Avenue, West Street, project entrances on Elm Avenue, Windward Street and Mendocino Street.
- 4) Waiver of direct access rights shall be provided as follows: Bardsley Avenue, West Street, project entrances on Elm Avenue, Windward Street, Mendocino Street and Lots 356-364 backing lot frontages.
- 5) The Subdivider shall submit a plan for landscaping/street trees and irrigation along streets with backing lot treatment to be approved by the Director of Parks and Community Services. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- 6) A Landscape & Lighting District will maintain common area landscaping, common area irrigation systems, common area block walls, street trees, street lights and local street maintenance. The Subdivider shall submit a completed Landscape & Lighting District application and all necessary calculations and supporting documentation for the formation of a the district a minimum of 75 days before approval of any final map or related parcel map. Dedication to the City is required for all landscape and common area lots to be maintained by the Landscape & Lighting District at time of final map approvals.
- 7) A master plan for sanitary sewer for the entire development shall be submitted for approval prior to approval of any portion of the system. Sewer for the development shall be directed to the intersection of Bardsley Avenue and Windward Street. The project shall construct a 30" diameter master plan sewer main in Bardsley Avenue between Windward Street and a point of connection to an existing 12" diameter sewer main located in the Gemini Street alignment west of the proposed project site. The development will also be responsible for paying in-lieu fees for its fair share of an 8" diameter sewer main in Bardsley Avenue between Windward Street and West Street.
- 8) The sanitary sewer alignments shall be 6 feet north and/or east of street centerline, unless other alignments are approved by the City Engineer.
- 9) A master plan for storm drainage for the entire development shall be submitted for approval prior to approval of any portion of the system. A regional storm water retention basin shall be constructed with this project, and shall be sized to accommodate the drainage requirements of both the proposed project and an adjacent 66.27 acres north of the project site that is currently directed to a temporary drainage basin. The proposed project shall complete the connection to the existing storm

drain system so as redirect drainage from the temporary basin to the new regional basin.

- 10) A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property.

A letter verifying that lot grading was completed in accordance with the approved grading/drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of a notice of completion. The Engineer or Architect shall affix their stamp and seal to the letter.

- 11) The storm drain alignments shall be 11 feet south and/or west of centerline unless other alignments are approved by the City Engineer.
- 12) A master plan for water for the entire development shall be submitted for approval prior to approval of any portion of the system.
- 13) The water main alignments shall be 6 feet south and/or west of street centerline, unless other alignments are approved by the City Engineer.
- 14) A water sampling station shall be installed per the direction of the City Public Works Director.

ATTACHMENT "B"

The Subdivider shall pay to the City at the time of approval of the final map all applicable fees, including, but not limited to, those checked below:

Benefit Districts

- 1) Sewer front foot charges: \$ 25.00 per front foot for frontages on West Street.
- 2) Sewer Lift Station Fee of \$ _____ per acre.
- 3) Water front foot charges: \$ 17.50 per front foot for frontages on West Street.
- 4) Street front foot charges: \$ _____ per front foot for frontages on _____.
- 5) Benefit District Creation Fee (if applicable): \$ 1,008.19 per district.
- 6) Other: Benefit District fees owed for share of T.I.D. ditch piping completed by Monterey Estates subdivision along northern boundary of development.

Special In-Lieu Fees

- 6) Traffic Signals Fee: \$ _____.
- 7) TID Ditch Piping Fee: \$ _____.
- 8) Sewer Main Fee: \$ TBD. Bardsley Avenue frontage fair share cost of 8" sewer main for length of frontage where sewer is not installed by project.
- 9) Water Main Fee: \$ _____.
- 10) Street Fee: \$ _____.
- 11) Other Fees: \$ _____.

Plan Check, Inspection, and Impact Fees

- 12) Engineering Inspection Fee to be based on a percentage of the estimated cost of construction.
- 13) Development Impact Fees to be paid with Building Permit.
- 14) Engineering Plan Review Fee to be paid at time of submittal.
- 15) Final Map Plan Check Fee to be paid at time of submittal.

All fees shall be based on the current fee schedule in effect at the time of recordation of the final map.

Fire:

1. The project must comply with latest applicable codes.
2. When any portion of the facility or buildings to be protected is more than 400 feet from an existing hydrant, on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
3. Additional fire hydrants shall be required. Fire hydrant spacing shall be as follows:
 - a. **Residential development**, one hydrant shall be installed at **500-foot** intervals.
4. An approved water supply for fire protection *shall* be made available prior to combustible materials arriving on the site.
5. An approved fire apparatus access road shall be provided for every facility, building or portion of a building constructed or moved into or within the City of Tulare. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. The road shall be a minimum of 20' wide and have a minimum of 20' wide and have a minimum height clearance of 13'6"

6. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
7. Additional access may be required per CFC 2013 Chapter 5. The Fire Code Official is authorized to require more than one fire apparatus success road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code.
 - a. Through access must be provided at all of the following roads: West, Napa, Maricopa, and Elm.
8. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City standards.
 - a. A site plan identifying all of the phases of this project will assist in avoiding the construction of any dead end roads.

Solid Waste:

1. Revisions required prior to submitting final plans. See comments below.
2. Customer responsible for setting cans out for service by 6:00 am and removing cans from curb, gutter, or alley on the same day after serviced. Customer is responsible for any violations.
3. Mandatory Commercial Recycling AB 341. All Commercial Businesses, Multi Family and Residential customers must have a blue recycle Bin, Roll Off, or Can for clean paper, cardboard, cans, bottles etc.
4. Customer is required to flatten, breakdown all cardboard and other bulky recyclables in blue containers. Customer is responsible for any contamination in containers and all fines and charges resulting from contaminated recyclables.
5. Mandatory Food Waste and Compost Recycling AB 1826. Green 96 gallon containers for yard waste/food scraps required. Additional storage area attached to enclosure to store up to 3-96 gallon cans as option shown on enclosure specs is required.
6. Paved areas should be engineered to withstand a 60,000 lb. refuse truck.
7. Mandatory turnarounds in each phase for refuse trucks. Ha
8. Customer will be required to roll container out to curb/alley for service.
9. Section 7.16.040 of the Tulare Municipal Code prohibits private companies/haulers from providing refuse services without authorization. Roll Off services for construction and demolition, recycling, compost or green waste and metal are to be provided by the City of Tulare Solid Waste Division. Any Private Roll Off companies/haulers used must be listed on the Board of Public Utilities City Resolution Approved Authorized Haulers List, Resolution No. 07-04.

RESOLUTION NO. 5289

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2018-01
AND ZONE AMENDMENT NO. 728 TO THE CITY COUNCIL FOR ADOPTION**

WHEREAS, the City of Tulare Planning Commission at a regular meeting on August 13, 2018, held a public hearing, received public testimony and considered a request by Central Pacific Development Group to amend the General Plan to change the land use designations from Low Density Residential and Neighborhood Commercial to Low Density Residential on the entire parcel. The request also included amendment of the existing Zone Districts from R-1-6 and C-1 to the R-1-5 Zone District. The project is located on the northwest corner of Bardsley Avenue and West Street (APN 168-090-006); and

WHEREAS, the City of Tulare Planning Commission determined that the proposed amendments are in the public interest; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed amendments are consistent and compatible with the general plan and implementation programs which may be affected; and

WHEREAS, the City of Tulare Planning Commission determined the proposed action will promote the goals and objectives of the Zoning Title as prescribed in Section 10.04.020 of the Tulare City Code; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed request will not be detrimental to the public health, safety, and welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, an Initial Study was prepared and found that although the proposed project could have a significant effect on the environment, there will not be a significant environmental impact with mitigation measures incorporated; and

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that General Plan Amendment No. 2018-01 is hereby recommended to the City Council for adoption.

NOW, THEREFORE BE IT FURTHER RESOLVED by the City of Tulare Planning Commission that Zone Amendment Application No. 728 is hereby recommended to the City Council for adoption.

PASSED, APPROVED AND ADOPTED this twenty-third day of August, 2018 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

JOSH MCDONNELL, SECRETARY
City of Tulare Planning Commission



SITE PLAN REVIEW COMMENTS

Community Services Department – Parks Division

Rob A. Hunt, Director, Community Services

TO: Planning Division

FROM: Community Services Department – Parks Division

MEETING DATE: November 8, 2017

PROJECT: Tentative Subdivision Map Liberty Hill

PROJECT LOCATION: Northwest Corner of Bardsley Avenue and West Street

OWNER/DEVELOPER: Windward Pacific Builders

The Parks Division recommends the following Site Plan Review Status for the subject project:

- Resubmit: Additional Information Required, Redesign Required
 Revise and Proceed, comply with comments below
 Proceed, comply with comments below

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained.

All projects that require a landscaping and irrigation plan pursuant to Chapter 10.196 of MC shall comply with the following development standards:

GENERAL STANDARDS:

All landscape development over 500 square feet (new) or 2,500 square feet (rehabilitated) that requires a permit, plan check or design review shall meet the water efficiency and site design requirements detailed in other sections of the Landscape Ordinance Chapter 10.196 of the Municipal Code. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

Elements of the Landscape Documentation Package:

(A) Projects 2,500 square feet and less: Projects 2,500 square feet and less may comply with the requirements of this chapter by conforming to the prescriptive measures. Compliance with all of the items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option.

(B) Any project including all projects over 2,500 square feet: The Landscape Documentation Package shall include the following six elements:

- (1) Project information;
 - (a) Date;
 - (b) Project applicant;
 - (c) Project address (if available, parcel and/or lot number(s));

- (d) Total landscape area (square feet);
 - (e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 - (f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor;
 - (g) Checklist of all documents in Landscape Documentation Package;
 - (h) Project contacts to include contact information for the project applicant and property owner;
 - (i) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
- (2) Water Efficient Landscape Worksheet;
 - (a) Hydrozone information table.
 - (b) Water budget calculations.
 - 1. Maximum applied water allowance (MAWA).
 - 2. Estimated total water use (ETWU).
 - (3) Soil management report;
 - (4) Landscape design plan;
 - (5) Irrigation design plan; and
 - (6) Grading design plan.

Landscape and irrigation plans for individual residential lots are to be submitted to the Building Department along with building permit submittals for review and approval. Attachment "A" are copies of the landscape prescriptive compliance and sample landscape plan and water calculation sheets. A complete copy of the City's landscape standards may be viewed on-line at www.tulare.ca.gov.

ADDITIONAL REQUIREMENTS:

1. All landscaping on city-owned property shall conform to city landscaping and irrigation standards including the City of Tulare Community Services Department (Parks, Recreation and Library Division) Improvements Standards; area specific plans and other applicable documents.
2. The maintenance and upkeep of all proposed Outlots and Pocket Park are to be part of the Landscape and Lighting District that will be formed in conjunction with this subdivision.
3. It is recommended that in order to minimize the footprint of the basin, a standard retention basin with 3:1 side slopes be constructed within the proposed Outlot A. The remaining area to be developed as at-grade park space with an ADA compliant walking path around the perimeter of Outlot A. Provisions should be made for the future extension of the ADA compliant walking path to the designated park space in the Shenandoah Park vesting tentative map.
4. Proposed Pocket Park is not eligible for Park Development Impact Fee credits and shall be constructed as part of the proposed subdivision.
5. Proposed Pocket Park amenities shall include but not limited to turf, trees and landscape plantings, 6 ft. wide ADA compliant walking path with low level lighting, and multiple benches and trash receptacles.
6. All Outlot landscape and irrigation improvement plans shall be reviewed and approved by the Community Services Director and City Engineer.
7. Prior to the start of construction of landscape and irrigation improvements on all Outlots, a meeting will be held by the Community Services Director with the Subdivider and Contractor to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City landscape and irrigation requirements are met. The Contractor shall perform no construction in the field until after this meeting.
8. All common area landscaping and irrigation areas, Outlots and Pocket Park shall be subject to a 12 month maintenance period after the Notice of Completion has been issued.

If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Community Services Department at 559-684-4310.

ATTACHMENT "A"



LANDSCAPE PRESCRIPTIVE COMPLIANCE (MC Section 10.196)

(A) *Projects 2,500 square feet and less.* Projects 2,500 square feet and less may comply with the requirements of this chapter by conforming to the prescriptive measures below. Compliance with all of the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:

(1) Submit a Landscape Documentation Package which includes the following elements:

- (a) Date.
- (b) Project applicant.
- (c) Project address (if available, parcel and/or lot number(s)).
- (d) Total landscape area (square feet), including a breakdown of turf and plant material.
- (e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).
- (f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.
- (g) Contact information for the project applicant and property owner.
- (h) Applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option of the MWEL0".
- (i) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contraindicated by a soil test).

(2) Plant material shall comply with all of the following:

- (a) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; for non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;
- (b) A minimum three inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications where mulch is contraindicated.

(3) Turf shall comply with all of the following:

- (a) Turf shall not exceed 25% of the landscape area in residential areas and there shall be no turf in non-residential areas;

(b) Turf shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length;

(c) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

(4) Irrigation systems shall comply with the following:

(a) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data.

(b) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

(c) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range.

(d) Manual shut-off valves (such as a gate valve, ball valve or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

(e) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014, "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(5) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

(B) *Any project including all projects over 2,500 square feet.* The Landscape Documentation Package shall include the following six elements:

(1) Project information;

(a) Date;

(b) Project applicant;

(c) Project address (if available, parcel and/or lot number(s));

(d) Total landscape area (square feet);

(e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);

(f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;

(g) Checklist of all documents in Landscape Documentation Package;

(h) Project contacts to include contact information for the project applicant and property owner;

(i) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."

(2) Water Efficient Landscape Worksheet;

(a) Hydrozone information table.

(b) Water budget calculations.

1. Maximum applied water allowance (MAWA).

2. Estimated total water use (ETWU).

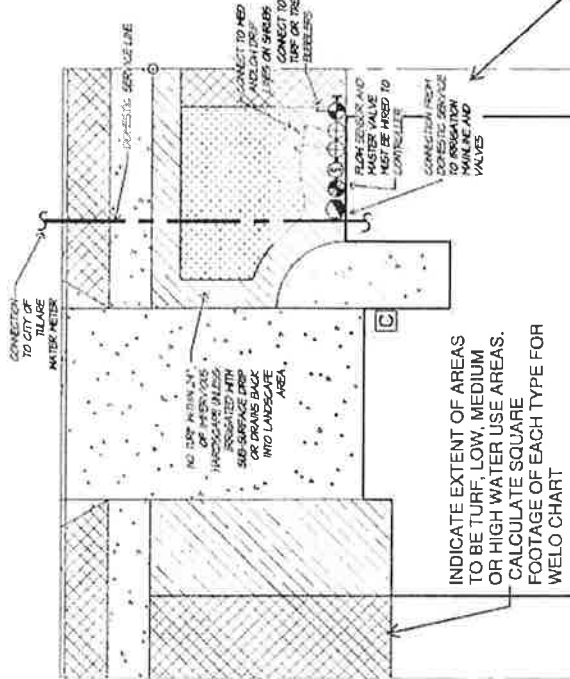
(3) Soil management report;

(4) Landscape design plan;

(5) Irrigation design plan; and

(6) Grading design plan.

Street Name



SCHEMATIC LANDSCAPE AND IRRIGATION PLAN

NOTE THAT PROJECTS WITH 2,500 SF OF LANDSCAPE OR LESS CAN USE THE "PRESCRIPTIVE OPTION" WHICH DOES NOT REQUIRE CALCULATIONS OR THE SIGNATURE OF A LICENSED PROFESSIONAL. SEE TULARE MUNICIPAL CODE 10.196.060(a)

LANDSCAPE KEY

- LOW WATER USE PLANTS (Kz: 3 AND LESS)
- MIXED LOW AND MEDIUM WATER USE PLANTS (Kz: 5 AND LESS)
- WARM SEASON TURF (BERMUDA) Kz: 6

PLANTS APPROPRIATE FOR EACH ZONE ARE LISTED IN THE WELO'S PLANT FINDS AVAILABLE AT: WWW.AZOT.COM/PLANTS/CALIFORNIA
TULARE IS ZONE 2

- PLANTS LISTED BY LOW (AND VERY LOW) AND MEDIUM WATER USE
- MIXED BEDS ARE RATED BY THE MOST WATER-USING VARIETIES INCLUDED (MEDIUM AND LOW = A MEDIUM BED)
- LOW MEDIUM (OR MIXED) AND TURF AREAS MUST BE ON SEPARATE IRRIGATION VALVES
- 4 CYCLOPS OF LANDSCAPE AREA OF COMPOST IS REQUIRED. TILL INTO TOP 6" OF SOIL
- INSTALL MINIMUM OF 3" OF ORGANIC MULCH IN ALL SPREAD AREAS

TEXT AS NECESSARY TO INDICATE TYPE OF EQUIPMENT TO BE USED AND ANY OTHER NECESSARY INFORMATION

NOTES AND SYMBOLS AS REQUIRED TO INDICATE HOW PROJECT MEETS TERMS OF WATER EFFICIENT ORDINANCE

SIGNATURES AND CERTIFICATIONS AS REQUIRED IN TULARE MUNICIPAL CODE 10.196.060(b)(1) OR 10.196.060(b)(1), AND 10.196.060(b)(1) AND 10.196.063(b)(1)

IRRIGATION EQUIPMENT KEY

- IRRIGATION CONTROLLER AND B. SENSOR - HUNTER I-CORE CONTROLLER AND SOLAR SYNC OR TORQ THC-424E WITH CLIMATE-LOGIC OR EQUAL
- PRESSURE BACKFLOW PREVENTER - TORQ 55000 PVB OR SIMILAR
- MASTER VALVE - IRRITROL 2400 SERIES OR SIMILAR, SIZED FOR LARGEST CIRCUIT
- VALVE - IRRITROL Z5000K-H-F OR PF DRIP KIT OR EQUAL, SIZED TO DEMAND FOR FLOW
- VALVE - IRRITROL Z400 SERIES VALVE FOR TURF ROTATOR HEADS, SIZED TO DEMAND FOR FLOW
- FLOW SENSOR - HUNTER FCT-100 AND HFS FOR FLOWS TO 11 GPM, FCT-150 AND HFS FOR FLOWS 11-35 GPM OR IRRITROL FS-150 FOR FLOWS 5-100 GPM. SENSOR TO BE COMPATIBLE WITH CONTROLLER

- MAINLINE - SCH 40 PVC, 1" MIN OR AS REQUIRED FOR FLOW
- DRIP IRRIGATION - IN-LINE EMITTERS IN ORBLINE OR OTHER LOW VOLUME (DRIP) IRRIGATION SYSTEM MEASURED IN GPM
- TURF IRRIGATION - TORQ PRECISION ROTATING NOZZLES (PR-551WR) OR SIMILAR ROTATOR NOZZLE ON PRESSURE COMPENSATING BODY

NOTE:
 • MORE VALVES THAN SHOWN MAY BE REQUIRED
 • LOCATION OF VALVES TYPICAL. TO BE INSTALLED AT LOCATION SELECTED BY LANDSCAPE CONTRACTOR

I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION AND LANDSCAPE DESIGN PLANS

PROFESSIONAL'S NAME _____ LICENSE NUMBER _____ DATE _____

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WELO ORDINANCE

APPLICANT _____ DATE _____



TRACT NUMBER / LOT NUMBER
TYPICAL LANDSCAPE PLAN AND WATER CALCULATIONS

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

August 13, 2018

CONDITIONAL USE PERMIT NO. 2018-16

PRESENTED TO:	Planning Commission	
PRESENTED BY:	Steven Sopp, Associate Planner	
APPLICANT:	Herminio Chavez	
LOCATION:	1314 N 'J' Street	
APN:	164-090-030	
ZONING CLASSIFICATION:	C-4 (Service Commercial)	
GENERAL PLAN DESIGNATION:	Service Commercial	
SURROUNDING LAND USES AND ZONING:	North: Vacant Building	C-4
	South: Dollar General	C-4
	East: Tattoo and Auto Repair	C-4
	West: UPRR	

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission deny Conditional Use Permit No. 2018-16 based upon the findings of Resolution No. 5292. Staff's recommendation is based on the conclusion that findings cannot be made when reviewing the project details and the projects' inconsistency with the policies and intent of the City's General Plan and Municipal Code.

REQUESTED PROPOSAL:

Conditional Use Permit No. 2018-16 is a request by Herminio Chavez of Chavez Tacos to operate a stationary mobile vending vehicle on the property located at 1314 N 'J' Street.

PROJECT DETAILS:

The applicant proposes to operate a vending vehicle (Taco Truck) on-site at a vacant building located on the northeast corner of Prosperity Avenue and north 'J' Street. The proposed vending vehicle is a self-contained mobile food vending truck. The location map depicts the vending vehicle to be parked on the north west side of the existing building in an open space just off of an existing drive approach.

Currently the existing building on-site is vacant. The applicant has obtained permission from the property owner to utilize the site and for employees and customers to use existing restroom facilities within the existing building. The applicant proposes to complete any improvements necessary to make the existing bathroom facilities compliant with Americans with Disabilities Act (ADA) regulations.

The proposed site currently has no parking spaces provided on-site that meet City parking standards. The applicant is proposing to provide parking lot striping on the west side immediately in front of the existing building. The applicant proposes to operate the vending vehicle from 11 a.m. to 11 p.m. seven days per week. The applicant's proposed operation includes set up and removal of the vending vehicle daily from the site. The vending operation is walk-up and contains refrigeration, cooking and food preparation areas.

STAFF COMMENTS:

Operation of stationary mobile vending units require approval of a Conditional Use Permit (*Chapter 10.180 – Vending Stands on private property*).

Chapter 10.180.070(F) of the City of Tulare Municipal Code states that “hours of operation of all vendor stands or stationary mobile vending shall be limited to the hours of operation of the business located on the property from which they operate.” The applicant is proposing to operate a stationary mobile vending vehicle on a site at which there is no existing business being operated.

The proposed site currently has no parking spaces provided on-site which meet City parking standards. Striping is provided on the south side of the existing building but does not meet City parking lot standards and is a safety hazard as vehicles parked there hang out into the public right-of-way. The applicant proposes to provide parking lot striping on the west side immediately in front of the existing building. However, staff is concerned that there is not adequate space to provide for the proposed mobile food vendor with room for customers, proposed parking and vehicle circulation on site without causing vehicles to back out onto the public right-of-way along ‘J’ Street or causing vehicles to come into close proximity with customers. In addition, there is no sidewalk provided along the properties ‘J’ Street or Prosperity Avenue frontages or curb return provided at the intersection. Chapter 10.180.070(G) of the City of Tulare Municipal Code states that ‘vending’ shall not be allowed on any required parking spaces or private driveways. The proposed location of the mobile food vendor is in close proximity to the existing drive approach.

On March 26, 2018 the Planning Commission approved Conditional Use Permit (CUP) No. 2018-06 for the applicant (Chavez Tacos) to operate a mobile food vendor at 514 W Inyo Avenue. The applicant has indicated that he has subsequently ceased to operate at this location.

No comments have been received by staff regarding this project during the public comment period.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2018-16.

- 1) That the proposed location of the conditional use is not in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located. Chapter 10.180.070(F) of the City of Tulare Municipal Code states that, “hours of operation of all vendor stands or stationary mobile vending shall be limited to the hours of operation of business located on the property from which they operate.” The applicant is proposing to operate a stationary mobile vending vehicle on a site at which there is no existing business being operated. Chapter 10.180.070(G) of the City of Tulare Municipal Code states that ‘vending’ shall not be allowed on any required parking spaces or private driveways. Currently there is no parking provided the meets City standards. In addition, the proposed location of the mobile food vendor is in close proximity to the existing drive approach.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will be detrimental to the public safety. There is not adequate space to provide for the proposed mobile food vendor with room for customers, proposed parking and vehicle circulation on site without causing vehicles to back out onto the public right-of-way along ‘J’ Street or causing vehicles to come into close proximity with customers. In addition, there is no sidewalk provided along the properties ‘J’ Street or Prosperity Avenue frontages or curb return provided at the intersection.
- 3) That the request is not in conformance with the goals and objectives of the Zoning Ordinance and General Plan. Chapter 10.180.070 of the City of Tulare Municipal Code states that, “hours of operation of all vendor stands or stationary mobile vending shall be limited to the hours of operation of business located on the property from which they operate. The applicant is proposing to operate a stationary mobile vending vehicle on a site at which there is no existing business being operated. Chapter 10.180.070(G) of the City of Tulare Municipal Code states that ‘vending’ shall not be allowed on any required parking spaces or private driveways. Currently there is no parking provided the meets City standards. In addition, the proposed location of the mobile food vendor is in close proximity to the existing drive approach .

CONDITIONS:

Based on the required findings, staff recommends denial of Conditional Use Permit No.2018-16. There are no recommended conditions of approval for this project since the recommended action is to deny Conditional Use Permit No. 2018-16. If the Planning Commission determines that the proposed use is acceptable, staff will return at a future date with a revised staff report and resolution with recommended conditions of approval as determined by the Planning Commission.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

- I. Project Location Map
- II. Exterior Elevation – Existing Business Front
- III. Exterior Elevation – Mobile Food Vendor Front
- IV. Exterior Elevation – Mobile Food Vendor Back
- V. Resolution

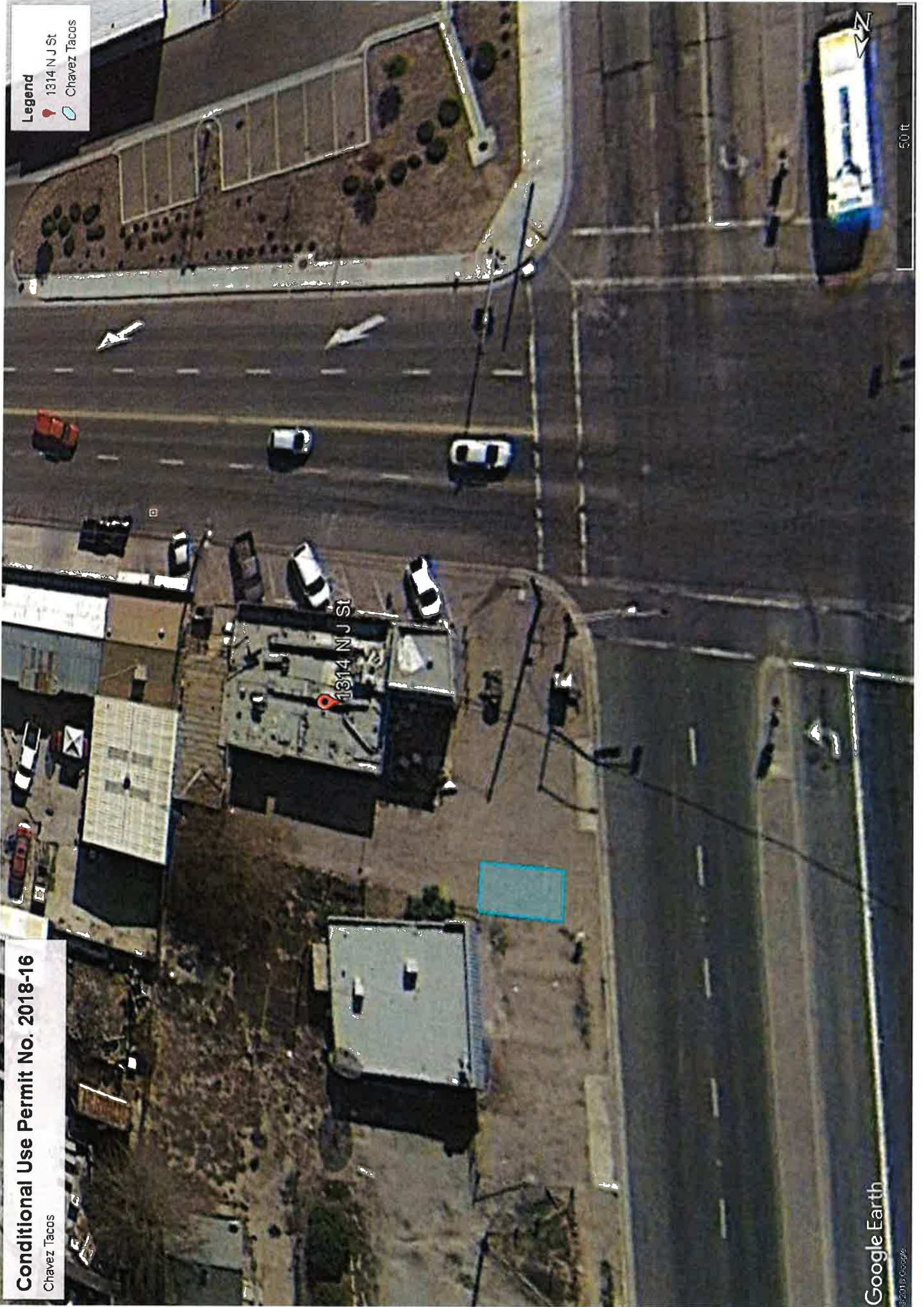
Conditional Use Permit No. 2018-16

Chavez Tacos

Legend

1314 N J St

Chavez Tacos



Conditional Use Permit No. 2018-16

Chavez Tacos

Legend

1314 NJ St



Google Earth

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447 ft







CHAVEZ TACOS
Tulare CA 93274
Bernardo Chavez

RESOLUTION NO. 5292

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2018-16**

WHEREAS, Conditional Use Permit 2018-06 is a request by Herminio Chavez of Chavez Tacos to operate a stationary mobile vending vehicle on the property located at 1314 N. 'J' Street; and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on August 13, 2018; and,

WHEREAS, the Planning Commission of the City of Tulare finds Conditional use Permit No. 2018-16, not in accordance with Chapter 10.116.040 of the City of Tulare Municipal Code based on the evidence contained in the staff report and testimony presented at the public hearing; and,

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

- 1) That the proposed location of the conditional use is not in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located. Chapter 10.180.070(F) of the City of Tulare Municipal Code states that, "hours of operation of all vendor stands or stationary mobile vending shall be limited to the hours of operation of business located on the property from which they operate." The applicant is proposing to operate a stationary mobile vending vehicle on a site at which there is no existing business being operated. Chapter 10.180.070(G) of the City of Tulare Municipal Code states that 'vending' shall not be allowed on any required parking spaces or private driveways. Currently there is no parking provided the meets City standards. In addition, the proposed location of the mobile food vendor is in close proximity to the existing drive approach.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will be detrimental to the public safety. There is not adequate space to provide for the proposed mobile food vendor with room for customers, proposed parking and vehicle circulation on site without causing vehicles to back out onto the public right-of-way along 'J' Street or causing vehicles to come into close proximity with customers. In addition, there is no sidewalk provided along the properties 'J' Street or Prosperity Avenue frontages or curb return provided at the intersection.
- 3) That the request is not in conformance with the goals and objectives of the Zoning Ordinance and General Plan. Chapter 10.180.070 of the City of Tulare Municipal Code states that, "hours of operation of all vendor stands or stationary mobile vending shall be limited to the hours of operation of business located on the property from which they operate." The applicant is proposing to operate a stationary mobile vending vehicle on a site at which there is no existing business being operated. Chapter 10.180.070(G) of the City of Tulare Municipal Code states that 'vending' shall not be allowed on any required parking spaces or private driveways. Currently there is no parking provided the meets City standards. In

addition, the proposed location of the mobile food vendor is in close proximity to the existing drive approach.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies Conditional Use Permit No. 2018-16 on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 10.116.040 of the City of Tulare Municipal Code.

PASSED, APPROVED AND ADOPTED this thirteenth day of August, 2018 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

JOSH McDONNELL, SECRETARY
City of Tulare Planning Commission