

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

September 24, 2018

CONDITIONAL USE PERMIT No. 2018-21

PROJECT PLANNER: Steven Sopp, Associate Planner

APPLICANT: Radiant Church

LOCATION: Northwest corner of Kern Avenue and South 'K' Street

APN: 176-082-008

ZONING CLASSIFICATION: C -3 (Retail Commercial)

GENERAL PLAN DESIGNATION: Central Business District

SURROUNDING LAND USES AND ZONING:

North:	EJ Ryan Building	C-3
South:	Commercial Bldg.	C-3
West:	Commercial Bldg.	C-3
East:	Office Liquidators	C-3

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2018-21 subject to the findings and conditions in Resolution No. 5296. 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.

REQUEST:

This is a request by Radiant Church to establish a church within an existing approximately 28,750 sq. ft. building (including both upstairs mezzanine areas and ground floor spaces). The project is proposed to be located in the former Linder Building located on the northeast corner of Kern Avenue and south 'K' Street. (APN 176-082-008).

DETAILS OF THE PROPOSAL:

The project will consist of the establishment of a church, including a worship center, offices, restrooms and child care area totaling approximately 10,000 sq. ft.

The church will hold one ‘corporate’ meeting (services) per week on Sunday mornings between 9 a.m. and 1 p.m. During the week the facility will be used to accommodate church offices and will be open Monday through Thursday from 9 a.m. to 5 p.m. The facility will also be used periodically for Sunday evening meetings as well as mid-week meetings and other special events such as weddings or funerals that occur.

The City of Tulare Municipal Code requires churches to provide “one space per four fixed seats; or one space for each 35 sq. ft. of non-fixed seating area in the principal sanctuary conference space or auditorium, whichever is greater.” The project will not provide any on-site parking. However, street parking is provided along ‘K’ Street and Kern Avenue and City parking lots are available nearby. In addition, the property is located in a commercial district that has little or no businesses in operation during peak use times on Sunday mornings between 9 a.m. and 1 p.m. The subject property is located within the Downtown Parking District. The Planning Commission has the right to waive parking requirements for this project. In this instance, staff believes there is sufficient parking provided to accommodate the proposed use.

STAFF COMMENTS:

The proposed site is designated as Central Business District and zoned C-3 (Retail-Commercial). The City of Tulare Municipal Code states that “churches, parsonages, parish houses, monasteries, convents and other religious institutions” proposed within a Commercial Zone District, shall be permitted upon the granting of a conditional use permit in accordance with the provisions of Chapter 10.116 – Conditional Use Permits (Chapter 10.40).

The church is proposed to be established in the former Linder Building located on the northeast corner of Kern Avenue and south ‘K’ Street. The surrounding parcels are zoned C-3 (Retail Commercial) and consist of commercial uses and vacant buildings available for commercial lease. The proposed use and site can operate in a compatible manner with the surrounding uses. As part of the project the applicant will be required to meet applicable fire and building codes relating to the proposed use within the existing building.

The Site Plan Review Committee reviewed the project with the applicant on June 20, 2018 and prepared comments and conditions. The site plan and floor plan were reviewed by the Committee for compliance with the City’s adopted Zoning Ordinance and Municipal Code.

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

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15301 (*Existing Facilities*) 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. 2018-21:

- 1) That the proposed location of the project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title.
- 4) That the proposed use is consistent with the Tulare General Plan.
- 5) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 6) This project is categorically exempt pursuant to (Section 15301 “Existing Facilities”) of the California Environmental Quality Act of 1970, as amended.

CONDITIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No. 2018-21 be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) In accordance with Zoning Ordinance Section 10.116.080, this Conditional Use Permit approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and establishment of the use is being diligently pursued.
- 3) All roof mounted equipment shall be screened from public view by materials similar to those used in overall structure and approved by the City Planner at time of Building Permit review.
- 4) Applicant shall comply with Engineering, Fire Department and Solid Waste Division comments/conditions (Attachments III, IV and).
- 5) Approval does not authorize any deviation from Fire and Building Codes.
- 6) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.

- 7) Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community & Economic Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.

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. Floor Plan
- III. Engineering Comments
- IV. Fire Department Comments
- V. Solid Waste Comments
- VI. Resolution

Conditional Use Permit No. 2018-21

Radiant Church

Legend

○ Radiant Tulare



Google Earth

© 2018 Google



100 ft

S S St

S K St



SITE PLAN REVIEW COMMENTS

Engineering Department

TO: Planning Division

FROM: Engineering Division

MEETING DATE: 6/20/18

PROJECT: Site Plan Review Application No. : SP1839 Radiant Church

PROJECT LOCATION: 164 K. Street Tulare, CA 93274

OWNER/DEVELOPER: Radiant Church Inc.

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

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

Engineering Comments:

1. All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
2. Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license. Separate encroachment permits are also required from the following agencies for work within their rights-of-way or on their facilities: County of Tulare: _____, State: _____, Tulare Irrigation District.
3. All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer 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.

4. All costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements shall be the responsibility of the project. 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 bonding provided for the project.
5. Per City Resolution No. 2141, if any addition to an existing building exceeds 25% of the value of the structure, the owner shall provide for off-site improvements (curbs, gutters, sidewalks, and streets). If this threshold is triggered, existing curb and gutter, driveway approaches, sidewalk and ramped curb returns shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, and lack of truncated dome panels.
6. The City Public Works Inspector shall inspect the sidewalk along the frontage of the property for potential trip hazards. All trip hazards shall be corrected per City Public Works Inspector requirements prior to occupancy.
7. Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
8. The proposed development shall install water services with back flow devices, if they don't currently exist, as approved by Planning and Building.
9. A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
10. If performing work in the right-of-way, Public Works Inspection Fee is required prior to the construction of improvements.
11. 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.
12. All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - Engineering inspection fee based on a percentage of the estimated cost of construction (if performing work in the right-of-way).
 - Engineering plan check fee to be paid at time of plan submittal.

SITE ADDRESS: 164 South "K" St.

DATE: June 20, 2018

OWNER: Radiant Church

ARCHITECT/ENGINEER: Thom Black

SITE PLAN REVIEW COMMENTS

The Fire Prevention Bureau conveys the following comments regarding SP #1839:

The project must comply with latest applicable codes.

Based on the occupancy classification (A-3) and square footage of building (over 12,000 sq. ft.) an automatic sprinkler system is required. A fire sprinkler system is not required if the fire area is reduced to be less than 12,000sq. ft. or an approved fire barrier/wall is constructed to separate the A-3 from the remainder of the structure.

When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.

For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within *50 feet* of the Fire Department connection. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.

When any portion of the facility or building to be protected is more than 400 feet from a 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.

An approved water supply for fire protection shall be made available as soon as combustible material arrives on the site. CFC 3312.1

Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.

Fire hydrant spacing shall be as follows:

In Commercial development, one hydrant shall be installed at 300-foot intervals. Or as required by Appendix C California Fire Code.

All fire suppression systems shall be approved by the City of Tulare Fire Prevention Bureau. Such Systems shall be reviewed for access, redundancy, reliability and quality.

A commercial hood duct system shall be required as per CFC 904.2.2

Approved fire apparatus access roads shall (min 20'width/ height 13'6") be provided for every facility, building or portion of a building constructed or moved onto 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.

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 and comply with CFC 2013 Section D102.1

Additional access may be required per CFC 2013 Section 503.1.2. 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 Section 22500.1.

All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

Shelli Vinson
Fire Inspector III

Steven Sopp

From: Frank Rodriguez
Sent: Thursday, September 13, 2018 2:10 PM
To: Steven Sopp
Subject: RE: Radiant Church - Linder Building

An agreement will have to be made with the Office Liquidator to share their container due to it sits on their property. This could be a temporary use until or if the project to the north happens. If not than it will be a permanent use.

*Frank Rodriguez
Solid Waste Manager
City of Tulare
Solid Waste Division
3981 So. K Street
Tulare, CA 93274
Office 559-684-4328
Fax 559-685-2378
Email frdriguez@tulare.ca.gov*

RESOLUTION NO. 5296

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2018-21**

WHEREAS, Conditional Use Permit 2018-21 is a request by Radiant Church to establish a church within an approximately 28,750 sq. ft. building located at 160 South 'K' Street at the northeast corner of Kern Avenue and 'K' Street t (APN 176-082-008); and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on September 24, 2018; and,

WHEREAS, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2018-21 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the Planning Commission of the City of Tulare finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA):

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301; and,

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 project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title;
- 4) That the proposed use is consistent with the Tulare General Plan;
- 5) That the site for the proposed use is adequate in size, shape and location to accommodate the use the district for which it is proposed; and
- 6) The project is exempt pursuant to Section 15301 of the California Environmental Quality Act of 1970, as amended.

BE IT FURTHER RESOLVED, by the Planning Commission of the City of

Tulare that Conditional Use Permit Application No. 2018-21 is hereby approved subject to the following conditions:

Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) In accordance with Zoning Ordinance Section 10.116.080, this Conditional Use Permit approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and establishment of the use is being diligently pursued.
- 3) All roof mounted equipment shall be screened from public view by materials similar to those used in overall structure and approved by the City Planner at time of Building Permit review.
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- 5) Approval does not authorize any deviation from Fire and Building Codes.
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- 7) Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community & Economic Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.

Engineering

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12. All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
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 - Engineering plan check fee to be paid at time of plan submittal.

Fire

1. The project must comply with all the latest applicable codes.
2. Based on the occupancy classification (A-3) and square footage of building (over 12,000 sq. ft.) an automatic sprinkler system is required. A fire sprinkler system is not required if the fire area is reduced to be less than 12,000 sq. ft. or an approved fire barrier/wall is constructed to separate the A-3 from the remainder of the structure.
3. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.
4. For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within 50 feet of the Fire Department connection. Project must meet minimum fire low requirements per the table in Appendix B&C of the California Fire Code.
5. When any portion of the facility or building to be protected is more than 400 feet from a 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.
6. An approved water supply for fire protection shall be made available as soon as combustible material arrives on site. CFC 3312.1.
7. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.

8. Fire hydrant spacing shall be as follows:
In Commercial development, one hydrant shall be installed at 300-foot intervals.
Or as require by Appendix C –California Fire Code.
9. All fire suppression systems shall be approved by the City of Tulare Fire Prevention Bureau. Such Systems shall be reviewed for access, redundancy, reliability and quality.
10. A commercial hood duct system shall be required as per CFC 904.2.2.
11. Approved fire apparatus access roads shall (min 20'width/height 13/6") be provided for every facility, building or portion of a building constructed or moved onto or within the City of Tulare. It shall extend to within 150 feet of all portions of the facility and all portion son the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility.
12. 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 and comply with CFC 2013 Section D102.1.
13. Additional access may be required per CFC 2013 Section 503.1.2. 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 which could limit access. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.
14. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

Solid Waste

An agreement will have to be made with the Office Liquidator to share their container due to it sits on their property. This could be a temporary use until or if the project to the north happens. If not hen it will be a permanent use.

PASSED, APPROVED AND ADOPTED this twenty-fourth day of September, 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



Community & Economic Development Department

To: *Planning Commission*
From: *Mario Anaya, Principal Planner*
Re: *Work Session for Housing Element Implementation Program A-3: Rezone*
Date: *September 24, 2018*

Background/Explanation:

The Housing Element is one of the seven mandated elements of a city's General Plan. Tulare's adopted 5th Cycle Housing Element covers the 2015-2023 planning period and addresses housing opportunities for present and future residents during this period. The Housing Element also provides the primary policy guidance for local decision making related to housing. The Housing Element has a shorter (eight-year) planning period than the other General Plan elements and is the only element that requires review and certification by the State of California through the Department of Housing and Community Development (HCD).

The State Housing Element law requires (Government Code § 65580 et. Seq.) regional councils of government (in this case, the Tulare County Association of Governments [TCAG]) to identify for each city and county its "fair share allocation" of the Regional Housing Needs Assessment (RHNA) provided by HCD. In accordance with this state law, each city (including Tulare) and county must address their local share of regional housing needs for different income groups in their housing elements.

HCD Review & Conditional Compliance:

The State HCD conducted its mandated review of the 2015-2023 Housing Element and found the Element to be conditionally compliant with statutory requirements on May 26, 2016.

The HCD finding of compliance is conditioned on the City to successfully complete a series of programs included in the Housing Element. The most important of these programs is Housing Element Implementation Program A-3, the one requiring the rezoning of approximately 45 acres of land (accommodating 969 units) from lower density to higher density residential land use, which is an overdue requirement from the last (4th Cycle) Housing Element. This rezoning is intended to satisfy the lower income housing need.

Housing Element Implementation Program A-3: Rezone

The rezoning task mentioned in Housing Element Implementation Program A-3 was supposed to be completed by December 31, 2016, per the HCD's conditional approval of the City's 2015-2023 (5th Cycle) Housing Element. In addition, approximately 50 more acres of land

(accommodating 1,010 units) are required to be rezoned to high density residential use (R-M-3 and R-M-4 zoning) by May 26, 2019. This rezoning is also intended to satisfy the lower income housing need.

To achieve the above mentioned task and to comply with the Housing Element Implementation Program, the City must identify and rezone a number of properties from the current zoning of these properties to R-M-3 and R-M-4 zoning (high density residential from 22 to 29 units/acre), and properties identified must be a minimum of a ½ acre.

Options for Rezoning and City Council Direction:

On May 1, 2018, the City Council was asked to provide direction to staff for the initiation of a rezone program under Implementation Program A-3. As consideration for that direction, staff offered Council three options to be used to jump-start the discussion regarding the methodology to be applied when considering properties for the subject rezoning project. Those alternatives were as follows:

1. *Local Setting Alternative:* This option is about using a combination of institutional knowledge and input from the Planning Commission and the City Council to identify potential sites to be rezoned. These two decision making bodies are extremely familiar with Tulare's built environment, including the property ownership status of many candidate sites. However, reliance upon institutional knowledge alone could result in concerns that undue bias was used in the site selection process, based on any number of factors.
2. *Criteria-Based Alternative:* To identify potential sites that are appropriate for the rezoning, this option may use criteria-based conditions such as
 - a. Proximity to services: the site's distance to: schools, shopping, transportation facilities, and other infrastructure facilities. The proposed distance to determine proximity would be ½ mile.
 - b. Distribution across City: all geographic areas of the City would be required to accept some level of higher density zoning. Previous re-zoning efforts in other California jurisdictions has indicated that a jurisdiction-wide approach is more acceptable to the public, as opposed to restricting efforts to a single area.
 - c. Site size: Unless special circumstances exist, sites would be mostly limited to a maximum size of seven to ten acres. A maximum site size would ensure distribution of multi-family housing to multiple sites with a higher likelihood of being spread throughout larger geographic areas.
 - d. Owner receptiveness: Although the City Council retains the authority to establish the zoning for every property within the City, the likelihood of future multi-family construction on any specific site is largely dependent on the property owner's willingness to pursue such a development. Thus, this criterion would involve staff reaching out to property owners of potential sites to determine their willingness to accommodate multi-family

zoning designations and reporting the results of those interactions to the Planning Commission and City Council during their deliberations.

3. *Combined Alternative:* This alternative could be applied where either of the above options is appropriate for a certain available site on a case-by-case basis, depending on the conditions that exist at the time this rezoning project is conducted. In essence, the Combined Alternative offers the option of applying a reality-based decision layer to the subjective results generated by the Criteria Based Alternative. For example, sites identified through utilization of the Criteria Based Alternative would be reviewed for their historical usage, neighborhood setting, and intrinsic feasibility characteristics prior to forwarding to the decision making bodies for consideration.

Following Council discussion, it was unanimously determined by Council to direct staff to apply alternatives 2 and 3 when implementing the Re-Zone Program as mandated by the adopted 2015-2023 Housing Element.

Status Update:

With the direction from Council, staff has put together the list of properties attached to this memo for rezoning to high density residential, and a figure showing their approximate locations within the City. The properties listed in the first half of the table had already been included in the City's 2015-2023 Housing Element for rezoning, but have just not been rezoned yet. With rezoning of these properties the City will catch up to the required acreage and unit requirement of the previous, 4th Cycle Housing Element. However, additional properties for rezoning will be required to meet the required acreage and units for the current 2015-2023 (5th Cycle) Housing Element. Therefore, staff has identified additional potential properties for rezoning that will make sure the City meets the requirements to date, as well as give the City a cushion of additional acreage and units, to hopefully help the City not fall behind again.

The properties listed for rezoning are mostly vacant lots, good opportunities for infill development, and are spread throughout the City, so as to not put all high density housing in one single neighborhood. In addition, developers of new subdivisions have been asking if the City would consider a portion of their subdivisions to include high density residential at the R-M-3 or R-M-4 density.

It should be noted that the properties are recommended to be rezoned to R-M-4, allowing maximum density for development, however this is only a rezoning exercise. Rezoning does not guarantee that high density housing is developed on these properties. Ultimately, the market and property owners will determine what is developed on their properties, and any development plans for these parcels will still require site plan review and approval by the City. However, by rezoning the properties, it opens up more development options for property owners and developers, and also provides the proof HCD needs that the City can accommodate higher density housing as required by the State. Rezoning these properties provides the benefits of greater flexibility for what property owners are able to finance and develop on their parcels, while in many cases, providing the benefit to the City of eliminating vacant, blighted parcels.

Consequences of Non-Compliance:

If this rezoning task is not completed within the timeframe indicated above and in the next steps below, the HCD can decertify the City's Housing Element. If that occurs, the City's Housing Element, and in effect the General Plan, would be out of compliance. The following consequences can result if HCD finds the City's Housing Element to be out of compliance:

1. The Court can force the City to allow by-right development of high density affordable housing projects that meet certain criteria, without any discretionary approvals at the local level, other than compliance with the Map Act.
2. The State can force the City to update the Housing Element every four years rather than every eight years.
3. The City can lose State funding it receives for many of its community development and infrastructure programs, including Community Development Block Grants (CDBG).

Next Steps:

The HCD, as well as attorneys from Central California Legal Services have demanded updates from the City on how it intends to comply with Implementation Program A-3 of the City's Housing Element to avoid facing legal and financial consequences. With direction and support of Council, and support from the Planning Commission, staff will be working to continue making progress and meeting the major milestones below agreed to with HCD:

- September 24, 2018: Report to Planning Commission with Preliminary List of properties for rezone.
- October 22, 2018: Initial meeting with Planning Commission on sites determined for rezone.
- November 13, 2018: Special Planning Commission meeting on final site selection.
- December 4, 2018: Initial City Council hearing on rezone of sites.
- January 15, 2019: 2nd City Council hearing on rezone of sites.

Attachments

- Preliminary List of Potential Rezone Sites for Housing Element Implementation Program A-3
- Map Showing Approximate Location of Candidate Rezone Properties

Potential Rezone Sites to Comply with Implementation Program A-3 from 2015-2023 Tulare Housing Element (September 2018)

APN	Property Owner & Mailing Address	Acres	Existing Zoning	Potential Zoning	Existing General Plan Designation	Potential General Plan Designation	Potential Maximum Density (units per acre)	Realistic Number of Units (80 percent of max.)	Notes
Sites Still Available from List in Table 3.9 of Tulare Housing Element 2015-2023									
166-230-007	Blackstone Ranch LLC 2803 W Border Links Dr Visalia, CA 93291	15.82	C-3	R-M-4	G-CC	HDR	29	367	This APN was accidently listed as ending in 005 in the Housing Element, now correct. Just east of Retherford St, West of Hillman, North of Corvina, south of Cartmill.
168-330-018	Sandra L. Vejar Et Al 1927 S Chinowth St, Unit 2 Visalia, CA 93277	6.48	RM2	R-M-4	D-MDR; HDR	E- HDR	29	150	Surrounded by LDR
171-250-017	Bank of the Sierra PO Box 1930 Porterville, CA 93258	11	C-3	R-M-4	G-CC	HDR	29	255	Triangle Parcel, across from existing MFR & Will Tiesiera Ford on Santa Fe Trail & Mooney
171-280-038	City of Tulare 411 E Kern Ave Tulare, CA 93274	2	C-3	R-M-4	G-CC	HDR	29	46	Just west of Cross & Mooney, surrounded by Commercial (Target, Will Tiesiera Ford) and next to Tulare Evangelical Free Church. County Assessor Map indicates "City of Tulare Fire Station"
171-280-039	Will & Clarice Tiesiera	2.83	C-3	R-M-4	C-CC	HDR	29	65	Same as above, except right on NW corner of Cross & Mooney

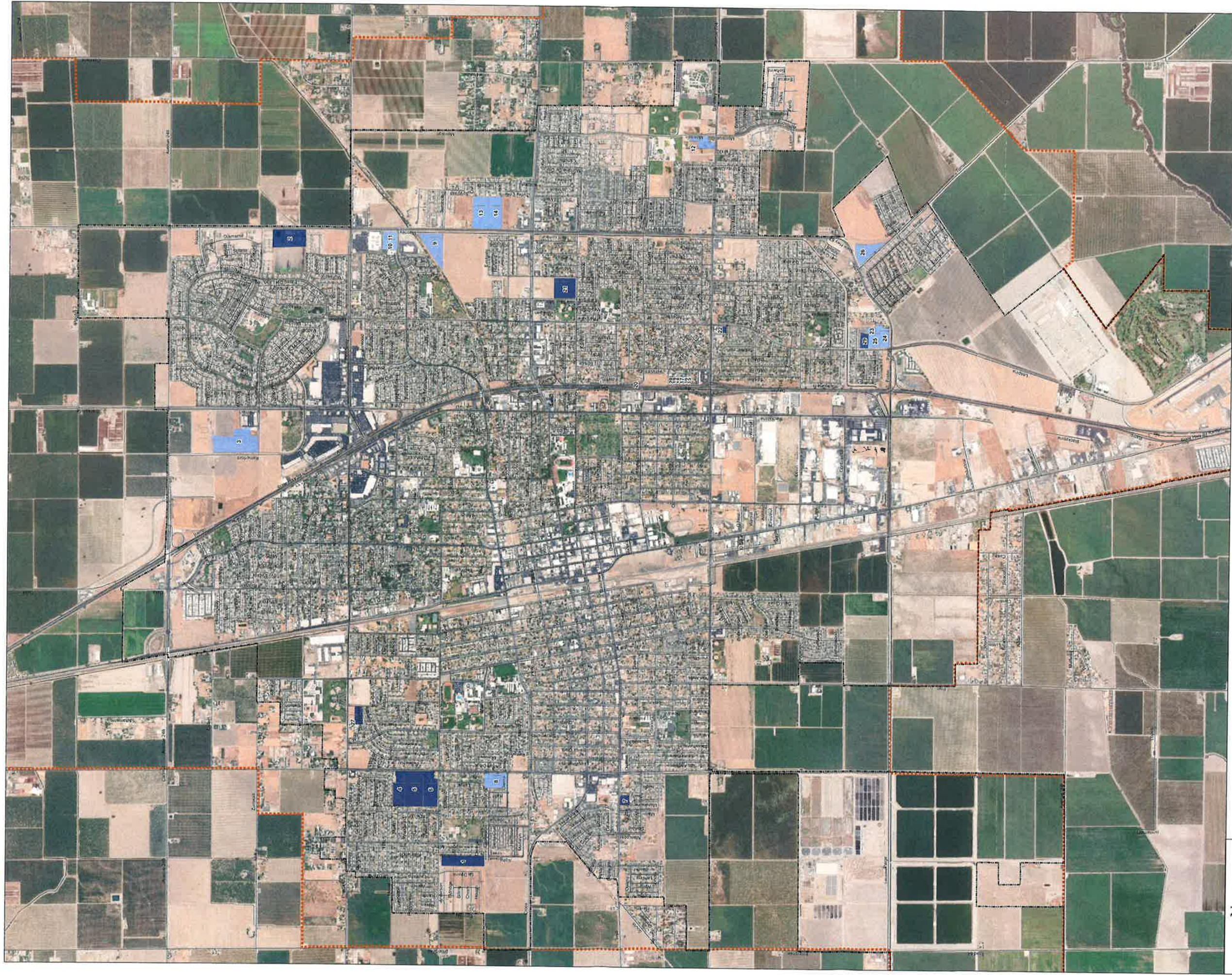
172-040-073	Anna C. Lawrence 2970 E Bardsley Ave Tulare, CA 93274	4.27	R-1-6	R-M-4	C-LDR	HDR	29	99	Near Mission Oak & Alpine Vista, Morrison & Bardsley, two parcels with existing zoning of RM3 on SE quadrant of intersection. Location of GVB Proposed mini storage units and Mission Oak Apartments (proposed density would meet requirements to qualify for Low Income).
177-060-002	Lino A. & Betty T. Pimentel 260 North J St Tulare, CA 93274	0.48	RM2	R-M-4	D-MDR				Just east of SR-99, north of Bardsley. Existing MFR development on sothern end of block
177-060-009	Chopra Family Limited Partnership 858 N Cherry St Tulare, CA 93274	0.47	R-1-8	R-M-4	D-MDR				Same, adjacent to RM2 properties, including existing MFR development, possibly combine w/ following APNs
177-060-010	Chopra Family Limited Partnership 858 N Cherry St Tulare, CA 93274	0.47	RM2	R-M-4	D-MDR				same, possibly combine
177-060-011	Chopra Family Limited Partnership 858 N Cherry St Tulare, CA 93274	0.47	RM2	R-M-4	D-MDR				same
177-060-012	Chopra Family Limited Partnership 858 N Cherry St Tulare, CA 93274	0.47	R-1-8	R-M-4	D-MDR				same
177-060-013	Chopra Family Limited Partnership 858 N Cherry St Tulare, CA 93274	0.47	R-1-8	R-M-4	D-MDR	HDR	29	66	same
177-300-026	Daley Enterprises Inc 1356 E Tulare Ave Tulare, CA 93274	3.23	C-5	R-M-4	E-HDR	HDR	29	75	Just east of SR-99, between Stockham and Alpine. Now APN 1747-300-026
182-340-001	Abbona Family LP 15236 Hawthorn Ave Chino Hills, CA 91709	3.18	C-5	R-M-4	G-CC; D-MDR; C-LDR	HDR	29	74	NE corner of Laspina and Paige/Foster

182-340-002	Kb Commercial LLC 2455 Dover Canyon Tulare, CA 93274	4.78	C-5	R-M-4	D-MDR; G-CC; C-LDR	HDR	29	111	same, but next APN north
182-330-014	Kb Commercial LLC 2455 Dover Canyon Tulare, CA 93274	2.48	C-5	R-M-4	D-MDR	HDR	29	57	same as above, simply divided by an assessor's page
184-100-010	Pathfinder Land LLC PO Box 9530 Rancho Santa Fe, CA 92067	7.53	A	R-M-4	E-HDR; F-NC	HDR	29	175	Triangular parcel surrounded by Turner, Foster, and Placer, but may be cost prohibitive for development until Turner Drive is re-aligned.
Total		66.43						1540	
Additional Potential Sites Recommended by Planning Staff									
168-470-014	Tulare III Family Housing Partners 31920 Del Obispo St #260 San Juan Capistrano, CA 92675	2.88	RM3	N/A	HDR	N/A	22	51	This parcel is just west of Valley Oaks Apartments along the Santa Fe Trail. It was already zoned R-M-3, but not counted in Table 3.7, Inventory of vacant sites in the current Housing Element.
149-070-008 (portion)	The Wine Group LLC PO Box 90 Tracy, CA 95378	8.5	R-1-7	R-M-4	D-MDR	HDR	29	197	Opportunity to zone 8 to 9 acres adjacent to Mooney Blvd of this 28.77 acre parcel for HDR. In between Vista Terraza and Bella Oaks subdivisions
177-190-002	Paula C Ametjian 213 S Ametjian St Tulare, CA 93274	9.84	UR	R-M-4	D-MDR	HDR	29	228	Parcel surrounded by residential and just east of Youth Softball Park on Kern between Mountain View and Aronian, south of Tulare Ave.
168-180-012	Thomas R. & Lorinda A. Foran 8970 Junipero Ave Atascadero, CA 93422	1.73	RM2	R-M-4	D-MDR	HDR	29	40	On Inyo between West and Marin
182-133-038	Donald R. & Theresa A. Forrester 742 N Jaye St Porterville, CA 93257	0.94	C-3	R-M-4	G-CC	HDR	29	22	SW quadrant of Bardsley & Laspina, just south of Sierra Mini Mart/Shell & across Laspina from existing MFR



City of Tulare

Program A-3: Potential Rezone Sites



ID	APN	ID	APN	ID	APN	ID	APN	ID	APN
6	168-010-035	11	171-280-039	16	177-060-010	21	177-190-002	26	184-100-010
7	168-180-012	12	172-040-073	17	177-060-011	22	182-133-038	27	169-030-031
8	168-330-018	13	172-070-003	18	177-060-012	23	182-330-003	28	177-360-052
9	171-250-017	14	172-100-001	19	177-060-013	24	182-340-001	29	182-330-014
10	171-280-038	15	177-060-009	20	177-070-023	25	182-340-002		

City Limits 2015
 UDB2030 Tulare
 Sites Listed in Table 3.9 of Tulare Housing Element 2015-2023
 Additional Sites Recommended by Planning Staff

N
 Miles
 0 0.375 0.75