

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

June 24, 2019

**GENERAL PLAN AMENDMENT NO. 2019-01
ZONE AMENDMENT NO. 733**

PROJECT PLANNER: Steven Sopp, Associate Planner

APPLICANT: Three Rivers Partners LLC

LOCATION: Property is approximately 3.83 acres located on the south side of Prosperity Avenue between Brentwood and Laspina Streets

APN: 171-300-016

ZONING CLASSIFICATION: C-2 (Office Commercial)
Project proposes a Zone Change to C-3 (Retail Commercial)

GENERAL PLAN DESIGNATION: Office Commercial (*Project proposes General Plan Amendment to Community Commercial*)

SURROUNDING LAND USES AND ZONING:

North: Home Depot	C-3
South: Residential	R-1-8
West: Commercial Bldg.	C-2
East: Office Bldgs.	C-2

REQUEST

The following items are requested:

- General Plan Amendment 2019-01 – request to change the existing General Plan designation from Office Commercial to Community Commercial for the subject parcel.
- Zone Amendment 733 – request to change the existing zoning designation from C-2 (Office Commercial) to C-3 (Retail Commercial).

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council approval of General Plan Amendment No. 2019-01 and Zone Amendment No. 733, as

well as the Mitigated Negative Declaration subject to the findings and conditions in Resolution No. 5327. 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.

DETAILS OF THE PROPOSAL:

This is a request by Three Rivers Partners LLC to change the existing General Plan designation from Office Commercial to Community Commercial and to change the existing zoning designation from C-2 (Office Commercial) to C-3 (Retail Commercial) for an approximately 3.83-acre parcel located on the south side of Prosperity Avenue between Brentwood and Laspina Streets.

The purpose of the proposed General Plan Amendment and Zone Amendment would be to facilitate proposed development on the subject parcel, specifically the change in designations would allow a restaurant with a drive-thru to be established. A restaurant with a drive-thru is not a permitted use within the existing C-2 zone.

The applicant has proposed development on the subject parcel as depicted by the proposed site plan (see Attachment IV). The proposed retail commercial development would include one 3,835 sq. ft. restaurant building with drive-through, one 2,400 sq. ft. restaurant building with drive-through, one 10,000 sq. ft. multi-tenant retail commercial building, one 9,000 sq. ft. multi-tenant retail commercial building, and a parking lot with 106 parking spaces.

Access to the subject parcel would be established through two new drive approaches off of Prosperity Avenue. A left turn lane from westbound Prosperity Avenue into the eastern driveway of the Project site may also be included as proposed by the applicant.

STAFF COMMENTS:

The existing General Plan designation for the site is Office Commercial within the City of Tulare adopted 2035 General Plan. The existing zoning is C-2 (Office Commercial). The applicant proposes to amend the General Plan land use designation of the subject site from Office Commercial to Community Commercial. The applicant also proposes to amend the existing zoning from C-2 to C-3 (Retail Commercial). Planning staff has reviewed the proposed General Plan Amendment and Zoning Amendment and have found them to be consistent with the policies and implementation programs of the adopted 2035 General Plan.

The Site Plan Review Committee reviewed the project with the applicant on April 10, 2019 and prepared comments and conditions for the applicant. The site plan was reviewed by the Committee for compliance with the City's adopted Zoning Ordinance and Municipal Code.

Specific tenants of the proposed development have not yet been identified. All future uses/tenants proposed to be established within the proposed retail commercial space will

be reviewed for consistency with the C-3 (Retail Commercial) zone district, prior to the issuance of a City of Tulare business license or building permits.

ENVIRONMENTAL:

An Initial Study/Mitigated Negative Declaration was prepared for this project for public review pursuant to provisions of the Public Resources Code, State of California, Section 21000 to 21177 of the California Environmental Quality Act (CEQA). The City of Tulare was the lead agency on the preparation of the Initial Study/Mitigated Negative Declaration. A notice of Public Hearing for General Plan Amendment No. 2019-01 and Zone Amendment 733, and the Notice of Intent to Adopt the Mitigated Negative Declaration was published on May 28, 2019. No comments were received in response to the circulation of the document or the public notice that was mailed to surrounding property owners regarding the project.

On February 20, 2019, pursuant to Public Resources Code Section 21080.3.1, a request for review to determine if formal consultation is appropriate for the project was sent to tribes that were identified by the Native American Heritage Commission. No subsequent response has been received.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to General Plan Amendment No. 2019-01 and Zone Amendment No. 733:

Environmental:

- 1) That a 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 with the incorporation of the proposed mitigation measures.
- 3) The Planning Commission finds that the proposed Mitigated Negative Declaration reflects the independent judgment of the lead agency.

General Plan Amendment No. 2019-01:

- 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. 733:

- 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.

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. General Plan Amendment No. 2019-01 Exhibit Map
- III. Zone Amendment No. 733 Exhibit Map
- IV. Site Plan
- V. IS/MND GPA 2019-01, ZA 733
- VI. Resolution 5327

GPA 2019-01, ZA 733

Change GP Designation from: Office Commercial to Community Commercial
Change Zoning from: C-2 (Office Commercial) to C-3 (Retail Commercial)

Legend

 GPA 2019-01, ZA 733



Site Data:

APN: 171-300-016



















GENERAL PLAN AMENDMENT No. 2019-01
 Existing: Office Commercial
 Proposed: Community Commercial

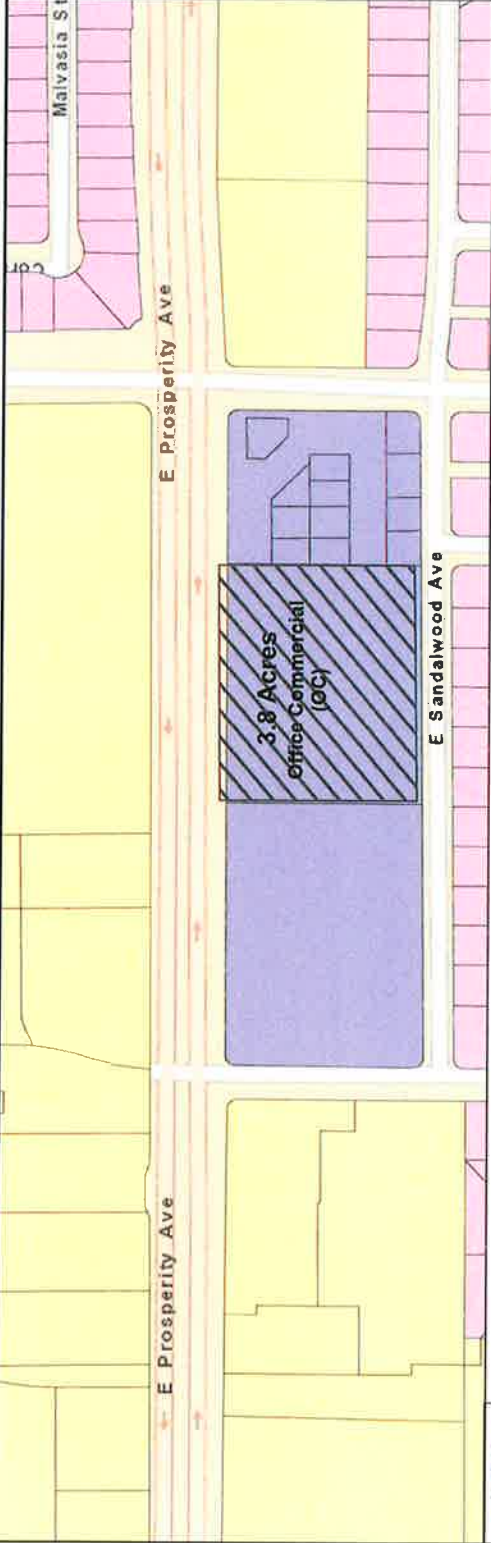
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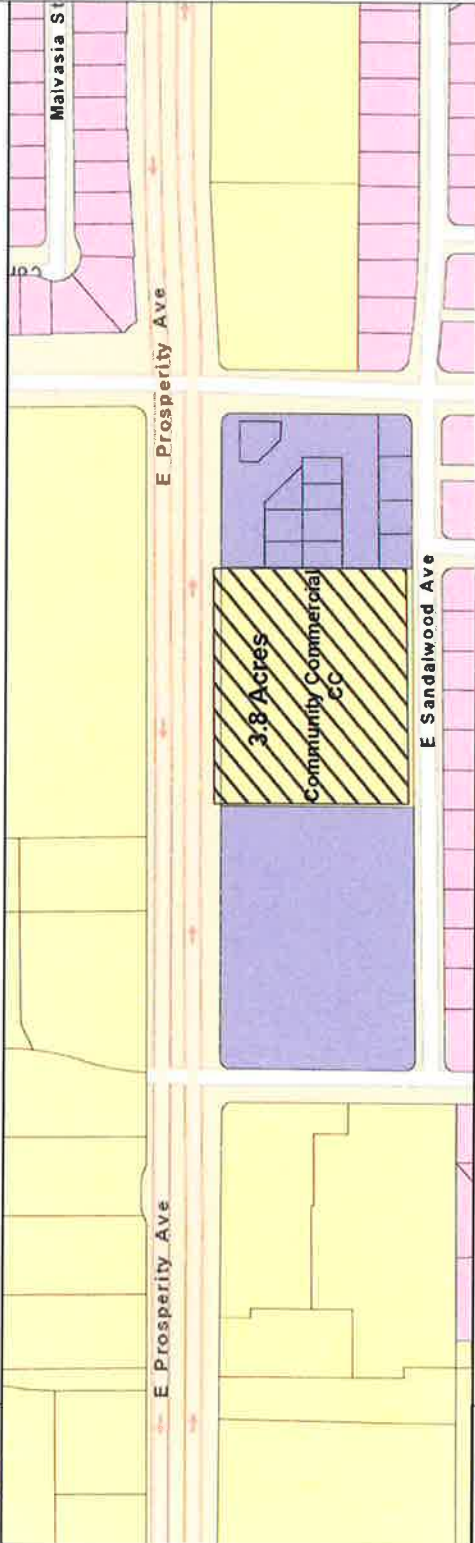
Project Location

General Plan Land Use 2030

-  Rural Residential (RR)
-  Residential Estate (RE)
-  Low Density Residential (LDR)
-  Medium Density Residential (MDR)
-  High Density Residential (HDR)
-  Neighborhood Commercial (NC)
-  Community Commercial (CC)
-  Regional Commercial (RC)
-  Service Commercial (SC)
-  Central Business District (CBD)
-  Office Commercial (OC)
-  Light Industrial (LI)
-  Heavy Industrial (HI)
-  Public / Quasi-Public (PUB)
-  Parks and Recreation (PR)
-  Open Space / Agriculture (A)
-  Village (V)
-  Transit-Oriented Development (TOO)



**Existing Land Use
 General Plan Amendment for 171-300-016**



**Proposed Land Use
 General Plan Amendment for 171-300-016**



Date: 2/27/2019 1 in = 0.05 miles

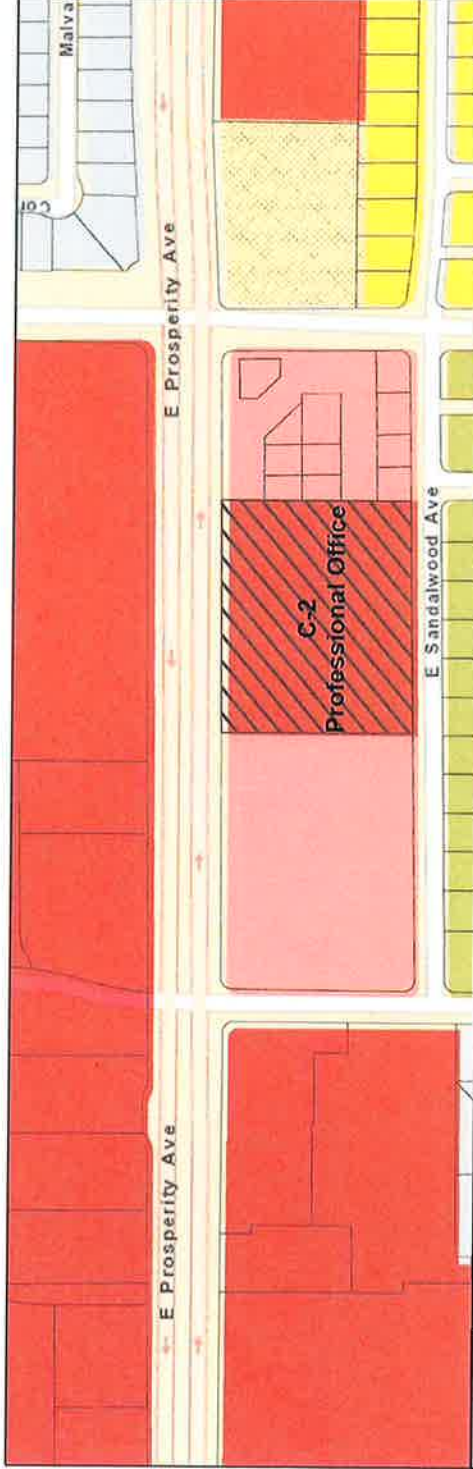
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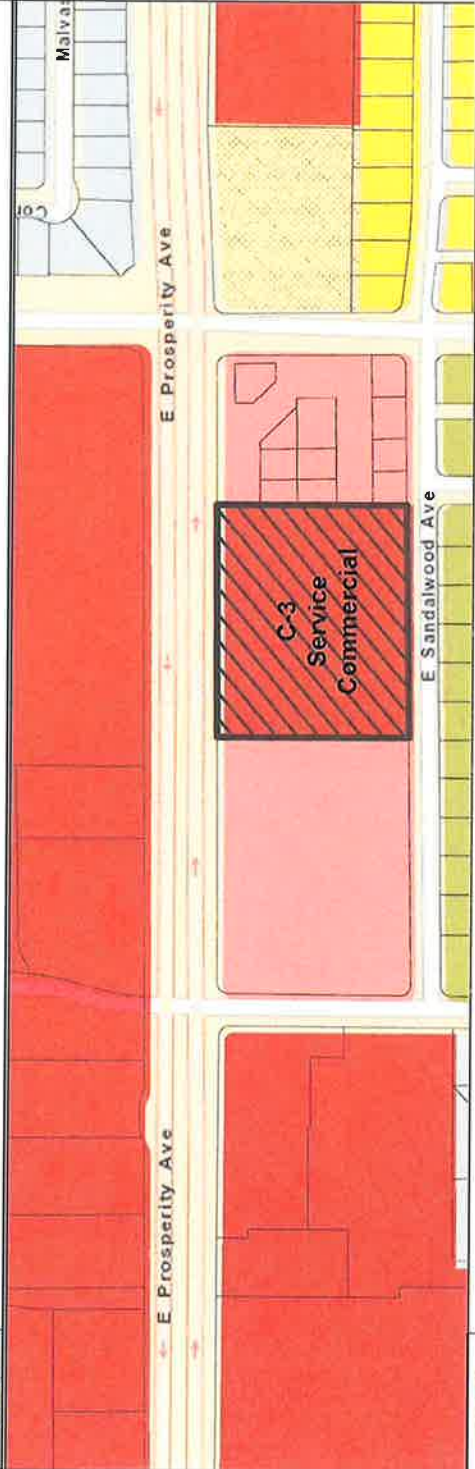
ZONE AMENDMENT No. 733
 Existing Zoning: C-2
 Proposed Zoning: C-3

Legend

- A: Agricultural
- C-1: Neighborhood Commercial
- C-2: Professional Office
- C-3: Retail Commercial
- C-4: Service Commercial
- C-5: Highway Commercial
- 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-1-6: 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: Multiple Family: 3,750 SF
- RM2: Multiple Family: 3,000 SF
- RM3: Multiple Family: 2,000 SF
- RM4: Multiple Family: 1,500 SF
- Urban Reserve



**Existing Zoning
 Zoning Amendment for 171-300-016**



**Proposed Zoning
 Zoning Amendment for 171-300-016**



Date: 2/27/2016 1 in = 0.05 miles

RESOLUTION NO. 5327

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2019-01
AND ZONE AMENDMENT NO. 733 TO THE CITY COUNCIL FOR ADOPTION**

WHEREAS, the City of Tulare Planning Commission at a regular meeting on June 24, 2019, held a public hearing, received public testimony and considered a request by Three Rivers Partners LLC to amend the General Plan to change the existing land use designations on the affected parcel from Office Commercial to Community Commercial on the entire parcel. The request also included amendment of the existing Zone District for the affected parcel from C-2 (Office Commercial) to the C-3 (Retail Commercial) zone district. The subject parcel is approximately 3.83-acres and is located on the south side of Prosperity Avenue between Brentwood and Laspina Streets (APN 171-300-016); 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 the Mitigated Negative Declaration prepared for General Plan Amendment No. 2019-01 and Zone Amendment No. 733 is hereby recommended to the City Council for adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City of Tulare Planning Commission that General Plan Amendment No. 2019-01 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. 733 is hereby recommended to the City Council for adoption.

PASSED, APPROVED AND ADOPTED this twenty-fourth day of **June, 2019** 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