

AGENDA

TULARE PLANNING COMMISSION

7:00 p.m.

MONDAY, March 23, 2020

TULARE PUBLIC LIBRARY & COUNCIL CHAMBERS

491 NORTH "M" STREET

MISSION STATEMENT

TO PROMOTE A QUALITY OF LIFE MAKING TULARE THE MOST DESIRABLE COMMUNITY IN WHICH TO LIVE, LEARN, PLAY, WORK, WORSHIP AND PROSPER

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

*III. CITIZEN COMMENTS- This is the time for citizens to comment on items within the jurisdiction of the Planning Commission. The Planning Commission cannot legally discuss or take official action on citizen comments that are introduced tonight. Each speaker will be allowed **three minutes**, with a maximum time of 10 minutes per item, unless otherwise extended by the Planning Commission.*

IV. COMMISSIONER COMMENTS

V. CONSENT CALENDAR:

(1) Minutes of the February 24, 2020 Regular Planning Commission Meeting

(2) Extension of Time- Oak Crest No. 1

(3) Extension of Time- Oak Crest No. 2

VI. GENERAL BUSINESS- PUBLIC HEARING:

(1) General Plan Amendment No. 202-01 and Zone Amendment No. 740:

Consider a request by Three River Development to change the existing General Plan designation and Zoning designation of an approximately 0.38 acre portion of an existing parcel located on the South side of Prosperity Avenue between Brentwood and Laspina Streets. The proposed General Plan Amendment would change the existing General Plan designation from Office Commercial to Community Commercial and the proposed Zone Amendment would change the existing Zoning designation from C-2 (Office Commercial) to the C-3 (Retail Commercial) zone district. The City has prepared an addendum to an initial study/ mitigated negative declaration which was previously adopted by the City of Tulare City Council on July 16, 2019.

Project Planner: Steven Sopp, Senior Planner

Recommended Motion: **Adopt Resolution 5363**, recommending to the City Council adoption of General Plan Amendment No. 2020-01 and Zone Amendment No. 740 based on the findings and subject to the conditions as listed in the staff report.

VII. GENERAL BUSINESS-NON PUBLIC HEARING ITEMS

(1) Housing Element Annual Progress Report 2019:

Review and consider the Annual Progress Report (APR) and consider recommending that the City Council approve the APR and forward it to the State Department of Housing and Community Development.

Project Planner: Mario Anaya, Principal Planner

VIII. TEENS ON BOARD REPORTS

IX. DIRECTOR'S REPORT

X. ADJOURNMENT

In compliance with the Americans with Disabilities and Brown Act, if you need special assistance to participate in the meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the City Manager's Office (559) 684-4200. Notification 48 hours prior to the meeting will enable the city to

make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35, 104 ADA Title II), and allow for the preparation of documents in the appropriate alternate format.

[Note: Pursuant to Government Code 54957.5- Effective 7/1/08 Documents produced and distributed less than 72 hours prior to or during an open session of a regular meeting to a majority of the legislative body regarding any item on the agenda will be made available for public inspection at the meeting and at the Planning Department at City Hall located at 411 East Kern Avenue during normal business hours.]

APPEAL PROCEDURE

According to City of Tulare Zoning Ordinance Section 10.20.020 and Subdivision Ordinance Section 8.24-080, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 E. 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 reason for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

CITY OF TULARE PLANNING COMMISSION

REGULAR MEETING MINUTES

**Tulare Public Library—Council Chambers
491 North M Street**

February 24, 2020

COMMISSIONERS PRESENT: Miller, Rocha, Olivares, Miguel

TEENS ON BOARD PRESENT: Carmen Gutierrez, Elizabeth Solado

STAFF PRESENT: Traci Myers, Community & Economic
Development Director
Mario Anaya, Principal Planner
Steven Sopp, Senior Planner
Lucie Brown, Commission Clerk

CALL TO ORDER:

Chairman Miguel called the regular meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Commissioner Miller led us in the flag salute.

Commissioner Miller asked if there could be a moment of silence in memory of the two Porterville firefighters who lost their lives last week.

Chairman Miguel asked everyone for a 30 second moment of silence for Captain Figueroa and Firefighter Jones.

CITIZEN COMMENTS:

None.

COMMISSIONER COMMENTS:

None

CONSENT CALENDAR:

- (1) Minutes of the February 10, 2020 Regular Planning Commission Meeting**
- (2) Extension of Time- Tentative Subdivision Map- North "G" Townhomes**

It was motioned by Commissioner Miller and seconded by Commissioner Rocha to approve the Consent Calendar as presented.

Motion carried by unanimous vote.

PUBLIC HEARING:

- (1) Conditional Use Permit No. 2020-01:**

Steven Sopp, Senior Planner, reviewed with the Commission a request by Kaweah Delta District Hospital to establish a medical clinic within an existing commercial building located on the east side of Mooney Boulevard south of Prosperity Avenue at 1000 N. Mooney Blvd.

Chairman Miguel opened the public hearing.

There being no one to speak in favor of or against the project, the public hearing was closed.

Following Commission discussion it was motioned by Commissioner Rocha and seconded by Commissioner Olivares to adopt Resolution 5361, approving Conditional Use Permit No. 2020-01 based on the findings and subject to the conditions as listed in the staff report.

COMMISSIONERS

AYES: Rocha, Olivares, Miller, Miguel

ABSENT: Cox

NOES: None

ABSTAIN: None

- (2) Conditional Use Permit No. 2020-05:**

Steven Sopp, Senior Planner, reviewed with the Commission a request by Eduardo Morales-Marin to continue to operate a large collection recycling facility located at the rear of an existing shopping center located on the northwest corner of Inyo Avenue and South "B" Street.

Chairman Miguel opened the public hearing.

There being no one to speak in favor of or against the project, the public hearing was closed.

Following Commission discussion it was motioned by Commissioner Miller and seconded by Commissioner Rocha to adopt Resolution 5362, approving Conditional Use Permit No. 2020-05 based on the findings and subject to the conditions as listed in the staff report.

COMMISSIONERS

AYES: Miller, Rocha, Olivares, Miguel

ABSENT: Cox

NOES: None

ABSTAIN: None

GENERAL BUSINESS—NON PUBLIC HEARING ITEMS

None

TEENS ON BOARD:

Carmen Gutierrez and Elizabeth Solado commented on various school activities.

DIRECTORS REPORT:

Director Myers announced that she will not be attending the March 9th Planning Commission meeting as she will be attending the International Council of Shopping Centers conference in Monterey. She further stated that she will be providing the Commission with an update on outstanding projects as well as Site Plan Review projects that may not come before the Planning Commission.

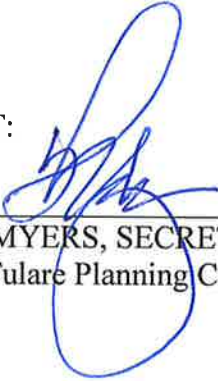
Commissioner Miller asked if the Director knew who the property owner is for the parcel to the north of Unique Orthodontics because it has trash and debris and looks terrible.

Director Myers stated she believed Dr. Bayrakadarian owns that property and that she would look into it and notify the property owner.

AJOURNMENT:

There being no other items to come before the Commission, the meeting was adjourned at 7:18 p.m.

ATTEST:



TRACI MYERS, SECRETARY
City of Tulare Planning Commission

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission



Community & Economic Development Department

To: *Planning Commission*
From: *Steven Sopp, Senior Planner*
Re: *Oak Crest No. 1*
Date: *March 23, 2020*

Department staff have received a request by Provost and Pritchard Consulting Group for a time extension for the Oak Crest No. 1 Tentative Subdivision Map (TSM). The Oak Crest No. 1 TSM subdivides approximately 46 acres into 206 single family lots zoned R-1-6 (single family residential, 6,000 sq. ft. minimum parcel size) and is located on the north side of W. Tulare Avenue, east of Enterprise Street.

The Oak Crest No. 1 TSM was approved by the Planning Commission on June 19, 2006 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. On May 5, 2008 the Planning Commission approved a one-year time extension for the Oak Crest No. 1 TSM.

The Oak Crest No. 1 TSM then qualified for a series of automatic time extensions granted through State legislative action approved by AB 333, AB 208, AB 116 and AB 1303 which extended the map to June 19, 2018. On April 23, 2018 the Planning Commission approved a second one-year time extension for the Oak Crest No. 1 TSM which extended the map to June 19, 2019. On May 13, 2019 the Planning Commission approved a third one-year time extension which extended the map to June 19, 2020. The applicant is now requesting a two-year time extension which if approved would extend the map to June 19, 2022. If approved the Oak Crest No. 1 TSM will have been granted five out of the (6) years possible under Section 66452.6(e) of the Subdivision Map Act.

RECOMMENDATION

Staff offers no objections and recommends that a two-year extension be approved until June 19, 2022.

Attachments

Applicants Extension Request
 TSM Oak Crest No. 1



1800 30th Street, Suite 280
Bakersfield, CA 93301-1930
Tel: (661) 616-5900
Fax: (661) 616-5890
www.ppeng.com

March 13, 2020

Steven Sopp
Associate Planner
City of Tulare
411 East Kern Avenue
Tulare, CA 93274

RE: Oak Crest Subdivision – 2 Year Discretionary Extension Request

Dear Mr. Sopp:

Per the following explanation, we are requesting a two (2) year discretionary extension of the Tentative Tract Map (TTM) known as Oak Crest, formerly Shenandoah, on behalf of Beazer Homes (Developer).

The Subdivision Map Act (Map Act; Government Code Section 66410, *et seq.*) in conjunction with Section 8.24.250 of the City of Tulare Municipal Code (TMC) provides for the initial duration of a map's life and provides numerous ways by which that life can be extended. The Map Act references below are paraphrased. Each reference is followed by an italicized description of its relevance to the life of the Oak Crest TTM. Chronological changes to the expiration date are shown in **bold**:

- Map Act Section 66452.6(a)(1) provides that a conditionally approved map shall expire 24 months following its approval, unless local ordinance provides for a longer period, not to exceed 12 additional months. TMC Section 8.24.250(a) does not contain such a provision.

*The Valley Estates TTM was approved by the Tulare Planning Commission on June 19, 2006, providing an initial expiration date of **June 19, 2008**.*

- Map Act Section 66452.6(e) provides that, prior to expiration of a tentative map, the developer may request, and the City may grant, discretionary extensions not to exceed a total of six (6) years.

*On May 5, 2008 at the request of the developer, the Tulare Planning Commission granted a one (1)-year extension of time, extending the life of the map through **June 19, 2009**. Therefore, the Oak Crest TTM is still eligible to receive up to five (5) years of discretionary extensions. This may be requested by the developer and can be approved wholly or in increments at the discretion of the City of Tulare Planning Commission.*

- Map Act Section 66452.21 (enacted by SB 1185) provides that for any tentative map valid on July 15, 2008 and due to expire prior to January 1, 2011 the expiration date shall be extended by 12 months.

*The Oak Crest TTM met the above criteria and was automatically extended through **June 19, 2010**.*

- Map Act Section 66452.22 (enacted by AB 333) provides that for any tentative map valid on July 15, 2009 and due to expire prior to January 1, 2012 the expiration date shall be extended by 24 months.

*The Oak Crest TTM met the above criteria and was automatically extended through **June 19, 2012.***

- Map Act Section 66452.23 (enacted by AB 208) provides that for any tentative map valid on July 15, 2011 and due to expire prior to January 1, 2014 the expiration date shall be extended by 24 months.

*The Oak Crest TTM met the above criteria and was automatically extended through **June 19, 2014.***

- Map Act Section 66452.24 (enacted by AB 116) provides that for any tentative map valid on July 11, 2013 the expiration date shall be extended by 24 months.

*Note that the 2013 legislative extension did not contain a "due to expire by" clause. The Oak Crest TTM met the criterion and was automatically extended through **June 19, 2016.***

- Map Act Section 66542.25 (enacted by AB 1303) provides that any map that was approved on or after January 1, 2002 and not later than July 11, 2013 within a county meeting certain income, unemployment, and poverty criteria as indicated in specified resources shall be extended by 24 months.

*Based upon comparison using the resources specified in the statute, Tulare County met the criteria. Furthermore, analysis of AB 1303 by the Senate Rules Committee and the Senate Committee on Governance and Finance prior to adoption of the bill expressly states that Tulare County met the required criteria. Any map in Tulare County approved within the stated window of dates received the extension. The Oak Crest TTM was automatically extended through **June 19, 2018.***

- Map Act Section 66452.6(e) provides that, prior to expiration of a tentative map, the developer may request, and the City may grant, discretionary extensions not to exceed a total of six (6) years.
- In 2018 a one (1) year discretionary extension was granted by the City of Tulare per Map Act Section 66452.6(e) which extended the expiration date of the *The Oak Crest TTM* through **June 19, 2019.**
- In 2019 a one (1) year discretionary extension was granted by the City of Tulare per Map Act Section 66452.6(e) which extended the expiration date of the *The Oak Crest TTM* through **June 19, 2020.**

This requested two (2) year discretionary extension will extend the expiration date of *The Oak Crest TTM* through **June 19, 2022.** up to which time the developer may file a final map (or phased maps, if agreed to by the City at the subdivider's request) on the *Oak Crest TTM* or any portion thereof. Additionally, prior to that date, the subdivider retains the option of requesting that the Planning Commission authorizes additional discretionary extensions not to exceed a total of one (1) additional year.

Respectfully,



Matthew Barnes, PE
Senior Engineer
MJB

c: Taylor Bollinger



LEGEND
 EXISTING WELLS TO BE ABANDONED



Prepared by
PROVOST & PRITCHARD
 ARCHITECTS & ENGINEERS
 10000 E. 1st Avenue, Suite 100
 Denver, Colorado 80231-1000
 PHONE: 303.733.1000
 FAX: 303.733.1001
 WWW: WWW.PPARCH.COM



Community & Economic Development Department

To: *Planning Commission*
From: *Steven Sopp, Senior Planner*
Re: *Oak Crest No. 2*
Date: *March 23, 2020*

Department staff have received a request by Provost and Pritchard Consulting Group for a time extension for the Oak Crest No. 2 Tentative Subdivision Map (TSM). The Oak Crest No. 2 TSM subdivides approximately 1.26 acres into 8 single family lots zoned R-1-6 (single family residential, 6,000 sq. ft. minimum parcel size) and is located on the north side of W. Tulare Avenue, east of Enterprise Street.

The Oak Crest No. 2 TSM was approved by the Planning Commission on May 21, 2007 and was valid for a period of 24 months. The Oak Crest No. 2 TSM then qualified for a series of automatic time extensions granted through State legislative action approved by AB 333, AB 208, AB 116 and AB 1303 which extended the map to May 21, 2018. On April 23, 2018 the Planning Commission approved a one-year time extension to extend the map to May 21, 2019. On May 13, 2019 the Planning Commission approved a second one-year time extension to extend the map to May 21, 2020.

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. If approved the Oak Crest No. 2 TSM will have been granted four out of the (6) years possible under Section 66452.6(e) of the Subdivision Map Act and would be valid until May 21, 2022

RECOMMENDATION

Staff offers no objections and recommends that a one-year extension be approved until May 21, 2022.

Attachments

Applicants Extension Request
 TSM Oak Crest No. 2

March 13, 2020

Steven Sopp
Associate Planner
City of Tulare
411 East Kern Avenue
Tulare, CA 93274

RE: Oak Crest Subdivision Phase 2 – 2 Year Discretionary Extension Request

Dear Mr. Sopp:

Per the following explanation, we are requesting a two (2) year discretionary extension of the Tentative Tract Map (TTM) known as Oak Crest Phase 2, formerly Shenandoah Park Phase 2, on behalf of Taylor Bollinger, a representative for Beazer Homes (Developer).

The Subdivision Map Act (Map Act; Government Code Section 66410, *et seq.*) in conjunction with Section 8.24.250 of the City of Tulare Municipal Code (TMC) provides for the initial duration of a map's life and provides numerous ways by which that life can be extended. The Map Act references below are paraphrased. Each reference is followed by an italicized description of its relevance to the life of the Oak Crest TTM. Chronological changes to the expiration date are shown in **bold**:

- Map Act Section 66452.6(a)(1) provides that a conditionally approved map shall expire 24 months following its approval, unless local ordinance provides for a longer period, not to exceed 12 additional months. TMC Section 8.24.250(a) does not contain such a provision.

*The Valley Estates TTM was approved by the Tulare Planning Commission on May 21, 2007, providing an initial expiration date of **May 21, 2009.***

- Map Act Section 66452.21 (enacted by SB 1185) provides that for any tentative map valid on July 15, 2008 and due to expire prior to January 1, 2011 the expiration date shall be extended by 12 months.

*The Oak Crest TTM met the above criteria and was automatically extended through **May 21, 2010.***

- Map Act Section 66452.22 (enacted by AB 333) provides that for any tentative map valid on July 15, 2009 and due to expire prior to January 1, 2012 the expiration date shall be extended by 24 months.

*The Oak Crest TTM met the above criteria and was automatically extended through **May 21, 2012.***

- Map Act Section 66452.23 (enacted by AB 208) provides that for any tentative map valid on July 15, 2011 and due to expire prior to January 1, 2014 the expiration date shall be extended by 24 months.

*The Oak Crest TTM met the above criteria and was automatically extended through **May 21, 2014.***

- Map Act Section 66452.24 (enacted by AB 116) provides that for any tentative map valid on July 11, 2013 the expiration date shall be extended by 24 months.

*Note that the 2013 legislative extension did not contain a “due to expire by” clause. The Oak Crest TTM met the criterion and was automatically extended through **May 21, 2016.***

- Map Act Section 66542.25 (enacted by AB 1303) provides that any map that was approved on or after January 1, 2002 and not later than July 11, 2013 within a county meeting certain income, unemployment, and poverty criteria as indicated in specified resources shall be extended by 24 months.

*Based upon comparison using the resources specified in the statute, Tulare County met the criteria. Furthermore, analysis of AB 1303 by the Senate Rules Committee and the Senate Committee on Governance and Finance prior to adoption of the bill expressly states that Tulare County met the required criteria. Any map in Tulare County approved within the stated window of dates received the extension. The Oak Crest TTM was automatically extended through **May 21, 2018.***

- Map Act Section 66452.6(e) provides that, prior to expiration of a tentative map, the developer may request, and the City may grant, discretionary extensions not to exceed a total of six (6) years.
 - In 2018 a one (1) year discretionary extension was granted by the City of Tulare per Map Act Section 66452.6(e) which extended the expiration date of the *The Oak Crest TTM* through **May 21, 2019.**
 - In 2019 a one (1) year discretionary extension was granted by the City of Tulare per Map Act Section 66452.6(e) which extended the expiration date of the *The Oak Crest TTM* through **May 21, 2020.**

This requested two (2) year discretionary extension will extend the expiration date of *The Oak Crest TTM* through **May 21, 2022**, up to which time the developer may file a final map (or phased maps, if agreed to by the City at the subdivider’s request) on the *Oak Crest TTM* or any portion thereof. Additionally, prior to that date, the subdivider retains the option of requesting that the Planning Commission authorizes additional discretionary extensions not to exceed two (2) total years.

Respectfully,



Matthew Barnes, PE
Senior Engineer
MJB

c: Taylor Bollinger

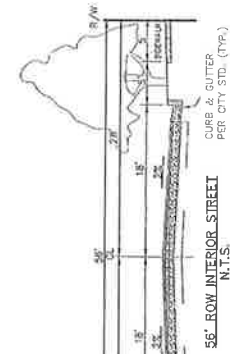
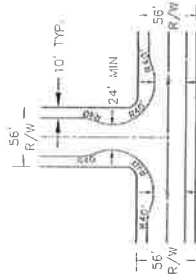
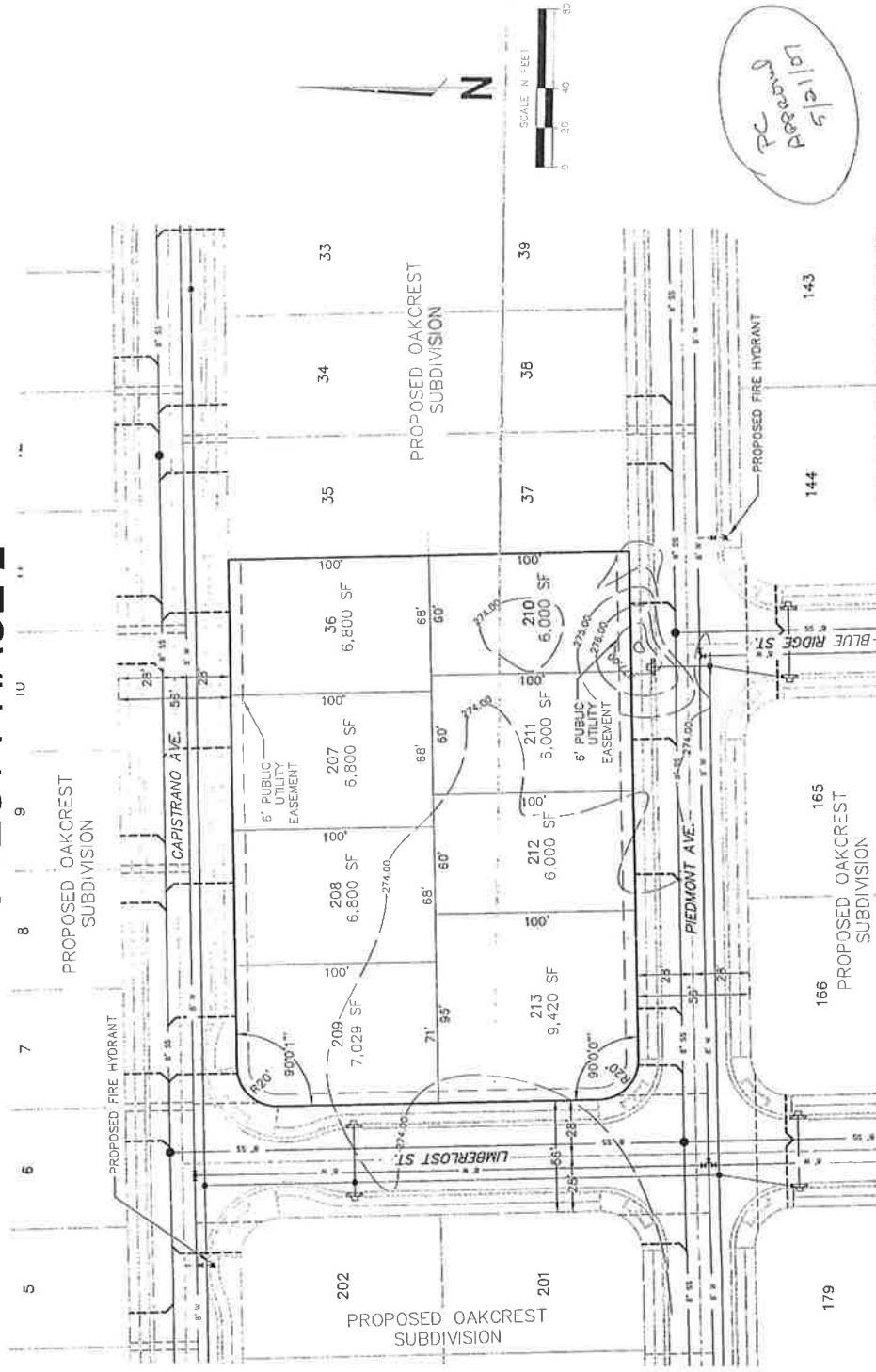
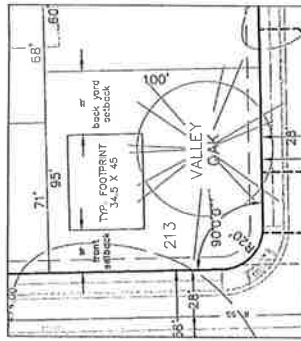
TENTATIVE SUBDIVISION MAP OAKCREST PHASE 2

LEGAL DESCRIPTION

A PORTION OF LOT 17 OF RUSSELL COLONY, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 4, PAGE 15 OF MAPS, TULARE COUNTY RECORDS.

NOTES

1. APN: PORTION OF 188-020-17
2. ALL DISTANCES SHOWN ARE FEET AND DECIMALS THEREOF AND ARE APPROXIMATE.
3. EXISTING LAND USE: SINGLE-FAMILY RESIDENCE
4. EXISTING ZONE: R-1-6
5. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
6. PROPOSED ZONE: R-1-6
7. AVERAGE LOT SIZE: 6,856 SF
8. EASEMENTS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
9. NOT SUBJECT TO INUNDATION OR OVERFLOW, UNLESS OTHERWISE NOTED.
10. FLOOD ZONE: C
11. NATURAL GAS BY: SO. CAL. GAS CO.
12. TELEPHONE BY: SBC
13. POWER BY: SCE
14. DOMESTIC WATER BY: CITY OF TULARE
15. SEWAGE DISPOSAL BY: CITY OF TULARE
16. REFUSE COLLECTION BY: TULARE COUNTY CONTRACTOR
17. CABLE T.V. BY: COMCAST
18. PROPOSED SIGNS & STREET LIGHTING: CITY OF TULARE STANDARDS
19. PRELIMINARY DRAINAGE PLAN: OFFSITE BASIN 600' NORTHEAST OF THE PROJECT
20. OTHER IMPROVEMENTS AND ESTIMATED TIME OF COMPLETION: AS SHOWN OR AS REQUIRED BY CITY OF TULARE. TO BE COMPLETED WITHIN ONE YEAR OF RECORDATION OF FINAL MAP.
21. ACREAGE: 1.268+/-ACRES



OWNER/SUBDIVIDER
BEAZER HOLDINGS CORP., a DELAWARE CORPORATION
MR. WALTER DIAMOND
MR. JAMES BEAZER
BEAZER HOLDINGS, FRESNO DIVISION
ADDRESS: 7500 N. INGRAM AVENUE
FRESNO, CALIFORNIA 93720-2555
PHONE: (559) 449-3437

Prepared by
PROVOST & PRITCHARD
EST. 1943
ENGINEERING GROUP
An Employee Owned Company
173805V
DATE: 07/14/2007
DRAWING NO.: 173805V_216

PC Approved
5/21/07



**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

March 23, 2020

**GENERAL PLAN AMENDMENT NO. 2020-01
ZONE AMENDMENT NO. 740**

PROJECT PLANNER: Steven Sopp, Senior Planner

APPLICANT: Three River Development

LOCATION: Property is approximately 0.38-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 2020-01 – request to change the existing General Plan designation from Office Commercial to Community Commercial for an approximately 0.38-acre portion the subject parcel.

Zone Amendment 740 – request to change the existing zoning designation from C-2 (Office Commercial) to C-3 (Retail Commercial) for an approximately 0.38-acre portion of the subject parcel.

RELATED PROJECTS:

General Plan Amendment 2019-01 – request to change the existing General Plan designation from Office Commercial to Community Commercial for approximately 3.83-acres – City Council Approved July 16, 2019.

Zone Amendment 733 – request to change the existing zoning designation from C-2 (Office Commercial) to C-3 (Retail Commercial) for approximately 3.83-acres – City Council Approved July 16, 2019.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council approval of General Plan Amendment No. 2020-01 and Zone Amendment No. 740, as well as an addendum to a Mitigated Negative Declaration prepared for the project subject to the findings and conditions in Resolution No. 5363. 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 River Development 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 0.38-acre portion of a parcel located on the south side of Prosperity Avenue between Brentwood and Laspina Streets.

On July 16, 2019, the City Council approved General Plan Amendment 2019-01 and Zone Amendment 733 to change the General Plan land use designation and Zoning designation for a 3.83-acre parcel. The purpose of the proposed General Plan Amendment and Zone Amendment was 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.

Subsequently, the applicant has proposed to adjust existing property lines and extend the property's western lot line an additional 45 feet to the west and add approximately 0.38-acres to the property for which the General Plan designation and Zoning designation were recently changed. The adjoining property to the west is designated Office Commercial and zoned C-2 (Office Commercial). In order to avoid the creation of a parcel with split Zoning and General Plan Designations, the proposed lot line adjustment was determined to require a General Plan Amendment and Zone Amendment in order to make the entire parcel consistent.

The applicant has proposed development on the subject parcel as depicted by the proposed site plan (see Attachment IV). The proposed retail commercial development is

currently proposed to include one 2,909 sq. ft. restaurant building with drive-through, one 3,219 sq. ft. restaurant building with drive-through, one 4,199 sq. ft. restaurant building with drive-through, two 6,819 sq. ft. multi-tenant retail commercial buildings, and associated parking, landscaping and other required improvements. 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 revised project with the applicant on December 11, 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 (MND) was prepared, circulated, and certified for the previous General Plan Amendment and Zone Amendment that were processed for the project site in July 2019. The applicant now proposes to adjust existing property lines and extend the property's western lot line an additional 45 feet to the west, from what was analyzed in the original MND, thus requiring further environmental analysis.

When a proposed project is changed or there are changes in environmental setting, a determination must be made by the Lead Agency as to whether an Addendum or subsequent MND is prepared. Based upon analysis of the adopted MND and current project description, it was determined:

- No new significant impacts will result from the project or from new mitigation measures.

- No substantial increase in the severity of environmental impact will occur.
- No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have, in fact been found to be feasible.

Therefore, in accordance with California Environmental Quality Act (CEQA) sections 15162 and 15164 an Addendum to the previously adopted MND was prepared. The Addendum analyzed the changes to the project and determined no substantial changes have occurred in which the project to be undertaken would involve new significant environmental impacts.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to General Plan Amendment No. 2020-01 and Zone Amendment No. 740:

Environmental:

- 1) No new significant impacts will result from the project or from new mitigation
- 2) No substantial increase in the severity of environmental impact will occur.
- 3) No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have, in fact been found to be feasible.
- 4) Implementation of the project will not result in new significant impacts or substantially increase the severity of impacts previously identified in the adopted IS/MND.
- 5) The preparation of an Addendum to the previously adopted IS/MND is appropriate.
- 6) The Addendum adequately addresses the environmental effects associated only with the modifications to the project since the adoption of the IS/MND.
- 7) The Addendum is incorporated by reference in the MND prepared for GPA 2019-01 and ZA 733 in accordance with CEQA Guidelines § 15150.

General Plan Amendment No. 2020-01:

- 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. 740:

- 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:

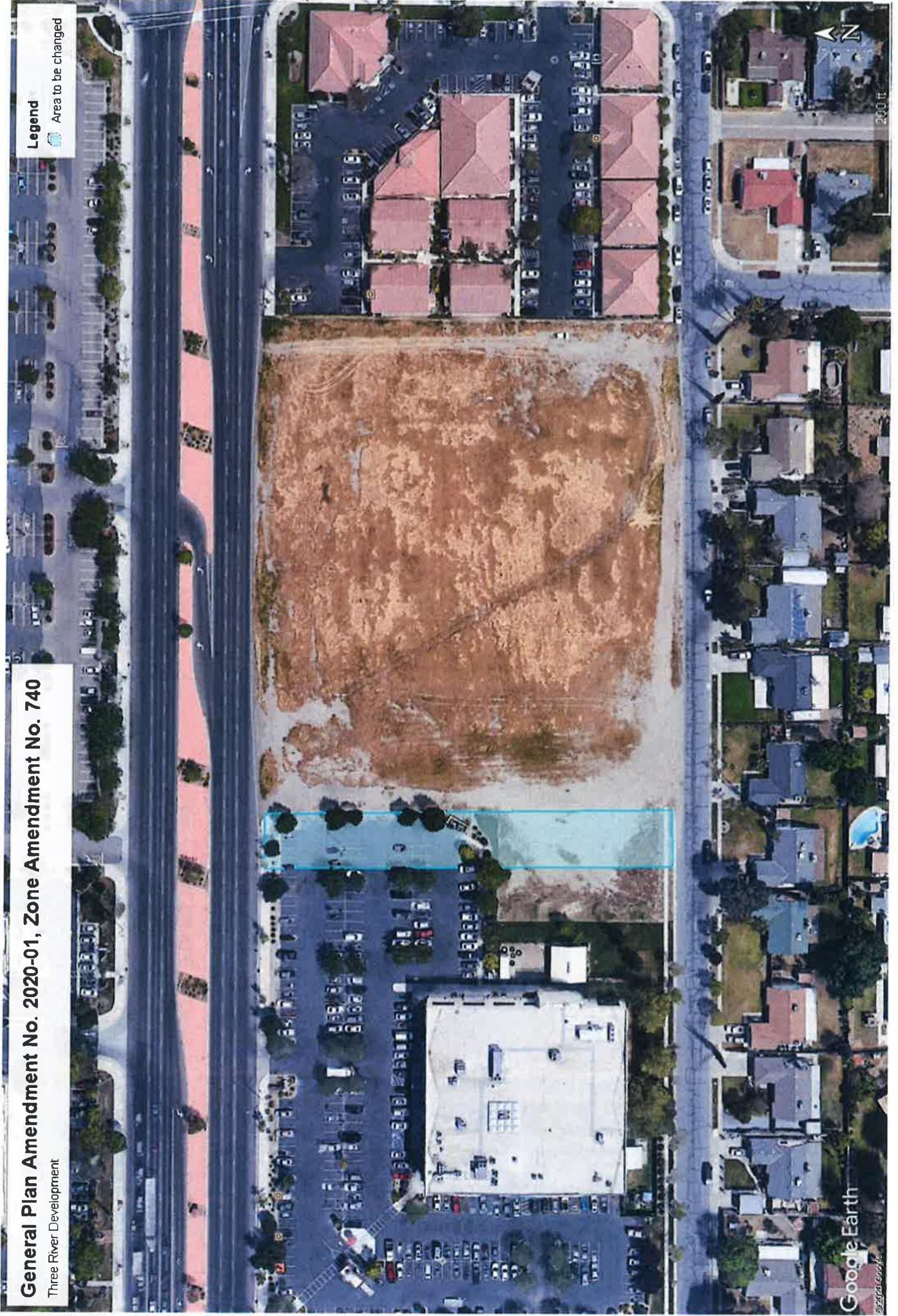
- I. Project Vicinity Map
- II. General Plan Amendment No. 2020-01 Exhibit Map
- III. Zone Amendment No. 740 Exhibit Map
- IV. Site Plan
- V. Addendum to IS/MND
- VI. Resolution 5363

General Plan Amendment No. 2020-01, Zone Amendment No. 740

Three River Development

Legend

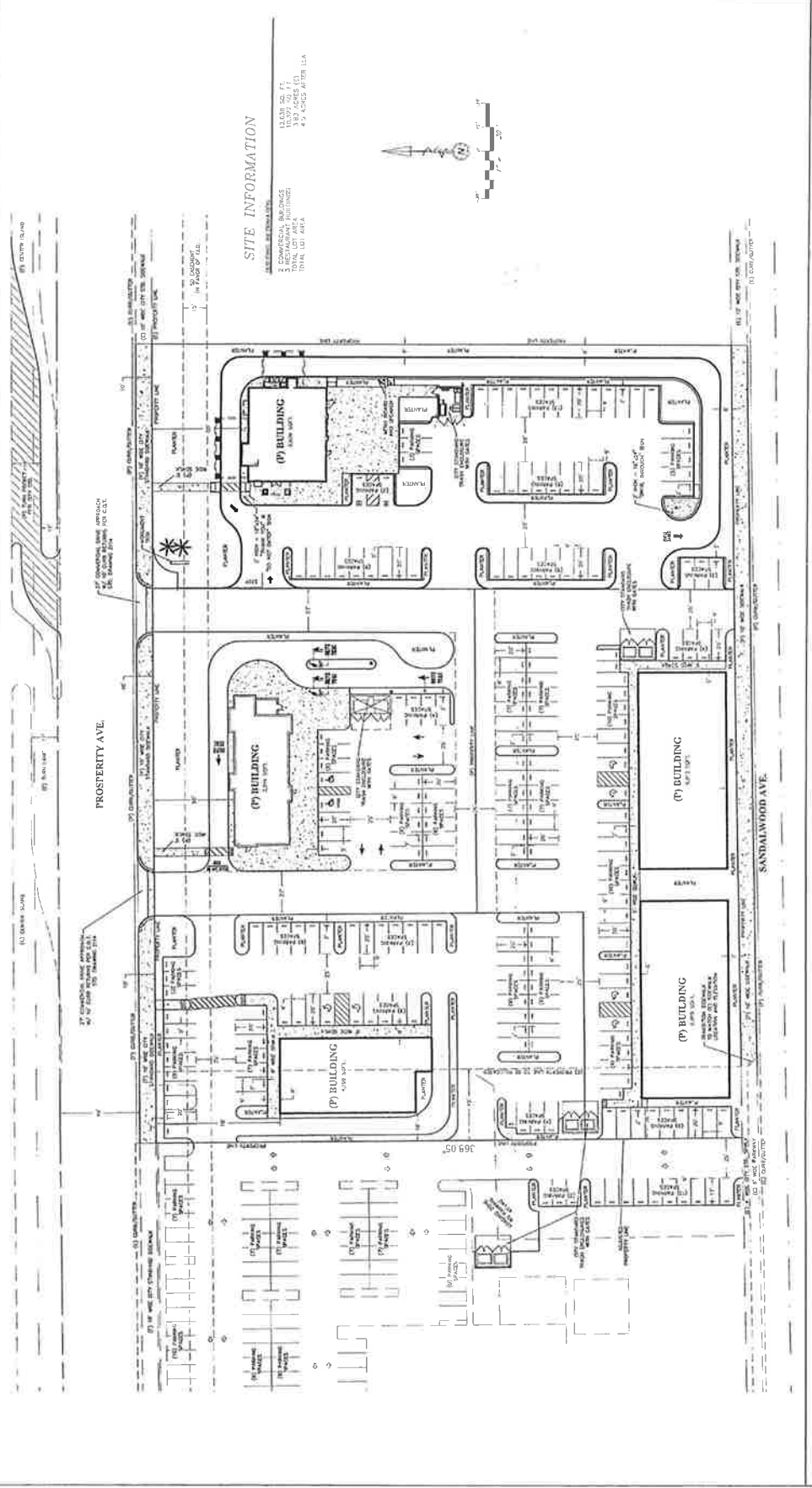
 Area to be changed



REVISIONS	DATE	BY
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2		
3		
4	1-20	

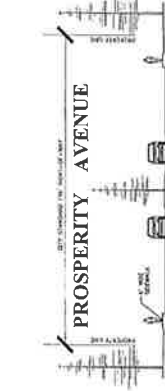
PROPOSED DEVELOPMENT FOR
PROSPERITY AVENUE COMMERCIAL MALL
TULARE, CALIFORNIA

SITE
PLAN



LEGEND/NOTES

(C)	EXISTING
(P)	PROPOSED
(L)	LOCAL
(R)	PLANNED REGIONAL DISTRICT
(S)	STREET
(W)	WATER



OWNER/CONTACT
KINGSTON COMMUNITY DEVELOPMENT LLC
1000 TRULOCK ROAD, SUITE 100
TULARE, CALIFORNIA

SITE DATA
LOT AREA: 12,038 SQ. FT. (±)
SUBDIVISION: 337 ACRES (±)

SITE NOTES
SCHEDULED FOR CONSTRUCTION BY THE CITY OF TULARE
STREET ADDRESS SHALL BE POSTED AT JOB SITE WITH A UNIFORM 3" HIGH NUMERALS

Site Data



















APN: 171-300-016

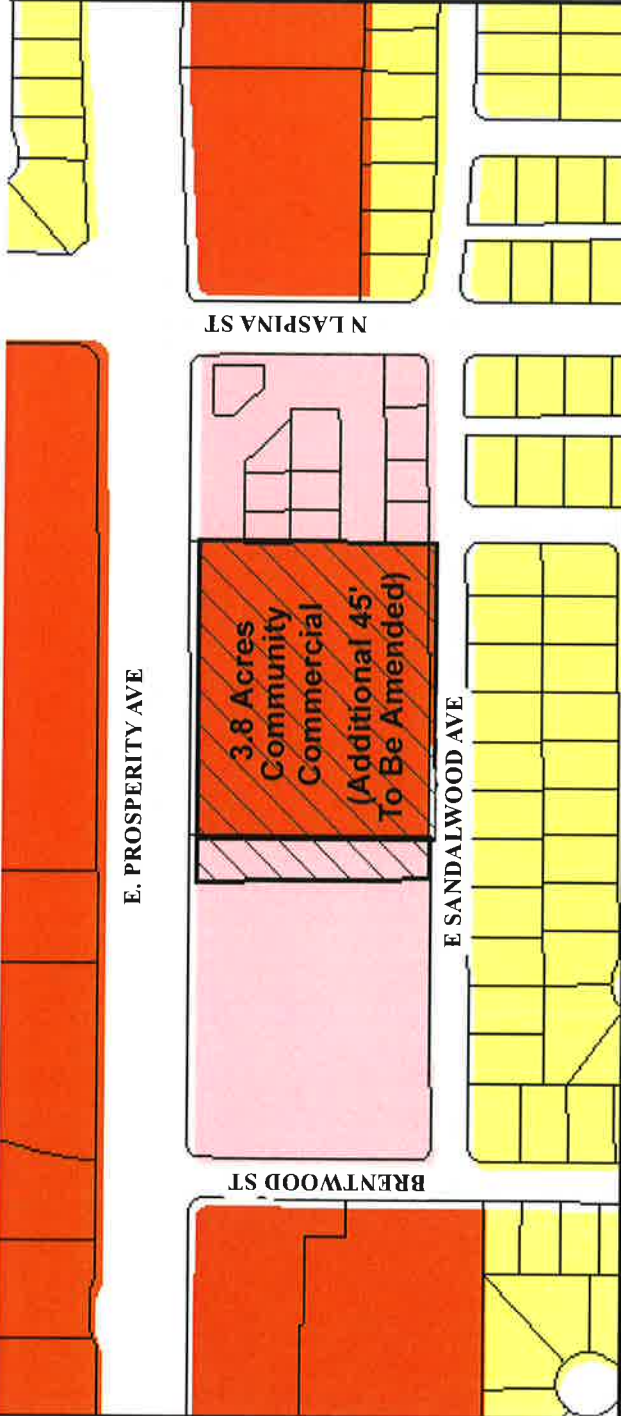
GENERAL PLAN AMENDMENT No. 2020-01

Existing: Office Commercial

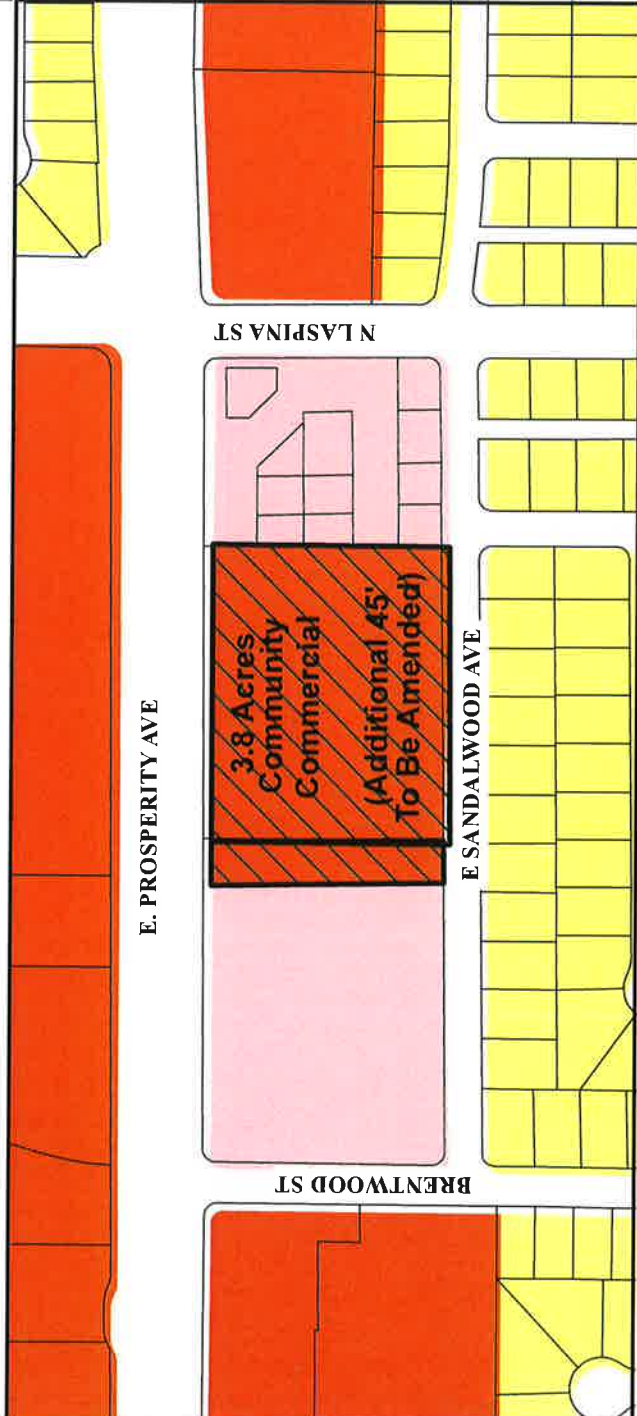
Proposed: Community Commercial

**General Plan Layer 2035
General Plan Designations**

-  Rural Residential 0-2
-  Residential Estate 2.1-3
-  Low Density Residential 3.1-7
-  Medium Density Residential 7.1-14
-  High Density Residential 14.1-29
-  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



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



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



DATE: 3/16/2020 | 1 in = 0.05 miles

Site Data























APN: 171-300--016

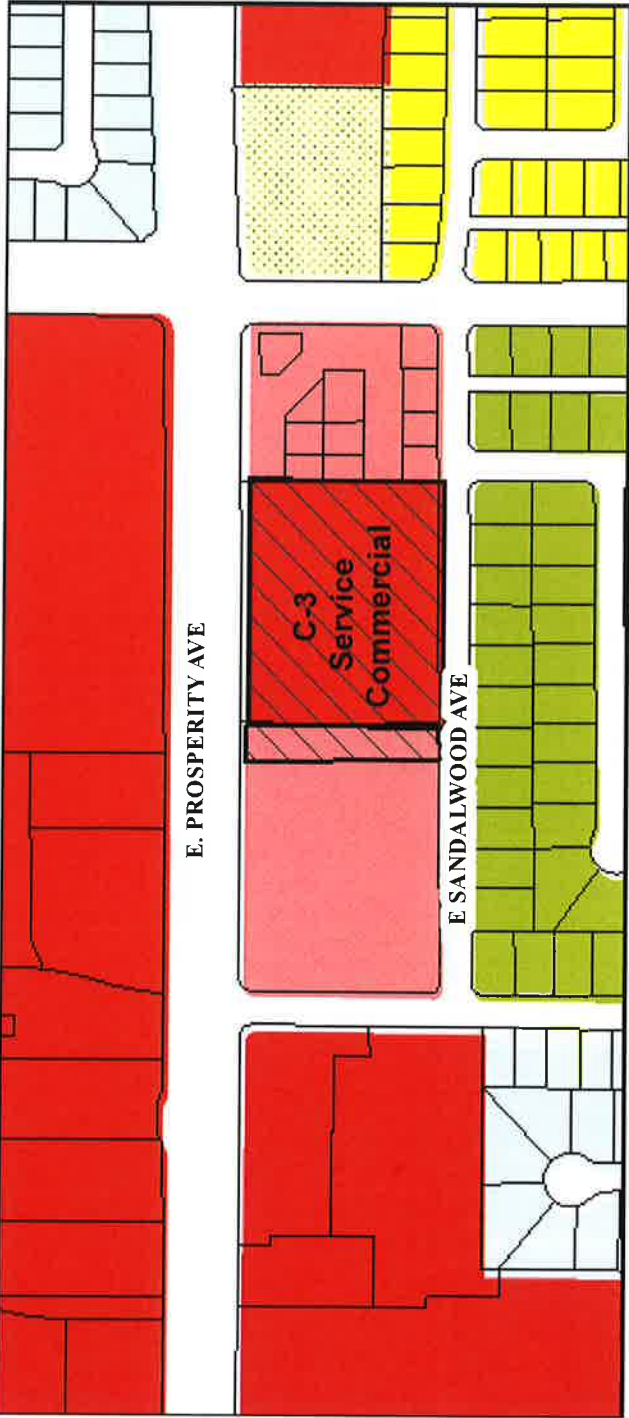
ZONE AMENDMENT No. 740

Existing Zoning: C-2

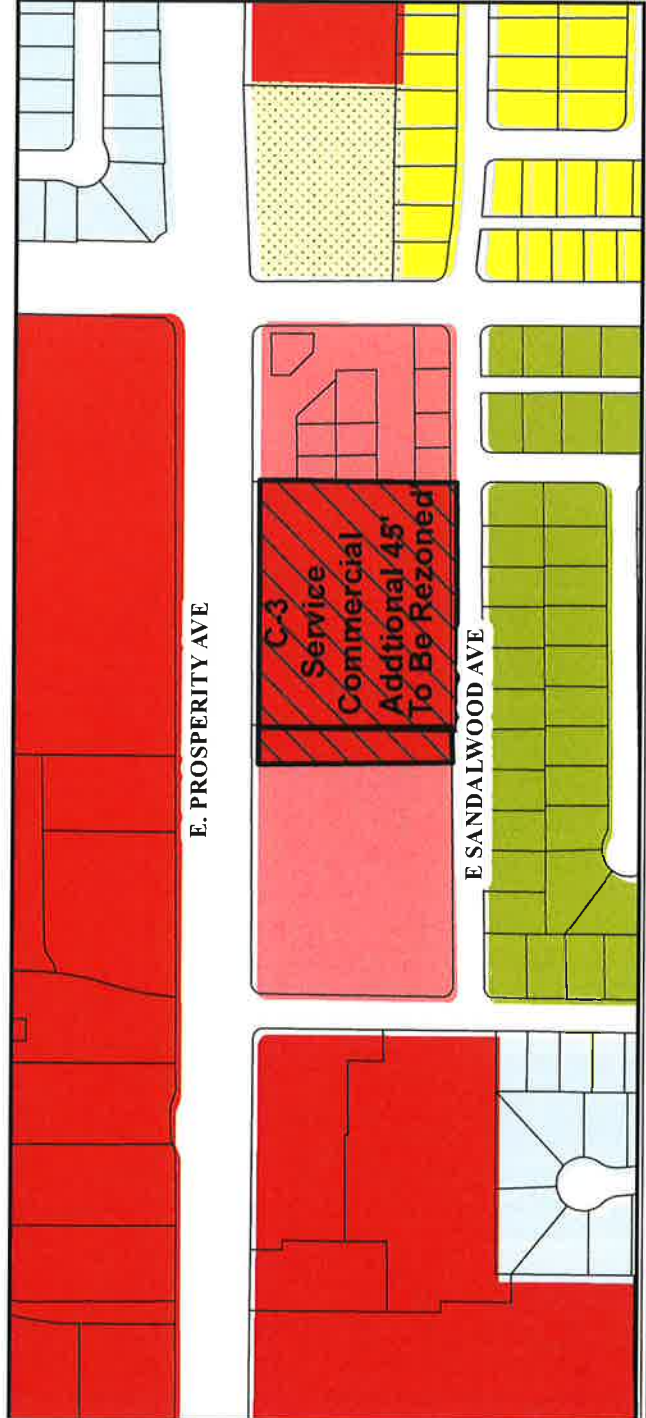
Proposed Zoning: C-3

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**





Addendum to the Mitigated Negative Declaration

PROSPERITY MALL DEVELOPMENT PROJECT

MARCH 2020

TABLE OF CONTENTS

MND ADDENDUM

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Appendix

Appendix A: Original Initial Study/Mitigated Negative Declaration for General Plan Amendment No. 2019-01, Zone Amendment No. 733 (Prosperity Mall Project)

Appendix B: Revised Site Plan for Prosperity Mall Project Development

1.0 INTRODUCTION

This environmental document is an Addendum to the Initial Study/Mitigated Declaration (IS/MND) for General Plan Amendment No. 2019-01 and Zone Amendment No. 733, adopted on August 6, 2019 by the City of Tulare, now known as the Prosperity Mall project. Since adoption of the mitigated negative declaration (MND), the property owners have determined the need to extend the property's western lot line an additional 45 feet to the west, from what was analyzed in the original MND, thus requiring further environmental analysis. The proposed changes to the project's western limits are addressed in this Addendum.

This Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document has been prepared to serve as an Addendum to the previously adopted MND for General Plan Amendment No. 2019-01 and Zone Amendment No. 733 (Original Project). The City of Tulare is the lead agency for the environmental review of the proposed project modifications.

This Addendum addresses the proposed modifications in relation to the previous environmental review prepared for the Project. CEQA Guidelines Section 15164(b) states:

An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

....The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

Information and technical analyses from the Original Project's MND are incorporated by reference and utilized throughout this Addendum. Relevant passages from this document (General Plan Amendment No. 2019-01 and Zone Amendment No. 733 MND) are cited and available for review at:

City of Tulare
Community & Economic Development Department
411 East Kern Ave.
Tulare, CA 93274

1.1 BACKGROUND

The adopted MND evaluated potential environmental effects on aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population/housing, public services, recreation,

transportation/traffic, tribal cultural resources, utilities and service systems, wildfire, and mandatory findings of significance.

At the time of the original MND's preparation, it was not known that an additional 45 feet (0.38-acre total area) would be needed for the proposed development. During preliminary discussions with potential tenants for the retail commercial development, and after approval of the original MND, it became known that an additional 45 feet to the west would be needed to facilitate the layout of the proposed development, to accommodate more specific building layouts for potential tenants. Therefore, this Addendum was prepared to address the construction-level and operational impacts of the extension of the project limits by 45 feet to the west, that was not considered or analyzed in the original MND document.

1.2 BASIS FOR DECISION TO PREPARE AN ADDENDUM

When a negative declaration has been adopted for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation be prepared in support of further agency action on the project. Under these Guidelines, a subsequent negative declaration shall be prepared if any of the following criteria are met:

- (a) *When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.*

1.3 CONCLUSIONS OF APPROPRIATE CEQA DOCUMENT

As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis), the proposed changes do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Section 3.0, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

Based upon the information provided in Section 3.0 of this document, the changes to the Original Project due to the addition of 45 feet (total area of 0.38-acre) to the project limits, will not result in new significant impacts or substantially increase the severity of impacts previously identified in the MND, and there are no previously infeasible alternatives that are now feasible. None of the other factors set forth in Section 15162(a)(3), or Section 15163 of the CEQA Guidelines are present.

This Addendum addresses the environmental effects associated only with changes to the Original Project that have occurred since adoption of the MND. The conclusions of the analysis in this Addendum remain consistent with those made in the MND. No new significant impacts will result, and no substantial increase in severity of impacts will result from those previously identified in the MND.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

The Original Project consists of development of a multi-tenant retail commercial center on an approximately 3.83 acre infill site surrounded by existing retail, office commercial, and low density residential uses. General Plan Amendment (GPA) No. 2019-01 was approved in order to change the General Plan land use designation for the project site from Office Commercial to Community Commercial. The proposed project also included Zone Amendment (ZA) No. 733 to change the existing zoning for the project site from C-2 (Office Commercial) to C-3 (Retail Commercial).

The retail commercial development approved included one 3,835 square feet restaurant building with drive-through, one 2,400 square feet restaurant building with drive-through, one 10,000 square feet multi-tenant retail commercial building, one 9,000 square feet multi-tenant retail commercial building, and a parking lot with 106 parking spaces. A left turn lane from westbound Prosperity Avenue into the eastern driveway of the Project site was also included, as proposed by the applicant.

2.2 PROJECT MODIFICATIONS SINCE MND ADOPTION

Since adoption of the MND, preliminary discussions with potential tenants identified an additional 45 feet to the west would be needed to accommodate more specific building layouts for tenants, as shown in Figure 1 on the following page. Therefore, this Addendum was prepared to address the construction-level and operational impacts of the extension of the project limits by an additional 45 feet to the west, which was not considered or analyzed in the original MND document.

3.0 ENVIRONMENTAL ANALYSIS

As explained in Section 1.0, this comparative analysis has been undertaken pursuant to the provisions of CEQA Sections 15162 and 15164 to provide the City with the factual basis for determining whether any changes in the project, any changes in circumstances, or any new information since the MND was adopted require additional environmental review to the MND previously prepared.

As described in Section 2.0, Project Description, since adoption of the MND, further design for potential tenant buildings on the site have revealed the need to extend the project's western terminus, as analyzed in the original MND, to now extend an additional 45 feet to the west. Because of this, new analysis for impacts within the extended project limits are now provided in this Addendum. The environmental analysis provided in the MND remains current and

Figure 1



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applicable to the proposed project in areas unaffected by the design refinements for all environmental topics, as listed below:

Aesthetics: The Proposed Project changes would not result in additional impacts to aesthetic resources, and findings would be consistent with the findings in the adopted MND. The proposed modifications to the project are not substantial changes to the originally anticipated project relating to Aesthetics. The Modified Project extends the western limits of the proposed retail commercial center an additional 45 feet to the west than proposed in the adopted MND. The Modified Project would still be required to comply with development standards and design guidelines to minimize aesthetic changes on surrounding properties, and would not have an impact on aesthetic resources. There would be no new impacts to aesthetics and no new mitigation measures are required for the proposed changes to the Original Project.

Agriculture and Forest Resources: The Proposed Project changes would not result in additional impacts to agricultural or forest resources, and findings would be consistent with the findings in the adopted MND. The proposed modifications to the project are not substantial changes to the originally anticipated project relating to Agriculture or Forest Resources. There are no agricultural lands or forest resources in the project vicinity so the project changes would not affect agriculture or forest resources. There would be no new impacts to agriculture and forest resources and no new mitigation measures are required for the proposed changes to the Original Project.

Air Quality: The Proposed Project changes would not result in additional impacts to air quality and findings would be consistent with the findings in the adopted MND. The type of construction activities and type of equipment used in construction would not change from what was considered in the adopted MND. There would not be additional uses added to the project in the adopted MND, but rather the additional 45 feet are an adjustment needed now that further design details show the need for the extension of the project limits for the layout of a restaurant building with drive through and shared access drive aisles between this property and that to the west. The findings of less than significant impacts would still be appropriate, even with the extended project limits. Therefore, no new mitigation measures are required for the proposed changes to the Original Project.

Biological Resources: The Modified Project would not increase impacts to biological resources, either directly or indirectly. This is because the area proposed for extension of the project limits, like the area approved in the adopted MND, is devoid of any habitat for sensitive species. There would be no tree removal or disturbance in potential habitat as part of the project's 45 feet (0.38 acre) extension. Therefore, the original findings for biological resources impacts in the adopted MND remains applicable to the Modified Project. No new impacts would occur and no new mitigation measures are required for the proposed changes to the Original Project.

Cultural Resources: The Modified Project would not result in changes to the project's operational characteristics once constructed, and the overall physical impacts to cultural resources during construction would not be materially different than under the Original Project. Although the project limits are being extended another 45 feet to the west, the extent and intensity of construction activities would not vary substantially relative to that evaluated in the Original Project, and mitigation measures prescribed in the adopted MND would still be applicable and necessary to reduce the significance of impacts under the Modified Project. Therefore, no new impacts would occur and no new mitigation measures are required for the proposed changes to the Original Project.

Energy: The Proposed Project changes would not result in additional impacts to energy and findings would be consistent with the findings in the adopted MND. The type of construction activities and type of equipment used in construction would not change from what was considered in the adopted MND. There would not be additional uses added to the project in the adopted MND, but rather the additional 45 feet are an adjustment needed now that further design details show the need for the extension of the project limits for the layout of a restaurant building with drive through and shared access drive aisles between this property and that to the west. The findings of less than significant impacts would still be appropriate, even with the extended project limits. Therefore, no new mitigation measures are required for the proposed changes to the Original Project.

Geology and Soils: The proposed changes would not result in substantially different geophysical impacts beyond those identified in the MND. While the Modified Project would extend the project limits an additional 45 feet to the west, these changes do not represent a substantial deviation from the project analyzed in the adopted MND, and the conclusions of the MND remain valid. Compliance with applicable code standards and seismic requirements identified in the adopted MND would reduce geotechnical concerns to below the level of significance, and would be applicable to the activities proposed in the Modified Project. Therefore, the findings in the adopted MND with regard to Geology and soils remain valid under the Modified Project.

Greenhouse Gas Emissions: The Modified Project would result in a similar duration and intensity of construction activities relative to the Original Project, and both the Original Project and Modified Project would be operationally identical. Therefore, the proposed changes to the Original Project would not result in any significant increase in greenhouse gas emissions or related impacts to global climate or conflict with any applicable climate change plans, policies, or regulations.

Hazards and Hazardous Materials: The Modified Project would not increase risks related to hazards and hazardous materials relative to the Original Project. The proposed construction phasing would not require significant additional construction equipment or substantially

increased use of such equipment, and the Modified Project would still be required to comply with mandated regulations applicable to the Original Project for hazards and hazardous materials. Given the similarity in overall construction activities and identical operational characteristics, the Modified Project would not result in new or greater impacts in this regard.

Hydrology and Water Quality: The Modified Project would be required, as under the Original Project, to comply with all applicable water quality regulations during and following construction and operational activities. No new mitigation measures are required for the proposed changes to the Original Project for hydrology and water quality.

Land Use and Planning: The Modified Project would not result in notably increased adverse impacts on adjacent land uses, as the overall proximity and intensity of construction activities would not be substantially different than under the Original Project. In addition, the proposed extension of the project limits 45 feet to the west will require the adoption of General Plan Amendment No. 2020-01 and Zone Amendment No. 740 to be approved by the City Council along with this CEQA Addendum, to avoid the creation of split zoning on the project parcel. No new mitigation measures are required for the proposed changes to the Original Project related to land use.

Mineral Resources: There are no known mineral resources of importance to the region and the project site is not designated under the City's General Plan as an important mineral resource recovery site. This is true even for the extended project limits. The changes to the Original Project would not change this conclusion, which was made in the MND for the Original Project. Therefore, no new mitigation measures are required for the proposed changes to the Original Project related to mineral resources.

Noise: The Modified Project would not result in any notable additional impacts to noise beyond those identified in the MND. The proposed construction timing/activities would not notably change, and there would not be any change to the operation of the Proposed Project beyond what was analyzed in the MND. Despite the changes to the Original Project, noise would not be notably different than analyzed in the MND for the Original Project and the findings remain valid. No new mitigation measures are required for the changes to the Original Project.

Population and Housing: The Modified Project, just like the Original Project would not result in an increased demand for housing or generate population growth. The proposed retail commercial center would serve the existing population as well as that planned for in the City's General Plan. The findings in the MND for the Original Project remain valid.

Public Services: The proposed changes to the Original Project would not result in any additional impact to public services beyond those identified in the MND because they would not result in operational changes to the project beyond those evaluated in the MND for the Original Project. The MND did not identify any potentially significant impacts to public services;

therefore, mitigation was not required. No new mitigation measures are required for the Modified Project.

Recreation/Parks: The Modified Project, just like the Original Project would not result in an increased demand for parkland or recreational facilities nor would the project generate population growth. The proposed retail commercial shopping center would serve the existing population as well as that planned for in the City's General Plan. The findings in the MND for the Original Project remain valid.

Transportation/Traffic: The Modified Project would not result in additional substantial impacts to transportation/traffic beyond those identified in the MND. The MND for the Original Project found impacts to transportation and traffic would be less than significant because the proposed project is an infill development project that will capitalize on its location to draw existing vehicle trips along the Prosperity Avenue Commercial corridor and from the surrounding neighborhoods, rather than increasing vehicle miles traveled if the proposed project site were located further out on the edge of the city, away from the city's commercial centers. The 45 foot project site extension proposed under the Modified Project would still be consistent with those findings for the Original Project, and therefore would not result in new or more significant impacts, nor require additional mitigation measures.

Tribal Cultural Resources: The Modified Project would not result in changes to the project's operational characteristics once constructed, and the overall physical impacts to tribal cultural resources during construction would not be materially different than under the Original Project. Although the project limits are being extended another 45 feet to the west, the extent and intensity of construction activities would not vary substantially relative to that evaluated in the Original Project, and mitigation measures prescribed in the adopted MND would still be applicable and necessary to reduce the significance of impacts under the Modified Project. Therefore, no new impacts would occur and no new mitigation measures are required for the proposed changes to the Original Project.

Utilities and Service Systems: The Modified Projects utility and service requirements would be operationally similar to the Original Project. There would be no increase in demand or effects on utility and service systems with the Modified Project, from what was analyzed in the adopted MND. Therefore, no new mitigation measures would be required for these changes to the Original Project.

Wildfire: The project site, nor its local vicinity is classified as being in a wildfire hazard zone. The changes to the Original Project would not change this conclusion, which was made in the MND for the Original Project. Therefore, no new mitigation measures are required for the proposed changes to the Original Project related to wildfire risk.

Mandatory Findings of Significance: The potential impacts of the Modified Project with regard to biological resources, cultural resources, and direct and indirect effects on human beings would be comparable to the Original Project as described throughout Section 3.0. As impacts under the Modified Project would be similar to or reduced relative to the Original Project, impacts would be less than significant and no mitigation measures are required.

3.1 CONCLUSION

Based on the information provided above, the proposed modifications to the Original Project would not result in a measurable increase in environmental impacts over what was previously analyzed in the MND. No new significant impacts have been identified, nor is the severity of potential new impacts greater than the impact conclusions identified in the MND. Additionally the Modified Project would be operationally identical. Therefore, the Modified Project's contribution to these site-specific topics would also be less than cumulatively considerable.

Mitigation Measures identified for the Original Project would be sufficient in addressing the requirements for the Modified Project. There are no new impacts beyond what was addressed in the MND. Lastly, there are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

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APPENDIX A: ORIGINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT NO. 2019-01, ZONE AMENDMENT NO. 733 (PROSPERITY MALL PROJECT)

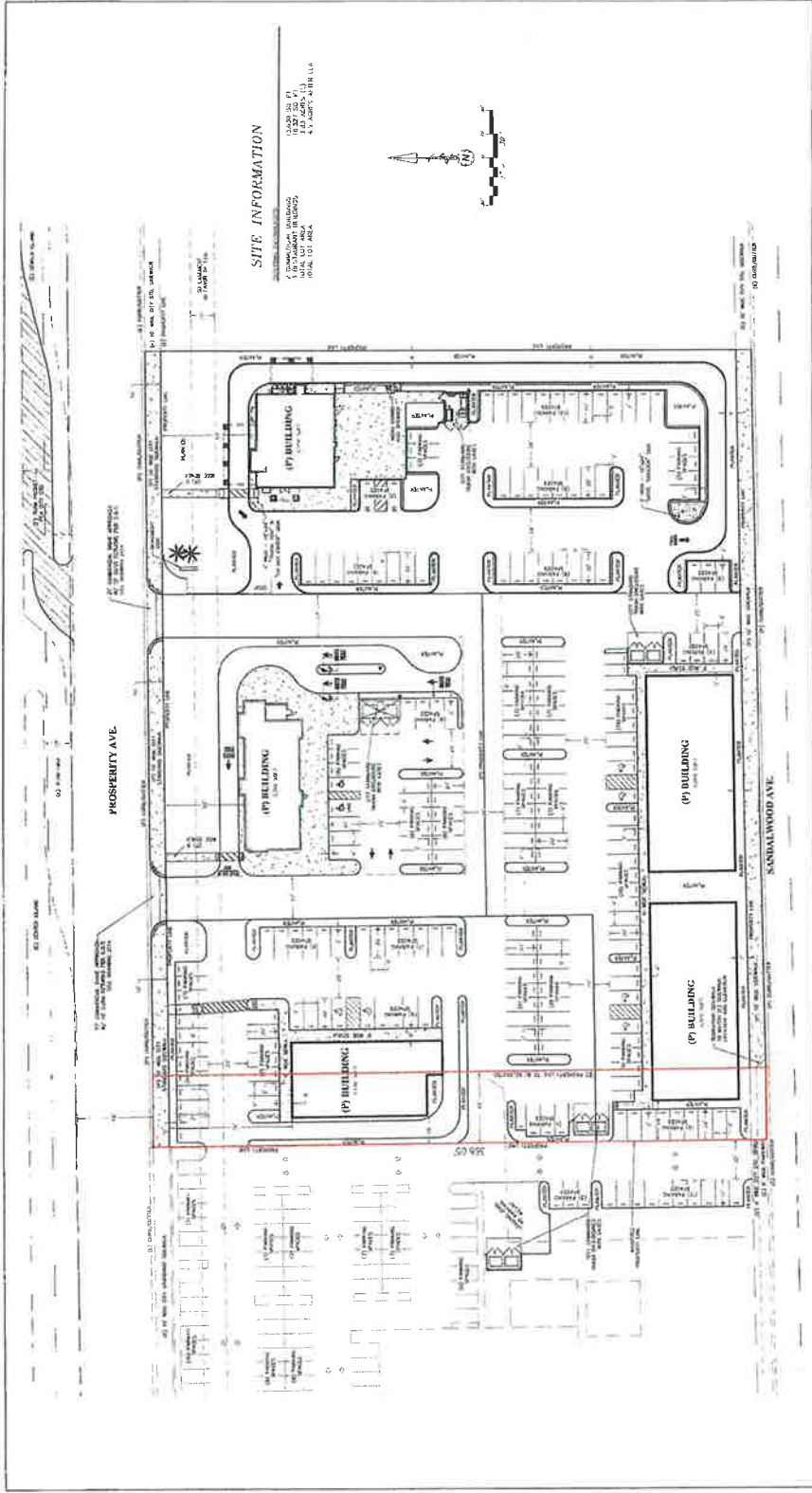
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APPENDIX B: REVISED SITE PLAN FOR PROSPERITY MALL PROJECT DEVELOPMENT

DATE	12/2/18
BY	MD
REVISIONS	
NO.	
DATE	
DESCRIPTION	

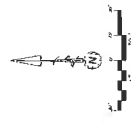
**PROPOSED DEVELOPMENT FOR
PROSPERITY AVENUE COMMERCIAL MALL**
TULARE CALIFORNIA

SITE



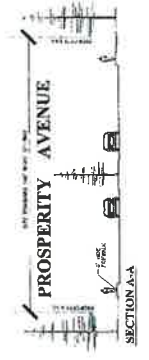
SITE INFORMATION

12.27.18
12.27.18
12.27.18
12.27.18
12.27.18



LEGEND/NOTES

- 1. PROPOSED
- 2. EXISTING
- 3. LOT
- 4. LOT
- 5. LOT
- 6. LOT
- 7. LOT
- 8. LOT
- 9. LOT
- 10. LOT
- 11. LOT
- 12. LOT
- 13. LOT
- 14. LOT
- 15. LOT
- 16. LOT
- 17. LOT
- 18. LOT
- 19. LOT
- 20. LOT



OWNER/CONTACT
PROSPERITY AVENUE COMMERCIAL MALL
12.27.18

SITE DATA
12.27.18

SITE NOTES
12.27.18

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RESOLUTION NO. 5363

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2020-01
AND ZONE AMENDMENT NO. 740 TO THE CITY COUNCIL FOR ADOPTION**

WHEREAS, the City of Tulare Planning Commission at a regular meeting on March 23, 2020, held a public hearing, received public testimony and considered a request by Three River Development to amend the General Plan to change the existing land use designation on the affected parcel from Office Commercial to Community Commercial on an approximately 0.38 portion of the subject parcel. The request also included amendment of the existing Zoning Designation for the affected parcel from C-2 (Office Commercial) to the C-3 (Retail Commercial) zone district. The subject parcel is approximately is located on the south side of Prosperity Avenue between Brentwood and Laspina Streets (APN 171-300-015); 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 Addendum to the Initial Study/Mitigated Negative Declaration was prepared for General Plan Amendment No. 2019-01 and Zone Amendment No. 733 and analyzed the changes to the project including the changes associated with General Plan Amendment No. 2020-01 and Zone Amendment No. 740 and determined that no substantial changes have occurred in which the project to be undertaken would involve new significant environmental impacts; and,

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that the Addendum to the Mitigated Negative Declaration prepared for General Plan Amendment No. 2019-01 and Zone Amendment No. 733 which analyzed the changes to the project including the changes associated with General Plan Amendment No. 2020-01 and Zone Amendment No. 740 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. 2020-01 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. 740 is hereby recommended to the City Council for adoption.

PASSED, APPROVED AND ADOPTED this twenty-third day of March, 2020 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

TRACI MYERS, SECRETARY
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

March 23, 2020

**HOUSING ELEMENT ANNUAL PROGRESS REPORT
2019**

PROJECT PLANNER:	Mario Anaya, Principal Planner
APPLICANT:	City of Tulare
LOCATION:	Entire City
APN:	Not applicable
ZONING CLASSIFICATION:	Not applicable
GENERAL PLAN DESIGNATION:	Not applicable
SURROUNDING LAND USES AND ZONING:	Not applicable

REQUEST:

Receive and file the 2019 Housing Element Annual Progress Report as an informational item.

DETAILS OF THE PROPOSAL AND STAFF COMMENTS:

Government Code Section 65400 requires the City of Tulare (City) to prepare and submit an Annual Progress Report (APR) on the implementation of the Housing Element of the General Plan (Attachment 1). The Government Code requires the APR to be “considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments,” and then submitted to the Governor’s Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). City staff have prepared the APR for 2019 which is being presented to the Planning Commission as an informational item. The APR will also be placed on the agenda for City Council at their April 7, 2020 meeting.

Tulare 2019 APR

Housing Development Activity

In the 2019 APR, Tables A and A2 summarize housing development activity for the 2019 calendar year as follows:

No Net Loss Finding

In accordance with SB 166, passed in 2017, if a city approves development on a site identified to accommodate RHNA need in the Housing Element at a lower density or different income level than identified, the city needs to make a written finding that the need can be met by other sites identified in the housing element, or “identify and make available” other sites to accommodate the need within 180 days. The City analyzed its development activity on sites identified in the housing element to meet RHNA need, and made the required findings in 2019, showing no net loss as of June 2019. If any sites are identified or rezoned to meet no net loss provisions, they will be reported in future APRs. There were no such sites in the 2019 calendar year.

Housing Element Program Status

Table D requires the City to provide a status update on its Housing Element Programs. The City has prepared a detailed status update that will be submitted with the APR as a separate file.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission receive and file the 2019 Housing Element Annual Progress Report as an informational item.

ENVIRONMENTAL:

The proposed action is not a “project” as defined in the CEQA Guidelines Section 15378 because the action being considered does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

APPEAL INFORMATION:

This is an informational item that will also be taken to the City Council.

Attachments:

Attachment 1- Annual Progress Report for 2019