

**TO: Mayor and City Council Members**

**FROM: Rob Hunt, City Manager**

**SUBJECT: September 1, 2020 Agenda Items**

**DATE: August 27, 2020**

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**6:30 p.m.**

**I. CALL TO ORDER CLOSED SESSION**

**II. CITIZEN COMMENTS** - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

**III. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):**

- (a) 54956.8b Conference with Real Property Negotiators  
Property: Tulare County Courthouse property APN #176-062-014, 425 East Kern Ave and an adjacent parking lot, APN # 176-063-021  
Under Negotiation: Direction regarding potential purchase of property  
Negotiating parties: Rob Hunt, Mario Zamora, Josh McDonnell, Darlene Thompson [Submitted by: J. McDonnell]

**IV. RECONVENE CLOSED SESSION**

**V. CLOSED SESSION REPORT (if any)**

**VI. ADJOURN CLOSED SESSION**

**7:00 p.m. (or immediately following Closed Session)**

**VII. CALL TO ORDER REGULAR SESSION**

**VIII. PLEDGE OF ALLEGIANCE AND INVOCATION**

**IX. CITIZEN COMMENTS**

*This is the time for citizens to comment on subject matters, not on the agenda within the jurisdiction of the Tulare City Council. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight.*

*This is also the time for citizens to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion*

*purposes. Comments related to general business/city manager items or public hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.*

*In fairness to all who wish to speak, each speaker will be allowed **three minutes**, with a maximum time of 15 minutes per item, unless otherwise extended by Council. Please begin your comments by stating and spelling your name and providing your city of residence.*

## **X. COMMUNICATIONS**

*Communications are to be submitted to the City Manager's Office 10 days prior to a Council Meeting to be considered for this section of the Agenda. No action will be taken on matters listed under communications; however, the Council may direct staff to schedule issues raised during communications for a future agenda. Citizen comments will be limited to **three minutes**, per topic, unless otherwise extended by Council.*

## **XI. CONSENT CALENDAR**

*All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of August 18, 2020 special/regular meeting. [Submitted by: R. Yoder]** The minutes of August 18, 2020 special/regular meeting are submitted for your approval. **Staff recommends Council approve as presented.**
- (3) Confirm Council Member Sayre's selection of Aaron Gomes to serve as her respective appointment to the Strategic Action Ad Hoc Committee on Homelessness. [Requested by: Council Member Sayre]** On February 18, 2020, the Tulare City Council established the Tulare Strategic Action Ad Hoc Committee on Homelessness. The purpose of the committee is to work on goals and objectives as established by the County of Tulare's Strategic Pathway Home Plan.

Each Council Member had a selection of one member to serve on this nine-member committee for a total of five seats with the remaining four seats being selected by the Committee themselves. Council Member Sayre had appointed herself to serve to aid in the infancy stage of this Committee and is now ready to select her appointment, Aaron Gomes to serve in her place. Council Member Sayre will continue to work in an advisory and interested member of the

community capacity. **Staff recommends Council confirm Council Member Sayre's selection of Aaron Gomes to serve as her respective appointment to the Strategic Action Ad Hoc Committee on Homelessness, as requested.**

- (4) **Adopt Resolution 2020-44, an Addendum to the Mitigated Negative Declaration (MND) previously approved and certified by the Council of the City of Tulare for The Greens at Oak Creek Subdivision Project as part of Resolution 17-42 on September 19, 2017. [Submitted by: T. Myers]** Pursuant to the California Environmental Quality Act (CEQA) an Initial Study was prepared for The Greens at Oak Creek Subdivision Project resulting in the adoption of a Mitigated Negative Declaration (MND) by the Tulare City Council on September 19, 2017. Since adoption of the MND, conversations have started with Caltrans on the required frontage and street improvements on Mooney Boulevard. While the original MND mentioned the project would comply with Caltrans requirements outlined in the letter from May 9, 2017, the requirements and improvements were not explicitly described in the project description and analysis portions of the original MND. The proposed changes to the project's original MND consist of clarifying information to make it clear that construction of the proposed project will require the installation of the components required by Caltrans on the Mooney Boulevard frontage. Therefore, pursuant to Section 15164 of the CEQA Guidelines, an Addendum was prepared to address the environmental effects associated only with clarifying and confirming the assumptions and information analyzed in the Original Project that have occurred since adoption of the MND.

Based upon the information provided in Section 3.0 of the Addendum document, the clarification of project improvements on Mooney Boulevard, 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 Sections 15162 or 15163 of the CEQA Guidelines are present. **Staff recommends Council adopt Resolution 2020-44, an Addendum to the Mitigated Negative Declaration (MND) previously approved and certified by the Council of the City of Tulare for The Greens at Oak Creek Subdivision Project as part of Resolution 17-42 on September 19, 2017, as presented.**

- (5) **Authorize the City Manager to execute a contract change order in the amount of \$364,619.00 with Valley Pump & Dairy Systems Inc. for Add Alternative #1 of the Storm Sewer Lift Stations Upgrades Project (Projects SD0016, SD0017, SD0018), and increase the amount the City Manager or his designee is authorized to approve for contract change orders to 10% of the revised contract amount (an additional \$36,461.90). [Submitted by: J. Funk]** In April 2020, the following projects were bid as a single Request for Bids (RFB):
- Project SD0018 - 'M' Street south of College Avenue Storm Sewer Lift Station (LS) Upgrade,
  - Project SD0016 – Bardsley Avenue at West Street Storm Sewer Lift Station (LS) Upgrade, and

- Project SD0017 – High School Farm Site Storm Sewer Lift Station (LS) Upgrade

Because of an expected funding shortage, the projects were ranked by priority in the RFB. Project SD0018 was deemed the most critical, and was therefore identified as the Base Bid. Project SD0016 was deemed as the second highest priority, and was identified as Additive Alternative #1. Project SD0017 was the lowest priority, and was identified as Additive Alternative #2. Due to limited funding available at the time, staff's recommendation to Council was to only award the Base Bid. Subsequently, Council awarded a contract to Valley Pump on March 17, 2020 for the Base Bid (i.e., SD0018 only) and approved a 10% construction contingency.

Staff has since identified additional Surface Water Operations and Maintenance funds that are available, and is recommending that they be programmed for Project SD0016 so that it could be constructed under the aforementioned RFB. This will require a contract change order to the existing contract with Valley Pump in the amount of \$364,619.00, an increase in the 10% contract contingency in the amount of \$36,461.90, and additional funding estimated at \$7,500 for staff time to manage and inspect the project during construction. If approved, use of the additional Surface Water Operations and Maintenance funds will not negatively impact any scheduled O&M activity.

- (6) Authorize the City Manager to complete and execute the documents necessary to declare as public right-of-way a portion of the "K" Street and Bardsley Avenue well site (Well 4-3: Project WT0040 – Pratt Water System Improvement Project), subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: J. Funk]** Capital Improvement Project (CIP) WT0040 constructs a new State-funded well and appurtenances on the south side of Bardsley Avenue between "J" Street and "K" Street. The well site parcel was originally purchased by the City to facilitate the construction of the Bardsley Avenue grade separation at the Union Pacific Railroad tracks.

The requested action will allow for the execution of documentation needed to clarify that portions of the parcel purchased are now considered street right-of-way along its Bardsley Avenue and "J" Street frontages. The BPU approved the same at their August 20, 2020 Board meeting. There are no costs associated with this action.

- (7) Receive the monthly investment report for July 2020. [Submitted by: D. Thompson]** The investment report for the period ending June 31, 2020, is submitted for review and acceptance. **Staff recommends Council receive, review, and file the Monthly Investment Report for July 2020, as presented.**

**XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS**

- (1) Proclamation presentation in recognition of Railroad Safety Month.

**XIII. MAYOR'S REPORT**

**XIV. GENERAL BUSINESS**

*Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.*

**(1) Public Hearing:**

- a. **Public Hearing to pass-to-print Ordinance No. 2020-09, an Ordinance revising Chapter 5.96 of the City of Tulare Municipal Code allowing businesses to sell non-inhalable or non-edible forms of cannabidiol (CBD) products without a cannabis license, and subject to additional restrictions on marketing and packaging. [Submitted by: M. Zamora]** Currently, Chapter 5.96 of the City of Tulare Municipal Code does not permit the sale of CBD or hemp products without a permit or retail license. Section 5.96.240 currently defines "Cannabis" to include any form of CBD.

Section 5.96.240 is revised in the new ordinance to exclude from the definition of "Cannabis" CBD or hemp products (.03 percent per weight or less of THC), such as creams or lotions, so long as those products cannot be inhaled or manufactured as edible food products. This revision permits businesses to sell CBD or hemp products, such as creams or lotions without a cannabis license.

Section 5.96.250 is added to Chapter 5.96 of the Tulare Municipal Code to prohibit non-licensed businesses from selling any CBD or hemp products like oil vaping products or edible candy packages, which may be attractive to children by packaging, design or marketing.

The proposed changes were recommended on August 4, 2020 by the Tulare City Council.

**(2) Economic Development:**

- a. **Council consideration and direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four acre retail development on Prosperity Avenue in the City of Tulare. [Submitted by: T. Myers]** Applicant, GGH 1, LLC, are

developers currently developing projects in the Central Valley, including Tulare. In addition, Mr. Roberts has completed projects in Southern California, Georgia, Colorado, Michigan and Texas.

Applicants have submitted the attached Economic Development Assistance Application requesting assistance with costs of public improvements associated with the development of a four acre retail center on Prosperity Avenue. The developer is working with highly desirable quick service restaurants (QSR's) to locate on three parcels fronting Prosperity. These three QSR's will generate both sales tax and property tax for the City as well as contribute to the quality of life in the City of Tulare.

This development has been in the process for two years. The developer has been forced to be creative and incur significant extra costs to navigate the many challenges caused by the COVID pandemic.

The developer is requesting an economic development assistance grant to assist with the funding of off-site improvements associated with the project. A left turn pocket from west-bound Prosperity Avenue between Brentwood Street and North Laspina Street must be installed to accommodate the high profile QSR's slated for the project. The left turn lane will provide for improved traffic flows and is a necessary element of the project. The cost of the turn lane is approximately \$60,000.

The developers have met with representatives from the Greater Tulare Chamber Trust and the Tulare Local Development Corporation who offered low interest loans on the project and not grants.

Currently, the economic development assistance fund has a cash balance of \$21,357. The fund balance is encumbered by a 2018 award allocation to Kaweah Brewing in the sum of \$30,000. The difference in the cash on hand and the fund balance results from a reconciliation of the account after all Council approved disbursements were made, which include prior awards for payment of building permits fees. Should Council wish to award GGH 1, LLC, an economic development assistance grant, it will be necessary to unencumber the current allocation to Kaweah Brewing. Staff has been in contact with Kaweah Brewing and while they are still committed to developing additional sites in Tulare, there is no project pending to date. **Staff recommends Council consider and provide direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four acre retail development on Prosperity Avenue in the City of Tulare.**

**b. PowerPoint Presentation Census Update. [T. Myers]**

**(3) City Manager:**

- a. Select Voting Delegate and alternate for League of California Cities VIRTUAL Annual Conference business session to be held Friday, October 9, 2020, authorize the City Clerk to execute the delegate form; and provide direction to Voting Delegate on the City's position (support, oppose, or no position) on League Resolution Packet. [Submitted by: R. Hunt]** The Annual League Conference is scheduled for October 7 – 9, 2020, it will be a Virtual format. A Voting Delegate and alternate needs to be selected to vote on the Resolution and/or other matters during the general business session on Friday, October 9. At this time Council Member Terry Sayre has indicated she can attend the VIRTUAL conference. The League of California Cities bylaws require approval by the legislative body to be submitted no later than September 30, 2020.

The League Resolution packet that will be considered by the General Assembly during the Annual League of California Cities Conference is attached for review and direction on the following item(s):

- A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENTY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

**Staff recommends Council Select Voting Delegate and alternate for League of California Cities VIRTUAL Annual Conference business session to be held Friday, October 9, 2020, authorize the City Clerk to execute the delegate form; and provide direction to Voting Delegate on the City's position (support, oppose, or no position) on League Resolution Packet, as requested.**

**(4) City Manager:**

- a. Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]**

**XV. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)**

**XVI. ADJOURN REGULAR MEETING**

**ACTION MINUTES OF TULARE  
CITY COUNCIL, CITY OF TULARE**

**August 18, 2020**

**A closed session of the City Council, City of Tulare was held on Tuesday, August 18, 2020, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Jose Sigala, Dennis A. Mederos, Greg Nunley

**COUNCIL PRESENT VIA ZOOM/TELECONFERENCE:** Terry Sayre, Carlton Jones

**STAFF PRESENT:** Rob Hunt, Josh McDonnell, Mario Zamora, Darlene Thompson, Janice Avila, Wes Hensley, Melissa Hermann, Leonard Herr <sup>Via teleconference</sup>

**I. CALL TO ORDER CLOSED SESSION**

Mayor Sigala called the closed session to order at 6:03 p.m.

**II. CITIZEN COMMENTS** - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

There were no public comments.

**III. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):**

Mayor Sigala adjourned to closed session for items as noted by City Attorney Mario Zamora at 6:07 p.m.

(a) 54957.6b Conference with Labor Negotiators  
Represented/Unrepresented Employee(s): Fire Unions  
Negotiators: Rob Hunt, Janice Avila, Mario Zamora [Submitted by: J. Avila; M. Zamora]

(b) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)  
Name of Case: City of Tulare vs. Phillips, Heather N. Case No. VCU276579  
[Submitted by: J. Avila and L. Herr]

**IV. RECONVENE CLOSED SESSION**

Mayor Sigala reconvened from closed session at 6:59 p.m.

**V. CLOSED SESSION REPORT (if any)**

Mayor Sigala advised there was no reportable action.

## VI. ADJOURN CLOSED SESSION

Mayor Sigala adjourned closed session at 6:59 p.m.

**A regular session of the City Council, City of Tulare was held on Tuesday, August 18, 2020, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Jose Sigala, Dennis A. Mederos, Greg Nunley

**COUNCIL PRESENT VIA ZOOM:** Terry Sayre, Carlton Jones Left at 9:54 p.m.

**STAFF PRESENT:** Rob Hunt, Josh McDonnell, Mario Zamora, Traci Myers, Michael Miller, Trisha Whitfield, Craig Miller, Luis Nevarez, Janice Avila, Wes Hensley, Nick Bartsch, Melissa Hermann, Mandy Jeffcoach (special counsel)

## VII. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:00 p.m.

## VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Sigala led the Pledge of Allegiance and City Manager Rob Hunt led the invocation.

## IX. CITIZEN COMMENTS

Mayor Sigala requested those who wish to speak on matters not on the agenda within the jurisdiction of the Council, or to address or request a matter be pulled from the consent calendar to do so at this time. He further stated comments related to general business matters would be heard at the time that matter is addressed on the agenda.

Donnette Silva-Carter, Tulare Chamber of Commerce, called in to provide information regarding various upcoming events and programs.

Raymond Van Beek, President of the Lighthouse Rescue Mission, called in to provide information regarding sites for an emergency shelter.

## X. COMMUNICATIONS

No items for this section of the agenda.

## XI. CONSENT CALENDAR:

**It was moved by Council Member Nunley, seconded by Vice Mayor Mederos, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 4 and 6.**

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of August 4, 2020 special/regular meeting. [Submitted by: R. Yoder]**
- (3) **Declare John Arreola seat on the Aviation Committee, term ending December 31, 2023, vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]**
- (4) **Accept a grant of easement for water and sewer line purposes from Reedley Community Hospital, a California nonprofit religious corporation, and a grant of easement for storm drain purposes from Hidden Oak Development Company Inc., a California Corporation, and Blackstone Ranch, LLC, a California Limited Liability Company. Authorize the City Manager or his designee to sign Certificates of Acceptance for the same. [Submitted by: M. Miller]** Council Member Nunley pulled this item to recuse due to a business conflict. It was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 4 to 0 (Council Member Nunley recused) to approve the item as presented.
- (5) **Award and authorize the City Manager to sign a contract with JT2 dba Todd Companies of Visalia, CA in an amount not to exceed \$132,750 related to City Project EN0089 – Parkwood Meadows Park Concrete Trail Improvements; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract amount; and approve the revised project budget. [Submitted by: N. Bartsch]**
- (6) **Approve the Settlement and Release Agreement by and between the City of Tulare and Jerod Boatman in the amount of twenty-three thousand dollars (\$23,000); and Fred Ynclan in the amount of seventeen thousand dollars (\$17,000). [Submitted by: J. Avila]** Council Member Jones pulled this item for discussion. Special Counsel Mandy Jeffcoach provided clarification. Following a lengthy discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 4 to 1 (Council Member Jones voting no) to approve the item as presented.

## **XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS**

No items for this section of the agenda.

## **XIII. MAYOR'S REPORT**

## **XIV. GENERAL BUSINESS**

*Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.*

**(1) Public Hearing:**

- a. **Public Hearing to adopt Resolution 2020-43 establishing the fees associated with the City of Tulare commercial cannabis business request for proposal/applicant package and adding such fees to the master fee schedule. [Submitted by: M. Zamora]** City Attorney Mario Zamora provided a report for the Council's review and consideration. Mayor Sigala opened up the public hearing at 9:44 p.m. While waiting to receive public comment, Council discussed the item. Questions posed by Council were responded to by City Attorney Mario Zamora. After receiving no public comment, Mayor Sigala closed the public hearing at 9:53 p.m. It was moved by Vice Mayor Mederos, seconded by Mayor Sigala, and carried 4 to 1 (Council Member Nunley voting no) to adopt Resolution 2020-43.

**(2) Finance/General Services:**

- a. **Authorize the Finance Director to accept and appropriate CARES Coronavirus Relief Funds from the California Department of Finance into the budget as described in Table 1 and allow the use of funds until they are exhausted. [Submitted by: J. McDonnell]** Deputy City Manager Josh McDonnell provided a report for the Council's review and consideration. Questions posed by Council were responded to by staff. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Nunley, and carried 4 to 0 (Council Member Jones absent) to approve the item as presented.

**(3) City Attorney:**

- a. **Ratifying the August 4, 2020, action of the Tulare City Council regarding the Tulare Strategic Action Committee on Homelessness presentations by Dave Renard, President of Sprung Structures and Dave Clevenger, CEO of Lighthouse Rescue Mission to allocate \$500,000 (\$250,000 per year for two years) of City Housing Asset Funds to help fund a portion of the Lighthouse Rescue Mission's proposed emergency shelter project and to direct staff to apply for the Home Key Cares Funding to facilitate the Lighthouse Rescue Mission's permanent supportive housing portion of this proposed project. [Submitted by: M. Zamora]** This item was taken out of order at the request of Mayor Sigala. City Attorney Mario Zamora provided a brief report of the item which was followed by lengthy public comment.

The following citizens and business owners provided comment either in person or over the phone expressing concern regarding the possible location for the planned emergency shelter: Janet Lebaron, Trish Hitlin, John Harman (representing the Tulare Downtown Association), Curt Lange, Don Lebaron, Daniel Castro, Dr. Richard Heers, Rick Allison, Elizabeth Holmes, Jennifer Thorton, Diane Beck, Kevin Land, Amy Babb, Shanelle Herrera, Charlie Ramos, Manuel Ortiz, Monica Garcia, George Herrera, Karen Snow, Jared Ennis, and Jacob (inaudible).

The following citizens provided comment either in person or over the phone expressing support for the planned emergency shelter: Susan Henard, Dave Clevenger, and Aaron Gomes.

Following public comment, Council discussed the item. It was moved by Mayor Sigala, seconded by Council Member Sayre, and carried 3 to 2 (Council Members Jones and Nunley voting no) to approve the item with following amendment: no funds to be released until location has been identified and meets criteria which will be determined at a future meeting.

**(4) City Manager:**

- a. **Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]** City Manager Rob Hunt provided a brief update. Mayor Sigala had Economic Development Director Traci Myers provide an updated on expended funding.

**XV. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)**

Staff provided various updates and reports.

Council Member Sayre requested and it was the consensus of the Council to agendize an item for the September 1, 2020 meeting to appoint a member of the Strategic Action Committee as the new proxy as she will be stepping down to an advisory position.

Mayor Sigala requested and it was the consensus of the Council to agendize an item for the September 1, 2020 meeting to provide an update on the 2020 Census outreach efforts.

Mayor Sigala requested and it was the consensus of the Council to agendize an item for a future meeting (no date specified) to discuss and possibly revise the current trespassing program.

Mayor Sigala mentioned he will be requesting a special meeting to discuss establishing criteria for the emergency shelter location.

**XVI. ADJOURN REGULAR MEETING**

Mayor Sigala adjourned the regular meeting at 10:18 p.m.

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President of the Council and Ex-Officio  
Mayor of the City of Tulare

**ATTEST:**

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Chief Deputy City Clerk and Clerk of the  
Council of the City of Tulare

**AGENDA ITEM: Consent 3**

**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** City Manager's Office

**For Council Meeting of:** September 1, 2020

**Documents Attached:**  Ordinance  Resolution  Staff Report  Other

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**AGENDA ITEM:**

Confirm Council Member Sayre's selection of Aaron Gomes to serve as her respective appointment to the Strategic Action Ad Hoc Committee on Homelessness.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

On February 18, 2020, the Tulare City Council established the Tulare Strategic Action Ad Hoc Committee on Homelessness. The purpose of the committee is to work on goals and objectives as established by the County of Tulare's Strategic Pathway Home Plan.

Each Council Member had a selection of one member to serve on this nine-member committee for a total of five seats with the remaining four seats being selected by the Committee themselves. Council Member Sayre had appointed herself to serve to aid in the infancy stage of this Committee and is now ready to select her appointment, Aaron Gomes to serve in her place. Council Member Sayre will continue to work in an advisory and interested member of the community capacity.

**STAFF RECOMMENDATION:**

Confirm Council Member Sayre's selection of Aaron Gomes to serve as her respective appointment to the Strategic Action Ad Hoc Committee on Homelessness.

**CITY ATTORNEY REVIEW/COMMENTS:**  Yes  N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**  Yes  No  N/A

**Submitted by:** Rob Hunt

**Title:** City Manager

**Date:** 8/19/2020

**City Manager Approval:**     RH

**AGENDA ITEM: Consent 4**

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET – CONSENT CALENDAR**

**Submitting Department: Community and Economic Development**

**For Council Meeting of: August 18, 2020**

**Documents Attached:**    Ordinance    Resolution    Staff Report    Other    None

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***AGENDA ITEM:***

Adopt Resolution 2020-44, an Addendum to the Mitigated Negative Declaration (MND) previously approved and certified by the Council of the City of Tulare for The Greens at Oak Creek Subdivision Project as part of Resolution 17-42 on September 19, 2017.

***IS PUBLIC HEARING REQUIRED:***    Yes    No

***BACKGROUND/EXPLANATION:***

Pursuant to the California Environmental Quality Act (CEQA) an Initial Study was prepared for The Greens at Oak Creek Subdivision Project resulting in the adoption of a Mitigated Negative Declaration (MND) by the Tulare City Council on September 19, 2017. Since adoption of the MND, conversations have started with Caltrans on the required frontage and street improvements on Mooney Boulevard. While the original MND mentioned the project would comply with Caltrans requirements outlined in the letter from May 9, 2017, the requirements and improvements were not explicitly described in the project description and analysis portions of the original MND. The proposed changes to the project’s original MND consist of clarifying information to make it clear that construction of the proposed project will require the installation of the components required by Caltrans on the Mooney Boulevard frontage. Therefore, pursuant to Section 15164 of the CEQA Guidelines, an Addendum was prepared to address the environmental effects associated only with clarifying and confirming the assumptions and information analyzed in the Original Project that have occurred since adoption of the MND.

Based upon the information provided in Section 3.0 of the Addendum document, the clarification of project improvements on Mooney Boulevard, 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 Sections 15162 or 15163 of the CEQA Guidelines are present.

***ENVIRONMENTAL:***

The Addendum to the Approved Project MND has been prepared in accordance with the California Environmental Quality Act (CEQA), pursuant to Section 15164 of the CEQA Guidelines.

***STAFF RECOMMENDATION:***

Adopt Resolution 2020-44, an Addendum to the Mitigated Negative Declaration (MND) previously approved and certified by the Council of the City of Tulare for The Greens at Oak Creek Subdivision Project as part of Resolution 17-42 on September 19, 2017.

**CITY ATTORNEY REVIEW/COMMENTS:**  Yes  N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**  Yes  No  N/A

**FUNDING SOURCE/ACCOUNT NUMBER:** N/A

**Submitted by:** Mario Anaya

**Title:** Principal Planner

**Date:** August 7, 2020

**City Manager Approval:**     RH

## RESOLUTION 2020-44

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TULARE APPROVING AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY APPROVED AND CERTIFIED BY CITY COUNCIL AS PART OF RESOLUTION 17-42 ON SEPTEMBER 19, 2017**

**WHEREAS**, the Council of the City of Tulare at a regular meeting held on September 19, 2017 considered a request to adopt a Mitigated Negative Declaration on the proposed development of The Greens at Oak Creek Subdivision Project (General Plan Amendment 2017-02 and Zone Amendment No. 720); and,

**WHEREAS**, the Council of the City of Tulare voted unanimously to adopt the Mitigated Negative Declaration (MND) for The Greens at Oak Creek Subdivision Project; and,

**WHEREAS**, since adoption of the MND, conversations have started with Caltrans on the required frontage and street improvements on Mooney Boulevard; and,

**WHEREAS**, the original MND mentioned the project would comply with Caltrans requirements outlined in the letter from May 9, 2017, however, the requirements and improvements were not explicitly described in the project description and analysis portions of the original MND; and,

**WHEREAS**, The proposed changes to the project's original MND consist of clarifying information to make it clear that construction of the proposed project will require the installation of the components required by Caltrans on the Mooney Boulevard frontage; and,

**WHEREAS**, an Addendum to review the potential effects associated only with clarifying and confirming the assumptions and information analyzed in the Original Project that have occurred since adoption of the MND has been prepared in accordance with the California Environmental Quality Act (CEQA), pursuant to Section 15164 of the CEQA Guidelines; and,

**WHEREAS**, the original MND for the proposed project has been considered with the Addendum, pursuant to Section 15164(d) of the CEQA Guidelines; and,

**WHEREAS**, based on the environmental analysis in the Addendum document and the independent judgement of the City Council, the clarification of project improvements on Mooney Boulevard, 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; and,

**WHEREAS**, none of the other factors set forth in Sections 15162 or 15163 of the CEQA Guidelines are present.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Tulare that by this Resolution, the conclusions of the analysis in the Addendum remain consistent with those made in the previously adopted MND for The Greens at Oak Creek Subdivision Project, and that no new significant impacts will result, and no substantial increase in the severity of impacts is expected from those previously identified in the MND.

**PASSED, APPROVED, AND ADOPTED** this 18<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
President of the Council and Ex-Officio  
Mayor of the City of Tulare

ATTEST:

STATE OF CALIFORNIA )  
COUNTY OF TULARE    ) ss.  
CITY OF TULARE        )

I, Rob Hunt, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 2020-44 passed and adopted by the Council of the City of Tulare at a regular meeting held on August 18, 2020, by the following vote:

Aye(s) \_\_\_\_\_

Noe(s) \_\_\_\_\_ Absent/Abstention(s) \_\_\_\_\_.

Dated: Rob Hunt, CITY CLERK

By Roxanne Yoder, Chief Deputy City Clerk



# Addendum to the Mitigated Negative Declaration

THE GREENS AT OAK CREEK SUBDIVISION PROJECT

AUGUST 2020

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## 1.0 INTRODUCTION

This environmental document is an Addendum to the Initial Study/Mitigated Declaration (IS/MND) for General Plan Amendment No. 2017-02 and Zone Amendment No. 720, adopted on September 19, 2017 by the City of Tulare, now known as The Greens at Oak Creek Subdivision project. Since adoption of the mitigated negative declaration (MND), conversations have started with Caltrans on the required frontage and street improvements on Mooney Boulevard. While the original MND mentioned the project would comply with Caltrans requirements outlined in the letter from May 9, 2017, the requirements and improvements were not explicitly described in the project description and analysis portions of the original MND. The proposed changes to the project's original MND consist of clarifying information to make it clear that construction of the proposed project will require the installation of the following components on the Mooney Boulevard frontage, in addition to the required improvements for Aberdeen Street and all internal streets and drive aisles in the Subdivision, to meet City of Tulare Standards:

- The Project will construct a raised median along Mooney Boulevard throughout the Project's frontage;
- The Project will lengthen the existing left-hand turn lane onto eastbound Seminole Avenue from southbound Mooney Boulevard to at least 580 feet in length;
- The Project will lengthen the existing dedicated right-turn lane on northbound Mooney Boulevard to eastbound Seminole Avenue to at least 580 feet in length;
- The Project will construct curb, gutter, and sidewalks, matching the sidewalk width for the existing development along the east side of Mooney, north of Seminole Avenue, and making sure facilities, including curb ramps meet current ADA standards or other applicable State or Federal accessibility and safety requirements;
- The Project applicant will provide an irrevocable offer of dedication to Caltrans of 14 feet of right-of-way to accommodate the ultimate configuration of Mooney Boulevard;
- The Project's legal property owner or his/her authorized agent shall obtain a Caltrans encroachment permit for any improvements constructed within the State right-of-way on Mooney Boulevard; and
- The Project will conduct a warrant study at the completion of each phase to determine if the additional traffic trips would warrant a traffic signal at Mooney Boulevard and Seminole Avenue.

These project requirements are included as part of the Project, however the purpose of this Addendum is to clarify and make abundantly clear that the Project will be making these

improvements as part of the Project development, with the provision of a Caltrans encroachment permit, and therefore are part of the project and analyzed accordingly.

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. 2017-02 and Zone Amendment No. 720 (Original Project). The City of Tulare is the lead agency for the environmental review of the proposed project clarifications.

This Addendum addresses the clarification of existing information provided in 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 (The Greens Subdivision Map Project 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 resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, utilities/service systems, and mandatory findings of significance.

At the time of the original MND's preparation, a brief description of the required improvements to be constructed on the Mooney Boulevard frontage were included in Chapter 2 – Project Description. However, in preliminary discussions with Caltrans about obtaining an encroachment permit in the near future to construct the project's frontage improvements, it was decided that the improvements to be constructed as part of the development of the subdivision, along with their potential impacts should be more explicitly described. Therefore, this Addendum was

prepared to clarify and confirm the required frontage improvement requirements along Mooney Boulevard, requiring an encroachment permit from Caltrans, that were originally considered and analyzed in the original MND document, but are now further clarified and confirmed explicitly as components of the project's development.

## 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, this Addendum simply addresses clarification and confirmation of frontage and street improvements included and analyzed as part of the Original Project, and 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 clarifying and confirming the assumptions and information analyzed in 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 Project is located in the eastern portion of the City of Tulare. The Project site is located between Seminole Avenue and Tulare Avenue, off Muirfield Avenue. The Original Project consists of development of 88 detached single-family residential units on an approximately 20-acre infill site surrounded by existing low density residential, medium density residential, and commercial uses. General Plan Amendment (GPA) No. 2017-02 was approved in order to change the General Plan land use designation for the project site from Community Commercial and Medium Density Residential to Low Density Residential. The proposed project also included

Zone Amendment (ZA) No. 720 to change the existing zoning for the project site from RM-2 (Multi-Family Residential) and C-3 (Retail Commercial) to R-1-6 (single family residential).

### *2.2 PROJECT MODIFICATIONS (CLARIFICATIONS) SINCE MND ADOPTION*

At the time of the original MND's preparation, a brief description of the required improvements to be constructed on the Mooney Boulevard frontage were included in Chapter 2 – Project Description. However, in preliminary discussions with Caltrans about obtaining an encroachment permit in the near future to construct the project's frontage improvements, it was decided that the improvements to be constructed as part of the development of the subdivision, along with their potential impacts should be more explicitly described. Therefore, this Addendum was prepared not for any modifications to the project, but to clarify and confirm the required frontage improvement requirements along Mooney Boulevard, requiring an encroachment permit from Caltrans, that were originally considered and analyzed in the original MND document, but are now further clarified and confirmed explicitly as components of the project's development.

### **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, in preliminary discussions with Caltrans about obtaining an encroachment permit in the near future to construct the project's frontage improvements, it was decided that the improvements to be constructed as part of the development of the subdivision, along with their potential impacts should be more explicitly described. Therefore, this Addendum was prepared not for any modifications to the project, but to clarify and confirm the required frontage improvement requirements along Mooney Boulevard, requiring an encroachment permit from Caltrans, that were originally considered and analyzed in the original MND document, but are now further clarified and confirmed explicitly as components of the project's development.

The environmental analysis provided in the MND remains current and applicable to the proposed project in areas unaffected by these clarification of project improvements along Mooney Boulevard, as listed below:

**Aesthetics:** The clarification of project improvements on Mooney Boulevard would not result in additional impacts to aesthetic resources, and findings would be consistent with the findings in the adopted MND. The clarifications of project improvements are not substantial changes to the originally anticipated project relating to Aesthetics. 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 clarification of improvements required of the Original Project.

**Agriculture Resources:** The clarification of project improvements on Mooney Boulevard would not result in additional impacts to agriculture resources, and findings would be consistent with the findings in the adopted MND. The clarifications of project improvements are not substantial changes to the originally anticipated project relating to Agriculture Resources. There would be no new impacts to agriculture resources and no new mitigation measures are required for the clarification of improvements required of the Original Project.

**Air Quality:** The clarification of project improvements on Mooney Boulevard 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. The findings of less than significant impacts would still be appropriate. Therefore, no new mitigation measures are required for the clarification of improvements required of the Original Project.

**Biological Resources:** The clarification of project improvements on Mooney Boulevard would not increase impacts to biological resources, either directly or indirectly. There would be no tree removal or disturbance in potential habitat as part of the project's clarification of improvements required along Mooney Boulevard. 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 clarification of improvements required of the Original Project.

**Cultural Resources:** The clarification of project improvements on Mooney Boulevard 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. The intensity of construction activities would not vary substantially relative to that evaluated in the Original Project. Therefore, no new impacts would occur and no new mitigation measures are required for the clarification of improvements required of the Original Project.

**Geology and Soils:** The clarification of project improvements on Mooney Boulevard would not result in substantially different geophysical impacts beyond those identified in the 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 clarified in this Addendum. Therefore, the findings in the adopted MND with regard to Geology and soils remain valid.

**Greenhouse Gas Emissions:** The clarification of project improvements on Mooney Boulevard 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 clarification of project improvements on Mooney Boulevard would not increase risks related to hazards and hazardous materials relative to the Original Project. The proposed 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 clarification of project improvements on Mooney Boulevard would not result in new or greater impacts in this regard.

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

**Land Use and Planning:** The clarification of project improvements on Mooney Boulevard 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. No new mitigation measures are required for the clarification of improvements required of 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. The clarification of the project improvements would not change this conclusion, which was made in the MND for the Original Project. Therefore, no new mitigation measures are required for the clarification of improvements required of the Original Project related to mineral resources.

**Noise:** The clarification of project improvements on Mooney Boulevard would not result in any additional impacts to noise beyond those identified in the MND. The proposed construction timing/activities would not change, and there would not be any change to the operation of the

Proposed Project beyond what was analyzed in the MND. No new mitigation measures are required for the clarification of improvements required of the Original Project.

**Population and Housing:** The clarification of project improvements on Mooney Boulevard would not result in an increased demand for housing or generate population growth. The proposed single family residential subdivision 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 clarification of project improvements on Mooney Boulevard 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 clarification of improvements required of the Original Project.

**Recreation:** The clarification of project improvements on Mooney Boulevard would not result in an increased demand for parkland or recreational facilities. The findings in the MND for the Original Project remain valid.

**Transportation/Traffic:** The clarification of project improvements on Mooney Boulevard would not result in additional substantial impacts to transportation/traffic beyond those identified in the MND. The project improvements constructed along the Mooney Boulevard frontage would accommodate existing and future transportation demand and improve circulation for automobile traffic, as well as provide sidewalks to improve and promote pedestrian circulation. Therefore, the clarification of improvements required of the Original Project would not result in new or more significant impacts, nor require additional mitigation measures.

**Utilities and Service Systems:** The clarification of project improvements on Mooney Boulevard would not increase demand or effects on utility and service systems, from what was analyzed in the adopted MND. Therefore, no new mitigation measures would be required for the clarification of improvements required of the Original Project.

**Mandatory Findings of Significance:** The potential impacts due to the clarification of project improvements on Mooney Boulevard 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. Therefore, impacts would be less than significant and no mitigation measures are required.

### *3.1 CONCLUSION*

Based on the information provided above, the clarification of project improvements on Mooney Boulevard 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. 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. 2017-02, ZONE AMENDMENT No. 720 (THE GREENS SUBDIVISION MAP PROJECT)**

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# CITY OF TULARE

411 EAST KERN AVENUE  
TULARE, CA 93274

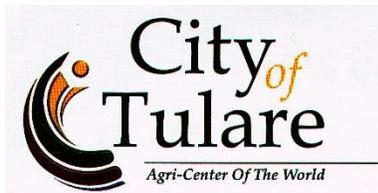
## Conditional Use Permit No. 2016-19 The Greens Tentative Subdivision Map

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### Draft Initial Study & Mitigated Negative Declaration

August 2017

Prepared by:



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# CHAPTER 1

## INTRODUCTION

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# Chapter 1 – INTRODUCTION

The City of Tulare (City) has prepared this Initial Study/Negative Declaration (IS/MND) for Tentative Subdivision Map 2016-19, General Plan Amendment 2017-02, Zone Amendment 720 and Landscape and Maintenance District 2017-01 to address the environmental effects of construction of an approximately 88 lot single family residence subdivision (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code §21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, §15000 et seq.). The City of Tulare is the CEQA lead agency for this Project.

The Project involves the development of an 88-lot subdivision, on an approximately 19.5-acre site. The Project is described in detail in Chapter 2, Project Description.

## Regulatory Information

An Initial Study (IS) is an analysis conducted by a lead agency to determine if a project may have a significant effect on the environment. CEQA Guidelines §15064(a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence considering the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead if the lead agency finds that there is no substantial evidence considering the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines §15371). According to CEQA Guidelines §15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b) The IS identified potentially significant effects, but:
  - (1) Revisions in the Project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
  - (2) There is no substantial evidence, in light of the whole record before the agency, that the Project *as revised* may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines §15070(b), a *Mitigated Negative Declaration (MND)* is prepared.

## Document Format

This IS/MND contains four chapters and three technical appendices. Chapter 1, Introduction, provides an overview of the Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of

significance, and feasible mitigation measures. If the Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, Mitigation Monitoring and Reporting Program (MMRP), provides the proposed mitigation measures, completion timeline, and person/agency responsible for implementation, and Chapter 5, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

The NRCS Custom Soil Resource Report, Tribal Consult Request, Cultural Records Search, CalTrans Comment Letter and CalEEMod Output Files are provided as appendices at the end of this document.

Environmental impacts are separated into the following categories:

**Potentially Significant Impact.** This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

**Less Than Significant After Mitigation Incorporated.** This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

**Less Than Significant Impact.** This category is identified when the proposed Project would result in impacts below the threshold of significance, and no mitigation measures are required.

**No Impact.** This category applies when a project would not create an impact in the specific environmental issue area. “No Impact” answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

---

## Acronyms Used in this Document

|                  |   |
|------------------|---|
| AB               | Assembly Bill   |
| AE-20            | Exclusive Agricultural  |
| AF               | Acre Feet   |
| APE              | Area of Potential Effect  |
| APN              | Assessor's Parcel Number  |
| ARB              | Air Resources Board   |
| AST              | Aboveground Storage Tank  |
| BMPs             | Best Management Practices   |
| BPS              | Best Performance Standards  |
| CAA              | Clean Air Act   |
| CalEEMod         | California Emissions Estimator Model                                  |
| CalEPA           | California Environmental Protection Agency                            |
| Caltrans         | California Department of Transportation                               |
| CARB             | California Air Resources Board  |
| CAAQS            | California Ambient Air Quality Standards                              |
| CCAA             | California Clean Air Act  |
| CDF              | California Department of Forestry                                     |
| CDFG             | California Department of Fish and Game                                |
| CDFW             | California Department of Fish and Wildlife                            |
| CEQA             | California Environmental Quality Act                                  |
| CESA             | California Endangered Species Act                                     |
| City             | City of Tulare  |
| CNDDDB           | California Department of Fish and Wildlife Natural Diversity Database |
| CO               | Carbon Monoxide   |
| CO <sub>2</sub>  | Carbon Dioxide  |
| CO <sub>2e</sub> |   |
| CUPA             | Certified Unified Program Agency                                      |
| District         | Riverdale Public Utility District                                     |
| DOC              | California Department of Conservations                                |
| EIR              | Environmental Impact Report   |
| EPA              | United States Environmental Protection Agency                         |
| FEMA             | Federal Emergency Management Agency                                   |
| FIRM             | Flood Insurance Rate Maps   |

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|                        |   |
|------------------------|---|
| FMMP.....              | Farmland Mapping and Monitoring Program             |
| FTA .....              | Federal Transit Administration                      |
| GHGs.....              | Greenhouse Gases                                    |
| GIS .....              | Geographic Information System                       |
| IS .....               | Initial Study                                       |
| IS/MND.....            | Initial Study/Mitigated Negative Declaration        |
| MBTA.....              | Migratory Bird Treaty Act                           |
| MMRP .....             | Mitigation Monitoring & Reporting Program           |
| MND.....               | Mitigated Negative Declaration                      |
| N <sub>2</sub> O ..... | Nitrous Oxide                                       |
| NAHC .....             | Native American Heritage Commission                 |
| NAAQS.....             | National Ambient Air Quality Standards              |
| NO <sub>2</sub> .....  | Nitrogen Dioxide                                    |
| NO <sub>x</sub> .....  | Nitrogen Oxide                                      |
| NRCS.....              | Natural Resources Conservation Service              |
| O <sub>3</sub> .....   | Ozone   |
| Pb .....               | Lead  |
| PM <sub>10</sub> ..... | Particulate Matter less than 10 microns in diameter |
| PM <sub>25</sub> ..... | Particulate Matter less than 25 microns in diameter |
| RMA.....               | Resources Management Agency                         |
| RMS .....              | Root Mean Squared                                   |
| ROG.....               | Reactive Organic Gases                              |
| SAAQS .....            | State Ambient Air Quality Standards                 |
| SJVAB.....             | San Joaquin Valley Air Basin                        |
| SJVAPCD.....           | San Joaquin Valley Air Pollution Control District   |
| SMARA .....            | Surface Mining and Reclamation Act                  |
| SO <sub>2</sub> .....  | Sulfur Dioxide                                      |
| SR .....               | State Route   |
| SWPPP.....             | Storm Water Pollution Prevention Plan               |
| UST .....              | Underground Storage Tank                            |
| USGS .....             | United States Geological Service                    |
| VdB .....              | Vibration Velocity Levels in Decibels               |
| Vba .....              | Vibration Velocity                                  |
| VOC.....               | Volatile Organic Compounds                          |

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## CHAPTER 2

# PROJECT DESCRIPTION

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# Chapter 2 - PROJECT DESCRIPTION

## **Project Background and Objectives**

### **Project Title:**

The Greens Subdivision Map

### **Lead Agency Name and Address:**

City of Tulare  
411 East Kern Avenue  
Tulare, CA 93274

### **Contact Person and Phone Number:**

Lead Agency Contact  
Traci Myers, Deputy Community Development Director  
559.684.4217

### **CEQA Consultant**

Provost & Pritchard Consulting Group  
Amy M. Wilson, Associate Planner  
559.684.4223

### **Applicant**

Great Valley Land Builders  
559.688.2071

### **Property Owner**

Mooney Property's LLC  
1969 Hillman  
Tulare, CA 93274

### Project Location:

The Project is in the northeast portion of the City of Tulare, approximately five miles south of Visalia and 12 miles southwest of Lindsay. The Project site is located between Seminole Street and Tulare Avenue, off Muirfield Avenue. The Project can be found within Tulare, CA, United States Geological Survey (USGS) 7.5-minute quadrangle, in Section 6, Township 20 South, Range 25 East, M.D.B. & M. The Project site comprises one legal lot, with two Assessor's Parcel Numbers 172-100-001 and 172-070-003 (see Figure 1).

### Latitude and Longitude:

The approximate center of the Project site is at 36°12'54.9" N, 119°18'45.389" W

### General Plan Designation:

Community Commercial, Medium Density Residential (see Figure 3). Project proposes a General Plan Amendment to Low Density Residential.

### Zoning:

RM-2, Residential Multi-Family (See Figure 4)  
C-3, Retail Commercial (See Figure 4)

Project proposes a Zone Change to single family residential (R-1-6).

### Description of Project:

The Project site is comprised of one parcel that has two Assessor's Parcel Numbers (APNs): 172-100-001 and 172-070-003. The generally level Project site is currently undeveloped, except for one rural residence, and is covered with grassland vegetation and scattered trees.

The General Plan designation for the Project site is split, with the western half being Community Commercial, and the eastern half being Medium Density Residential. As part of this Project the site will be designated to Low Density Residential. The Low Density Residential designation represents typical single-family subdivisions typically represented by the R-1-4, R-1-5, R-1-6, R-1-7 and R-1-8 zone districts. The maximum density of Low Density Residential is 7.0 units per gross acre.

The zoning designation for the Project site is split, with the western half being C-3, and the eastern half being RM-2. As part of this Project the entire site will be rezoned to R-1-6, Single Family Residential, 6,000 square foot minimum lot size. This zone allows attached or detached single-family homes with a maximum residential density of 7.0 units per net acre. The R-1-6 zone district also allows for limited uses such as daycare homes, parks, and religious facilities that are appropriate in a low density residential environment. This zone district has a minimum lot area requirement of 6,000 square feet.

The Project consists of the development of 88 detached single-family residential units with average lot sizes of 6,000 square feet. The Project site plan is illustrated in [Figure 2-1](#). Streetlights would be provided throughout the Project site. Vehicular access to the site would primarily be provided by Muirfield Avenue, and a proposed Aberdeen Street. The proposed Aberdeen Street would access the site on the northern border feeding off Seminole Avenue. The Project will construct Aberdeen Street, Muirfield Avenue and all internal streets and internal drive aisles to meet City standards. The Project will also construct a raised median along Mooney Boulevard throughout the Project's frontage, along with the left-hand turn lane onto eastbound Seminole Avenue being lengthened to at least 580 feet. These Project components will meet the CalTrans requirements outlined in their letter, dated May 9, 2017. Lastly, the Project will conduct a warrant study at the completion of each phase to determine if the additional traffic trips would warrant a traffic signal at Mooney Boulevard and Seminole Avenue.

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The Project would be developed in three phases with the northeastern 33 lots developed in the first phase. Construction is proposed to begin in 2017 and will be built out over several years depending on market conditions. Construction of the Project would require excavation; however, it is anticipated that the soil would be balanced on the Project site and would not require off-haul. A landscape and lighting maintenance district will be formed to cover the cost of maintaining the landscape and lighting frontage along Mooney Boulevard, and the ponding basin.

### Utilities and Electrical Services:

The City of Tulare provides water service within its corporate limits, including to the Project site. The water distribution system within the Project site would be provided and maintained by the City of Tulare. Sanitary sewer service, including wastewater treatments, will be provided to the project site by the City of Tulare. Existing water mains are located along Muirfield Avenue, sewer mains are located along Seminole Avenue, these will provide connections for this Project. The stormwater collection will be connected to a stormwater basin being constructed to the north of the Project development.

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

### Surrounding Land Uses and Setting:

The Project is in an area of suburban residential and undeveloped land uses. To the east of the Project site is residential development. To the north and south of the Project site is vacant undeveloped land. Mooney Boulevard runs along the western edge of the Project site.

Other Public Agencies Whose Approval May Be Required:

Discretionary approvals that may be required:

- City of Tulare Tentative Subdivision Map
- City of Tulare Zone Amendment
- City of Tulare General Plan Amendment
- City of Tulare Landscape and Maintenance District

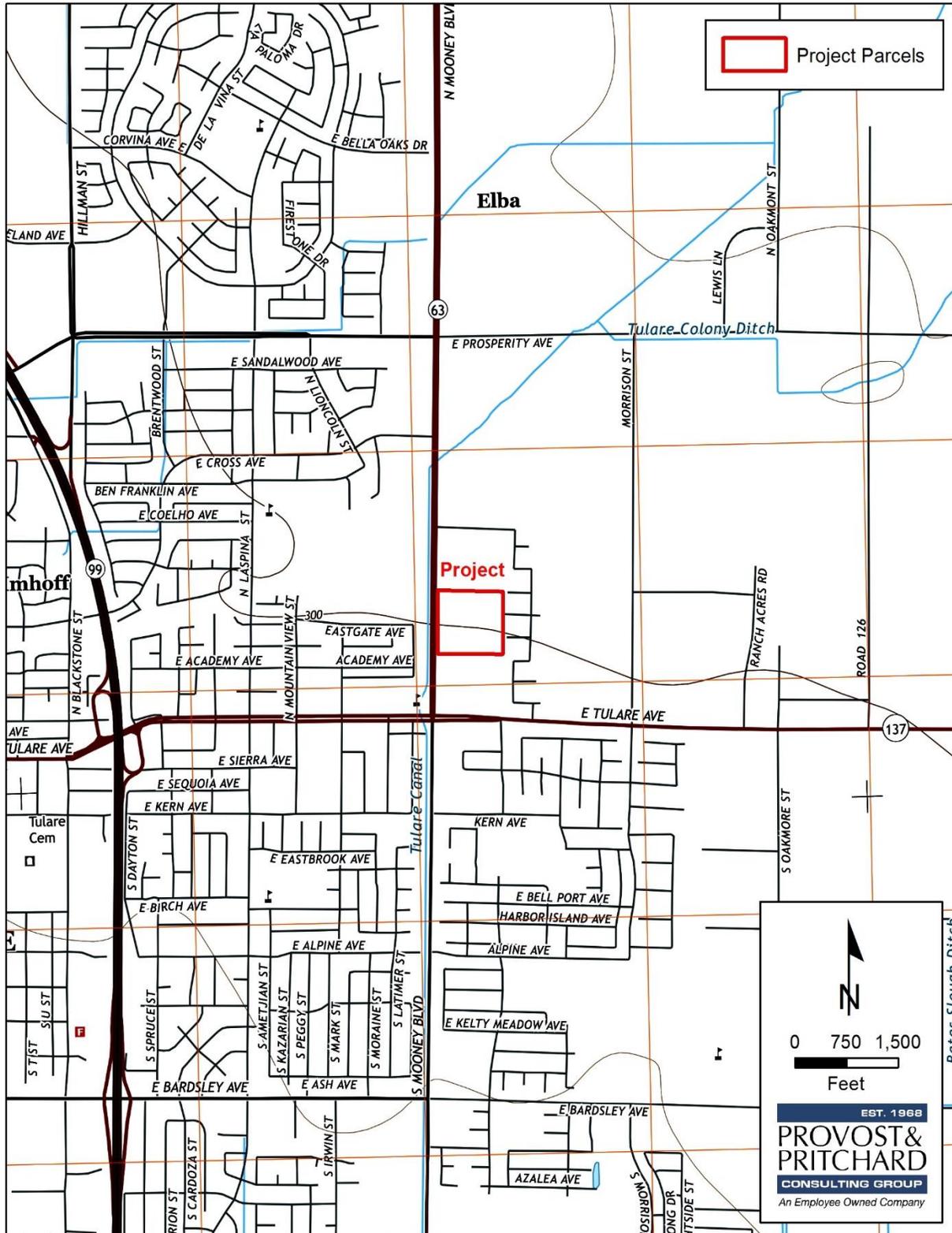
Ministerial approvals and agreements that may be required:

- City of Tulare building and encroachment permits
  - San Joaquin Valley Air Pollution Control District Rule 9510, and Rule 2201
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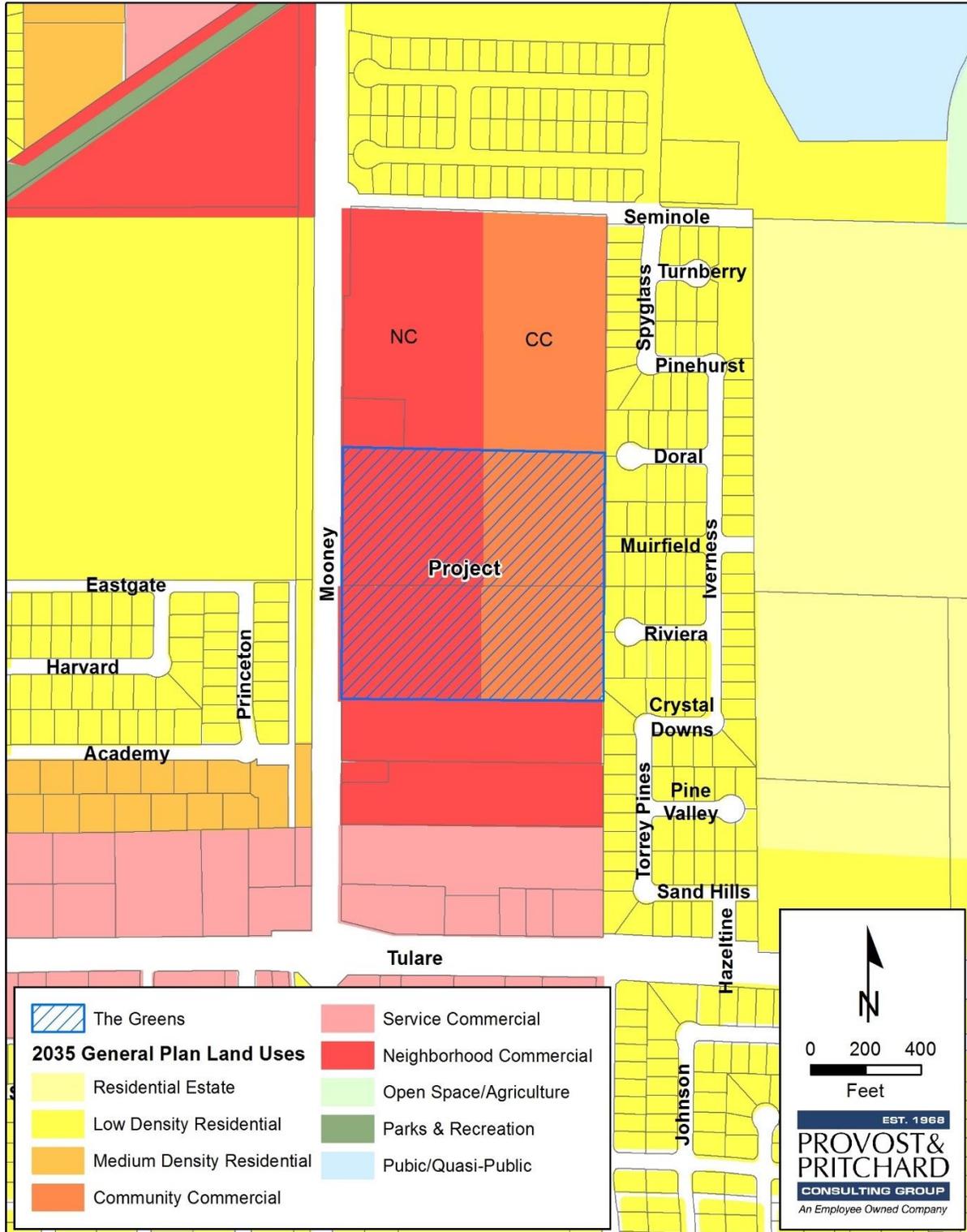
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Figure 2-1. Aerial Map



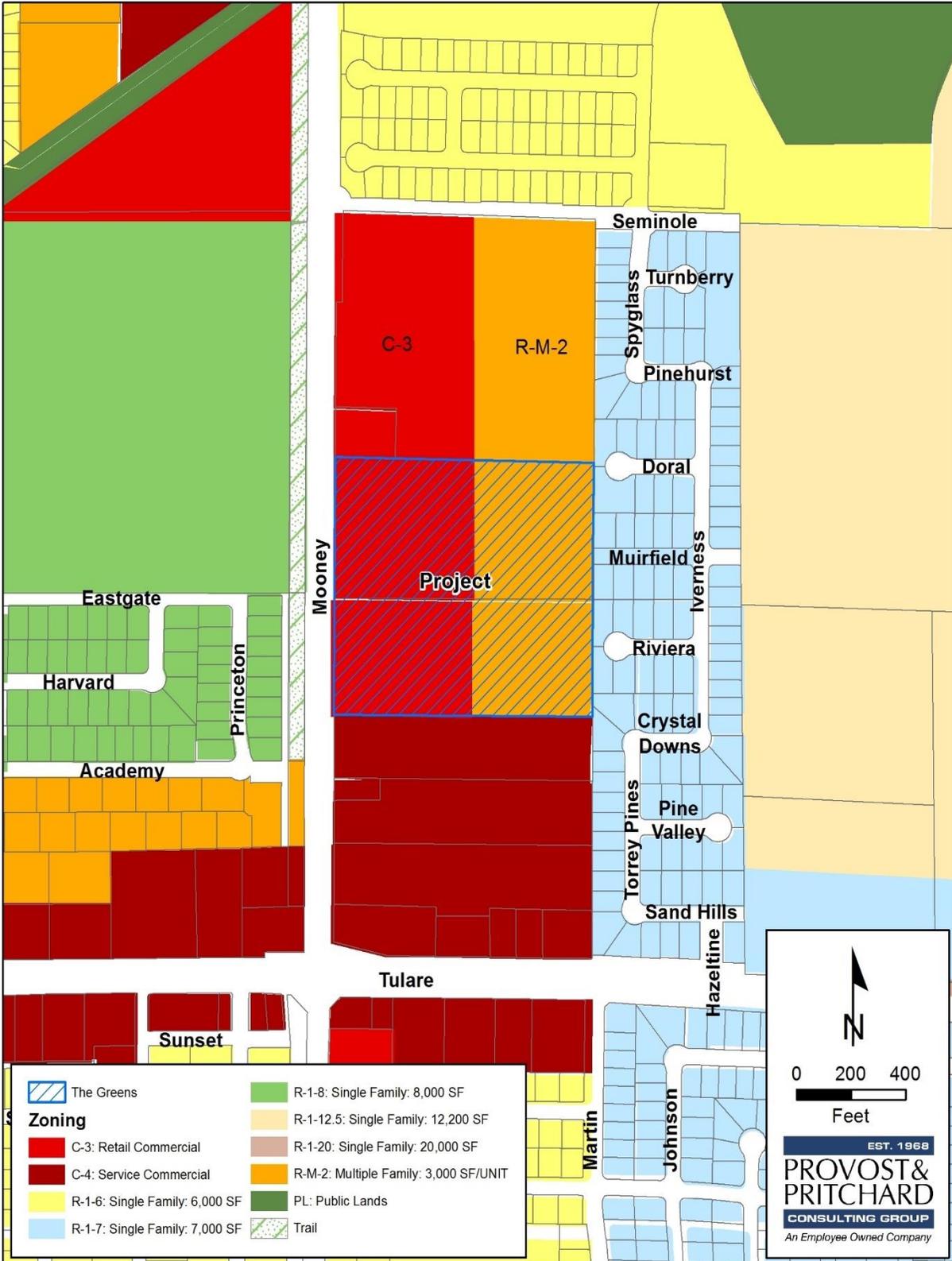
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Figure 2-2. Topographic Map



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Figure 2-3. General Plan Designation



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Figure 2-4. Zoning



Figure 2-5. FEMA

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

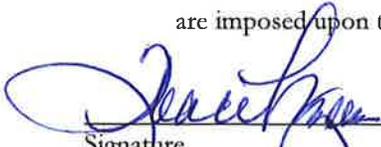
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions        | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning               | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing              | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic          | <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 \_\_\_\_\_  
 Signature  
 Tracy Myers  
 \_\_\_\_\_  
 Printed name

7/28/17  
 \_\_\_\_\_  
 Date  
 City of Tulare  
 \_\_\_\_\_  
 For

## CHAPTER 3

# INITIAL STUDY CHECKLIST

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# Chapter 3 - INITIAL STUDY CHECKLIST

## I. AESTHETICS

Would the project:

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

The aesthetic character of the Project site and the surrounding area can generally be described as moderately urbanized. Most adjacent properties are either vacant or contain residential uses. Adjacent properties contain vacant lots to the North that are zoned Retail Commercial (C-3), and Multi Family (R-M-2), the properties to the East are zoned Single Family, (R-1-7) and a residential neighborhood that is mostly built out. Mooney Boulevard is directly adjacent to the West, with vacant land that is zoned Single Family (R-1-8) beyond that. The property to the south is zoned Retail Commercial (C-3) and is vacant.

There are no designated scenic resources within the City of Tulare, however eastward views to the Sierra Nevada Mountains within the city are considered to scenic vistas<sup>1</sup>.

The Project site is accessible from Seminole Avenue through the proposed Aberdeen Street, and Muirfield Avenue. The Project site itself has been vacant for several years except for one rural residence. It is flat and level with no remarkable topography or geologic features. From all viewing perspectives, the predominant views of the Project site currently consist of a vacant infill lot.

### Responses:

- a) **No Impact.** The Project site is located on the San Joaquin Valley floor in the southern area of the City. Views of the distant Sierra Nevada Mountains are afforded only during clear conditions. Due to poor air quality in the valley, this mountain range is not visible on the majority days. Distant views of the Sierra Nevada Mountains would largely be unaffected by the development of the Project because of the distance and limited visibility of these features. No impact would occur.
- b) **No Impact.** The Scenic Highway Program protects and enhances California's natural scenic beauty by allowing county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program. The Project site is located within the City

<sup>1</sup> DEIR General Plan, Transit-Oriented Development Plan, and Climate Action Plan, November 1, 2013, Page 4.1-6.

of Tulare, which does not have any Officially Designated or Eligible State Scenic Highways. No impact would occur.

- c) **No Impact.** The Project site is currently a vacant infill lot with one rural residence. The Project would be completed in three phases and would result in the construction of approximately 88 single family residences, internal access roads, landscaped grounds, and off-site improvements subject to City standards. The visual character of the Project area would not be substantially degraded; in contrast, the Project would result in the development of a vacant lot which would improve the visual character and quality of the site and its surroundings. No impact would occur.
- d) **Less Than Significant Impact.** Project implementation would create new lighting sources on the Project site associated with the residences, street lighting, and security lighting. Precise Project details are not yet available; however, it is expected that the proposed residences would have lighting typical of residential structures and landscaping, and would not create substantial light or glare that would impact day or nighttime views in the Project area. The street lighting would be designed to be consistent with the City's lighting standards to avoid the creation of intrusive lighting and glare within the immediate Project area. Furthermore, this lighting would be subject to compliance with General Plan Policies LU-P13.24 and LU-P13.25, which will minimize the amount of spillover lighting that could otherwise occur near the Project area. Although the Project will add new light sources for exterior and interior building lighting, the Project's lighting will not be substantial. Consistency with the General Plan Policies will ensure that the Project impacts related to light and glare are less than significant.

**II. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Would the project:**

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

- a) **Less Than Significant Impact.** The California Department of Conservation (DOC) applies the United States Department of Agriculture, National Resources Conservation Service (NRCS) soil classifications to identify agricultural lands. These designations are used in planning California’s present and future agricultural land resources. Maps of important farmlands are prepared by the DOC as part of its Farmland Mapping and Monitoring Program (FMMP). The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a description of the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are referred to as Farmland (California Department of Conservation, 2012).

- **Prime Farmland.** Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
  - **Farmland of Statewide Importance.** Farmland is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to stored soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
  - **Unique Farmland.** Farmland of lesser quality soil that is used for the production of the state’s leading agricultural crops. This land is usually irrigated but may include nonirrigated orchards or vineyards, as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
  - **Farmland of Local Importance.** Land of importance to the local agricultural economy, as determined by each county’s board of supervisors and a local advisory committee.
  - **Grazing Land.** Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen’s Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
  - **Urban and Built-up Land.** Land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, or public administrative purposes; railroad and other transportation yards; cemeteries; airports; golf courses; sanitary landfills; sewage treatment facilities; water control structures; and other developed purposes.
  - **Other Land.** Land not included in any other mapping category. Common examples include low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and larger than 40 acres is mapped as Other Land.  
According to the DOC’s 2012 FMMP map for southern Tulare County, the Project site is designated as Farmland of Local Importance. However, the site is within the City limits surrounded by urban uses and is therefore not economically viable farmland. Additionally, the City of Tulare General Plan designates the Project site for both commercial and residential uses. The site has been graded and is not used for agricultural activities, and no agricultural uses occur on the adjacent properties. Therefore, any impacts would be less than significant.
- b) **No Impact.** The Project site is an urban infill property which is zoned C-3 (Retail Commercial) and R-M-2 (Multi-Family). The Project site is not currently being farmed and is not under a Williamson Act contract. There are no properties within the immediate vicinity of the Project site that are under Williamson Act contract. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact would occur.
- c) **No Impact.** See Impact II(b) above. No forest or timberland is located on or near the Project area. No impact would occur.
- d) **No Impact.** No forest land is on or near the Project site. No impact would occur.
- e) **No Impact.** The site is within an urban area and the City’s General Plan for the area is commercial and medium density residential. No land conversion from Farmland would occur for the Project. Surrounding land uses include residential and commercial that are mostly urban developed lands. Therefore, the Project has no impacts.

**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Current Policies and Regulations**

**Federal Clean Air Act** - The 1977 Federal Clean Air Act (CAA) authorized the establishment of the National Ambient Air Quality Standards (NAAQS) and set deadlines for their attainment. The Clean Air Act identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and an attainment demonstration, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering the Act and other air quality-related legislation. EPA’s principal function includes setting NAAQS; establishing minimum national emission limits for major sources of pollution; and promulgating regulations. Under CAA, the North Central Coast Air Basin (NCCAB) is identified as an attainment area for all pollutants.

**California Clean Air Act** - and account for air pollutant effects on soils, water, visibility, materials, vegetation and other aspects of general welfare. The U.S. EPA revoked California Air Resources Board coordinates and oversees both state and federal air pollution control programs in California. As part of this responsibility, California Air Resources Board monitors existing air quality, establishes California Ambient Air Quality Standards, and limits allowable emissions from vehicular sources. Regulatory authority within established air basins is provided by air pollution control and management districts, which control stationary-source and most categories of area-source emissions and develop regional air quality plans. The Project is located within the jurisdiction of the San Joaquin Valley Air Pollution Control District. The state and federal standards for the criteria pollutants are presented in (see **Error! Reference source not found.**). These standards are designed to protect public health and welfare. The “primary” standards have been established to protect the public health. The “secondary” standards are intended to protect the nation’s welfare the national 1-hour ozone standard on June 15, 2005, and the annual PM<sub>10</sub> standard on September 21, 2006, when a new PM<sub>2.5</sub> 24-hour standard was established.

Table 3-1. Summary of Ambient Air Quality Standards & Attainment Designation

| Summary of Ambient Air Quality Standards & Attainment Designation |                         |                       |                             |                        |                                   |
|---|-------------------------|-----------------------|-----------------------------|------------------------|-----------------------------------|
| Pollutant   | Averaging Time          | California Standards* |                             | National Standards*    |                                   |
|   |                         | Concentration*        | Attainment Status           | Primary                | Attainment Status                 |
| Ozone (O <sub>3</sub> )   | 1-hour                  | 0.09 ppm              | Non-Attainment/<br>Severe   | –                      | No Federal Standard               |
|   | 8-hour                  | 0.070 ppm             |                             | 0.075 ppm              | Non-Attainment (Extreme)**        |
| Particulate Matter (PM <sub>10</sub> )                            | AAM                     | 20 µg/m <sup>3</sup>  | Non-Attainment              | –                      | Attainment                        |
|   | 24-hour                 | 50 µg/m <sup>3</sup>  |                             | 150 µg/m <sup>3</sup>  |                                   |
| Fine Particulate Matter (PM <sub>2.5</sub> )                      | AAM                     | 12 µg/m <sup>3</sup>  | Non-Attainment              | 12 µg/m <sup>3</sup>   | Non-Attainment                    |
|   | 24-hour                 | No Standard           |                             | 35 µg/m <sup>3</sup>   |                                   |
| Carbon Monoxide (CO)  | 1-hour                  | 20 ppm                | Attainment/<br>Unclassified | 35 ppm                 | Attainment/<br>Maintenance        |
|   | 8-hour                  | 9 ppm                 |                             | 9 ppm                  |                                   |
|   | 8-hour (Lake Tahoe)     | 6 ppm                 |                             | –                      |                                   |
| Nitrogen Dioxide (NO <sub>2</sub> )                               | AAM                     | 0.030 ppm             | Attainment                  | 0.053 ppm              | Attainment/<br>Unclassified       |
|   | 1-hour                  | 0.18 ppm              |                             | 0.100 ppb              |                                   |
| Sulfur Dioxide (SO <sub>2</sub> )                                 | AAM                     | –                     | Attainment                  | 0.03 ppm               | Attainment/<br>Unclassified       |
|   | 24-hour                 | 0.04 ppm              |                             | 0.14 ppm               |                                   |
|   | 3-hour                  | –                     |                             | --                     |                                   |
|   | 1-hour                  | 0.25 ppm              |                             | 75 ppb                 |                                   |
| Lead  | 30-day Average          | 1.5 µg/m <sup>3</sup> | Attainment                  | –                      | No Designation/<br>Classification |
|   | Calendar Quarter        | –                     |                             | 1.5 µg/m <sup>3</sup>  |                                   |
|   | Rolling 3-Month Average | –                     |                             | 0.15 µg/m <sup>3</sup> |                                   |

| Summary of Ambient Air Quality Standards & Attainment Designation |                |   |                   |                      |                   |
|---|----------------|---|-------------------|----------------------|-------------------|
| Pollutant   | Averaging Time | California Standards*   |                   | National Standards*  |                   |
|   |                | Concentration*  | Attainment Status | Primary              | Attainment Status |
| Sulfates  | 24-hour        | 25 µg/m <sup>3</sup>  | Attainment        | No Federal Standards |                   |
| Hydrogen Sulfide  | 1-hour         | 0.03 ppm<br>(42 µg/m <sup>3</sup> )   | Unclassified      |                      |                   |
| Vinyl Chloride  | 24-hour        | 0.01 ppm<br>(26 µg/m <sup>3</sup> )   | Attainment        |                      |                   |
| Visibility-Reducing Particle Matter                               | 8-hour         | Extinction coefficient: 0.23/km-visibility of 10 miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when the relative humidity is less than 70%. | Unclassified      |                      |                   |

\* For more information on standards visit :<http://ww.arb.ca.gov/research/aids/aaqs2.pdf>

\*\* No federal 1-hour standard. Reclassified extreme nonattainment for the federal 8-hour standard May 5, 2010.

\*\*\*Secondary Standard

Source: ARB 2015; SJVAPCD 2015

Air quality is described in terms of emissions rate and concentration of emissions. An emissions rate is the amount of pollutant released into the atmosphere by a given source over a specified time period. Emissions rates are generally expressed in units such as pounds per hour (1lbs/hr.) or tons per year. Concentrations of emissions, on the other hand, represent the amount of pollutant in a given space at any time. Concentration is usually expressed in units such as micrograms per cubic meter, kilograms per metric ton, or parts per million. There are 4 primary sources of air pollution within the San Joaquin Valley Air Board (SJVAB): motor vehicles, stationary sources, agricultural activities, and construction activities.

Criteria air pollutants are classified in each air basin, county, or, in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with state and federal standards. If a pollutant concentration is lower than the standard, the pollutant is classified as “attainment” in that area. If an area exceeds the standard, the pollutant is classified as “non-attainment.” If there are not enough data available to determine whether the standard is exceeded in an area, the area is designated “unclassified.”

Air quality in the vicinity of the Project is regulated by several jurisdictions including the State and Federal Environmental Protection Agency (EPA), California Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Each jurisdiction develops rules, regulations, policies, and/or goals to attain the directives imposed upon them through Federal and State legislation.

The Clean Air Act (CAA) of 1990 requires emission controls on factories, businesses, and automobiles by:

- Lowering the limits on hydrochloric acid and nitrogen oxides (NO<sub>x</sub>) emissions, requiring the increased use of alternative-fuel cars, on-board canisters to capture vapors during refueling, and extending emission-control warranties.
- Reducing airborne toxins by requiring factories to install “maximum achievable control technology” and installing urban pollution control programs.
- Reduction Acid rain production by cutting sulfur dioxide emissions for coal-burning power plants.

In July of 1997, the EPA adopted a PM<sub>2.5</sub> standard in recognition of increased concern over particulate matter 2.5 microns in diameter (PM<sub>2.5</sub>). Ending several years of litigation, EPA’s PM<sub>2.5</sub> regulations were upheld by the U.S. Supreme Court on February 27, 2001. According to information provided by the EPA, designations for the new PM<sub>2.5</sub> standards began in the year 2002 with attainment plans submitted by 2005 for regions that violate the standard. PM<sub>2.5</sub> measurements have not yet been conducted to determine if the City is in attainment under the new federal PM<sub>2.5</sub> standards. A PM<sub>2.5</sub> monitoring network plan has been developed by the CARB and local air districts in California, and data is in the process of being collected.

The following rules and regulations have been adopted by the Air District to reduce emissions throughout the San Joaquin Valley and verification by the City of compliance with these rules and regulations will be required, as applicable, to construct and operation of the Project.

- Rule 4002 – National Emission Standards for Hazardous Air Pollutants. There are no existing structures located on the proposed site.
- Rule 4102 – Nuisance  
This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the Project or construction of the project creates a public nuisance, it could be in violation and b subject to district enforcement action.
- Rule 4601 – Architectural coatings.  
The purpose of this rule is to limit volatile organic compound (VOC) emissions from architectural coatings. Emission are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling
- Rule 4641- Cutback, slow cure, and emulsified asphalt, paving and maintenance operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641.
- Rule 9510 – Indirect Source Review (ISR)  
This rule reduces the impact PM<sub>10</sub> and NO<sub>x</sub> emissions from growth on the SJVB. This rule places application and emission reduction requirements on applicable development projects in order to reduce emissions through onsite mitigation, offsite SJVAPCD-administered projects, or a combination of the two. *This Project will be required to submit an Air Impact Assessment (AIA) application in accordance with Rule 9510’s requirements.*
- Compliance with SJVAPCD Rule 9510 (ISR) reduces the emissions impact of the project through incorporation of onsite measures as well as payment of an offsite fee that funds emissions reduction projects in the SJVAB. A number of “optional”/Above and Beyond” mitigation measures included in this project can be created as Rule 9510 – onsite mitigation measures.
- Regulation VIII – fugitive PM<sub>10</sub> Prohibitions

Rules 8011 – 8081 are designed to reduce PM<sub>10</sub> emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout etc. Among the Regulation VIII Rules applicable to the project are the following:

1. Rule 8011 – Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM<sub>10</sub>)
2. Rule 8021 – Fugitive Dust Requirements for Control of fine Particulate Matter (PM<sub>10</sub>) from Construction, Excavation, and Extraction Activities
3. Rule 8030 – Fugitive dust Requirements for Control of Fine Particulate Matter (PM<sub>10</sub>) from Handling and Storage of Fine Bulk Materials.
4. Rule 8060 – Fugitive dust Requirements for Control of fine Particulate Matter (PM<sub>10</sub>) from Paved and Unpaved Roads.
5. Rule 8070 - Fugitive Dust Requirements for Control of Fine Particulate Matter PM<sub>10</sub>) from Vehicle and/or Equipment Parking, Shipping, Receiving, Transfer, Fueling, and Service Areas.
6. Rule 8071 – Unpaved vehicle/equipment traffic areas. The purpose of this rule is to limit dust emissions from travel on unpaved parking areas. If the project exceeds the applicability threshold of 25 daily vehicle trips by vehicles and three or more axles, control requirements listed in the rule must be met.

**Responses:**

- a) **Less Than Significant Impact.** The Proposed Project is located within the boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD is responsible for bringing air quality in the air basin, including the City, into compliance with federal and state air quality standards. As discussed below, the Project qualifies to be categorized at a *Small Project Analysis Level* (SPAL) by the SJVAPCD, which is a categorization that projects the identified Project will not have a significant level of impact of air quality. Therefore, would not conflict with or obstruct implementation of any SJVAPCD plans or guidelines and impacts would be less than significant.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has adopted attainment plans, known as State Implementation Plans that identify measures to reduce regional emissions within the air basin and bring the basin into compliance with federal and state air quality standards for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

Since the Project would result in new construction and grading activities, the applicant will be required to submit a Fugitive Dust Control Plan to the SJVAPCD to comply with Regulation VIII for PM<sub>10</sub> emissions prior to the initiation of construction.

Through compliance with the SJVAPCD's Regulation VIII, any impacts would be less than significant. Additionally, an Indirect Source Review (ISR) would be required.

Finally, as noted in Impact Assessment III-b and III-c below, implementation of the Project would not result in short-term or long-term increases in emissions that would exceed applicable thresholds of significance. Projects that do not exceed the recommended thresholds would not be considered to conflict with or obstruct the implementation of applicable air quality plans. This impact would be considered less than significant.

- b) **Less Than Significant Impact.** Construction of the Project involves grading, excavation, and use of construction equipment. Project construction would result in short-term air pollutant emissions from use of construction equipment, earth-moving activities (grading), construction workers' commutes, materials deliveries and short-distance earth and debris hauling.

To aid in evaluating potentially significant construction and/or operational impacts of a Project, SJVAPCD has prepared an advisory document, the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), which contains standard procedures for addressing air quality in CEQA documents (SJVAPCD, 2002). The guide was adopted in 1998 and revised in 2002.

GAMAQI presents a three-tiered approach to air quality analysis. The Small Project Analysis Level (SPAL) is first used to screen a project for potentially significant impacts. A project that meets the screening criteria at this level requires no further analysis and air quality impacts of the project may be deemed less than significant. If a project does not meet all the criteria at this screening level, additional screening is recommended at the Cursory Analysis Level and, if warranted, the Full Analysis Level.

**Table 3-2** below (from GAMAQI 5-3(a), which SJVAPCD recommends using as part of the initial screening process, shows the maximum project size be considered a SPAL project. According to the SPAL categorization, the development of 88 single-family residential units would result in a project size lower than the screening level for SPAL categorization. Therefore, the Project meets the SPAL criterion for project type and is excluded from quantifying criteria pollutant emissions for CEQA purposes.

**Table 3-2. Small Project Analysis Level (SPAL) by Project Type**

| Land Use Category – Housing | Project Size |
|-----------------------------|--------------|
| Single Family               | 152 Units    |
| Apartments, Low Rise        | 220 Units    |
| Apartments, High Rise       | 345 Units    |
| Condominiums, General       | 270 Units    |
| Condominiums, High Rise     | 330 Units    |
| Mobile Homes                | 330 Units    |
| Retirement Community        | 460 Units    |

*Source: SJVAPCD-Small Project Analysis Level, pg. 2, June 2012*

SJVAPCD Regulation VIII mandates requirements, as seen in **Table 3-3**, for any type of ground moving activity and would be adhered to during the construction; however, during construction, air quality impacts would be less than SJVAPCD thresholds for nonattainment pollutants and operation of the Project would not result in impacts to air quality standards for criteria pollutants. As such, any impacts would be less than significant.

**Table 3-3. San Joaquin Valley Air Pollution Control District - Regulation VIII Control Measures for Construction Emissions of PM10**

| The following are required to be implemented at all construction sites:  |
|--|
| All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.   |
| All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions during construction using water or chemical stabilizer suppressant.  |
| All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.  |
| When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.   |
| All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. |
| Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.   |
| Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.  |
| Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.   |

**c) Less Than Significant Impact.**

**Short-Term Construction-Generated Emissions**

Construction-generated emissions are temporary in duration, lasting approximately 12 months. The construction of the Project would result in the temporary generation of emissions associated with site grading and excavation, motor vehicle exhaust associated with construction equipment and worker trips, as well as the movement of construction equipment on unpaved surfaces.

Estimated construction-generated emissions are summarized in [Table 3-4](#). As indicated, construction of the Project would not exceed any thresholds.

Table 3-4. Short-Term Construction-Generated Emissions of Criteria Air Pollutants

| Short-Term Construction-Generated Emissions of Criteria Air Pollutants |   |                 |            |                  |                   |
|--|---|-----------------|------------|------------------|-------------------|
| Source   | Annual Emissions (Tons/Year) <sup>(1)</sup> |                 |            |                  |                   |
|  | ROG   | NO <sub>x</sub> | CO         | PM <sub>10</sub> | PM <sub>2.5</sub> |
| Total Proposed Project Emissions:                                      | 2.1033                                      | 5.6384          | 4.0035     | 0.6792           | 0.4681            |
| <i>SJVAPCD Significance Thresholds:</i>                                | <i>10</i>                                   | <i>10</i>       | <i>100</i> | <i>15</i>        | <i>15</i>         |
| <i>Exceed SJVAPCD Thresholds?</i>                                      | <i>No</i>                                   | <i>No</i>       | <i>No</i>  | <i>No</i>        | <i>No</i>         |

1. Emissions were quantified using CalEEmod Version 2016.3.1. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

Table 3-5. Long-Term Operations-Generated Emissions of Criteria Air Pollutants

| Long-Term Operations-Generated Emissions of Criteria Air Pollutants |   |                 |            |                  |                   |
|---|---|-----------------|------------|------------------|-------------------|
| Source  | Annual Emissions (Tons/Year) <sup>(1)</sup> |                 |            |                  |                   |
|   | ROG   | NO <sub>x</sub> | CO         | PM <sub>10</sub> | PM <sub>2.5</sub> |
| Total Proposed Project Emissions:                                   | 1.1819                                      | 3.2156          | 4.8594     | 0.9227           | 0.2734            |
| <i>SJVAPCD Significance Thresholds:</i>                             | <i>10</i>                                   | <i>10</i>       | <i>100</i> | <i>15</i>        | <i>15</i>         |
| <i>Exceed SJVAPCD Thresholds?</i>                                   | <i>No</i>                                   | <i>No</i>       | <i>No</i>  | <i>No</i>        | <i>No</i>         |

1. Emissions were quantified using CalEEmod Version 2016.3.1. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

It is important to note that the Project would be required to comply with SJVPACD Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions). Mandatory compliance with SJVAPCD Regulation VIII would further reduce emissions of fugitive dust from the Project site, and adequately minimize the Project’s potential to adversely affect nearby sensitive receptors to localized PM impacts.

The Project would also be required to comply with Indirect Source Review (ISR) Rule 9510 to fulfill the District’s emission reduction commitments in the PM<sub>10</sub> and Ozone attainment plans. The applicant will submit an Air Impact Assessment Application, in accordance with the Rule.

Given that Project-generated emissions would not exceed applicable SJVAPCD significance thresholds and the Project would be required to comply with SJVAPCD Regulation VIII and ISR Rule 9510, construction-generated emissions of criteria pollutants would be considered less than significant.

#### Long-Term Operational Emissions

Long-term operation of the Project would result in emissions generated by worker trips, operations equipment, emergency diesel generators and electricity for the aerators. As indicated, in **Table 3-5** above, operation and maintenance of the Project would not result in a substantial increase in emissions of criteria pollutants. The impact of operations and maintenance generated emissions would be considered less than significant.

- d) **Less Than Significant Impact.** The nearest sensitive receptors (a residential neighborhood, and a rural residence) to the Project area are located directly to the east, and north, respectively, of the Project site. The Project does not include any project components identified by the California Air Resources Board that could potentially impact any sensitive receptors. These include heavily traveled roads, distribution centers, fueling stations and dry cleaning operations. The Project would not expose sensitive receptors to substantial pollutant concentrations and therefore there would be less than significant impact.
- e) **Less Than Significant Impact.** The Project will create temporary typical construction odors as the Project develops. The Project will not introduce a conflicting land use (surrounding land includes vacant commercial and residential land and residential residences) to the area. The Project would not create objectionable odors affecting a substantial number of people and therefore there will be less than significant.

**IV. BIOLOGICAL RESOURCES**

**Would the project:**

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

a) **Less Than Significant Impact with Mitigation.** The Project site is located on an urban infill property and has been vacant land for several years, with the exception of one rural residence. The Project site has been disced periodically. It is not located within an area where special-status species have been recorded as reviewed by the California Natural Diversity Database (CNDDDB). The Project site is flat and level with no remarkable topography, geologic, or habitat features. The Project site may provide marginal foraging opportunities for special status animal species and migratory birds; however, the site has been disturbed, is surrounded by urban development and there are no linkage corridors identified in the project area. As such, it is unlikely that any special status species occur on the site; however, to protect any special status species, Mitigation Measure BIO-1 shall be imposed on the Project.

**Mitigation Measure BIO-1:** Prior to the start of construction, the applicant will implement the following measure:

**Mitigation Measure BIO-1 (Preconstruction Survey).** A preconstruction survey will be conducted by a qualified biologist within 30 days prior to the start of Project activities. The survey will be limited to the Project site, and will entail walking transects suitably spaced to ensure full visual coverage of the survey area. If any potential impacts are determined, the City of Tulare shall initiate consultation with the California Department of Fish and Wildlife to develop and implement site-specific measures. Mitigation Monitoring and Reporting for each phase shall be conducted by qualified professionals and their results shall be submitted to the City of Tulare and, if needed, the California Department of Fish and Wildlife.

The Project mitigation will be the responsibility of the Applicant and will be monitored by the City of Tulare. The implementation of the City of Tulare General Plan 2035 Conservation and Open Space Element Policy COS-P2.1: *Protection of Rare and Endangered Species. The City shall support preservation, restoration, and enhancement of designated habitats of State or federally-listed rare, threatened, endangered and/or other sensitive and special status species* and Mitigation Measure BIO-1 will reduce any potential impact to a less than significant level.

**b) No Impact.** The Project site is located on an urban infill property. The Project site itself is disturbed land that has been vacant for several years. It is flat and level with no remarkable topography, geologic, or habitat features. The vacant site is surrounded by existing urban development or vacant lots on all sides. According to the National Wetlands Inventory Maps for the respective USGS quads, no wetlands or riparian communities exist on the Project site. The nearest natural waterway is Elk Bayou, located approximately 3.25 miles southeast of the Project site. There would be no impact.

**c) No Impact.** As stated in Impact IV-b, wetlands or riparian communities do not exist on or near the Project site. There would be no impact.

**d) No Impact.** As discussed in Impact IV-a, there is no viable habitat for any special status species. There would be no impact.

**e) Less Than Significant Impact.** The City of Tulare has an oak tree preservation policy according to Tulare Municipal Code 8.52.100 (Preservation of Heritage Trees). It is not anticipated that the Project will require removal of oak trees. However, if oak trees are removed, replacement and/or replanting shall be done in accordance with the City's municipal code. Any impacts would be less than significant.

**f) No Impact.** No habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan, is in effect for the area of the Project. Therefore, the Project would have no impact.

**V. CULTURAL RESOURCES**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

a) **Less Than Significant Impact.** The Project site is an infill development, previous grading activities onsite have not uncovered any historical resources. Archeological and historical searches were conducted throughout the city limits and the proposed SOI during the General Plan Update process. According to the search, there are no known historical structures or monuments recorded to be on the site. Additionally, a cultural resources records search of the proposed location was conducted on June 19, 2017 to determine whether cultural resources are present within the project area (see Appendix B). No cultural resources were identified within the project area.

Although no archaeological or historical sites appear to be within the Project area, it has not been physically surveyed and as such, the possibility remains that resources do exist on the site. However, the following Conservation and Open Space Element Policies listed below would assist in reducing potential disturbances of cultural resources and human remains.

- **COS-P5.9 Discovery of Archaeological Resources.** In the event that archaeological/paleontological resources are discovered during site excavation, grading, or construction, the City shall require that work on the site be suspended within 100 feet of the resource until the significance of the features can be determined by a qualified archaeologist /paleontologist. If significant resources are determined to exist, an archaeologist shall make recommendations for protection or recovery of the resource. City staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the City.
- **COS-P5.10 Discovery of Human Remains.** Consistent with Section 7050.5 of the California Health and Safety Code and CEQA Guidelines (Section 15064.5), if human remains of Native American origin are discovered during Project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). If any human remains are discovered or recognized in any location on the Project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
  - The Tulare County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and

- If the remains are of Native American origin, - The descendants of the deceased Native Americans have made a timely recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission, or - The landowner or his or her authorized representative rejects any timely recommendations of the descendent, and mediation conducted by the Native American Heritage Commission has failed to provide measures acceptable to the landowner.

Thus, impacts to potential cultural resources would be less than significant.

**b) Less Than Significant Impact.** Any impacts to archaeological resources have been discussed in Impact V-a. Impacts are less than significant with the incorporation of the Conservation and Open Space Element policies in the City's General Plan.

**c) Less Than Significant Impact.** No known paleontological resources exist within the Project area. The Project site is an infill development lot that was previously farmed. Previous discing and site grading activities onsite have not uncovered any paleontological resources. Construction activities associated with the proposed Project are not expected to be conducted significantly below grade, at a level where they would have the potential to disturb any previously unknown paleontological resources or geologic features. Impacts would be less than significant.

**d) Less Than Significant Impact.** No formal cemeteries or other places of human internment are known to exist on the Project site; however, in accordance with Health and Safety Code §7050.5 and Public Resources Code §5097.98, if human remains are unearthed during Project construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition of such remains. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC would then identify the person(s) thought to be the most likely descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains. As such, any impacts would be less than significant.

**VI. GEOLOGY AND SOILS**

**Would the project:**

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                |   |                                     |                                     |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv) Landslides?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Responses:**

**a-i) Less Than Significant Impact.** No substantial faults are known to occupy the City of Tulare according to the Alquist-Priolo Earthquake Fault Zoning Maps and the State of California Department of Conservation.

Additionally, the proposed residences would be constructed to the standards of the most recent seismic standards as set forth in the California Building Code (CBC). Compliance with these standards would ensure potential impacts related to strong seismic ground shaking would be less than significant.

**a-ii) Less Than Significant Impact.** Any impacts regarding strong seismic ground shaking have been discussed in Impact VI-a-i. The impact would be less than significant.

**a-iii) No Impact.** The Project does not involve any subsidence-prone soils or oil or gas production. There would be no impact.

a-iv) **No Impact.** No geologic landforms exist on or near the site that would result in a landslide event. There would be no impact.

b) **Less Than Significant Impact.** The Project would eventually result in the removal of topsoil through construction grading activities. This could in turn result in exposing the underlying soil to erosion from wind and water. However, construction of the Project would result in new structures, interior access roads and landscaped grounds which would stabilize disturbed soils. Additionally, the proposed Project would be required to implement General Plan Safety Element policies which would further reduce any impacts associated with wind and water erosion to a less than significant level.

c) and d) **Less Than Significant Impact.** There are two soil types within the Project area. Nord fine sandy loam, 0 to 2 percent slopes, and Yettlem sandy loam, 0 to 2 percent slopes. Both of these soil types are very well drained with a moderate shrink-swell potential. Additionally, substantial grade change would not occur in the topography to the point where the Project would expose people or structures to potential substantial adverse effects on, or offsite, such as landslides, lateral spreading, subsidence, liquefaction or collapse. Any impacts would be less than significant.

e) **Less Than Significant Impact.** No septic tanks or alternative waste water disposal systems are proposed as a part of the Project. The Project would not generate a significant increase in wastewater discharge. Therefore, the Project would not require alternative wastewater treatment facilities. Any impacts would be less than significant.

**VII. GREENHOUSE GAS EMISSIONS**

**Would the project:**

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

**Less Than Significant Impact.**

**Construction:** Greenhouse gas emissions, generated during construction, would include activities such as site preparation, grading, the construction of the building, paving, etc. The District does not have a recommendation for assessing the significance to construction-related emissions. Construction activities occurring before 2020, the year when the State is required to reduce its GHG emissions to 1990 levels, are therefore considered less than significant.

**Operation:** The Project will include long-term emissions over the lifetime of the Project that include mobile operations, waste generated, water consumed, and energy consumed. The U.S. Environmental Protection Agency published a rule for the mandatory reporting of greenhouse gases (GHG) from sources that in general emit 25,000 metric tons or more of carbon dioxide equivalent (CO<sub>2</sub>e) per year. Project GHG emissions were calculated using CalEEMod based on 19.86 acres of development, 88 single family residential units and an average of 831.34 trips/day. This Project is estimated to produce 1,798.6 metric tons per year of CO<sub>2</sub>e, which is well below the 25,000 metric tons action threshold for greenhouse gas emissions. As such, operational GHG emissions are considered less than significant.

**b) No Impact.** California State Legislature, in 2006 enacted AB32, the California Global Warming Solutions Act of 2006. AB 32 focuses on reducing greenhouse gas emissions in California. See VII.a) above. Projects implementing of Best Performance Standards and SJVAPCD Regulation VIII would be determined to have a less than significant individual and cumulative impact on global climate change. The Project does not conflict with any applicable plan, policy, or regulation of an agency adopted for reducing GHG emissions. There would be no impact.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

**Would the project:**

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

a, b) **Less than Significant Impact.** The Project would be completed in three phases and would result in the construction of approximately 88 single family residences, internal access roads, landscaped grounds, and off-site improvements subject to City standards. Construction activities would involve the use, storage, transportation and disposal of oil, gasoline, diesel fuel, paints, solvents and other hazardous materials. Federal and state laws provide handling requirements for these materials to ensure that spills are minimized. Compliance with these requirements would reduce impacts to a less than significant level. During operation, no use or storage of hazardous materials beyond those used for landscaping and maintenance activities are anticipated. Less than significant impacts would occur.

**c) No Impact.** The nearest schools, Children’s House Montessorri School and Live Oak Middle School, are approximately 0.25 miles southwest, and 0.5 miles northwest, respectively, of the Project site. Neither the Project nor any resultant development of the Project site would emit hazardous emissions, involve hazardous materials, or create a hazard to the schools in any way. There would be no impact.

**d) No Impact.** The Project does not involve land that is listed as a hazardous materials site pursuant to Government Code §65962.5 and is not included on a list compiled by the Department of Toxic Substances Control per a review of “Identified Hazardous Waste Sites”, conducted in June of 2017 by Provost & Pritchard Consulting Group. The nearest inactive site is the Del Lago Site (54010010), over 1.4 miles from the site. Evaluation of this site was completed in 2002 and no further action is needed. There would be no impact.

**e) and f) No Impact.** The closest airport is the Mefford Field Airport (approximately 4 miles southwest of the site). The closest regional airport is the Fresno Yosemite International Airport, approximately 44 miles northwest of the Project site. The Project would not result in a safety hazard for people working in the Project area. There would be no impact.

**g) No Impact.** The Project site has adequate emergency access from Muirfield Avenue to the east, and the proposed road Aberdeen Street to the north. Additionally, onsite road networks will be designed for adequate circulation and emergency vehicle accesses. Therefore, the proposed Project would not result in emergency evacuations, nor would the Project interfere with implementation of a City-established emergency response plan or evacuation. There would be no impact.

**h) No Impact.** The Project site and the surrounding lands are not considered to be wildlands. Most of the surrounding land is either vacant or fully developed with similar and compatible urban uses. There would be no impact.

**IX. HYDROLOGY AND WATER QUALITY**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a matter which would result in flooding on- or off-site?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

**a) and e) Less Than Significant Impact.** Upon development, the Project will connect to the City of Tulare’s water and sanitary sewer systems. The Project would result in the construction of approximately 88 single family residences, internal access roads, landscaped grounds, and off-site improvements subject to City standards. The Project has been reviewed by the Public Works Director and City Engineer and determined that the Project will not have a significant impact on the existing water system, and would not require the construction of any new facilities or the acquisition of any new water sources. The impacts would be less than significant.

**b) Less Than Significant Impact.** The Project has been reviewed by the Public Works Director and City Engineer and determined that the Project will not have a significant impact on the existing water system, and would not require the construction of any new facilities or the acquisition of any new water sources. Any impacts would be less than significant.

**c) Less Than Significant Impact.** Implementation of the Project would result in grading and landform alteration on the site that would expose native soils that could be subject to the effects associated with wind and water erosion unless adequate measures are taken to limit the transport of soils in surface water from the site to downstream locations. The Project applicant would be required to implement a Storm Water Pollution Prevention Program (SWPPP) that would identify specific measures to address erosion and siltation resulting from grading and construction as well as the potential long-term water quality impacts. The Project would also include a retention basin that would capture runoff and reduce peak flows. Implementation of the Project would result in new internal access roads, increasing impervious surface area which is not prone to erosion or siltation. The Project would also include landscaping that would minimize erosion and siltation. The Project site would be designed for storm water to be captured by the retention basin and to the storm drain system. No streams or rivers would be altered. Therefore, on-site flooding, erosion, and siltation would not occur. Any impacts would be less than significant.

**d) Less Than Significant Impact.** Impact IX.c) above discusses Project-related changes to site drainage and runoff. The on-site storm water collection shall meet City standards for capacity. As such, the potential for flooding on or off-site as a result of the Project is considered less than significant.

**e) Less Than Significant Impact.** The Project would result in new structures, interior access roads and landscaped grounds. As discussed in impact IX.c) above, implementation of the Project would not substantially increase the rate or amount of surface runoff that would result in flooding on or off site. Any impacts would be less than significant.

**g) and h) Less Than Significant Impact.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Community Panel No. 06107C1275E, dated June 2009, the Project site is located in Zone-X which is considered to be an area of minimal risk. With the installation of onsite and offsite storm drainage improvements, impacts would be less than significant.

**i) No Impact.** The Project is located in a relatively flat area and is not located near any levees or dams. The two closest dams that could cause flooding are Terminus Dam and Success Dam, both of which are located more than 20 miles away. Although there are numerous Tulare Irrigation District Canals located throughout the City of Tulare, the canals do not include storage of large amounts of aboveground water that could be released suddenly due to a structural failure. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. There would be no impact.

**j) No Impact.** The Project is located inland and not near an ocean or large body of water, therefore, would not be affected by a tsunami. The Project is located in a relatively flat area and would not be impacted by inundation related to mudflow. Therefore, the Project would have no impact to seiche, tsunami, or mudflow.

**X. LAND USE AND PLANNING**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Physically divide an established community?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Responses:**

a) **No Impact.** The physical division of an established community refers to the construction or removal of a physical feature or structure such that will impair mobility within the existing community, or between a community and outlying areas. The proposed Project would be completed in three phases and would result in the construction of approximately 88 single family residences, internal access roads, landscaped grounds, and off-site improvements subject to City standards. Additionally, existing circulation throughout the area would not be impacted as the proposed Project would not result in any roadway closure. The Project site would be accessed off the existing Muirfield Avenue and the proposed Aberdeen Street. There would be no impact.

b) **Less Than Significant Impact.** To accommodate the density of the new development, the Project would amend the General Plan from commercial and medium density residential to low density residential land uses. The Project also proposes to change the zoning from C-3 and R-M-2 to R-1-6, see [Figure 2-3](#) and [Figure 2-4](#). While the Project would conflict with the current City of Tulare General Plan 2035, the proposed land use amendments and zoning changes are compatible with the surrounding land uses (multi-family/ single-family residential and commercial) and zoning, and therefore would have a less than significant impact.

c) **No Impact.** The Project area is not subject to any habitat conservation plan or similar plan. There would be no impact.

**XI. MINERAL RESOURCES**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Responses:**

a) **No Impact.** Although there are currently 26 mines permitted to operate in Tulare County, none of them are in or adjacent to the City of Tulare<sup>2</sup> The Project would not result in the loss of an available known mineral resource. There would be no impact.

b) **No Impact.** The Project site is not delineated on a local land use plan as a locally important mineral resource recovery site; therefore, the existence of the Project would not result in the loss of availability of any mineral resources. There would be no impact.

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<sup>2</sup> State of California Department of Conservation, Mine Reclamation – AB 3098 List, [http://www.conservation.ca.gov/omr/SMARA%20Mines/ab\\_3098\\_list/Documents/July\\_2016-3098.pdf](http://www.conservation.ca.gov/omr/SMARA%20Mines/ab_3098_list/Documents/July_2016-3098.pdf), accessed on September 26, 2016.

**XII. NOISE**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people living or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people living or working in the project area to excessive noise levels?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

a), c), and d) **Less Than Significant Impact.** Construction activities generally involve temporary noise sources. Typical construction equipment includes graders, trenchers, small tractors, a crane and miscellaneous equipment. During construction, noise from construction activities would contribute to the noise environment in the immediate Project vicinity. Activities involved in construction would generate maximum noise levels, as indicated in **Table 3-6**, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g. mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control.

Table 3-6. Typical Construction Noise Levels<sup>3</sup>

| Type of Equipment | dBA at 50 ft.                               |                             |
|-------------------|---|-----------------------------|
|                   | Without Feasible Noise Control <sup>1</sup> | With Feasible Noise Control |
| Dozer or Tractor  | 80  | 75                          |
| Excavator         | 88  | 80                          |
| Scraper           | 88  | 80                          |
| Front End Loader  | 79  | 75                          |
| Backhoe           | 85  | 75                          |
| Grader            | 85  | 75                          |
| Truck             | 91  | 75                          |

<sup>1</sup> Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications.

The City of Tulare General Plan and Noise Ordinance does not specifically identify short-term, construction-noise-level thresholds or long-term operational noise thresholds. The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. Construction and operational activities would comply with the following City of Tulare General Plan Policies:

- **NOI-P1.5 Construction Noise.** Reduce noise associated with construction activities by requiring properly maintained mufflers on construction vehicles, requiring the placement of stationary construction equipment as far as possible from developed areas, and requiring temporary acoustical barriers/shielding to minimize construction noise impacts at adjacent receptors. Special attention should be paid to noise-sensitive receptors (including residential, hospital, school, and religious land uses).
- **NOI-P1.6 Limiting Construction Activities.** The City shall limit construction activities to the hours of 6 am to 10 pm, Monday through Saturday.

Changes to the existing neighborhood’s noise levels on a long-term basis resulting from the Project would include low-density, single-family residential homes, which are not typically associated with high levels of operational noise. Therefore, Project-related operational noise impacts would be less than significant, and no mitigation would be required.

**b) Less Than Significant Impact.** Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the

<sup>3</sup> U.S. Department of Transportation, Federal Transit Administration. 2006.

case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings<sup>4</sup>.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The vibration velocity level is reported in decibels relative to a level of  $1 \times 10^{-6}$  inches per second and is denoted as VdB. The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels<sup>5</sup>.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day (FTA 2006). Table 5 describes the typical construction equipment vibration levels.

**Table 3-7. Typical Construction Vibration Levels<sup>6</sup>**

| Equipment       | VdB at 25 ft <sup>2</sup> |
|-----------------|---------------------------|
| Small Bulldozer | 58                        |
| Jackhammer      | 79                        |

Based on the typical vibration levels identified in the table above, any temporary vibration levels associated with construction activities are not expected to exceed the FTA threshold for the nearest residence which is located approximately 556 feet from the proposed Project. The impact would be less than significant.

**e) and f) No Impact.** The Project area is approximately four miles from the Mefford Field Airport; however, the site is well outside of the noise contour areas established for the Mefford Field Airport<sup>7</sup>. There are no private airstrips in the vicinity of Project site. As such, the Project would not subject people to noises associated with public or private airport use. There would be no impact.

<sup>4</sup> U.S. Department of Transportation. Federal Transit Administration, Transit Noise and Vibration Impact Assessment. 2006.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> City of Tulare Draft

**XIII. POPULATION AND HOUSING**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

a) **Less Than Significant Impact.** The Project would be completed in three phases and would result in the construction of approximately 88 single family residences, internal access roads, landscaped grounds, and off-site improvements subject to City standards. The City of Tulare has an average household size of 3.35 persons,<sup>8</sup> resulting in an anticipated population increase of 294 persons. Whether this increase will comprise persons from Tulare or from out of the area is speculative. All of the utilities infrastructure, including sewer and water facilities, exist in the immediate vicinity of the Project site and would be extended to the Project site. Storm drains would be added and a ponding basin would be constructed to serve the Project site. These existing utility and service systems have adequate capacity to serve the Project (refer to Section XVI, below). The small increase of total persons coupled with the speculative nature of whether the increase at the site will comprise current Tulare residents or people relocating to Tulare from elsewhere results in a less than significant impact

b) and c) **No Impact.** The Project site itself has historically been vacant, with only one rural residence located on the parcel, therefore construction would not displace substantial numbers of people. Additionally, the Project will involve the construction of approximately 88 single family residences. Therefore, the Project would not displace existing housing for a substantial number of people or residents. Further, the Project would provide additional housing upon completion. There would be no impact.

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<sup>8</sup> City of Tulare General Plan 2035, page 2-12.

**XIV. PUBLIC SERVICES**

**Would the project:**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

|                          | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                |
|--------------------------|--------------------------------|---|-------------------------------------|--------------------------|
| Fire protection?         | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection?       | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schools?                 | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Parks?                   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

a) **Less Than Significant Impact.**

**Fire Protection** – The City of Tulare will provide fire protection services to the proposed Project site. Station 61 is the closest to the Project site and is located approximately 1.4 miles to the southwest. In order to offer adequate onsite fire protection, life safety, and suppression service to the Project site, the City of Tulare Fire Department must have adequate onsite circulation and access to hydrants with adequate fire-flow pressure in the event of an emergency. The Project site has adequate emergency access from Muirfield Avenue located on the eastern side site, and the proposed Aberdeen Street, to the North of the Project site. Additionally, onsite road networks are designed for adequate circulation and emergency vehicle accesses. Finally, the final site plans and development specifications will indicate the location and design specifications of the fire hydrants and no-parking zones that may be required in the Project site. The implementation of the proposed Project would not adversely impact existing fire protection or emergency services within the City, and would not require the construction of an additional fire protection facility in Tulare. Impacts to fire services would be less than significant.

**Police Protection** – The Project site will be served by the Tulare Police Department. Implementation of the proposed Project would result in an increase in demand for police services. This increase would be minimal compared to the number of officers currently employed by the Tulare Police Department and would not result in significant demand for additional police services or additional staffing. Implementation of the Project would not require the construction of a new police facility to serve the Project, nor would it create a negative impact to existing emergency response times and existing police protection service levels. Impacts to police services would be less than significant.

**Schools** – The potentially affected school districts are the Tulare Joint Union High School District, and Tulare City Elementary School District. Using a student generation rate of 0.661

students/household, the Project would result in approximately 58 K-12 students. Under Senate Bill 50 – School Facilities Act of 1998 a Project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code §65995. Payment of applicable impact fees by the developer, and ongoing revenue that would come from local taxes would ensure that this Project pays its share of impacts to local school's services. Therefore, any impact is less than significant.

**Parks** – The Project does not include additional recreational facilities. The nearest park is Live Oak Park, located 0.3 miles to the northeast. Santa Fe Public Trail is located 0.3 miles to the north. Current City standard is 4.0 acres of parkland per 1,000 population<sup>9</sup>. According to the State Department of finance, in 2012 Tulare's average household size was 3.35 persons per household<sup>10</sup>. Therefore, the proposed Project could house up to 294 people, and require 1.17 acres of parkland. The applicant will fill this need through payment of park impact fees. Therefore, any impact would be less than significant.

**Other public facilities** – The Project would connect to the City's water and sewer systems. The Project will also collect and discharge stormwater to a ponding basin that will be located to the north of the proposed Project site. Any impacts would be less than significant.

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<sup>9</sup> City of Tulare General Plan 2035, page 4-10.

<sup>10</sup> City of Tulare General Plan 2035, page 2-12.

**XV. RECREATION**

**Would the project:**

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

a) and b) **Less Than Significant Impact.** The nearest park is Live Oak Park, located 0.3 miles to the northeast. Santa Fe Public Trail is located 0.3 miles to the north. The Project is not required to construct additional recreational facilities or open space. As discussed in Impact XIV. a) the Project will pay park impact fees to cover the cost of park maintenance, these fees could also go towards the construction or expansion of existing recreational facilities should the City deem that necessary. Therefore, any impact will be less than significant.

**XVI. TRANSPORTATION/TRAFFIC**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

a) and b) **Less Than Significant Impact.** The Project would be completed in three phases and would result in the construction of approximately 88 single family residences, internal access roads, landscaped grounds, and off-site improvements subject to City standards. Vehicular access to the site would primarily be provided by Muirfield Avenue, and a proposed Aberdeen Street. The proposed Aberdeen Street would access the site on the northern border feeding off of Seminole Avenue. The Project will construct Aberdeen Street, Muirfield Avenue and all internal streets and internal drive aisles to meet City standards.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition), the Single-Family Housing (Land Use 210) has the potential to generate 9.57 weekday traffic trips per dwelling unit, resulting in a potential trip generation of approximately 842.16 weekday trips per day. The Project would average 10.08 Saturday traffic trips per dwelling unit, resulting in 887.04 Saturday trips, and an average of 8.77 Sunday traffic trips per dwelling unit, resulting in 771.76 Sunday trips. The City of Tulare General Plan 2035 designates Mooney Boulevard (State Route 63) as a State Freeway and Highway and the Project will not exceed the Level of Service (LOS) thresholds of LOS 'D' as defined in the Highway Capacity Manual.

To accommodate the Project's vehicle trips, the existing dedicated right turn lane on northbound Mooney Boulevard to eastbound Seminole Avenue will be lengthened to 580 feet. Further, the Project will pay its fair share of the City's established Development Impact Fees for City Streets and State Highways. The Project will also construct its portion of the proposed Aberdeen Street and frontage improvements along Mooney Boulevard, as required by Caltrans (see appendix E). In addition, the Project will improve the circulation system by installing a raised median within Mooney Boulevard, pedestrian sidewalks along Mooney Boulevard and throughout the subdivision.

The Project does not conflict with any circulation plan or level of service standards. The site will maintain vehicular access to two streets, which themselves connect to the larger city-wide circulation system. Any impacts would be less than significant.

**c) No Impact.** The Project is located approximately four miles northeast of the Mefford Field Airport, and approximately 44 miles southeast of the Fresno Yosemite International Airport, in the City of Fresno. The Project site is outside of the established area of the Airport Land Use Plan. There is no potential for the Project to result in a change in air traffic patterns. There would be no impact.

**d) No Impact.** The Project would not include any sharp curves or hazardous roadway design elements. The use will include large trucks that will circulate in and out of the Project area and will require City Standard curb return design to accommodate the large truck turn radius. The impacts would be less than significant.

**e) No Impact.** The Project site is within an urbanized area that currently receives adequate emergency services. The Project does not propose any roadway construction or onsite uses that would affect emergency services as they are currently provided. There would be no impact.

**f) No Impact.** The Project would not conflict with any adopted transportation policies or plans. There would be no impact.

**XVII. TRIBAL CULTURAL RESOURCES**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

a) **No Impact.** The City of Tulare sent a request to the NAHC on May 2, 2017 for a Sacred Lands File search to identify any known Native American resources in the APE (Appendix C). The City additionally requested a list of parties that may have interest in the Project or knowledge of any unrecorded Native American resources in the area.

In a letter dated May 5, 2017, Sharaya Souza of the NAHC informed the City that no resources were identified within the subject portion of the APE as a result of the Sacred Lands File search. Souza’s letter included a list of six Native American contacts who may have special knowledge of the Project area (Appendix C). On May 9, 2017, the City sent a letter describing the Project and its location to each of the following contacts identified by the NAHC:

- Julie Turner, Secretary, Kern Valley Indian Council;
- Rueben Barrios Sr., Chairperson, Santa Rosa Rancheria Tachi Yokut Tribe;
- Robert Robinson, Chairperson, Kern Valley Indian Council;
- Neil Peyron, Chairperson, Tule River Indian Tribe;
- Robert L. Gomez, Jr., Tribal Chairperson, Tubatulabals of Kern Valley;
- Kenneth Woodrow, Chairperson, Wuksache Indian Tribe/Shum Valley Band;

Copies of the Native American outreach documentation are included in Appendix C.

An email was received on June 12, 2017, from Kerri Vera of the Tule River Tribe. The email stated that at this time, they did not have any knowledge of culturally sensitive items or sites within the proposed Project area. However, if items or sites are revealed during research or Project initiation, within the Project site, they requested to be contacted.

Voicemails were left on June 14-15, 2017, to the remaining five tribes on the NAHC contact list. No other information has been received in response to phone calls, letters, or e mails.

A records search was conducted at the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield, and at the Native American Heritage Commission *Sacred Lands File*. These investigations determined that the study area had not been previously surveyed and that no archaeological sites, sacred sites or traditional cultural places had been identified within or adjacent to the proposed Project Area. Additionally, as discussed above, the City has not been contacted by any California Native American tribes regarding tribal cultural resources within the proposed Project vicinity. Therefore, there will be no impact

**b) No Impact.** As noted in Impact XVII-a-i, no tribal cultural resources were identified within the proposed Project area. Therefore, there will be no impact.

**XVIII. UTILITIES AND SERVICE SYSTEMS**

**Would the project:**

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Responses:**

**a) and b) Less Than Significant Impact.** The Project will connect to the City of Tulare water and sanitary sewer systems. The Project would require the extension of sewer and water lines to the Project site from the existing lines located in Seminole Avenue. The Project has been reviewed by the Public Works Director and City Engineer and determined that the Project will not have a significant impact on the existing water or sewer system, and would not require the construction of any new facilities or the acquisition of any new water sources. The Public Works department will regularly monitor the waste water discharge to meet City requirements. Impacts would be less than significant.

**c) Less Than Significant Impact.** The Project would result in the construction of structures, interior access roads and landscaped grounds. The Project will alter the existing drainage pattern with the development of the Project. However, the storm water will be collected and discharged to a proposed basin located to the north of the Project site. Any impacts will be less than significant.

**d) and e) Less Than Significant Impact.** See Impacts XVIII(a) and (b) above.

**f) Less Than Significant Impact.** The Project would be served by the Woodville Disposal Site, 10 miles southeast of the City. The landfill has sufficient permitted capacity to accommodate the proposed Project's solid waste disposal needs. Any impacts would be less than significant.

g) **No Impact.** The Project would continue to comply with any federal, state, and local regulations related to solid waste. There would be no impact.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

**Would the project:**

|  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Responses:**

a) **Less Than Significant Impact with Mitigation Incorporation.** Based on the analysis conducted in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems would be less than significant. Potential impacts to Biological Resources would be less than significant with implementation of mitigation measure BIO-1. Additionally, with implementation of the Best Management Practices for construction activities, the proposed Project’s potential to degrade the quality of the environment, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a protected species or eliminate important examples of the major periods of California history or prehistory would be less than significant with implementation of the above noted mitigation measure. The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the Project would have a less than significant effect on the local environment.

b) **Less Than Significant Impact with Mitigation Incorporation.** As discussed in the initial study, impacts associated with the Project are incremental and minor in nature, would result in less than significant impacts to the environment with incorporation of mitigation measure BIO-1. As mitigated, the proposed Project will not have impacts that are cumulatively considerable.

c) **Less Than Significant Impact.** The Project will not result in substantial adverse effects on human beings, either directly or indirectly. With implementation of Best Management Practices and general safety protocols during construction and maintenance of the proposed Project, impacts will be less than significant.

## CHAPTER 4

# MITIGATION MONITORING REPORTING PROGRAM

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# Chapter 4 - MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Greens Subdivision Map Project (Project) in the City of Tulare (City). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements.

**Table 4-1** presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the City to ensure that individual mitigation measures have been complied with and monitored.

Table 4-1. Mitigation Monitoring and Reporting Program

| Mitigation Measure/Condition of Approval  | When Monitoring is to Occur | Frequency of Monitoring | Agency Responsible for Monitoring | Method to Verify Compliance                             | Verification of Compliance |
|---|-----------------------------|-------------------------|-----------------------------------|---|----------------------------|
| <b>Biological Resources:</b>  |                             |                         |                                   |   |                            |
| <b>BIO - 1 (Preconstruction Survey).</b> A preconstruction survey will be conducted by a qualified biologist within 30 days prior to the start of Project activities. The survey will be limited to the Project site, and will entail walking transects suitably spaced to ensure full visual coverage of the survey area. If any potential impacts are determined, the City of Tulare shall initiate consultation with the California Department of Fish and Wildlife to develop and implement site-specific measures. Mitigation Monitoring and Reporting for each phase shall be conducted by qualified professionals and their results shall be submitted to the City of Tulare and, if needed, the California Department of Fish and Wildlife. | Prior to construction       | Prior to Construction   | City of Tulare                    | Field inspection and report submittal to City of Tulare |                            |

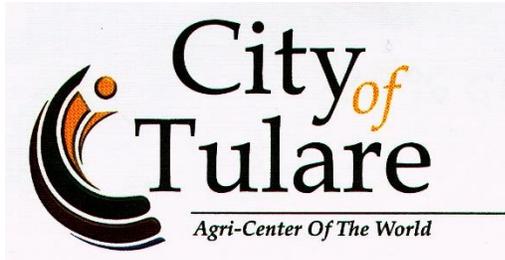
## **CHAPTER 5**

### **LIST OF PREPARERS**

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## Chapter 5 - LIST OF PREPARERS

The following firms, individuals and agency staff contributed to the preparation of this document:



Traci Myers, Deputy Community Development Director

411 East Kern Avenue  
Tulare, CA 93274



286 W. Cromwell Avenue  
Fresno, CA 93711

Dawn E. Marple, Senior Planner, QA/QC  
Amy Wilson, Associate Planner  
Angie Hammon, Project Administrator  
Jason Thomas, GIS

|                               |
|-------------------------------|
| <b>AGENDA ITEM: Consent 5</b> |
|-------------------------------|

**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department: Engineering Services / Project Management**

**For Council Meeting of: September 1, 2020**

**Documents Attached:**  Ordinance  Resolution  Staff Report  Other  None

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**AGENDA ITEM:**

Authorize the City Manager to execute a contract change order in the amount of \$364,619.00 with Valley Pump & Dairy Systems Inc. for Add Alternative #1 of the Storm Sewer Lift Stations Upgrades Project (Projects SD0016, SD0017, SD0018), and increase the amount the City Manager or his designee is authorized to approve for contract change orders to 10% of the revised contract amount (an additional \$36,461.90).

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

In April 2020, the following projects were bid as a single Request for Bids (RFB):

- Project SD0018 - 'M' Street south of College Avenue Storm Sewer Lift Station (LS) Upgrade,
- Project SD0016 – Bardsley Avenue at West Street Storm Sewer Lift Station (LS) Upgrade, and
- Project SD0017 – High School Farm Site Storm Sewer Lift Station (LS) Upgrade.

Because of an expected funding shortage, the projects were ranked by priority in the RFB. Project SD0018 was deemed the most critical, and was therefore identified as the Base Bid. Project SD0016 was deemed as the second highest priority, and was identified as Additive Alternative #1. Project SD0017 was the lowest priority, and was identified as Additive Alternative #2. Due to limited funding available at the time, staff's recommendation to Council was to only award the Base Bid. Subsequently, Council awarded a contract to Valley Pump on March 17, 2020 for the Base Bid (i.e., SD0018 only) and approved a 10% construction contingency.

Staff has since identified additional Surface Water Operations and Maintenance funds that are available, and is recommending that they be programmed for Project SD0016 so that it could be constructed under the aforementioned RFB. This will require a contract change order to the existing contract with Valley Pump in the amount of \$364,619.00, an increase in the 10% contract contingency in the amount of \$36,461.90, and additional funding estimated at \$7,500 for staff time to manage and inspect the project during construction. If approved, use of the additional Surface Water Operations and Maintenance funds will not negatively impact any scheduled O&M activity.

**STAFF RECOMMENDATION:**

Authorize the City Manager to execute a contract change order in the amount of \$364,619.00 with Valley Pump & Dairy Systems Inc. for Add Alternative #1 of the Storm Sewer Lift Stations Upgrades Project (Projects SD0016, SD0017, SD0018), and increase the amount the City Manager or his designee is authorized to approve for contract change orders to 10% of the revised contract amount (an additional \$36,461.90).

**CITY ATTORNEY REVIEW/COMMENTS:**  Yes  N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**  Yes  No  N/A

**FUNDING SOURCE/ACCOUNT NUMBER:**

Surface Water Fund Balance - Fund 067

**Submitted by:** James L. Funk

**Title:** Project Manager

**Date:** August 24, 2020

**City Manager Approval:** 



RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

CITY OF TULARE – GENERAL SERVICES  
411 EAST KERN AVE  
TULARE CA 93274

MAIL TAX STATEMENTS TO PARTY LISTED ABOVE

EXEMPT FROM RECORDING FEE PER GOV. CODE § 6103

APN: 181-020-037-000 ADDRESS:

### GRANT DEED

The undersigned Grantor(s) Declare(s):

DOCUMENTARY TRANSFER TAX IS \$ **NONE**; CITY TRANSFER TAX \$ **NONE**

- Computed on consideration or full value of property coveyed, OR
- Computed on consideration or full value less value of liens or encumbrances remaining at time of sale,
- Exempt from transfer tax; Reason: BENEFIT OF CITY OF TULARE

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged,  
 the CHARTER CITY OF TULARE, a California municipal corporation of the State of California  
 hereby GRANTS to  
 the CHARTER CITY OF TULARE  
 the following described property in the City of Tulare, County of Tulare, State of California:

See Exhibit "A" Attached Hereto And Made A Part Hereof For Right-Of-Way Purposes

GRANTOR  
 The Charter City of Tulare,  
 A California municipal corporation of the State of California

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 Rob A. Hunt, City Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
*Date Here Insert Name and Title of the Officer*  
 personally appeared \_\_\_\_\_,  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.**

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Place Notary Seal Above

# **EXHIBIT 'A'**

## **RIGHT OF WAY DEDICATION**

City of Tulare  
Lane Engineers, Inc. Job No. 19072  
August 29, 2019

Being a portion of Lot 43 of Highway Acres as per map recorded in Volume 13 of Maps at Page 12, T.C.R., also being a portion of Parcel 1 of Parcel Map No. 401 recorded in Book 5 of Parcel Maps at Page 1, T.C.R. all situated in the NW1/ of Section 14, Township 20 South, Range 24 East, Mount Diablo Base and Meridian, in the City of Tulare, County of Tulare, State of California, more particularly described as follows:

COMMENCING at the southeast corner of the property described by deed recorded as Instrument No. 2010-0026736, O.R.T.C.R., said southeast corner being distant 170.00 feet southerly along the west right of way line of South K St. from the northeast corner of said Parcel 1 of Parcel Map No. 401; Thence North  $10^{\circ}09'46''$  West 117.12 feet along the east line of said Parcel 1 and said west right of way being 50.00 feet wide as measured at right angles thereto to the TRUE POINT OF BEGINNING;

Thence  $N83^{\circ}00'17''W$  117.44 feet to the beginning of a tangent curve concave to the south having a radius of 186.00 feet;

Thence westerly 36.65 feet along said curve through a central angle of  $11^{\circ}17'27''$ ;

Thence South  $84^{\circ}18'54''$  West 139.99 feet to a point of cusp with a curve concave to the west having a radius of 50.00 feet, a radial line through said point bears South  $07^{\circ}45'36''$  West; Thence southerly 110.92 feet along said curve through a central angle of  $127^{\circ}06'11''$  to the beginning of a reverse curve concave to the southeast having a radius of 55.00 feet, a radial line through said point bears South  $45^{\circ}08'13''$  East;

Thence southwesterly 38.11 feet along said curve through a central angle of  $39^{\circ}42'17''$  to a point on the south line of said property described by deed recorded as Instrument No. 2010-0026736, O.R.T.C.R.;

Thence along the south, west, north and east lines of said property through the following courses:

South  $89^{\circ}36'06''$  West 6.89 feet;

North  $10^{\circ}09'46''$  West 134.40 feet to the beginning of a tangent curve concave to the southeast having a radius of 30.00 feet; northeasterly 52.24 feet along said curve through a central angle of  $99^{\circ}45'51''$ ; North  $89^{\circ}36'06''$  East 254.66 feet to the beginning of a tangent curve concave to the southwest having a radius of 20.00 feet;

southeasterly 28.01 feet along said curve through a central angle of  $80^{\circ}14'09''$ ; South  $10^{\circ}09'46''$  East 36.03 feet to the POINT OF BEGINNING.

CONTAINING 16,941 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

SEE EXHIBIT 'B' ATTACHED HERETO.





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Office of the City Clerk

## **CERTIFICATE OF ACCEPTANCE**

THIS IS TO CERTIFY, that the interest in real property conveyed by the **Grant Deed** dated \_\_\_\_\_, from **the City of Tulare, a Charter City** to the City of Tulare, a Municipal Corporation of the State of California, was duly accepted by the City Council of the City of Tulare on **September 1, 2020**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this certificate of acceptance to be recorded with the **Grant of Deed**.

CITY OF TULARE

By: \_\_\_\_\_  
Rob A. Hunt, City Manager

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Consent 7

CITY OF TULARE  
SUMMARY TREASURER'S REPORT  
SUMMARY OF ALL INVESTMENTS  
JULY 31, 2020

| <u>TYPE OF INVESTMENT</u>             | <u>BOOK VALUE</u>  | <u>MARKET VALUE</u> | <u>CURRENT YIELD</u> | <u>BOOK VALUE % OF TOTAL</u> |
|---------------------------------------|--------------------|---------------------|----------------------|------------------------------|
| UNRESTRICTED INVESTMENTS - SEE PAGE 2 | 140,187,267        | 140,477,224         | 0.946%               | 83.01%                       |
| RESTRICTED INVESTMENTS - SEE PAGE 4   | 28,683,542         | 28,683,542          | N/A                  | 16.99%                       |
| <b>TOTAL INVESTMENTS</b>              | <u>168,870,809</u> | <u>169,160,766</u>  | N/A                  | <u>100.00%</u>               |

Note: The City's financial statements will report market values, not book values, at June 30 each year.

I certify that this report reflects all City investments and complies with the investment policy of the City of Tulare as approved by City Council. Furthermore, I certify that sufficient investment liquidity and anticipated revenues are available to meet the City's budgeted expenditures for the next six months.

Presented to the City Council on August 24, 2020.

Presented to the Board of Public Utility Commissioners on August 24, 2020.

Respectfully submitted, Darlene J. Thompson, CPA, Finance Director/Treasurer

Darlene J. Thompson 8-24-2020  
Date

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**SUMMARY OF UNRESTRICTED INVESTMENTS**  
**JULY 31, 2020**

| TYPE OF INVESTMENT  | ISSUER OF INVESTMENT   | DATES:      | INTEREST RATES: | PAR VALUE | BOOK VALUE                      | UNREALIZED   | ESTIMATED  | BOOK    |
|---|------------------------|-------------|-----------------|-----------|---------------------------------|--------------|------------|---------|
|   |                        | ACQUISITION | STATED          |           | MARKET VALUE                    | GAIN/(LOSS): | EARNINGS:  | VALUE   |
|   |                        | MATURITY    | CURRENT YIELD   |           |                                 | THIS MONTH   | ANNUAL     | % OF    |
|   |                        |             |                 |           |                                 | LAST MONTH   | THIS MONTH | U/I~    |
| Petty Cash  | N/A                    | N/A         | N/A             | N/A       | 11,800                          | N/A          | N/A        | 0.01%   |
|   |                        | N/A         | None            |           | 11,800                          | N/A          | N/A        |         |
| Checking Account - City                                   | Wells Fargo Bank       | N/A         | N/A             | N/A       | 1,779,645                       | N/A          | N/A        | 1.27%   |
|   |                        | On Demand   | None            |           | 1,779,645                       | N/A          | N/A        |         |
|   |                        |             |                 |           | Balance per bank is \$3,083,621 |              |            |         |
| Local Agency Investment Fund (LAIF)                       | State of California    | Various     | N/A             | N/A       | 34,500,000                      | 169,491      | 317,400    | 24.61%  |
|   |                        | On Demand   | 0.920%          |           | * 34,669,491                    | 329,165      | 26,450     |         |
| <b>Sub-Total</b>  |                        |             | N/A             | N/A       | 36,291,445                      | 169,491      | 317,400    | 25.89%  |
|   |                        |             | 0.871%          |           | 36,460,936                      | 329,165      | 26,450     |         |
| Fixed Income Investments                                  | Various (See page 4-7) |             | N/A             | N/A       | Per BNY WTC<br>103,895,822      | 120,466      | 1,011,065  | 74.11%  |
| Investments in Safekeeping With BNY Western Trust Company |                        |             | 0.970%          |           | 104,016,288                     | 104,211      | 84,255     |         |
| <b>TOTAL UNRESTRICTED INVESTMENTS</b>                     |                        |             | N/A             | N/A       | 140,187,267                     | 289,957      | 1,328,465  | 100.00% |
|   |                        |             | 0.946%          |           | 140,477,224                     | 433,376      | 110,705    |         |

\* LAIF market values are based on the most currently available amortized cost information - June, 2020:

1.004912795

~ U/I = Unrestricted Investments

**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**SUMMARY OF RESTRICTED INVESTMENTS**  
**JULY 31, 2020**

| TYPE OF INVESTMENT   | ISSUER OF INVESTMENT  | ACQUISITION<br>DATE | MATURITY<br>DATE | STATED<br>INTEREST RATE | PAR<br>VALUE        | BOOK<br>VALUE                              | MARKET<br>VALUE   | BALANCES<br>AS-OF<br>DATE |               |
|--|-----------------------|---------------------|------------------|-------------------------|---------------------|--|-------------------|---------------------------|---------------|
| <b>Bond Funds (All are Managed by U.S. Bank Trust Except LAIF):</b>              |                       |                     |                  |                         |                     |  |                   |                           |               |
| 2018 Lease Revenue and Refunding Bonds (Account No. 244938000)                   |                       |                     |                  |                         |                     |  |                   |                           |               |
| First American Govt Fd   | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 1,701,592                                  | 1,701,592         | 07-31-20                  |               |
|  |                       |                     |                  | Reserve Fund            |                     | <u>1,701,592</u>                           | <u>1,701,592</u>  |                           |               |
| 2012 Sewer Revenue Refunding Bonds (Account No. 162033000)                       |                       |                     |                  |                         |                     |  |                   |                           |               |
| U S Bk Mmkt  | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 158,549                                    | 158,549           | 07-31-20                  |               |
| U S Bk Mmkt  | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 923,375                                    | 923,375           | 07-31-20                  |               |
|  |                       |                     |                  | Reserve Fund            |                     | <u>1,081,924</u>                           | <u>1,081,924</u>  |                           |               |
| 2013 Sewer Revenue Refunding Bonds (Account No. 203701000)                       |                       |                     |                  |                         |                     |  |                   |                           |               |
| First American Govt Fd   | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 95,119                                     | 95,119            | 07-31-20                  |               |
| Guarantee Invest. Cont.  | Bayerische Landesbank | 08-01-13            | 11-15-22         | 2.310%                  | N/A                 | 2,745,126                                  | 2,745,126         | 07-31-20                  |               |
|  |                       |                     |                  |                         |                     | <u>2,840,245</u>                           | <u>2,840,245</u>  |                           |               |
| 2015 Sewer Revenue Refunding Bonds (Account No. 2615940000)                      |                       |                     |                  |                         |                     |  |                   |                           |               |
| First American Govt Fd   | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 13   | 13                | 07-31-20                  |               |
| Investment Repurchase GIC  | Bayerische Landesbank | 11-15-15            | 11-15-25         | 1.960%                  | N/A                 | 6,670,067                                  | 6,670,067         | 07-31-20                  |               |
|  |                       |                     |                  | Reserve Fund            |                     | <u>6,670,080</u>                           | <u>6,670,080</u>  |                           |               |
| 2016 Sewer Revenue Refunding Bonds (Account No. 260)                             |                       |                     |                  |                         |                     |  |                   |                           |               |
| U S Bk Mmkt  | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 837  | 837               | 07-31-20                  |               |
|  |                       |                     |                  |                         |                     | <u>837</u>                                 | <u>837</u>        |                           |               |
| 2020 Water Revenue Bonds (Account No. XXX)                                       |                       |                     |                  |                         |                     |  |                   |                           |               |
| U S Bk Mmkt  | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 14,917,944                                 | 14,917,944        | 07-31-20                  |               |
|  |                       |                     |                  |                         |                     | <u>14,917,944</u>                          | <u>14,917,944</u> |                           |               |
| 2017 Successor Agency Tax Allocation Bonds - Series A & B (Account No. 24534600) |                       |                     |                  |                         |                     |  |                   |                           |               |
| U S Bk Mmkt  | U.S. Bank Trust       | Various             | On Demand        | Various                 | N/A                 | 1,425,476                                  | 1,425,476         | 07-31-20                  |               |
|  |                       |                     |                  |                         |                     | <u>1,425,476</u>                           | <u>1,425,476</u>  |                           |               |
| <b>TOTAL BOND FUNDS</b>  |                       |                     |                  |                         |                     | <u>28,638,098</u>                          | <u>28,638,098</u> |                           |               |
| <b>Restricted Insurance Deposits Managed by Fiscal Agents:</b>                   |                       |                     |                  |                         |                     |  |                   |                           |               |
| Employee Welfare Fund  | (60)                  | Various             | N/A              | N/A                     | Various             | N/A  | 919               | 919                       | 07-31-20      |
| Workers' Comp. Fund  | (61)                  | Various             | N/A              | N/A                     | Various             | N/A  | 0                 | 0                         | 06-30-19      |
| General Insurance Fund   | (62)                  | Various             | N/A              | N/A                     | Various             | N/A  | 44,525            | 44,525                    | 06-30-19      |
|  |                       |                     |                  |                         | * Adjusted annually |  | <u>45,444</u>     | <u>45,444</u>             |               |
| <b>TOTAL RESTRICTED INVESTMENTS</b>  |                       |                     |                  |                         |                     |  | <u>28,683,542</u> | <u>28,683,542</u>         |               |
|  |                       |                     |                  |                         |                     | <i>Book Value % of Total Investments =</i> |                   |                           | <b>16.99%</b> |

**CITY OF TULARE  
SUMMARY TREASURER'S REPORT, CONTINUED  
FIXED INCOME INVESTMENTS  
JULY 31, 2020**

| TYPE OF FIXED INCOME INVESTMENT                  | CUSIP NUMBER | DATES:      |          | INTEREST RATES: |               | PAR VALUE | BOOK VALUE<br>MARKET VALUE | UNREALIZED                 | ESTIMATED                         |
|--|--------------|-------------|----------|-----------------|---------------|-----------|----------------------------|----------------------------|-----------------------------------|
|  |              | ACQUISITION | MATURITY | STATED          | CURRENT YIELD |           |                            | GAIN/(LOSS):<br>THIS MONTH | EARNINGS:<br>ANNUAL<br>THIS MONTH |
| <b><u>U.S. GOVERNMENT AGENCY OBLIGATIONS</u></b> |              |             |          |                 |               |           |                            |                            |                                   |
|  |              |             | **       |                 |               |           | Per BNY WTC                |                            |                                   |
| Federal Farm Credit Banks                        |              | 01-29-18    |          | 2.250%          |               | 1,500,000 | 1,497,825                  | 17,715                     | 33,750                            |
|  | 3133EJAW9    | 01-29-21    | C        | 2.230%          |               |           | 1,515,540                  | 19,860                     | 2,813                             |
| Federal Farm Credit Bks Funding Corp             |              | 06-23-20    |          | 0.230%          |               | 2,000,000 | 2,000,000                  | 40                         | 4,600                             |
|  | 3133ELN75    | 12-23-21    | C        | 0.230%          |               |           | 2,000,040                  | (1,300)                    | 383                               |
| Federal Home Ln Mtg Corp                         |              | 02-10-20    |          | 1.625%          |               | 2,000,000 | 2,000,000                  | 540                        | 32,500                            |
|  | 3134GVAH1    | 08-10-22    | C        | 1.620%          |               |           | 2,000,540                  | 2,640                      | 2,708                             |
| Federal Home Ln Mtg Corp                         |              | 02-07-20    |          | 1.750%          |               | 2,000,000 | 2,000,000                  | 320                        | 35,000                            |
|  | 3134GU6Q8    | 11-07-23    | C        | 1.750%          |               |           | 2,000,320                  | 2,620                      | 2,917                             |
| Federal Home Loan Bks                            |              | 06-11-20    |          | 0.580%          |               | 2,000,000 | 2,000,000                  | 140                        | 11,600                            |
|  | 3130AJPJ2    | 12-11-23    | C        | 0.580%          |               |           | 2,000,140                  | 20                         | 967                               |
| Federal National Mortgage Assn                   |              | 06-22-20    |          | 0.520%          |               | 5,000,000 | 5,000,000                  | 4,400                      | 26,000                            |
|  | 3136G4XE8    | 12-22-23    | C        | 0.520%          |               |           | 5,004,400                  | 1,700                      | 2,167                             |
| Federal Home Ln Mtg Corp                         |              | 06-03-20    |          | 0.500%          |               | 2,000,000 | 2,000,000                  | 400                        | 10,000                            |
|  | 3134GV4F2    | 12-29-23    | C        | 0.500%          |               |           | 2,000,400                  | 0                          | 833                               |
| Federal Home Ln Mtg Corp                         |              | 02-28-20    |          | 1.625%          |               | 2,500,000 | 2,500,000                  | 1,375                      | 40,625                            |
|  | 3134GVEG9    | 02-28-24    | C        | 1.620%          |               |           | 2,501,375                  | 2,725                      | 3,385                             |
| Federal Farm Credit Bks Funding Corp             |              | 03-25-20    |          | 0.590%          |               | 2,500,000 | 2,500,000                  | 175                        | 14,750                            |
|  | 3133ELP57    | 03-25-24    | C        | 0.590%          |               |           | 2,500,175                  | (2,050)                    | 1,229                             |
| Federal Farm Credit Bks Funding Corp             |              | 06-17-20    |          | 0.580%          |               | 2,000,000 | 2,000,000                  | 3,920                      | 11,600                            |
|  | 3133ELJ47    | 03-17-24    | C        | 0.580%          |               |           | 2,003,920                  | 1,080                      | 967                               |
| Federal Farm Credit Bks Funding Corp             |              | 06-17-20    |          | 0.680%          |               | 2,000,000 | 2,000,000                  | 2,080                      | 13,600                            |
|  | 3133ELL85    | 06-17-24    | C        | 0.680%          |               |           | 2,002,080                  | 780                        | 1,133                             |
| Federal Farm Credit Bks Funding Corp             |              | 06-15-20    |          | 0.730%          |               | 3,000,000 | 2,997,750                  | 2,370                      | 21,900                            |
|  | 3133ELE83    | 12-03-24    | C        | 0.730%          |               |           | 3,000,120                  | (750)                      | 1,825                             |
| Federal Home Loan Mtg Corp                       |              | 02-10-20    |          | 1.875%          |               | 2,000,000 | 2,000,000                  | 540                        | 37,500                            |
|  | 3134GVAE8    | 02-10-25    | C        | 1.870%          |               |           | 2,000,540                  | 2,620                      | 3,125                             |

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**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**FIXED INCOME INVESTMENTS, CONTINUED**  
**JULY 31, 2020**

| TYPE OF FIXED INCOME INVESTMENT                             | CUSIP NUMBER | DATES:      |          | INTEREST RATES: |               | BOOK VALUE<br>MARKET VALUE | UNREALIZED                               | ESTIMATED                         |        |
|---|--------------|-------------|----------|-----------------|---------------|----------------------------|--|-----------------------------------|--------|
|   |              | ACQUISITION | MATURITY | STATED          | CURRENT YIELD |                            | GAIN/(LOSS):<br>THIS MONTH<br>LAST MONTH | EARNINGS:<br>ANNUAL<br>THIS MONTH |        |
| <b><u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u></b> |              |             |          |                 |               |                            |  |                                   |        |
|   |              |             |          | **              |               | Per BNY WTC                |  |                                   |        |
| Federal Home Loan Banks                                     |              | 02-11-20    |          |                 | 1.850%        | 2,000,000                  | 2,000,000                                | 620                               | 37,000 |
|   | 3130AJ3X5    | 02-11-25    | C        |                 | 1.850%        |                            | 2,000,620                                | 2,680                             | 3,083  |
| Federal Home Loan Banks                                     |              | 02-12-20    |          |                 | 1.800%        | 2,000,000                  | 2,000,000                                | 13,220                            | 36,000 |
|   | 3130AJ4Q9    | 02-12-25    | C        |                 | 1.790%        |                            | 2,013,220                                | 14,420                            | 3,000  |
| Federal Farm Credit Bks Funding Corp                        |              | 05-29-20    |          |                 | 0.720%        | 2,000,000                  | 2,000,000                                | 40                                | 14,400 |
|   | 3133ELA46    | 02-20-25    | C        |                 | 0.720%        |                            | 2,000,040                                | 60                                | 1,200  |
| Federal Home Loan Mtg Corp                                  |              | 02-27-20    |          |                 | 1.700%        | 3,000,000                  | 3,000,000                                | 1,980                             | 51,000 |
|   | 3134GVDP0    | 02-27-25    | C        |                 | 1.700%        |                            | 3,001,980                                | 4,110                             | 4,250  |
| Federal Farm Credit Bks Funding Corp                        |              | 03-03-20    |          |                 | 1.640%        | 2,500,000                  | 2,500,000                                | 21,200                            | 41,000 |
|   | 3133ELQE7    | 03-03-25    | C        |                 | 1.630%        |                            | 2,521,200                                | 22,975                            | 3,417  |
| Federal Home Loan Mtg Corp                                  |              | 03-17-20    |          |                 | 1.150%        | 1,500,000                  | 1,500,000                                | 630                               | 17,250 |
|   | 3134GVGB8    | 03-17-25    | C        |                 | 1.150%        |                            | 1,500,630                                | 825                               | 1,438  |
| Federal Home Loan Mtg Corp                                  |              | 03-17-20    |          |                 | 1.000%        | 2,500,000                  | 2,500,000                                | 550                               | 25,000 |
|   | 3134GVGG7    | 03-17-25    | C        |                 | 1.000%        |                            | 2,500,550                                | 525                               | 2,083  |
| Federal Home Loan Mtg Corp                                  |              | 03-24-20    |          |                 | 1.350%        | 2,000,000                  | 2,000,000                                | 3,220                             | 27,000 |
|   | 3134GVHH4    | 03-24-25    | C        |                 | 1.350%        |                            | 2,003,220                                | 3,180                             | 2,250  |
| Federal Home Loan Banks                                     |              | 03-25-20    |          |                 | 1.200%        | 1,500,000                  | 1,500,000                                | 4,500                             | 18,000 |
|   | 3130AJF79    | 03-25-25    | C        |                 | 1.200%        |                            | 1,504,500                                | 4,245                             | 1,500  |
| Federal Farm Credit Bks Funding Corp                        |              | 03-25-20    |          |                 | 1.200%        | 2,000,000                  | 2,000,000                                | 11,120                            | 24,000 |
|   | 3133ELUK8    | 03-25-25    | C        |                 | 1.190%        |                            | 2,011,120                                | 11,460                            | 2,000  |
| Federal Home Loan Banks                                     |              | 04-02-20    |          |                 | 1.100%        | 1,500,000                  | 1,500,000                                | 285                               | 16,500 |
|   | 3130AJDQ9    | 04-02-25    | C        |                 | 1.100%        |                            | 1,500,285                                | 135                               | 1,375  |
| Federal Home Loan Mtg Corp                                  |              | 04-28-20    |          |                 | 1.030%        | 1,400,000                  | 1,400,000                                | 434                               | 14,420 |
|   | 3134GVNR5    | 04-28-25    | C        |                 | 1.030%        |                            | 1,400,434                                | 238                               | 1,202  |
| Federal Home Loan Mtg Corp                                  |              | 04-29-20    |          |                 | 1.020%        | 1,500,000                  | 1,500,000                                | 615                               | 15,300 |
|   | 3134GVNQ7    | 04-29-25    | C        |                 | 1.020%        |                            | 1,500,615                                | 465                               | 1,275  |

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**CITY OF TULARE  
SUMMARY TREASURER'S REPORT, CONTINUED  
FIXED INCOME INVESTMENTS, CONTINUED  
JULY 31, 2020**

| TYPE OF FIXED INCOME INVESTMENT                             | CUSIP NUMBER | DATES:      |          | INTEREST RATES: |               | PAR VALUE | BOOK VALUE<br>MARKET VALUE | UNREALIZED                 | ESTIMATED                         |
|---|--------------|-------------|----------|-----------------|---------------|-----------|----------------------------|----------------------------|-----------------------------------|
|   |              | ACQUISITION | MATURITY | STATED          | CURRENT YIELD |           |                            | GAIN/(LOSS):<br>THIS MONTH | EARNINGS:<br>ANNUAL<br>THIS MONTH |
| <b><u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u></b> |              |             |          |                 |               |           |                            |                            |                                   |
|   |              |             |          | **              |               |           | Per BNY WTC                |                            |                                   |
| Federal Home Loan Mtg Corp                                  |              | 05-13-20    |          |                 | 0.900%        | 2,000,000 | 2,000,000                  | 120                        | 18,000                            |
|   | 3134GVRM2    | 05-06-25    | C        |                 | 0.900%        |           | 2,000,120                  | 740                        | 1,500                             |
| Federal Home Loan Mtg Corp                                  |              | 05-29-20    |          |                 | 0.800%        | 2,000,000 | 2,000,000                  | 800                        | 16,000                            |
|   | 3134GVZU5    | 05-27-25    | C        |                 | 0.800%        |           | 2,000,800                  | 400                        | 1,333                             |
| Federal Home Loan Mtg Corp                                  |              | 06-03-20    |          |                 | 0.750%        | 2,000,000 | 2,000,000                  | 2,840                      | 15,000                            |
|   | 3134GVVX3    | 05-28-25    | C        |                 | 0.750%        |           | 2,002,840                  | 1,740                      | 1,250                             |
| Federal Home Loan Mtg Corp                                  |              | 06-09-20    |          |                 | 0.850%        | 2,500,000 | 2,500,000                  | 675                        | 21,250                            |
|   | 3134GVJ74    | 06-09-25    | C        |                 | 0.850%        |           | 2,500,675                  | 875                        | 1,771                             |
| Federal Home Loan Mtg Corp                                  |              | 06-10-20    |          |                 | 0.700%        | 2,000,000 | 2,000,000                  | 2,440                      | 14,000                            |
|   | 3134GVB56    | 06-10-25    | C        |                 | 0.700%        |           | 2,002,440                  | 1,220                      | 1,167                             |
| Federal Home Loan Banks                                     |              | 06-11-20    |          |                 | 0.860%        | 2,000,000 | 2,000,000                  | 160                        | 17,200                            |
|   | 3130AJPD5    | 06-11-25    | C        |                 | 0.860%        |           | 2,000,160                  | (240)                      | 1,433                             |
| Federal Home Loan Mtg Corp                                  |              | 06-11-20    |          |                 | 0.800%        | 2,000,000 | 2,000,000                  | 1,580                      | 16,000                            |
|   | 3134GVG77    | 06-11-25    | C        |                 | 0.800%        |           | 2,001,580                  | 1,280                      | 1,333                             |
| Federal Home Loan Mtg Corp                                  |              | 06-11-20    |          |                 | 0.750%        | 2,000,000 | 2,000,000                  | 1,720                      | 15,000                            |
|   | 3134GVL30    | 06-11-25    | C        |                 | 0.750%        |           | 2,001,720                  | 400                        | 1,250                             |
| Federal Home Loan Mtg Corp                                  |              | 06-16-20    |          |                 | 0.850%        | 2,000,000 | 2,000,000                  | 1,700                      | 17,000                            |
|   | 3134GVL22    | 06-16-25    | C        |                 | 0.850%        |           | 2,001,700                  | 1,380                      | 1,417                             |
| Federal Home Loan Banks                                     |              | 06-17-20    |          |                 | 0.800%        | 2,000,000 | 2,000,000                  | 980                        | 16,000                            |
|   | 3130AJPX1    | 06-17-25    | C        |                 | 0.800%        |           | 2,000,980                  | 500                        | 1,333                             |
| Federal Home Loan Mtg Corp                                  |              | 06-17-20    |          |                 | 0.810%        | 2,000,000 | 2,000,000                  | 3,740                      | 16,200                            |
|   | 3134GVM96    | 06-17-25    | C        |                 | 0.810%        |           | 2,003,740                  | 2,620                      | 1,350                             |
| Federal National Mortgage Assn                              |              | 06-17-20    |          |                 | 0.770%        | 2,000,000 | 2,000,000                  | 1,340                      | 15,400                            |
|   | 3136G4WK5    | 06-17-25    | C        |                 | 0.770%        |           | 2,001,340                  | 0                          | 1,283                             |
| Federal Home Loan Banks                                     |              | 06-24-20    |          |                 | 0.750%        | 2,500,000 | 2,500,000                  | 800                        | 18,750                            |
|   | 3130AJRE1    | 06-24-25    |          |                 | 0.750%        |           | 2,500,800                  | (2,500)                    | 1,563                             |

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**CITY OF TULARE**  
**SUMMARY TREASURER'S REPORT, CONTINUED**  
**FIXED INCOME INVESTMENTS, CONTINUED**  
**JULY 31, 2020**

| TYPE OF FIXED INCOME INVESTMENT                             | CUSIP NUMBER | DATES:      |          | INTEREST RATES: |               | PAR VALUE | BOOK VALUE<br>MARKET VALUE | UNREALIZED                               | ESTIMATED                         |
|---|--------------|-------------|----------|-----------------|---------------|-----------|----------------------------|--|-----------------------------------|
|   |              | ACQUISITION | MATURITY | STATED          | CURRENT YIELD |           |                            | GAIN/(LOSS):<br>THIS MONTH<br>LAST MONTH | EARNINGS:<br>ANNUAL<br>THIS MONTH |
| <b><u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u></b> |              |             |          |                 |               |           |                            |  |                                   |
|   |              |             |          | **              |               |           | Per BNY WTC                |  |                                   |
| Federal National Mortgage Assn                              |              | 06-24-20    |          |                 | 0.800%        | 2,500,000 | 2,500,000                  | 2,100                                    | 20,000                            |
|   | 3136G4WM1    | 06-24-25    | C        |                 | 0.800%        |           | 2,502,100                  | 425                                      | 1,667                             |
| Federal Home Loan Mtg Corp                                  |              | 06-25-20    |          |                 | 0.800%        | 2,000,000 | 2,000,000                  | 300                                      | 16,000                            |
|   | 3134GVU48    | 06-25-25    | C        |                 | 0.800%        |           | 2,000,300                  | 120                                      | 1,333                             |
| Federal Home Loan Mtg Corp                                  |              | 06-30-20    |          |                 | 0.875%        | 3,000,000 | 3,000,000                  | 360                                      | 26,250                            |
|   | 3134GVK31    | 06-30-25    | C        |                 | 0.870%        |           | 3,000,360                  | 0  | 2,188                             |
| Federal Home Loan Mtg Corp                                  |              | 06-30-20    |          |                 | 0.800%        | 3,000,000 | 3,000,000                  | 1,260                                    | 24,000                            |
|   | 3134GVR83    | 06-30-25    | C        |                 | 0.800%        |           | 3,001,260                  | 0  | 2,000                             |
| Federal Home Loan Mtg Corp                                  |              | 06-30-20    |          |                 | 0.800%        | 2,000,000 | 2,000,000                  | 1,860                                    | 16,000                            |
|   | 3134GVT65    | 06-30-25    | C        |                 | 0.800%        |           | 2,001,860                  | 0  | 1,333                             |
| Federal Home Loan Banks                                     |              | 07-08-20    |          |                 | 0.730%        | 1,500,000 | 1,500,000                  | 0  | 10,950                            |
|   | 3130AJST7    | 07-08-25    | C        |                 | 0.730%        |           | 1,500,000                  | 0  | 913                               |
| Federal Home Loan Mtg Corp                                  |              | 07-15-20    |          |                 | 0.750%        | 1,500,000 | 1,500,000                  | 375                                      | 11,250                            |
|   | 3134GV4J4    | 07-15-25    | C        |                 | 0.750%        |           | 1,500,375                  | 0  | 938                               |
| Federal Home Loan Mtg Corp                                  |              | 07-15-20    |          |                 | 0.770%        | 2,000,000 | 2,000,000                  | 880                                      | 15,400                            |
|   | 3134GV6S2    | 07-15-25    | C        |                 | 0.770%        |           | 2,000,880                  | 0  | 1,283                             |
| Federal Home Loan Mtg Corp                                  |              | 07-15-20    |          |                 | 0.730%        | 2,000,000 | 2,000,000                  | 1,120                                    | 14,600                            |
|   | 3136G4YU1    | 07-15-25    | C        |                 | 0.730%        |           | 2,001,120                  | 0  | 1,217                             |
| Federal Home Loan Mtg Corp                                  |              | 07-23-20    |          |                 | 0.700%        | 1,500,000 | 1,500,000                  | 900                                      | 10,500                            |
|   | 3136G4YV9    | 07-23-25    | C        |                 | 0.700%        |           | 1,500,900                  | 0  | 875                               |
| Government National Mortgage Association II Pool            |              | 01-24-94    |          |                 | 8.500%        | N/A       | 247                        | (13)                                     | 20                                |
|   | 36202AHH3    | 09-20-22    |          |                 | 8.380%        |           | 234                        | (12)                                     | 2                                 |
| <b>TOTAL FIXED INCOME INVESTMENTS</b>                       |              |             |          |                 | N/A           | N/A       | 103,895,822                | 120,466                                  | 1,011,065                         |
| All are in safekeeping with BNY Western Trust Company       |              |             |          |                 | 0.970%        |           | 104,016,288                | 104,211                                  | 84,255                            |

**CITY OF TULARE**  
**TREASURER'S EXECUTIVE SUMMARY**  
**JULY 31, 2020**

| CHANGES IN BALANCES AND YIELDS:     | BOOK VALUE         |                    |                    | AVERAGE STATED YIELD |        |         |
|-------------------------------------|--------------------|--------------------|--------------------|----------------------|--------|---------|
|                                     | MARKET VALUE       |                    |                    |                      |        |         |
| CATEGORY                            | JULY               | JUNE               | CHANGE             | JULY                 | JUNE   | CHANGE  |
| Total Investments                   | 168,870,809        | 170,861,038        | (1,990,229)        | N/A                  | N/A    | N/A     |
|                                     | <u>169,160,766</u> | <u>171,296,394</u> | <u>(2,135,628)</u> |                      |        |         |
|                                     | 289,957            | 435,356            | (145,399)          |                      |        |         |
| Unrestricted Investments            | 140,187,267        | 143,578,103        | (3,390,836)        | 0.946%               | 1.672% | -0.726% |
|                                     | <u>140,477,224</u> | <u>144,013,459</u> | <u>(3,536,235)</u> |                      |        |         |
|                                     | 289,957            | 435,356            | (145,399)          |                      |        |         |
| Restricted Investments              | 28,683,542         | 27,282,935         | 1,400,607          | N/A                  | N/A    | N/A     |
|                                     | <u>28,683,542</u>  | <u>27,282,935</u>  | <u>1,400,607</u>   |                      |        |         |
|                                     | 0                  | 0                  | 0                  |                      |        |         |
| Local Agency Investment Fund (LAIF) | 34,500,000         | 44,000,000         | (9,500,000)        | 0.920%               | 1.363% | -0.443% |
|                                     | <u>34,669,491</u>  | <u>44,329,165</u>  | <u>(9,659,674)</u> |                      |        |         |
|                                     | 169,491            | 329,165            | (159,674)          |                      |        |         |
| Fixed Income Investments (Total)    | 103,895,822        | 97,395,835         | 6,499,987          | 0.970%               | 1.530% | -0.560% |
|                                     | <u>104,016,288</u> | <u>97,502,026</u>  | <u>6,514,262</u>   |                      |        |         |
|                                     | 120,466            | 106,191            | 14,275             |                      |        |         |
| Commerical Paper                    | 0                  | 0                  | 0                  | 0.000%               | 0.000% | 0.000%  |
|                                     | <u>0</u>           | <u>0</u>           | <u>0</u>           |                      |        |         |
|                                     | 0                  | 0                  | 0                  |                      |        |         |

**TRANSACTIONS (BOOK VALUE): \***

| CATEGORY                              | PURCHASES        | SALES / CALLS                              |
|---------------------------------------|------------------|--|
| <u>Fixed Income Investments</u>       |                  | <u>Fixed Income Investments</u>            |
| Federal Home Loan Banks, .73%         | 1,500,000        | Government National Mortgage Assn. Pool 13 |
| Federal Home Loan Mortgage Corp, .75% | 1,500,000        | Federal Home Loan Banks, 2.270% 2,000,000  |
| Federal Home Loan Mortgage Corp, .77% | 2,000,000        |  |
| Federal Home Loan Mortgage Corp, .73% | 2,000,000        |  |
| Federal Home Loan Mortgage Corp, .70% | 1,500,000        |  |
|                                       |                  |  |
|                                       | <u>8,500,000</u> | <u>2,000,013</u>                           |

**CITY OF TULARE**  
**INVESTMENTS BALANCE AND YIELD HISTORY FOR EIGHT MONTHS**  
**JULY 31, 2020**

| BALANCES:                           | BOOK VALUE                                   |  |  |  |  |  |   |  |
|-------------------------------------|--|--|--|--|--|--|---|--|
|                                     | MARKET VALUE                                 |  |  |  |  |  |   |  |
| CATEGORY                            | DIFFERENCE                                   |  |  |  |  |  |   |  |
|                                     | JUNE<br>2020                                 | MAY<br>2020                                  | APRIL<br>2020                                | MARCH<br>2020                                | FEBRUARY<br>2020                             | JANAUARY<br>2020                             | DECEMBER<br>2019                              | NOVEMBER<br>2019                               |
| Total Investments                   | 170,861,038<br><i>171,296,394</i><br>435,356 | 165,843,005<br><i>166,437,308</i><br>594,303 | 166,642,140<br><i>167,185,686</i><br>543,546 | 160,802,823<br><i>161,042,532</i><br>239,709 | 158,825,720<br><i>159,013,585</i><br>187,865 | 159,460,643<br><i>159,569,550</i><br>108,907 | 141,352,789<br><i>141,298,362</i><br>(54,427) | 135,290,877<br><i>135,171,807</i><br>(119,070) |
| Unrestricted Investments            | 143,578,103<br><i>144,013,459</i><br>435,356 | 137,990,790<br><i>138,585,093</i><br>594,303 | 138,181,071<br><i>138,724,617</i><br>543,546 | 130,789,038<br><i>131,028,747</i><br>239,709 | 130,548,781<br><i>130,736,646</i><br>187,865 | 127,672,437<br><i>127,781,344</i><br>108,907 | 128,223,897<br><i>128,169,470</i><br>(54,427) | 118,073,289<br><i>117,954,219</i><br>(119,070) |
| Restricted Investments              | 27,282,935<br><i>27,282,935</i><br>0         | 27,852,215<br><i>27,852,215</i><br>0         | 28,461,069<br><i>28,461,069</i><br>0         | 30,013,785<br><i>30,013,785</i><br>0         | 28,276,939<br><i>28,276,939</i><br>0         | 31,788,206<br><i>31,788,206</i><br>0         | 13,128,892<br><i>13,128,892</i><br>0          | 17,217,588<br><i>17,217,588</i><br>0           |
| Local Agency Investment Fund (LAIF) | 44,000,000<br><i>44,329,165</i><br>329,165   | 63,000,000<br><i>63,471,304</i><br>471,304   | 51,800,000<br><i>52,187,517</i><br>387,517   | 24,500,000<br><i>24,543,372</i><br>43,372    | 42,000,000<br><i>42,074,353</i><br>74,353    | 43,000,000<br><i>43,076,123</i><br>76,123    | 36,500,000<br><i>36,564,616</i><br>64,616     | 31,500,000<br><i>31,551,749</i><br>51,749      |
| Fixed Income Investments (Total)    | 97,395,835<br><i>97,502,026</i><br>106,191   | 64,898,098<br><i>65,021,097</i><br>122,999   | 77,398,111<br><i>77,554,140</i><br>156,029   | 90,750,624<br><i>90,946,961</i><br>196,337   | 77,748,862<br><i>77,862,374</i><br>113,512   | 73,747,374<br><i>73,780,158</i><br>32,784    | 77,247,387<br><i>77,128,344</i><br>(119,043)  | 76,245,149<br><i>76,074,330</i><br>(170,819)   |
| Commerical Paper                    | 0<br><i>0</i><br>0                           | 7,761,100<br><i>7,761,100</i><br>0           | 7,761,100<br><i>7,761,100</i><br>0           | 7,761,100<br><i>7,761,100</i><br>0           | 8,100,000<br><i>8,100,000</i><br>0           | 7,900,000<br><i>7,900,000</i><br>0           | 7,900,000<br><i>7,900,000</i><br>0            | 7,900,000<br><i>7,900,000</i><br>0             |

**AVERAGE STATED YIELDS:**

|                                     |        |        |        |        |        |        |        |        |
|-------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| Unrestricted Investments            | 1.162% | 1.672% | 1.858% | 1.833% | 2.020% | 2.064% | 2.030% | 2.130% |
| Restricted Investments              | N/A    |
| Local Agency Investment Fund (LAIF) | 1.217% | 1.363% | 1.648% | 1.787% | 1.912% | 1.967% | 2.043% | 2.103% |
| Fixed Income Investments (Total)    | 1.020% | 1.530% | 1.620% | 1.650% | 1.740% | 1.790% | 1.790% | 1.800% |
| Commerical Paper                    |        | 6.000% | 6.000% | 6.000% | 6.000% | 6.000% | 6.000% | 6.000% |

**AGENDA ITEM: Gen Bus PH 1a**

**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** City Attorney

**For Council Meeting of:** September 1, 2020

**Documents Attached:**  Ordinance  Resolutions  Staff Report  Other  None

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**AGENDA ITEM:**

Public Hearing to pass-to-print Ordinance No. 2020-09, an Ordinance revising Chapter 5.96 of the City of Tulare Municipal Code allowing businesses to sell non-inhalable or non-edible forms of cannabidiol (CBD) products without a cannabis license, and subject to additional restrictions on marketing and packaging.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

Currently, Chapter 5.96 of the City of Tulare Municipal Code does not permit the sale of CBD or hemp products without a permit or retail license. Section 5.96.240 currently defines "Cannabis" to include any form of CBD.

Section 5.96.240 is revised in the new ordinance to exclude from the definition of "Cannabis" CBD or hemp products (.03 percent per weight or less of THC), such as creams or lotions, so long as those products cannot be inhaled or manufactured as edible food products. This revision permits businesses to sell CBD or hemp products, such as creams or lotions without a cannabis license.

Section 5.96.250 is added to Chapter 5.96 of the Tulare Municipal Code to prohibit non-licensed businesses from selling any CBD or hemp products like oil vaping products or edible candy packages, which may be attractive to children by packaging, design or marketing.

The proposed changes were recommended on August 4, 2020 by the Tulare City Council.

**STAFF RECOMMENDATION:**

Public Hearing to pass-to-print Ordinance No. 2020-09, an Ordinance revising Chapter 5.96 of the City of Tulare Municipal Code allowing businesses to sell non-inhalable or non-edible forms of cannabidiol (CBD) products without a cannabis license, and subject to additional restrictions on marketing and packaging.

**CITY ATTORNEY REVIEW/COMMENTS:**  Yes  N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**  Yes  No  N/A

**Submitted by:** Mario Zamora

**Title:** City Attorney

**Date:** August 24, 2020

**City Manager Approval:**                     RH

**ORDINANCE NO. 2020-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULARE REVISING CHAPTER 5.96 OF THE TULARE MUNICIPAL CODE SECTION 5.96.240 PERTAINING TO THE DEFINITION OF CANNABIS AND ADDING SECTION 5.96.250 PERTAINING TO PACKAGING, DESIGN AND MARKETING**

**WHEREAS**, the City Council of the City of Tulare, a Charter city under California law, finds the need to revise section 5.96.240 of Chapter 5.96 of Title 5 of the City of Tulare Municipal Code regarding the definition of “Cannabis”.

**WHEREAS**, the purpose of the revisions of this Ordinance is to permit the sale of non-inhalable or non-edible forms of cannabidiol (CBD) of (0.3 percent per weight or less of THC) products without a regulatory permit or retail permit.

**WHEREAS**, the City Council of the City of Tulare, a Charter city under California law, finds the need to add section 5.96.250 to Chapter 5.96 of Title 5 of the City of Tulare Municipal Code.

**WHEREAS**, the purpose of the addition is to prohibit businesses from selling CBD products which are designed to be attractive to children.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULARE, CALIFORNIA, AS FOLLOWS:**

**SECTION 1:** The definition of “Cannabis” in Section 5.96.240 of Chapter 5.96 of Title 5 of the City of Tulare Municipal Code is hereby revised as follows:

**5.96.240 Definitions**

...

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means 1) cannabis as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Cannabis Initiative, 2) industrial hemp as defined by Section 11018.5 of the Health and Safety Code, and 3) as defined by other applicable State law. “Cannabis” shall not mean cannabidiol (CBD) or hemp products of (.03 percent per weight or less of THC), such as creams or lotions, so long as those products cannot be inhaled, or manufactured as edible food products.

...

**SECTION 2:** Section 5.96.250 of Chapter 5.96 of Title 5 of the City of Tulare Municipal Code is hereby added as follows:

**5.96.250      Packaging, Design and Marketing**

Businesses shall not be permitted to sell any cannabis or CBD products, which may be attractive to children by packaging, design, or marketing.

**SECTION 3:** This Ordinance shall go into full force and effect \_\_\_\_\_, 2020.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President of the Council and Ex-Officio Mayor  
of the City of Tulare

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk of  
The Council of the City of Tulare

**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Community & Economic Development Department

**For Council Meeting of:** September 1, 2020

**Documents Attached:**  Ordinance  Resolution  Staff Report  Other  None

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**AGENDA ITEM:**

Council consideration and direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four acre retail development on Prosperity Avenue in the City of Tulare.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

Applicant, GGH 1, LLC, are developers currently developing projects in the Central Valley, including Tulare. In addition, Mr. Roberts has completed projects in Southern California, Georgia, Colorado, Michigan and Texas.

Applicants have submitted the attached Economic Development Assistance Application requesting assistance with costs of public improvements associated with the development of a four acre retail center on Prosperity Avenue. The developer is working with highly desirable quick service restaurants (QSR's) to locate on three parcels fronting Prosperity. These three QSR's will generate both sales tax and property tax for the City as well as contribute to the quality of life in the City of Tulare.

This development has been in the process for two years. The developer has been forced to be creative and incur significant extra costs to navigate the many challenges caused by the COVID pandemic.

The developer is requesting an economic development assistance grant to assist with the funding of off-site improvements associated with the project. A left turn pocket from west-bound Prosperity Avenue between Brentwood Street and North Laspina Street must be installed to accommodate the high profile QSR's slated for the project. The left turn lane will provide for improved traffic flows and is a necessary element of the project. The cost of the turn lane is approximately \$60,000.

The developers have met with representatives from the Greater Tulare Chamber Trust and the Tulare Local Development Corporation who offered low interest loans on the project and not grants.

Currently, the economic development assistance fund has a cash balance of \$21,357. The fund balance is encumbered by a 2018 award allocation to Kaweah Brewing in the sum of \$30,000. The difference in the cash on hand and the fund balance results from a reconciliation of the account after all Council approved disbursements were made, which include prior awards for payment of building permits fees. Should Council wish to award GGH 1, LLC, an economic development assistance grant, it will be necessary to unencumber the current allocation to Kaweah Brewing. Staff has been in contact with Kaweah Brewing and while they are still committed to developing additional sites in Tulare, there is no project pending to date.

**STAFF RECOMMENDATION:**

Council consideration and direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four acre retail development on Prosperity Avenue in the City of Tulare.

**CITY ATTORNEY REVIEW/COMMENTS:**  Yes  N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**  Yes  No  N/A

**FUNDING SOURCE/ACCOUNT NUMBER:** Economic Development Assistance Fund

**Signed:** Traci Myers

**Title:** Community & Economic Development Director

**Date:** August 21, 2020

**City Manager Approval:**     RH    

Attachment: Economic Development Assistance Application  
Approved site plan

# CITY OF TULARE APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE



## APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE

This application must be completed any time City assistance is requested of the Tulare City Council by an individual, existing or new business. City assistance includes any direct/indirect assistance or subsidy (other than federal/state funding sources), including the following or any combination of the following: loans, grants, below market value transfer of City real property or facilities, guarantees, City fee reductions, deferrals or abatements, subsidized infrastructure or on-site/off-site improvements, non-market concessions on ground or facility leases, bonding capacity, revenue or tax sharing agreements.

### **INSTRUCTIONS**

Please complete the information below. Applicants must submit one (1) signed original and two (2) copies – a total of 3 – copies of this Application to the City Economic Development Department. Incomplete or partial applications will not be accepted.

### **1. APPLICANT INFORMATION**

Contact Person: John Roberts  
Address: 7991 Paseo Esmerado, Carlsbad, CA 92009  
Telephone: 760-707-4661  
Fax: 760-944-9703  
Email: jcroberts100@gmail.com

**Website of Applicant or Applicant Entity: n/a**

Type of Applicant (Select all that apply)

Individual/Owner Developer

LLP

Corporation

**XX** Other LLC

**XX** New construction

Existing business

Other \_\_\_\_\_

Applicant is GGH 1, LLC, a project specific entity owned by John Roberts and Kent McNiece. Mr. Roberts and Mr. McNiece are developers with long-term local ties in Agricultural Community. In Tulare County they have completed development projects in Tulare, Visalia, and Goshen. Mr. Roberts has also executed projects in San Diego, Georgia, Colorado, Michigan, and Texas with other partners.

**Project Category: (Select only one): Retail, Mixed Use**

**Project Name: Prosperity Center**

# CITY OF TULARE APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE

## 2. CITY COSTS FOR PROCESSING OF APPLICATION

The City shall provide the Applicant an estimate of the maximum cost of staff and Consultants' costs to conduct each phase of evaluation. Applicant, prior to initiation of the Due diligence process by the City, must deposit that amount with the City, to pay for City billing of staff time, consultants and any special studies or reports that may be needed to assist the City in its evaluation and before the evaluation will begin. The City, at its sole discretion, may reduce the billing fee for staff time. Any amounts remaining after the process is concluded will be refunded to the Applicant.

**XX** I am requesting a waiver of City costs (including staff costs) as part of this request.

## 3. AMOUNT AND TYPE OF CITY ASSISTANCE REQUESTED

Please provide a brief description of amount and type of assistance requested:

A left turn pocket from west-bound Prosperity Avenue between Brentwood Street and N. Laspina Street must be installed to attract high profile Quick Service Restaurant (QSR) users to Prosperity Center. The left turn lane is a necessary enabling element of this project and provides improved traffic flows in this section of Prosperity. Cost of the turn lane is approximately \$60,000 (including construction \$54,671, irrigation \$1,500, miscellaneous repairs \$3,000).

The commercial drive approaches, curb and gutter, city sidewalks, handicap ramps will complete this section of Prosperity Avenue, enhancing drive lanes and storm drainage for all Tulare residents. Cost of completing this section of city street is approximately \$120,000. Costs of the storm drain and fire hydrants which will also be incurred by the developer are in addition to this number.

The southern boundary of Prosperity Center borders on Sandalwood Avenue. The developer was asked to build a 7 foot block wall and install climbing vines on its south side to shield the neighborhood from any negative impacts of vehicle headlights. The cost of this wall is approximately \$44,000 (wall construction, landscape and irrigation).

Total cost of major offsite construction which enables this project and enhances Tulare for all residents exceeds \$215,000. The developer is asking for up to a 50% cost share on this amount in the form of either grant funds or fee offsets. We respectfully ask that the city consider the long-term positive economic impacts (jobs, sales tax, property tax) and quality of life enhancements (best in class national food brands) this project will have on Tulare.

## 4. PROJECT SUMMARY

Briefly summarize your project emphasizing the primary objectives and results, including but not limited to, project investment, anticipated job creation, estimate as to the dollar value of sales subject to sales tax, potential property taxes to be generated at 1% of construction value and any other favorable impacts on City direct revenues.

Prosperity Center is a 4 acre retail development consisting of 4 parcels, three of those with frontage on Prosperity Avenue. This site is the last piece to be developed in order to complete this section of Prosperity. The developer is targeting highly desirable Quick Service Restaurants (QSRs) for at the front parcels, and a complementary retail or office use on the back parcel.

## CITY OF TULARE APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE

Developer expects that total sales across the three QSR parcels will exceed \$15 million annually once operations are stabilized. Sales on the rear parcel is unclear until a specific use is determined, but assuming reasonable sales per square foot another \$3-5 million in sales should be generated.

Project cost for each QSR will be in the \$3.5 - \$5 million range. Property taxes will be generated off the final assessed value of each parcel.

High volume QSRs generate a significant number of jobs. We expect the first two users to create more than 100-150 positions each, approximately 10 of which are managers. Each of the first two users are known to be very desirable places to work.

### 5. PROJECT TIMELINE AND BUDGET

**Briefly summarize your project timeline and budget, including anticipated funding source.**

Prosperity Center has been in process for two years. The developer has been forced to creative and incur significant extra costs to navigate the many challenges caused by the Covid pandemic. We are proud to have kept this project on track in these challenging times.

On and Off-Site Improvement Plans have been through multiple submissions and are near approval. The first user has also submitted Construction Drawings and received the first set of comments from the city. Provided there are no delays caused by factors outside the control of the developer and users, this project should commence construction in September 2020.

We expect the first two users to be open for business in the second half of 2021.

The project is being funded by the developer. Increased costs due to delays and higher than expected construction costs (also pandemic related) have created some financial challenges. Hence, we are asking the city to support this project to help get it across the finish line promptly.

### 6. PROJECT STATUS (If project is underway)

**Summarize the status of the project and provide the name(s) of any technical consultants with any additional information on the project. Include whether the Applicant or any representative of the Applicant has undertaken any environmental work on the project as required by CEQA.**

Project is fully entitled by the City of Tulare. No further environmental review required.

Developer's On and Off-Site improvement drawings are near approval.

First user construction drawings submitted. Second submittal expected mid-August 2020.

Allen Williams of AW Engineering in Visalia has led the project design.

CITY OF TULARE APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE

*The Tulare City Council requires applicants to seek alternative assistance sources prior to a submittal of an assistance request to the City of Tulare. Applications for City assistance will be placed on City Council agenda no sooner than 30 days from the receipt of a completed, signed Application for Assistance from the applicant and with the approval of the City Manager. Placing the request on the Council agenda is not an approval of the Applicant's request.*

**SIGNATURE OF AUTHORIZING OFFICIAL:** (Original copy must have an original signature and be in ink.)

Signature:  Date: 8/7/20

Print Name and Title: JOHN C. ROBERTS, MANAGER, RGH MANAGER LLC

Tulare City Council meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month and begin at 7:00pm unless otherwise specified. Applications for City Assistance will be heard in the order that they are placed on the agenda, unless otherwise directed by the Mayor.

**For more information please contact the Economic Development Department at:  
(559) 684-4233**



Gill Reeves Company, Inc.  
 7824 W. Sunnyview Ave.  
 Visalia CA 93291  
 Office:(559)625-1870  
 Fax:(559)635-1870

Prepared by: Matthew L. Gill  
[matt@gillreeves.com](mailto:matt@gillreeves.com)  
 Date: 7/21/2020

A Proposal for: Three Rivers Development  
 Project Name: Tulare Commercial  
 Location: Prosperity Ave, Tulare CA

**Budget Estimate Only**

| Turn Pocket               | Quantity | Unit | Unit Price  | Item Total   |
|---------------------------|----------|------|-------------|--------------|
| Mobilization              | 0        | EA   | \$ 2,450.00 | \$ -         |
| Curb & Gutter Grading     | 330      | LF   | \$ 13.00    | \$ 4,290.00  |
| A Curb                    | 330      | LF   | \$ 18.65    | \$ 6,154.50  |
| Stamped Concrete          | 764      | SF   | \$ 11.25    | \$ 8,595.00  |
| Prosperity 7" AC 13.5" AB | 4450     | SF   | \$ 6.89     | \$ 30,671.63 |
| Traffic Control           | 1        | LS   | \$ 4,960.00 | \$ 4,960.00  |
| Striping                  | 1        | LS   | \$ 3,520.00 | \$ 3,520.00  |

**Turn Pocket Total \$ 54,671.13**

| Offsite Prosperity          | Quantity | Unit | Unit Price   | Item Total   |
|-----------------------------|----------|------|--------------|--------------|
| Commercial Drive Grade & AB | 1350     | SF   | \$ 1.15      | \$ 1,552.50  |
| Commercial Drive Approach   | 2        | EA   | \$ 12,510.00 | \$ 25,020.00 |
| Prosperity 7" AC 13.5" AB   | 5171     | SF   | \$ 6.89      | \$ 35,641.12 |
| Handicap Ramp               | 4        | EA   | \$ 1,245.00  | \$ 4,980.00  |
| City Sidewalk               | 7191     | SF   | \$ 3.50      | \$ 25,168.50 |
| Curb & Gutter Grading       | 820      | LF   | \$ 13.00     | \$ 10,660.00 |
| Curb & Gutter               | 820      | LF   | \$ 20.91     | \$ 17,146.20 |
| Offsite Sidewalk Grade      | 7191     | SF   | \$ 0.85      | \$ 6,112.35  |

**Comm. Drive & offsite Total \$ 120,168.32**

| CMU Wall    | Quantity | Unit | Unit Price | Item Total   |
|-------------|----------|------|------------|--------------|
| 7' CMU Wall | 500      | LF   | \$ 80.00   | \$ 40,000.00 |

**CMU Total \$ 40,000.00**

The following will be adjusted at the time of construction:

Asphalt: \$ 68.61 per ton FOB jobsite  
 Base Rock: \$ 19.24 per ton FOB jobsite  
 Trucking: \$ 122.00 per hour

This proposal is based off current prices shown above.

Proposal based on unapproved plans by AW Engineering dated March 5th 2020.

Excludes off haul of organic top soils not suitable as engineered fill.

Bid to balance onsite.

Excludes any flat work or blockwall grading and/or backfill, unless specified above.

Excludes any additional mobilizations.

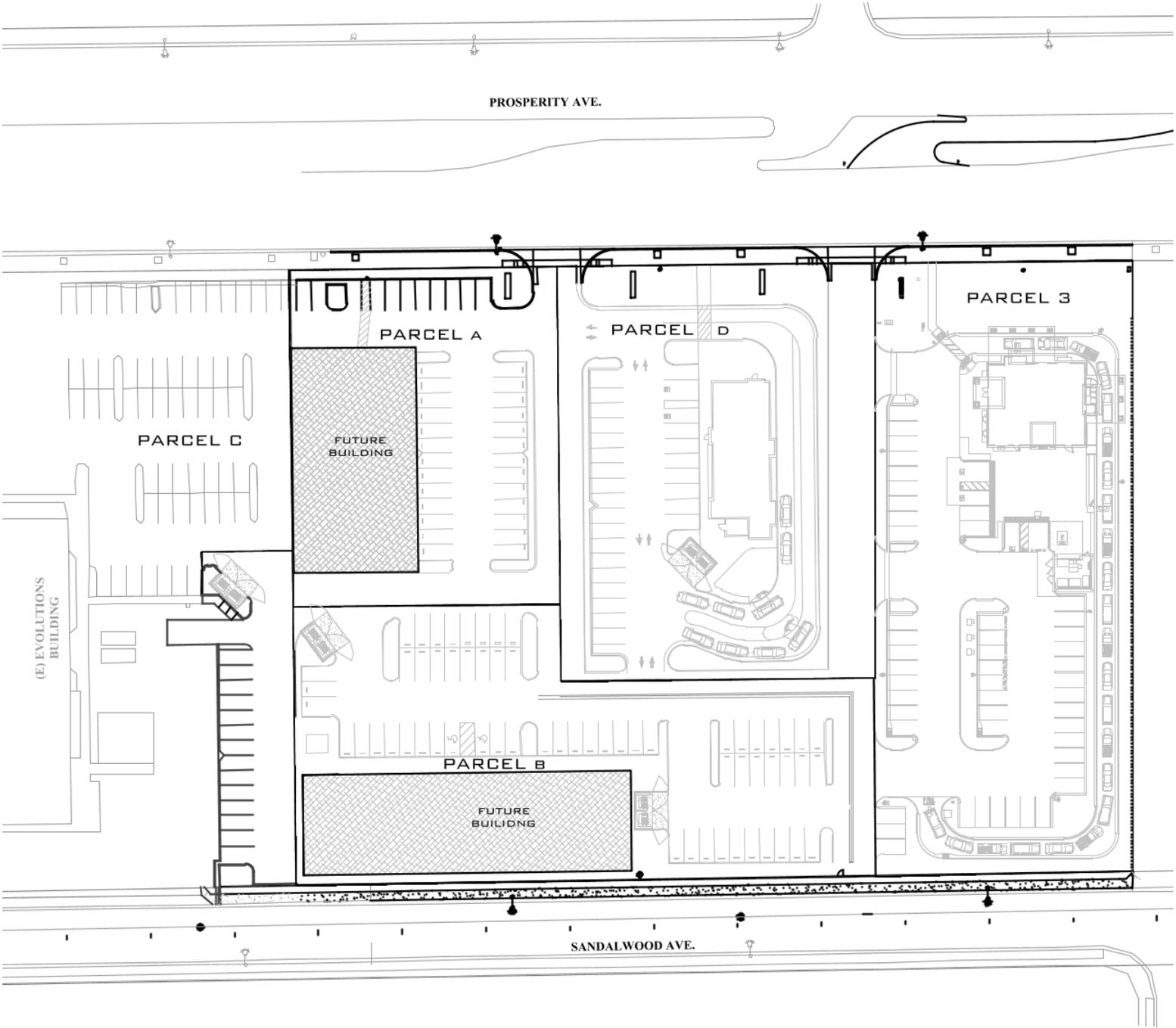
Excludes prevailing wages if required.

Excludes any permitting if required.

Excludes any exploration, demolition, and/or removal of buried structures associated with prior use.

Excludes repairs to existing traffic loops or striping in the work area.

PROSPERITY CENTER  
SITE PLAN



**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** City Manager's Office

**For Council Meeting of:** September 1, 2020

**Documents Attached:**     Ordinance     Resolution     Staff Report     Other     None

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**AGENDA ITEM:**

Select Voting Delegate and alternate for League of California Cities VIRTUAL Annual Conference business session to be held Friday, October 9, 2020, authorize the City Clerk to execute the delegate form; and provide direction to Voting Delegate on the City's position (support, oppose, or no position) on League Resolution Packet.

**IS PUBLIC HEARING REQUIRED:**     Yes     No

**BACKGROUND/EXPLANATION:**

The Annual League Conference is scheduled for October 7 – 9, 2020, it will be a Virtual format. A Voting Delegate and alternate needs to be selected to vote on the Resolution and/or other matters during the general business session on Friday, October 9. At this time Council Member Terry Sayre has indicated she can attend the VIRTUAL conference. The League of California Cities bylaws require approval by the legislative body to be submitted no later than September 30, 2020.

The League Resolution packet that will be considered by the General Assembly during the Annual League of California Cities Conference is attached for review and direction on the following item(s):

- A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DEGENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

**STAFF RECOMMENDATION:**

Select Voting Delegate and alternate for League of California Cities VIRTUAL Annual Conference business session to be held Friday, October 9, 2020, authorize the City Clerk to execute the delegate form; and provide direction to Voting Delegate on the City's position (support, oppose, or no position) on League Resolution Packet.

**CITY ATTORNEY REVIEW/COMMENTS:**     Yes     N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**     Yes     No     N/A

**FUNDING SOURCE/ACCOUNT NUMBER:**

**Submitted by:**    Rob Hunt

**Title:**    City Manager

**Date:**    August 18, 2020

**City Manager Approval:** 



*Annual Conference  
Resolutions Packet*

*2020 Annual Conference Resolutions*



*October 7 – 9, 2020*

## INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

**POLICY COMMITTEES:** Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

**GENERAL ASSEMBLY:** This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224

## **GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS**

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
  - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

**KEY TO ACTIONS TAKEN ON RESOLUTIONS**

Resolutions have been grouped by policy committees to which they have been assigned.

| Number | Key Word Index | Reviewing Body Action |   |   |
|--------|----------------|-----------------------|---|---|
|        |                | 1                     | 2 | 3 |
|        |                |                       |   |   |

1 - Policy Committee Recommendation to General Resolutions Committee  
 2 - General Resolutions Committee  
 3 - General Assembly

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**GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE**

|   |  | 1 | 2 | 3 |
|---|--|---|---|---|
| 1 | Amendment to Section 230 of The Communications Decency Act of 1996 |   |   |   |

**PUBLIC SAFETY POLICY COMMITTEE**

|   |  | 1 | 2 | 3 |
|---|--|---|---|---|
| 1 | Amendment to Section 230 of The Communications Decency Act of 1996 |   |   |   |

**KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)**

Resolutions have been grouped by policy committees to which they have been assigned.

**KEY TO REVIEWING BODIES**

- 1. Policy Committee
- 2. General Resolutions Committee
- 3. General Assembly

**KEY TO ACTIONS TAKEN**

- A Approve
- D Disapprove
- N No Action
- R Refer to appropriate policy committee for study
- a Amend+
- Aa Approve as amended+
- Aaa Approve with additional amendment(s)+
- Ra Refer as amended to appropriate policy committee for study+
- Raa Additional amendments and refer+
- Da Amend (for clarity or brevity) and Disapprove+
- Na Amend (for clarity or brevity) and take No Action+
- W Withdrawn by Sponsor

**ACTION FOOTNOTES**

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

**Procedural Note:**

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League’s website by clicking on this link: [Resolution Process](#).

**1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES**

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

**WHEREAS**, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

**WHEREAS**, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

**WHEREAS**, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

**WHEREAS**, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

**WHEREAS**, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

**WHEREAS**, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

**WHEREAS**, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

**NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

## **Background Information to Resolution**

**Source:** Los Angeles County Division

### **Background:**

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

## **League of California Cities Staff Analysis on Resolution No. 1**

Staff: Charles Harvey, Legislative Representative  
Bijan Mehryar, Legislative Representative  
Caroline Cirrincione, Policy Analyst  
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations  
Public Safety

### **Summary:**

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

### **Background:**

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

### **Staff Comments:**

#### **Overview:**

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

#### Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"<sup>1</sup> were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

#### Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

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<sup>1</sup> The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

### Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

### Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

### Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA<sup>2</sup>. If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)<sup>3</sup>, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

### Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

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<sup>2</sup> The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

<sup>3</sup> Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

**Fiscal Impact:**

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

**Existing League Policy:**

Public Safety:

*Law Enforcement*

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

*Violence*

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

**Governance, Transparency & Labor Relations:**

*Private Sector Liability*

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

**Questions to Consider:**

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders’ respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution’s impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone’s privacy?*

**Support:**

The following letters of concurrence were received:

City of Hawaiian Gardens  
City of Lakewood  
City of Ontario  
City of Rancho Cucamonga  
City of Roseville

# **LETTERS OF CONCURRENCE**

## **Resolution No. 1**

Amendment to Section 230 of the Communications  
Decency Act of 1996



# CITY OF HAWAIIAN GARDENS

*"Our Youth - Our Future"*

August 7, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez  
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)

Jeff Wood  
Vice Mayor

Steve Craft  
Council Member



Todd Rogers  
Mayor

Ariel Pe  
Council Member

Diane DuBois  
Council Member

August 5, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers  
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)

# Lakewood



PAUL S. LEON  
MAYOR

SCOTT OCHOA  
CITY MANAGER

DEBRA DORST-PORADA  
MAYOR PRO TEM

August 6, 2020

SHEILA MAUTZ  
CITY CLERK

ALAN D. WAPNER  
JIM W. BOWMAN  
RUBEN VALENCIA  
COUNCIL MEMBERS

JAMES R. MILHISER  
TREASURER

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner  
Council Member  
League of California Cities Board Member

- c: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)
- Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)
- Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)
- Kathy Matsumoto, Assistant City Manager, City of Cerritos – [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)



## CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | [www.CityofRC.us](http://www.CityofRC.us)

August 6, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael  
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos – [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)



City Council  
311 Vernon Street  
Roseville, California 95678

August 7, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

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On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Allard II", is written over a horizontal line.

John B. Allard II,  
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)  
Jason Gonsalves, Joe A. Gonsalves and Son