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*Community & Economic Development Department*

**To:** *Planning Commission*  
**From:** *Mario A. Anaya, Principal Planner*  
**Re:** *CEQA Exemption for Oaks & Prosperity Intersection Modification Project*  
**Date:** *December 23, 2019*

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**Background/Explanation**

The Oaks & Prosperity Intersection Modification Project is being implemented to address needed improvements to the existing traffic operation at this intersection. The Project would upgrade the intersection of Oaks Street and Prosperity Avenue from a stop-controlled to a signalized intersection. The upgrades include protected left-turns for east and west -bound traffic, with a dedicated right-turn pocket, and a single through lane. A single lane will be provided in the north and south –bound directions. The intersection will use video/radar detection for typical operation.

The project also includes the extension of approximately 500 feet of 18” reinforced concrete storm drain pipe in Prosperity Avenue from west of Oaks Street to new drop inlets at the southwest and southeast corners of the intersection. The storm drain facilities being installed tie into an existing City storm basin southwest of the project side.

The proposed Oaks & Prosperity Intersection Modification Project is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Sections 15301 (c) and 15282 (j).

**Recommendation**

Adopt Resolution 5349, approving the California Environmental Quality Act (CEQA) Exemption for the Oaks & Prosperity Intersection Modification Project.

**Attachments**

- CEQA Notice of Exemption with attached Project Design Plans
- Resolution No. 5349

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Tulare
221 S. Mooney Blvd., Room 105
Visalia, CA 93291

From: (Public Agency): City of Tulare (Lead Agency)
411 E. Kern Avenue, Tulare, CA 93274
(559) 684-4223

(Address)

Project Title: Oaks & Prosperity Intersection Modification Project

Project Applicant: City of Tulare, 411 E. Kern Avenue, Tulare, CA 93274 (559) 684-4233

Project Location - Specific:
Intersection of Oaks Street and Prosperity Avenue.

Project Location - City: Tulare Project Location - County: Tulare

Description of Nature, Purpose and Beneficiaries of Project:
Project would upgrade the intersection of Oaks Street and Prosperity Avenue from a stop controlled to a signalized intersection, including addition of protected left-turns, a dedicated right-turn pocket for east and west-bound traffic, and storm drain upgrades. A single lane will be provided for north and south-bound traffic.

Name of Public Agency Approving Project: City of Tulare, 411 E. Kern Avenue, Tulare, CA 93274

Name of Person or Agency Carrying Out Project: Jim Funk, City's Project Manager, (559) 684-4233

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number: 15301(c)
Statutory Exemptions. State code number: 15282(j)

Reasons why project is exempt:
The project involves upgrading the intersection of Oaks Street and Prosperity Avenue from a stop controlled to a signalized intersection, including addition of protected left-turns for east and west-bound traffic, and a dedicated right-turn pocket. These activities match the definition for those declared exempt in CEQA Sections 15301(c) and 15282(j). There are no significant environmental impacts that will result from the project.

Lead Agency Contact Person: Mario Anaya Area Code/Telephone/Extension: (559) 684-4223

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title: Principal Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.









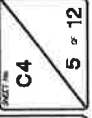
REVISIONS	DATE	BY

PREPARED  
 CHECKED  
 DESIGNED  
 APPROVED



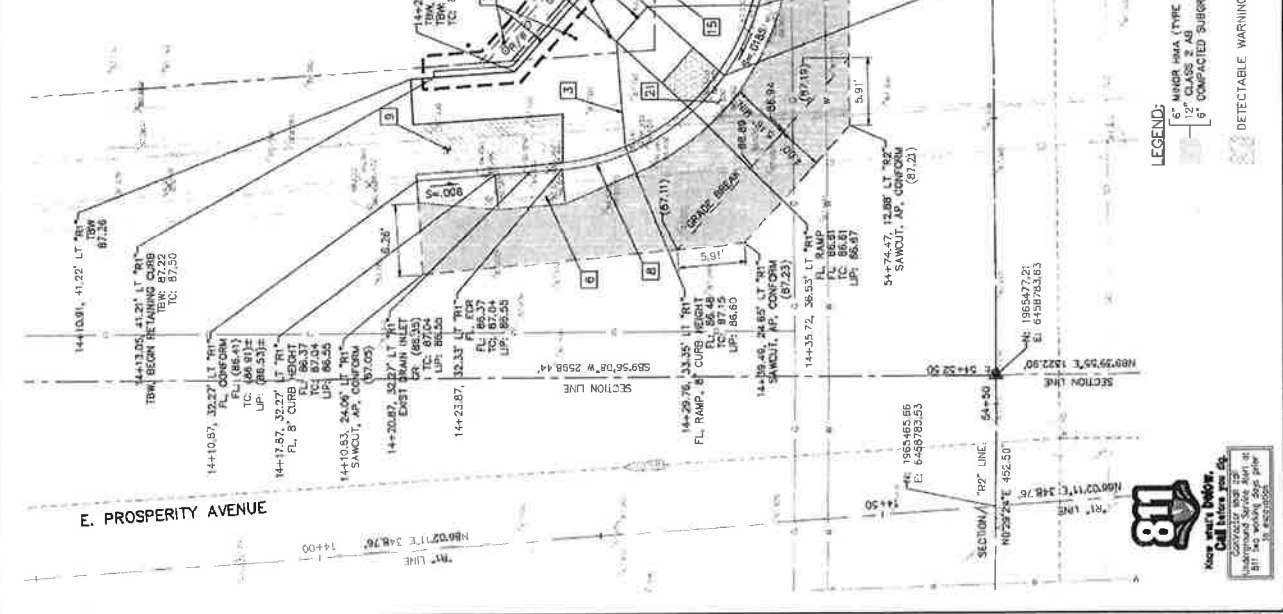
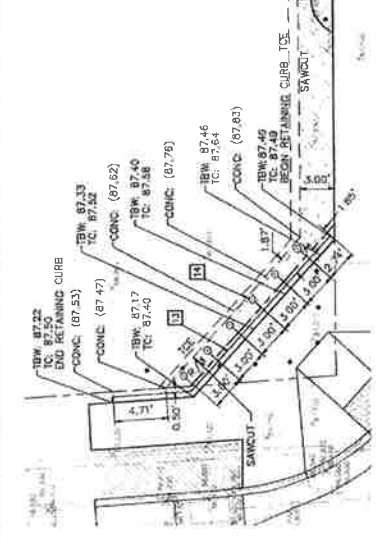
**CONSTRUCTION DETAILS**  
**PROSPERITY AVENUE AT OAKS STREET**  
 TULARE, CALIFORNIA

PROJECT NO.	C4
SHEET NO.	5 of 12



- PROJECT NOTES: (THIS SHEET ONLY)**
- 1 CURB & GUTTER (CITY STD DWG 4010).
  - 2 SW (CITY STD DWG 4410, 4' MIN. WIDTH).
  - 3 CURB RAMP (CITY STD DWG 4110).
  - 4 EXISTING BOLLARD (TYPICAL), PROTECT IN PLACE UNLESS NOTED TO BE REMOVED.
  - 5 DRIVEWAY (CITY STD DWG 2111, 4' MIN. SW WIDTH).
  - 6 EXIST DRAIN INLET, NEW CURB AND GUTTER TO BE INSTALLED TO CONFORM TO EXIST DRAIN INLET.
  - 7 REMOVE BOLLARD.
  - 8 REMOVE CURB & GUTTER.
  - 9 PARKWAY STRIP, PLACE 2" SHREDDED BARK MULCH.
  - 10 RELOCATE AND ADJUST IRRIGATION SYSTEM IN THIS AREA AS DIRECTED BY THE ENGINEER TO CLEAR PROPOSED IMPROVEMENTS.
  - 11 ADJUST GAS VALVE BODY FRAME AND COVER TO GRADE (SOUTHERN CALIFORNIA GAS COMPANY).

- 12 SEE DETAIL A ON THIS SHEET FOR ADDITIONAL DETAIL IN THIS AREA.
- 13 RETAINING CURB, (SEE DETAIL ON SHEET 05).
- 14 BOLLARDS, 3" SPACING, MATCH EXISTING BOLLARDS.
- 15 CLEAR IMPROVEMENTS WITHIN R/W (N).
- 16 REMOVE CONC DRIVE.
- 17 REMOVE CONC SW.
- 18 TRANSITION SW OVER 5' TO MATCH EXISTING.
- 19 TRANSITION CURB AND GUTTER FROM EXISTING TO CITY STD CURB AND GUTTER OVER 3'.
- 20 REMOVE AND REPLACE BOLLARD.
- 21 CONSTRUCT GUTTER PAN COUNTERSLOPE AT 5% MAX IN THE PATH OF TRAVEL.



- LEGEND:**
- 5" MINOR HMA (TYPE 4)
  - 12" CLASS 2 AS
  - 6" COMPACTED SUBGRADE (95% R.C.)
  - DETECTABLE WARNING SURFACE
  - RESTORE LANDSCAPING (SEE NOTE 10), REMOVE ALL DISTURBED GRASS AND PESTICIDES TO CONSTRUCTION CONDITIONS, OR BETTER.
  - PLACE SHREDDED BARK MULCH (2" THICK).
  - REMOVE EXIST CONC. AND PLACE 4" THICK CONC TO CONFORM BACK OF SW TO EXIST CONC.

REVISIONS	DATE	BY

<input type="checkbox"/> PREPARED BY	
<input type="checkbox"/> CHECKED BY	
<input type="checkbox"/> APPROVED BY	
<input type="checkbox"/> DATE	

**GHD INC.**  
 22500 RIVERSIDE DRIVE, SUITE 270  
 RIVERSIDE, CA 92504  
 TEL: 951.509.8800 FAX: 951.509.8801  
 WWW.GHD.COM

**CONSTRUCTION DETAILS**  
**PROSPERITY AVENUE AT OAKS STREET**  
**TULARE, CALIFORNIA**

SCALE	DATE
DATE	

**C6**  
**6 of 12**



**SECTION A**

**SECTION B**

**RETAINING CURB**

**NOTES:**

- ALL CONCRETE SHALL BE CLASS 2 CONCRETE.
- MINIMUM CURB HEIGHT SHALL BE 30" ABOVE FINISHED GRADE. CURB SHALL BE 12" WIDE AT TOP AND 12" WIDE AT BOTTOM. CURB SHALL BE 12" WIDE AT TOP AND 12" WIDE AT BOTTOM.
- CONCRETE SHALL BE CLASS 2 CONCRETE.
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**CITY OF TULARE**  
 DEPARTMENT OF PUBLIC WORKS  
 4160

**PLAN**

**SECTION A-A**

**NOTES:**

- CONCRETE SHALL BE CLASS 2 CONCRETE.
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**CITY OF TULARE**  
 DEPARTMENT OF PUBLIC WORKS  
 8030

**SECTION A**

**RAISED TRUNCATED DOME**

**SECTION B**

**TRUNCATED DOME PANEL**

**NOTES:**

- CONCRETE SHALL BE CLASS 2 CONCRETE.
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**CITY OF TULARE**  
 DEPARTMENT OF PUBLIC WORKS  
 4170

**PLAN VIEW**

**SECTION A-A**

**NOTES:**

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**CITY OF TULARE**  
 DEPARTMENT OF PUBLIC WORKS  
 4410

**SECTION A**

**LANDSCAPE CURB**  
 CLASS 2 CONCRETE

**SECTION B**

**MEDIAN CURB**  
 CLASS 2 CONCRETE

**NOTES:**

- CONCRETE SHALL BE CLASS 2 CONCRETE.
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**CITY OF TULARE**  
 DEPARTMENT OF PUBLIC WORKS  
 4010

**PLAN VIEW**

**SECTION A-A**

**NOTES:**

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**CITY OF TULARE**  
 DEPARTMENT OF PUBLIC WORKS  
 4110

**811**  
 Keep streets below.  
 Call before you dig.  
 Call 811 for more information.  
 811 is available 24/7.



**CONSTRUCTION DETAILS**  
**TULARE, CALIFORNIA**  
**PROSPERITY AVENUE AT OAKS STREET**

DATE	REVISED
BY	DATE
BY	DATE
BY	DATE
BY	DATE
BY	DATE
BY	DATE
BY	DATE
BY	DATE
BY	DATE



**C6**  
 7 of 12

**REVISIONS**

NO.	DATE	DESCRIPTION

**GHD INC.**  
 1500 River Street, Suite 200  
 Fremont, CA 94538  
 (925) 436-1000

PREPARED BY  
 CHECKED BY  
 DESIGNED BY  
 APPROVED BY

**SIDEWALKS AND RAIMS**

1. SIDEWALKS SHALL BE 48" WIDE, 4" THICK, AND CONCRETE SHALL BE 3000 PSI STRENGTH. SIDEWALKS SHALL BE FINISHED WITH A BROOM FINISH. SIDEWALKS SHALL BE FINISHED WITH A BROOM FINISH. SIDEWALKS SHALL BE FINISHED WITH A BROOM FINISH.
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**DRIVE APPROACHES**

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**TABLE**

NO.	DATE	DESCRIPTION

**GENERAL CONCRETE NOTES**

1. ALL CONCRETE SHALL BE 3000 PSI STRENGTH UNLESS OTHERWISE SPECIFIED.
2. ALL CONCRETE SHALL BE FINISHED WITH A BROOM FINISH UNLESS OTHERWISE SPECIFIED.
3. ALL CONCRETE SHALL BE FINISHED WITH A BROOM FINISH UNLESS OTHERWISE SPECIFIED.
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9. ALL CONCRETE SHALL BE FINISHED WITH A BROOM FINISH UNLESS OTHERWISE SPECIFIED.
10. ALL CONCRETE SHALL BE FINISHED WITH A BROOM FINISH UNLESS OTHERWISE SPECIFIED.

**TABLE**

NO.	DATE	DESCRIPTION

**SECTION B-B**

**TABLE**

NO.	DATE	DESCRIPTION

**SECTION A-A**

**SECTION B-B**

**TABLE**

NO.	DATE	DESCRIPTION

**SECTION A-A**

**SECTION B-B**

**TABLE**

NO.	DATE	DESCRIPTION

**SECTION A-A**

**SECTION B-B**

**TABLE**

NO.	DATE	DESCRIPTION

**SECTION A-A**

**SECTION B-B**

**TABLE**

NO.	DATE	DESCRIPTION

**811**  
 Know what's below.  
 Call before you dig.  
 Call 811 to request a utility location service.  
 All digging stops start with 811.

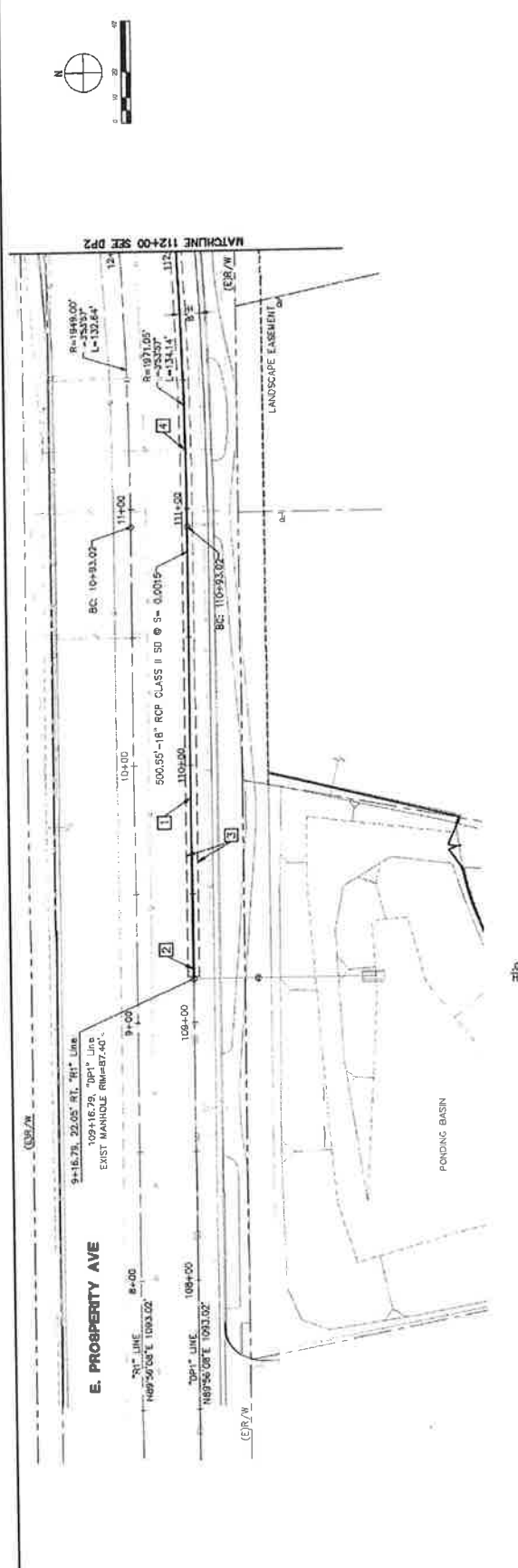
NO.	DATE	REVISIONS

PREPARED BY  
 CHECKED BY  
 APPROVED BY  
 DATE

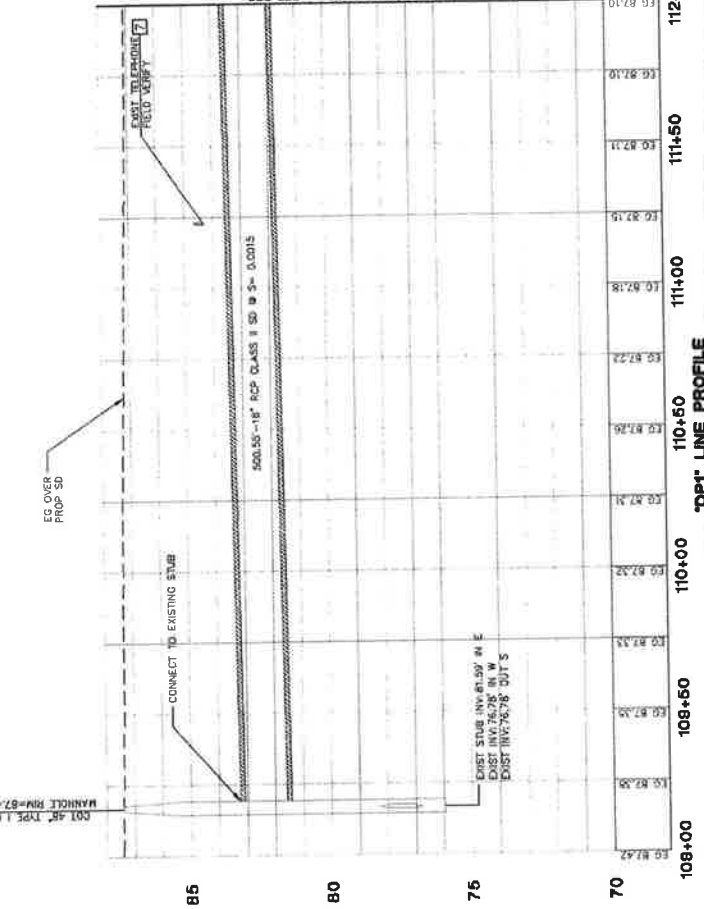
GHD INC.  
 10 RIVERFRONT PLAZA, SUITE 210  
 FAYETTEVILLE, CA 95750  
 TEL: 925.255.5550 WWW.GHD.COM

**DRAINAGE PLAN AND PROFILE**  
**TULARE, CALIFORNIA**  
**PROSPERITY AVENUE AT OAKS STREET**

DATE	7-27-20
SCALE	AS SHOWN
DRAWN	MLC
CHECKED	MLC
PROJECT NO.	1800000-014
DATE PLOTTED	7/27/20
PLT	1800000-014
PROJECT	1800000-014



SCALE:  
 HORIZ. 1"=20'  
 VERT. 1"=2'



- PROJECT NOTES (THIS SHEET ONLY)**
- INSTALL 18" RCP CLASS II SD PIPE WITH TRACER WIRE PER CITY STANDARD 8020.
  - CONNECT TO EXISTING 18" RCP STUB.
  - SAWCUT LIMIT OF TRENCH (N).
  - CONTRACTOR TO VERIFY EXACT LOCATION AND DEPTH OF EXISTING UTILITY AT ALL POINTS AND NOTIFY ENGINEER OF ANY CONFLICTS (N).

**LEGEND (THIS SHEET ONLY)**  
 PONDING BASIN TRENCH LIMITS, SEE NOTE 8.

**811**  
 Know what's below.  
 Call before you dig.  
 Underground Service Alerts at 811 for a safe dig prior to construction.





**POLE AND EQUIPMENT SCHEDULE**

POLE TYPE	STANDARD SIG. M.A.	LUM. M.A.	VEH. SIG. MTO. POLE	MAST ADV.	PED. SIGNALS	PRB	ARRON LUMINAIRES	SPECIAL REQUIREMENTS
A	23-4-100	35'	SV-1-T	35' MAT 18' MAS	6 SP-1-T	4	→	INSTALL R73-3 (CA) SIGN ON SMA. INSTALL FOOTING ON SMA. INSTALL SNS ON SMA-SEE FOOTING [5]
B	151S	12'	SV-1-T	15' MAT	4 SP-1-T	6	→	165 W
C	16-3-100	15'	SV-1-T	15' MAT	-	-	→	INSTALL R10-12 SIGN ON SMA. INSTALL EVO-D ON SMA. INSTALL SNS ON SMA-SEE FOOTING. [5]
D	1-B (7)	-	-	-	8 TP-1-T	6	→	
E	1-A	-	TV-1-T	-	6 SP-1-T	8	→	
F	24-4-100	35'	SV-1-T	35' MAT 21' MAS	2 SP-1-T	8	→	INSTALL R73-3 (CA) SIGN ON SMA. INSTALL FOOTING ON SMA. INSTALL SNS ON SMA-SEE FOOTING [5]
G	1-A	-	TV-1-T	-	8 SP-1-T	2	→	
H	17-3-100	20'	SV-1-T	20' MAT	4 SP-1-T	2	→	INSTALL R10-12 SIGN ON SMA. INSTALL EVO-B ON SMA. INSTALL SNS ON SMA-SEE FOOTING. [5]
I	151S	12'	SV-1-T	15' MAT	2 SP-1-T	4	→	165 W

NOTE: CONTRACTOR TO INSTALL CITY-FURNISHED OVERSIZE SNS. CITY TO FURNISH ALL NECESSARY MOUNTING BRACKETS AND HARDWARE.

**CONDUCTOR SCHEDULE**

CABLE TYPE	CONDUCTOR DESIGNATION		NUMBER OF CONDUCTORS											
	STANDARD	PHASE	1	2	3	4	5	6	7	8	9	10	11	
12SCC VEH-PED	A	#1, #5, #6p	1	1	1	1	1	1	1	1	1	1	1	
	B	#8, #4p	1	1	1	1	1	1	1	1	1	1	1	
	C	#8	1	1	1	1	1	1	1	1	1	1	1	
	D	#8p	1	1	1	1	1	1	1	1	1	1	1	
	E	#5, #6p	1	1	1	1	1	1	1	1	1	1	1	
	F	#2, #5, #2p	1	1	1	1	1	1	1	1	1	1	1	
PPB 30SC	G	#4, #8p	1	1	1	1	1	1	1	1	1	1		
	H	#4, #4p	1	1	1	1	1	1	1	1	1	1		
	I	#1, #2p	1	1	1	1	1	1	1	1	1	1		
	TOTAL		1	2	1	4	4	3	4	3	2	1	9	9
EMERGENCY VEHICLE PREVENTION CABLE														
AWG														
#8			2	2	2	2	2	2	2	2	2	2	2	2
16-3 SD CABLE (VIDEO POWER)			1	1	1	1	1	1	1	1	1	1	1	1
BELDEN 8261 COAXIAL CABLE (VIDEO DETECTION)			1	1	1	1	1	1	1	1	1	1	1	1
APPROXIMATE PERCENT FILL			18%	10%	15%	15%	19%	20%	16%	20%	19%	27%	29%	29%

REVISIONS

PREPARED BY: [ ]  
 CHECKED BY: [ ]  
 APPROVED BY: [ ]



TRAFFIC SIGNAL  
 PROPERTY AVENUE AT OAKS STREET  
 TULARE, CALIFORNIA

SHEET NO. E2  
 11 of 12



THIS PLAN IS ACCURATE FOR ELECTRICAL WORK ONLY





**RESOLUTION NO. 5349**

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION  
APPROVING A CEQA EXEMPTION FOR THE  
OAKS & PROSPERITY INTERSECTION MODIFICATION PROJECT**

**WHEREAS**, the Oaks & Prosperity Intersection Modification Project is required in order to make needed improvements to the existing traffic operation at this intersection, as well as needed stormwater drainage improvements; and

**WHEREAS**, the Oaks & Prosperity Intersection Modification Project is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Sections 15301(c) and 15282(j).

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Tulare Planning Commission that by this Resolution, an Exemption pursuant to CEQA Sections 15301(c) and 15282(j) is approved for the Oaks & Prosperity Intersection Modification Project.

**PASSED, APPROVED AND ADOPTED** this twenty-third day of December, 2019 by the following recorded vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
CHUCK MIGUEL, CHAIRMAN  
City of Tulare Planning Commission

\_\_\_\_\_  
TRACI MYERS, SECRETARY  
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No.

December 9, 2019

**CONDITIONAL USE PERMIT NO. 2019-27**

<b>PROJECT PLANNER:</b>	Steven Sopp, Senior Planner
<b>APPLICANT:</b>	Juan Carlos (Jaliscos Tacos)
<b>LOCATION:</b>	1510 North 'J' Street
<b>APN:</b>	164-082-028
<b>ZONING CLASSIFICATION:</b>	C-4 (Service Commercial)
<b>GENERAL PLAN DESIGNATION:</b>	General Commercial
<b>SURROUNDING LAND USES AND ZONING:</b>	North: Service Commercial C-4 South: Retail Commercial C-4 East: Single family Res. R-1-8 West: J Street M-2

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2019-27 subject to the findings and conditions in Resolution No. 5350. Staff's recommendation is based on the findings and the projects consistency with the policies and intent of the City's General Plan and Municipal Code.

**REQUEST:**

Request by Juan Carlos of Jaliscos Tacos for a Conditional Use Permit (CUP) in order to continue operation of a stationary mobile vending vehicle located at 1510 North 'J' Street and currently zoned Service Commercial (C-4).

**RELATED PROJECTS:**

Conditional Use Permit 2014-05 – Request to operate a stationary mobile vending vehicle on the property located at 1510 North 'J' Street. Planning Commission approval April 28, 2014.

Conditional Use Permit 2015-11 – Request to operate a stationary mobile vending vehicle on the property located at 1510 North 'J' Street. Planning Commission approval September 14, 2015.



Conditional Use Permit 2016-20 – Request to operate a stationary mobile vending vehicle on the property located at 1510 North ‘J’ Street. Planning Commission approved October 10, 2016.

Conditional Use Permit 2018-24 – Request to operate a stationary mobile vending vehicle on the property located at 1510 North ‘J’ Street. Planning Commission approved October 22, 2018.

**DETAILS OF THE PROPOSAL:**

The applicant has been operating a stationary mobile vending unit (Jalisco’s Tacos) in the parking lot of the existing ‘J’ Street Mini-Market. The vehicle is parked in the northwest portion of the parking lot and utilizes 2 existing parking stalls and has a sit-down area with tables. The mobile vending unit is open from 8:00 a.m. to 11:00 p.m. seven days per week. The unit will have a total of 6 employees, 2 shifts of 3 employees.

The vehicle is a walk-up service only. Restrooms are located in the existing retail structure and the applicant has received a letter from the owner to allow continued use of the restrooms throughout the business hours.

**STAFF COMMENTS:**

The existing mini-market building is 2,644 sq. ft. and requires 11 parking spaces per the Zoning Ordinance (ratio is 1 space/250 sq. ft.). The business will maintain 14 parking stalls (4 stalls counted at pump islands as allowed by ordinance) after the loss of 2 stalls utilized by the mobile vending unit.

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

No comments have been received by staff regarding this project in response to the public notice that was published and mailed to surrounding property owners.

**ENVIRONMENTAL FINDINGS:**

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

**FINDINGS:**

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2019-27.

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.

- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304(e) of the California Environmental Quality Act of 1970, as amended.

**CONDITIONS:**

Based on the approved findings, staff recommends that Conditional Use Permit No. 2019-27, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City's wastewater system.
- 6) Applicant shall obtain City of Tulare business license.
- 7) This permit shall remain valid for one year from approval or December 9, 2020; at which time Applicant may apply for a new Conditional Use Permit.
- 8) Hours of operation shall be 9 a.m. to 12 a.m. seven days per week.
- 9) Applicant may set up tables with chairs for outdoor dining. Tables and chairs are to be located outside of any parking or driving areas.

**APPEAL INFORMATION:**

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at

411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

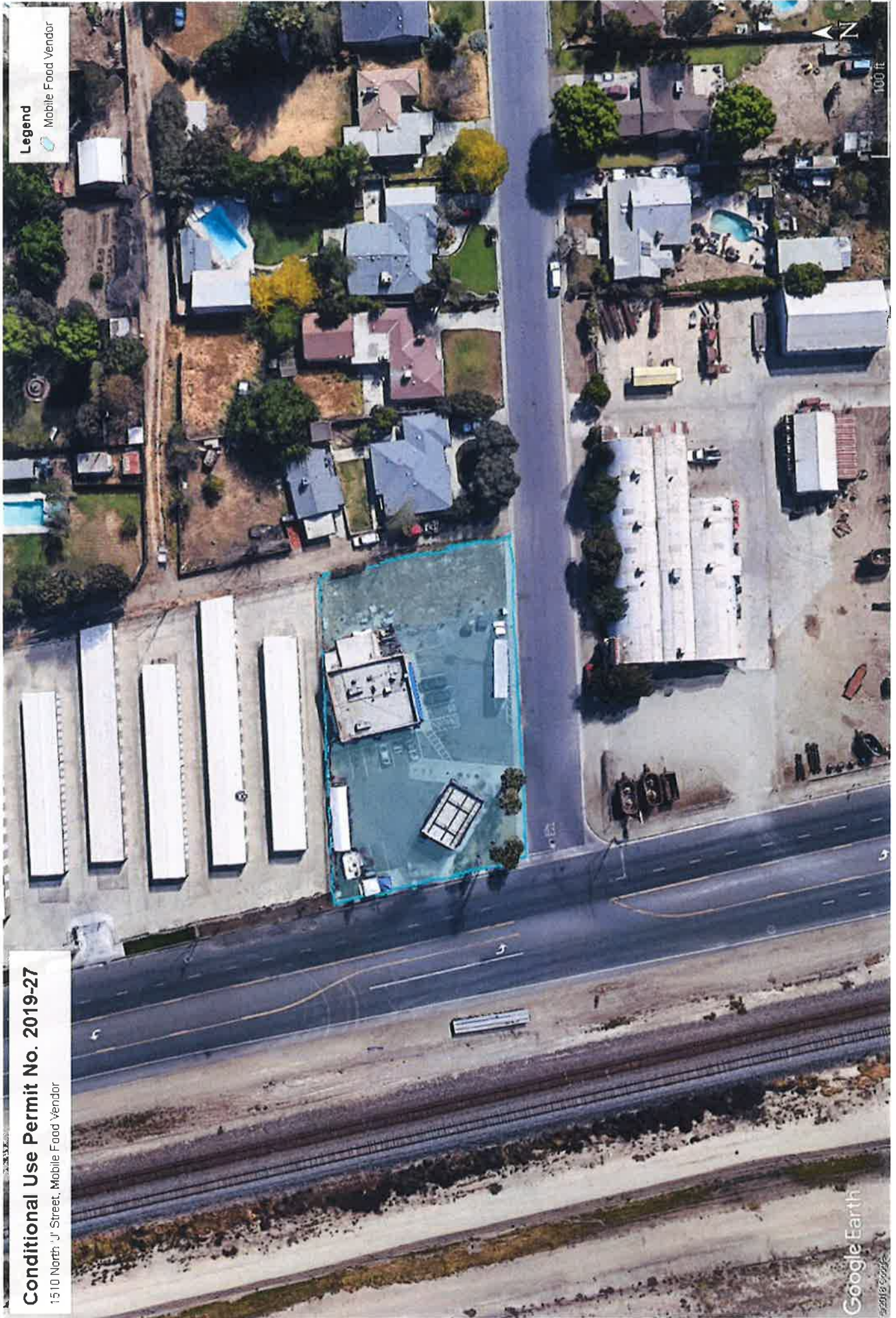
- I. Location Map
- II. Resolution

**Conditional Use Permit No. 2019-27**

1510 North J Street, Mobile Food Vendor

**Legend**

Mobile Food Vendor



**RESOLUTION NO. 5350**

**A RESOLUTION OF THE CITY OF TULARE PLANNING  
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2019-27**

**WHEREAS**, Conditional Use Permit 2019-27 is a request by Juan Carlos to operate a stationary mobile vending vehicle on the property located at 1510 North 'J' Street; and,

**WHEREAS**, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on December 23, 2019; and,

**WHEREAS**, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2019-27 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15304(e); and,

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

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

**BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2019-27 is hereby approved subject to the following conditions:

**Conditions:**

- 1) All requirements of Title 10 shall be met.
- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City's wastewater system.
- 6) Applicant shall obtain City of Tulare business license.
- 7) This permit shall remain valid for one year from approval or December 23, 2020; at which time Applicant may apply for a new Conditional Use Permit.
- 8) Hours of operation shall be 8:00 a.m.-11 p.m. seven days per week.
- 9) Applicant may set up a tables with chairs for outdoor dining. Tables and chairs are to be located outside of any parking or driving areas.

**PASSED, APPROVED AND ADOPTED** this twenty-third day of December, 2019 by the following recorded vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
CHUCK MIGUEL, CHAIRMAN  
City of Tulare Planning Commission

ATTEST:

\_\_\_\_\_  
TRACI MYERS, SECRETARY  
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No.

December 9, 2019

**CONDITIONAL USE PERMIT NO. 2019-29**

<b>PRESENTED TO:</b>	Planning Commission
<b>PRESENTED BY:</b>	Steven Sopp, Senior Planner
<b>APPLICANT:</b>	Rigoberto and Jose Luis Ruvalcaba
<b>LOCATION:</b>	117 W. Inyo Avenue
<b>APN:</b>	175-185-017
<b>ZONING CLASSIFICATION:</b>	C-4 (Service Commercial)
<b>GENERAL PLAN DESIGNATION:</b>	Service Commercial
<b>SURROUNDING LAND USES AND ZONING:</b>	North: Service Commercial    C-4 South: Residential            RM-3 East: Appliance Repair        C-4 West: Tobacco Store            C-4

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2019-29 subject to the findings and conditions in Resolution No. 5351. Staff's recommendation is based on the findings and the projects consistency with the policies and intent of the City's General Plan and Municipal Code.

**REQUEST:**

Conditional Use Permit No. 2019-29 is a request by Rigoberto and Jose Luis Ruvalcaba to operate a stationary mobile vending vehicle on the property located at 117 W. Inyo Avenue.

**RELATED PROJECTS:**

Conditional Use Permit 2017-22 – Request to operate a stationary mobile vending vehicle on the property located at 117 W. Inyo Avenue. Planning Commission approval October 23, 2017.

Conditional Use Permit 2018-26 – Request to operate a stationary mobile vending vehicle on the property located at 117 W. Inyo Avenue. Planning Commission approval November 26, 2018.

**STAFF COMMENTS AND PROJECT DETAILS:**

The applicant proposes to operate a vending vehicle (taco truck) in the parking lot of the existing mini-market/gas station business located at the southwest corner of Inyo Avenue and “I” Street, from 10 am to 10 pm, Tuesday through Sunday. The proposed vending vehicle is a self-contained taco truck. The site plan depicts the vending vehicle to be parked just north of an existing mini-mart and just south of an existing planter box which contains inoperable pay phones. The proposed vending vehicle location will not occupy any of the existing parking associated with the service station and mini-mart. The applicant’s proposed operation includes setting up and removing the vending vehicle daily from the site. The vending operation is walk-up and contains refrigerator, cooking appliances, and food preparation areas.

Restrooms are located in the existing mini-mart structure and the applicant has received a letter from the owner to allow use of the restrooms throughout the business hours.

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

No comments have been received by staff regarding the project in response to the public notice that was published in the newspaper and sent to surrounding property owners.

**ENVIRONMENTAL FINDINGS:**

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

**FINDINGS:**

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2019-29.

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.



- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

**CONDITIONS:**

Based on the approved findings, staff recommends that Conditional Use Permit No.2019-29, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City's wastewater system.
- 6) Applicant shall obtain any other required license or permit by the City of Tulare.
- 7) Hours of operation shall be 10 a.m. to 10 p.m. Tuesday through Sunday.
- 8) This permit shall remain valid for one year from approval or December 9, 2020; at which time Applicant may apply for a new Conditional Use Permit.

**APPEAL INFORMATION:**

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

**Attachments:**

- I. Project Location Map
- II. Exterior Elevation – Front
- III. Exterior Elevation - Rear
- IV. Resolution

**Conditional Use Permit No. 2019-29**

Stationary Mobile Food Vendor - 117 W Inyo Avenue

**Legend**



Tacos Los Brothers



TORTAS



AHORRAN

BURRITOS



# LOS TACOS BROTHERS



HUARACHE



903 BIRNLE CT  
TOLUCA CA 97274  
TEL.  
Togatas o Domicilio



**LOS TACOS BROTHERS**



**BURRITOS**

**TORTAS**



**AHOGADAS**



**HUACHOS**



**RESOLUTION NO. 5351**

**A RESOLUTION OF THE CITY OF TULARE PLANNING  
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2019-29**

**WHEREAS**, Conditional Use Permit 2019-29 is a request by Rigoberto and Jose Luis Ravalcaba to operate a stationary mobile vending vehicle on the property located at 117 West Inyo Avenue; and,

**WHEREAS**, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on December 23, 2019; and,

**WHEREAS**, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2019-29 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15304(e); and,

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

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

**BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2019-29 is hereby approved subject to the following conditions:

**Conditions:**

- 1) All requirements of Title 10 shall be met.
- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City's wastewater system.
- 6) Applicant shall obtain any other required license or permit by the City of Tulare.
- 7) Hours of operation shall be 10 a.m. to 10 p.m. Tuesday through Sunday.
- 8) This permit shall remain valid for one year from approval or December 23, 2020; at which time Applicant may apply for a new Conditional Use Permit.

**PASSED, APPROVED AND ADOPTED** this **twenty-third** day of **December, 2019** by the following recorded vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
CHUCK MIGUEL, CHAIRMAN  
City of Tulare Planning Commission

ATTEST:

\_\_\_\_\_  
TRACI MYERS, SECRETARY  
City of Tulare Planning Commission



2020

PLANNING COMMISSION MEETINGS



<b>JANUARY</b>	<b>13 and 27</b>
<b>FEBRUARY</b>	<b>10 and 24</b>
<b>MARCH</b>	<b>9 and 23</b>
<b>APRIL</b>	<b>13 and 27</b>
<b>MAY</b>	<b>11 and 25</b>
<b>JUNE</b>	<b>8 and 22</b>
<b>JULY</b>	<b>13 and 27</b>
<b>AUGUST</b>	<b>10 and 24</b>
<b>SEPTEMBER</b>	<b>14 and 28</b>
<b>OCTOBER</b>	<b>12 and 26</b>
<b>NOVEMBER</b>	<b>9 and 23</b>
<b>DECEMBER</b>	<b>14 and 28</b>

