INITIAL STUDY – MITIGATED NEGATIVE DECLARATION

FOR THE FARRAR SUBDIVISION PROJECT

~~November 2019~~December 2019

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City of Tulare
Planning and Building Department
411 East Kern Avenue
Tulare, CA 93274

Executive Summary

Project Title: Farrar Subdivision Project

Project Location

The project site is located within Tulare County in the eastern area of the City of Tulare (City). The project area is composed of four neighboring parcels (APN 172-130-020, 172-090-029, 172-110-001, and 172-070-005). The four parcels total approximately 76.5 acres.

The four parcels are designated by the City as Rural Residential, Residential Estate, and Low Density Residential under the General Plan and RA (Rural Residential), R-1-20, R-1-12.5, and R-1-7 under the current zoning code. The current parcels are currently being used for agricultural row crops.

Project Overview

The proposed project is a single-family residential subdivision consisting of 360 lots constructed in four phases. The development of the subdivision would result in on-site infrastructure improvements, including new local residential streets, new and relocated utilities, and a ponding basin to treat storm water flows.

Summary of IS/MND Findings

The analysis in Section 3 of this Initial Study and Proposed Mitigated Negative Declaration (IS/MND) evaluates the potential environmental impacts associated with project implementation. It was found that implementation of the proposed project would not result in potentially significant impacts on the environment, as detailed in Section 3.

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Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
AQ-1: The proposed project is subject to Rule 9510, as required by the SJVAPCD. The project applicant shall pay the Indirect Source Review Rule fee for any required reductions that have not been accomplished through project mitigation commitments, prior to issuance of building permits. The fee calculations will be conducted by the SJVAPCD.	Project Proponent	Prior to Issuance of Building Permits for Phase I or the equivalent first phase of project development	City of Tulare; SJVAPCD	
BIO-1a: In order to avoid impacts to nesting raptors and migratory birds, the project shall be constructed, if feasible, outside the nesting season, or between September 1st and January 31st.	Project Applicant & Construction Contractor	Prior to issuance of grading permits or any ground-disturbing and construction activities	City of Tulare	

BIO-1b: If project activities must occur during the nesting season (February 1-August 31), a qualified biologist shall conduct preconstruction surveys for active raptor and migratory bird nests within 14 days prior to the start of these activities. The survey shall include the proposed work area(s) and surrounding lands within 500 feet, where accessible, for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey shall extend to 0.5 mile outside of work area boundaries. Nesting surveys for the Swainson's hawks shall be conducted in accordance with the protocol outlined in the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (Swainson's Hawk Technical Advisory Committee, 2000). If potential Swainson's hawk nests or nesting substrates are located within 0.5 miles of the Project site, then those nests or substrates must be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. The protocol recommends that 10 vists be made to each nest or nesting site: one during January 1-March 20 to identify potential nest sites, three during March 20-April 5, three during April 5-April 20, and three during June 10-July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground	Project Applicant & Construction Contractor	Within 14 days prior to the start of any ground-disturbing and construction activities proposed during the nesting season (February 1-August 31)	City of Tulare	

disturbance activities. If Swainson's hawks are not found to nest within the survey area, then no further action is warranted.				
BIO-1c: Should any active Swainson's hawk nests be discovered near proposed work areas, Swainson's hawk nests shall be avoided by 0.5 miles unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS. If a construction area falls within this nesting site, construction-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means, and shall be maintained until the biologist has determined that the young have fledged (left the nest).	Construction Contractor & Qualified Biologist	Prior to the start of any ground-disturbing and construction activities proposed during the nesting season (February 1-August 31)	City of Tulare; CDFW and/or USFWS	
BIO-2a: (Take Avoidance Survey). A take avoidance survey for burrowing owls shall be conducted by a qualified biologist knowledgeable of the species within 14 days prior to the start of construction. This take avoidance survey shall be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The survey area shall include all suitable habitat on and within 200 meters of project impact areas, where accessible.	Project Applicant; Construction Contractor; Qualified Biologist	Within 14 days prior to the issuance of grading permits and prior to the start of ground-disturbing and construction activities	City of Tulare	

BIO-2b: (Avoidance of Active Nests and Roosts). If project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near project impact areas, a 200-meter disturbance-free buffer shall be established around these burrows, unless a qualified biologist approved by CDFW verifies through noninvasive methods either that the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls present on site after February 1 will be assumed to be nesting unless evidence indicates otherwise. The protected exclusion zone established for the breeding season shall remain in effect until August 31 or, as determined based on monitoring evidence, until the young owl(s) is foraging independently or the nest is no longer active.	Project Applicant, Construction Contractor, & Qualified Biologist	Prior to, and during, ground-disturbing and construction activities	City of Tulare; CDFW	

BIO-2c: (Passive Relocation of Resident Owls). During the nonbreeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat after consulting with the CDFW. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). The Burrowing Owl Exclusion Plan shall be submitted to the CDFW for review prior to implementation. Relocation of any owls during the nonbreeding season shall be performed by a qualified biologist using one-way doors, which shall be installed in all burrows in the impact area and left in place for at least two nights. The doors shall be removed and the burrows backfilled immediately before the initiation of grading or, if no grading would occur, left in place until the end of construction. To avoid the potential for owls evicted from a burrow to occupy other burrows in the project site, one-way doors shall be placed in all potentially suitable burrows within the impact area when eviction occurs.	Construction Contractor & Qualified Biologist	Prior to, and during, grading and other ground-disturbing and construction activities	City of Tulare; CDFW	

BIO-3a: Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the project site, no more than 30 days prior to the start of ground disturbance activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on and adjacent to the site and evaluate their use by kit foxes. Protection provided by dens for shelter, escape, cover, and reproduction is vital to the survival of San Joaquin kit foxes. For San Joaquin kit foxes, the ecological value of potential, known, and natal/pupping dens differs; therefore, each den type requires the appropriate level of protection. The following text describes the different steps involved with implementing this mitigation measure: Determine Den Status. When a suitable den or burrow is discovered, a qualified biologist shall determine whether the hole is occupied by a San Joaquin kit fox. Den entrances at least 4 inches in diameter (but not greater than 20 inches) qualify as suitable for San Joaquin kit fox use. Some dens can be immediately identified as recently used by kit fox; qualifying signs include kit fox tracks, scats, and a fresh soil apron extending up to 6 feet from the den entrance. Dens with proper dimensions, but no obvious sign will require further investigation. A remote motion-sensing camera with tracking medium shall be deployed for at least 5 days in an attempt to document a San Joaquin kit fox using the den. If, after 5 days, no San Joaquin kit foxes are detected and the	Project Applicant, Construction Contractor, & Qualified Biologist	Within 30 days of any ground-disturbing activities; Preconstruction surveys shall be repeated following any lapses in construction of 30 days or more.	City of Tulare; CDFW; USFW	

hole has remained unchanged (no new tracks or excavations are observed), and there is no historic record of an active kit fox den at that location, the den will be deemed a “potential den” and unoccupied. The den will be considered occupied if a kit fox is photographed using the den or if a recent sign is found. The biologist shall contact CDFW and the USFWS upon the confirmation of any occupied den. Preconstruction surveys shall be repeated following any lapses in construction of 30 days or more.				

BIO-3b: Should active kit fox dens be detected during preconstruction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified. A disturbance-free buffer shall be established around the burrows in consultation with the USFWS and CDFW, to prevent access to the occupied den by construction equipment and personnel who are not biologists, and to be maintained until an agency-approved biologist has determined that the burrows have been abandoned. After construction activities would no longer affect the den, all fencing and flagging shall be removed to avoid attracting attention to the den by other animals or humans. All onsite flagging and buffer delineations shall be kept in good working order for the duration of activity near the den or until the den is determined to be unoccupied, whichever occurs first. The following radii are standard San Joaquin kit fox buffer distances: • Known occupied den—100 feet • Occupied natal/pupping den—500 feet • Occupied atypical den—50 feet In the exclusion zones, only essential vehicle and foot traffic shall be permitted. No activity that would destroy the den may occur, and no activity that may harm a San Joaquin kit fox will proceed until the individual is out of harm's way, without harassment. No activity that may cause strong ground vibrations may occur in the exclusion zone until the den is no longer occupied. Essential vehicle traffic shall include any emergency vehicles. If San Joaquin kit foxes are	Construction Contractor & Qualified Biologist	Prior to, and during, grading and other ground-disturbing and construction activities	City of Tulare; CDFW; USFWS	

not observed above ground, essential foot traffic also may be allowed. The USFWS and CDFW shall be notified of any reductions in the standard radii or allowance for additional activity in the restrictive exclusion zones based on individual circumstances to provide USFWS and CDFW an opportunity to offer technical guidance. If a known or occupied den cannot be avoided, consultation with the USFWS and CDFW shall be required.				

BIO-3c: Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes in accordance with the USFWS Standardized Recommendations. The applicant shall implement all minimization measures presented in the Construction and On-going Operational Requirements section of the Standardized Recommendations, including, but not limited to: • Project-related vehicles shall observe a daytime speed limit of 15-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited. • To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is	Construction Contractor & Qualified Biologist	During all ground-disturbing and construction activities	City of Tulare; CDFW; USFWS	

discovered, the USFWS and CDFW shall be contacted. • Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. • All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or project site. • No firearms shall be allowed on the project site. • No pets, such as dogs or cats, shall be permitted on the project site, to prevent harassment, mortality of kit foxes, or destruction of dens.				

• Use of rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox. • An employee education program shall be conducted for the project. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project vicinity; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation. The training will include a handout with all of the training information included in it. The applicant will use this handout to train any construction personnel that were not				

in attendance at the first meeting, prior to those personnel starting work on the site. • A representative shall be appointed by the Applicant who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to USFWS. • Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with USFWS, CDFW, or revegetation experts. • Any contractor, employee, or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the Sacramento Field				

Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal, and any other pertinent information. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309. • New sightings of kit fox shall be reported to the CNDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to USFWS.				
CUL-1: If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of Interior's Professional Qualifications Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any potential significant impacts.	Construction Contractor & Qualified Archaeologist	During ground-disturbing activities	City of Tulare	

CUL-2: The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Construction Contractor	During ground-disturbing activities	City of Tulare; County Coroner; NAHC	

HYD-1: Prior to the issuance of any grading and/or construction permit, and or the commencement of any clearing, grading, or excavation, the project proponent or construction contractor shall submit a Notice of Intent (NOI) for discharge from the Project site to the California SWRCB Storm Water Permit Unit. Prior to the issuance of grading permits for Phase I, the applicant or construction contractor shall submit a copy of the NOI to the City. The City shall review noticing documentation prior to approval of the grading permit. City monitoring staff will inspect the site during construction for compliance.	Project Applicant; Construction Contractor	Prior to the issuance of a grading permit or to commencement of any ground clearing, grading, or excavation	City of Tulare	

HYD-2: The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project's plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to storm water and shall include specific BMPs to control the discharge of material from the site. The following BMP methods shall include, but would not be limited to: • Dust control measures will be implemented to ensure success of all onsite activities to control fugitive dust; • A routine monitoring plan will be implemented to ensure success of all onsite erosion and sedimentation control measures; • Provisional detention basins, straw bales, erosion control blankets, mulching, silt fencing, sand bagging, and soil stabilizers will be used; • Soil stockpiles and graded slopes will be covered after two weeks of inactivity and 24 hours prior to and during extreme weather conditions; and,	Applicant; Construction Contractor	45 Days Prior to Starting Work and or Grading; Prior to Issuance of Grading Permit	City of Tulare	

• BMPs will be strictly followed to prevent spills and discharges of pollutants onsite, such as material storage, trash disposal, construction entrances, etc.				
HYD-3: A Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned and maintained in accordance with the manufacturer's maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following: • Runoff shall be directed away from trash and loading dock areas; • Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes; • Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash; and, • Impervious berms, trench catch basin, drop inlets, or overflow containment structures nearby docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system.	Project Proponent & Project Engineer; Construction Contractor	Prior to issuance of ~~building permits~~certificates of occupancy for each phase~~, and if not master planned, prior to issuance of building permits for each phase~~	City of Tulare	

TRA-1: Prior to issuance of ~~building permits~~certificates of occupancy for Phase I of the proposed project, the project proponent must complete the following required improvements at the Morrison Street/Tulare Avenue Intersection: ▪ Add a southbound left-turn lane; ▪ Modify the southbound left-through-right lane to a through-right lane; ▪ Signalize the intersection with protective left-turn phasing in all directions; and ▪ Modify the intersection to accommodate the added lane.	Project Applicant/ Project Proponent	Prior to issuance of certificates of occupancy~~building permits~~ for Phase I of the Project	City of Tulare; Caltrans	
TRA-2: Prior to issuance of ~~building permits~~certificates of occupancy for Phase II of the proposed project, the project proponent must complete the following required improvements at the Morrison Street/Prosperity Avenue Intersection: ▪ Modify the northbound left-right lane to a left-turn lane; and ▪ Add a northbound right-turn lane.	Project Applicant/ Project Proponent	Prior to issuance of ~~building permits~~certificates of occupancy for Phase II of the Project	City of Tulare	

TRA-3: Prior to issuance of ~~building permits~~certificates of occupancy for Phase IV of the proposed project, the project proponent must complete the following required improvements at the Mooney Boulevard/Seminole Avenue Intersection: ▪ Modify the westbound left-right lane to a left-turn lane; ▪ Add a westbound right-turn lane; and ▪ Signalize the intersection with protective left-turn phasing in all directions.	Project Applicant/ Project Proponent	Prior to issuance of ~~building permits~~certificates of occupancy for Phase IV of the Project	City of Tulare; Caltrans	

TRA-4: Prior to issuance of ~~building permits~~certificates of occupancy for Phase IV of the proposed project, the project proponent shall pay their equitable fair share, agreed upon by the responsible agencies (City of Tulare and Caltrans), towards the cost of the following improvements at the intersections of Mooney Boulevard/Prosperity Avenue and Mooney Boulevard/Tulare Avenue: O Mooney Boulevard/Prosperity Avenue ▪ Modify the southbound through-right lane to a through lane; ▪ Add a southbound right-turn lane; and ▪ Modify the traffic signal to accommodate the added lane. O Mooney Boulevard/Tulare Avenue ▪ Add a second eastbound left-turn lane; and ▪ Modify the traffic signal to accommodate the added lane. Fair share contributions shall only be made for those facilities, or portion thereof, currently not funded by the responsible agencies' roadway impact fee program(s) or grant funding, as appropriate. Payment of the Project's equitable fair share, in addition to the local and regional impact fee programs, would satisfy the Project's traffic mitigation measures for its contribution to Near Term plus Project Buildout Traffic Conditions. The traffic impact analysis conducted for the proposed project does not provide construction costs for the recommended mitigation measures; therefore, the project proponent must continue to work with the City of	Project Applicant/ Project Proponent	Prior to issuance of ~~building permits~~certificates of occupancy for Phase IV of the Project	City of Tulare; Caltrans	

Tulare, and/or Caltrans, to develop the estimated construction costs.				

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City of Tulare
Planning and Building Department
411 East Kern Avenue
Tulare, CA 93274

Introduction

Project Title: Farrar Subdivision Project

This Initial Study/Mitigated Negative Declaration has been prepared for the City of Tulare to address the environmental effects of the construction of a single family residential subdivision consisting of 360 lots on approximately 76.5 acres within the City of Tulare, California. This document has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines. The City of Tulare is the CEQA lead agency for this project.

The project site is located within Tulare County in the eastern area of the City of Tulare, north of Tulare Avenue, west of Morrison Street and rural residential properties, south of agricultural land, and east of a single-family residential subdivision.

This Initial Study document for the **Farrar Subdivision Project**, is organized as follows:

Section 1: Environmental Review Process
The Environmental Review Process covers the procedures, under the California Environmental Quality Act (CEQA), for evaluating the environmental effects of the proposed project including the CEQA guidelines, Initial Study, Environmental Checklist, Notice of Intent to adopt a Mitigated Negative Declaration, Mitigated Negative Declaration, and the Notice of Determination.

Section 2: Project Description
The Project Description identifies the project location, provides a background to the project, and describes the project.

Section 3: Evaluation of Environmental Impacts
Evaluation of Environmental Impacts contains the CEQA Environmental Checklist, Environmental Factors Potentially Affected, Evaluation of Environmental Impacts, Draft Notice of Intent to Adopt Initial Study/Mitigated Negative Declaration, Draft Mitigated Negative Declaration, Notice of Completion and Environmental Document Transmittal form, Draft Notice of Determination, and a Schedule of Compliance with CEQA for a Mitigated Negative Declaration.

Section 4: References
References provides a list of reference material used during the preparation of the Initial Study.

Section 5: List of Report Preparers

The List of Report Preparers provides a list of key personnel involved in the preparation of the Environmental Assessment/Initial Study.

Appendices

The Appendices consist of Appendix A and Appendix B. Appendix A includes the modeling output sheets from the California Emissions Estimator Model (CalEEMod) run for estimating construction and operational emissions summarized in the air quality and greenhouse gas sections of this Initial Study/Mitigated Negative Declaration. Appendix B is the Traffic Impact Analysis for the Project.

City of Tulare
Planning and Building Department
411 East Kern Avenue
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SECTON 1
CEQA Environmental Review Process

Project Title: Farrar Subdivision Project

1.1 California Environmental Quality Act Guidelines

Section 15063 of the California Environmental Quality Act (CEQA) Guidelines requires that the Lead Agency prepare an Initial Study to determine whether a discretionary project will have a significant effect on the environment. All phases of the project planning, implementation, and operation must be considered in the Initial Study. The purposes of an Initial Study, as listed under Section 15063(c) of the CEQA Guidelines, include:

(1) Provide the lead agency with information to use as the basis for deciding whether to prepare an EIR or negative declaration;

(2) Enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a mitigated negative declaration;

(3) Assist the preparation of an EIR, if one is required, by:

(A) Focusing the EIR on the effects determined to be significant,

(B) Identifying the effects determined not to be significant,

(C) Explaining the reasons for determining that potentially significant effects would not be significant, and

(D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

(4) Facilitate environmental assessment early in the design of a project;

(5) Provide documentation of the factual basis for the finding in a mitigated negative declaration that a project will not have a significant effect on the environment;

(6)Eliminate unnecessary EIRs;

(7)Determine whether a previously prepared EIR could be used with the project.

1.2 Initial Study

The Initial Study provided herein covers the potential environmental effects of the construction of a five building medical complex on approximately 10.4 acres within the City of Tulare, California.

The City of Tulare will act as the Lead Agency for processing the Initial Study/Mitigated Negative Declaration pursuant to the CEQA and the CEQA Guidelines.

1.3 Environmental Checklist

The Lead Agency may use the CEQA Environmental Checklist Form [CEQA Guidelines, Section 15063(d)(3) and (f)] in preparation of an Initial Study to provide information for determination if there are significant effects of the project on the environment. A copy of the completed Environmental Checklist is set forth in Section Three.

1.4 Notice of Intent to Adopt a Mitigated Negative Declaration

The Lead Agency shall provide a Notice of Intent to Adopt a Mitigated Negative Declaration (CEQA Guidelines, Section 15072) to the public, responsible agencies, trustee agencies and the County Clerk within which the project is located, sufficiently prior to adoption by the Lead Agency of the Negative Declaration to allow the public and agencies the review period. The public review period (CEQA Guidelines, Section 15105) shall not be less than 20 days. When the Initial Study/Mitigated Negative Declaration is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period, not less than 20 days, is approved by the State Clearinghouse.

Prior to approving the project, the Lead Agency shall consider the proposed Mitigated Negative Declaration together with any comments received during the public review process, and shall adopt the proposed Mitigated Negative Declaration only if it finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis.

The written and oral comments received during the public review period will be considered by the City of Tulare prior to adopting the Mitigated Negative Declaration.

Regardless of the type of CEQA document that must be prepared, the overall purpose of the CEQA process is to:

1) Assure that the environment and public health and safety are protected in the face of discretionary projects initiated by public agencies or private concerns;

2) Provide for full disclosure of the project's environmental effects to the public, the agency decision-makers who will approve or deny the project, and the responsible trustee agencies charged with managing resources (e.g. wildlife, air quality) that may be affected by the project; and

3) Provide a forum for public participation in the decision-making process pertaining to potential environmental effects.

According to Section 15070(a) a public agency shall prepare or have prepared a proposed mitigated negative declaration for a project subject to CEQA when:

The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. Less than significant impacts have been identified, with implementation of mitigation measures.

The Environmental Checklist Discussion contained in Section Three of this document has determined that the environmental impacts of the project are less than significant with mitigation measures and that a Mitigated Negative Declaration is adequate for adoption by the Lead Agency.

1.5 Negative Declaration or Mitigated Negative Declaration

The Lead Agency shall prepare or have prepared a proposed Negative Declaration or Mitigated Negative Declaration (CEQA Guidelines Section 15070) for a project subject to CEQA when the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.

The proposed Negative Declaration or Mitigated Negative Declaration circulated for public review shall include the following:

(a) A brief description of the project, including a commonly used name for the project.

(b) The location of the project, preferably shown on a map.

(c) A proposed finding that the project will not have a significant effect on the environment.

(d) An attached copy of the Initial Study documenting reasons to support the finding.

(e) Mitigation measures, if any.

1.6 Intended Uses of Initial Study/Mitigated Negative Declaration Documents

The Initial Study/Mitigated Negative Declaration document is an informational document that is intended to inform decision-makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed project. The environmental review process has been established to enable the public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency must balance any potential environmental effects against other public objectives, including economic and social goals.

The City of Tulare, as Lead Agency, will make a determination, based on the environmental review for the Initial Study and comments from the general public, if there are less than significant impacts from the proposed project and the requirements of CEQA can be met by adoption of a Mitigated Negative Declaration.

1.7 Notice of Determination (NOD)

The Lead Agency shall file a Notice of Determination within five working days after deciding to approve the project. The Notice of Determination (CEQA Guidelines, Section 15075) shall include the following:

> *(1) An identification of the project including the project title as identified on the proposed negative declaration, its location, and the State Clearinghouse identification number for the proposed negative declaration if the notice of determination is filed with the State Clearinghouse.*
>
> *(2) A brief description of the project.*
>
> *(3) The agency's name and the date on which the agency approved the project.*
>
> *(4) The determination of the agency that the project will not have a significant effect on the environment.*
>
> *(5) A statement that a negative declaration or a mitigated negative declaration was adopted pursuant to the provisions of CEQA.*
>
> *(6) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.*
>
> *(7) The address where a copy of the negative declaration or mitigated negative declaration may be examined.*
>
> *(8) The Notice of Determination filed with the County Clerk shall be available for public inspection and shall be posted by the County Clerk within 24 hours of receipt*

for a period of at least 30 days. Thereafter, the clerk shall return the Notice to the Lead Agency with a notation of the period posted.

City of Tulare
Planning and Building Department
411 East Kern Avenue
Tulare, CA 93274

SECTON 2
Project Description

Project Title: Farrar Subdivision Project

2.1 Project Location

The project site is located within Tulare County in the eastern area of the City of Tulare (City), north of Tulare Avenue, west of Morrison Street and rural residential properties, south of agricultural lands, and east of a single-family residential subdivision. The project area is composed of four neighboring parcels (APN 172-130-020, 172-090-029, 172-110-001, and 172-070-005) totaling approximately 76.5 acres. Figure 2-1 shows the regional location of the proposed project, while Figure 2-2 shows the projected site plan.

The four parcels are designated by the City as Rural Residential, Residential Estate, and Low Density Residential under the General Plan and RA (Rural Residential), R-1-20, R-1-12.5, and R-1-7 under the current zoning code. The current parcels are currently being used for agricultural row crops.

2.2 Project Description

The proposed project is a single-family residential subdivision consisting of 360 lots, to be constructed in four phases. The development of the subdivision would result in on-site infrastructure improvements, including new local residential streets, new and relocated utilities, and a ponding basin to treat storm water flows. The project would also require build out and frontage improvements on Morrison Street, Tulare Avenue, and Seminole Avenue.

Other Permits and Approvals

Other permits and approvals required for the Farrar Subdivision Project are listed below. It should be noted that this list is not exhaustive and additional permits and approvals may also be required.

- *City of Tulare Tentative Subdivision Map*
- *City of Tulare General Plan Amendment*
- *City of Tulare Zone Amendment*
- *City of Tulare Conditional Use Permit*
- *City of Tulare Landscape and Maintenance District*
- *City of Tulare Building and Encroachment Permits*

- *San Joaquin Valley Air Pollution Control District (SJVAPCD)*. The proposed project is within the jurisdiction of the SJVAPCD and will be required to comply with Rule VIII, 3135, 4101, and 9510.
- *Central Valley Regional Water Quality Control Board, SWPPP*. The proposed project site is within the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB). The CVRWQCB will require a Storm Water Pollution Prevention Plan (SWPPP) to prevent impacts related to stormwater as a result of project construction.

Figure 2-1 Regional Location

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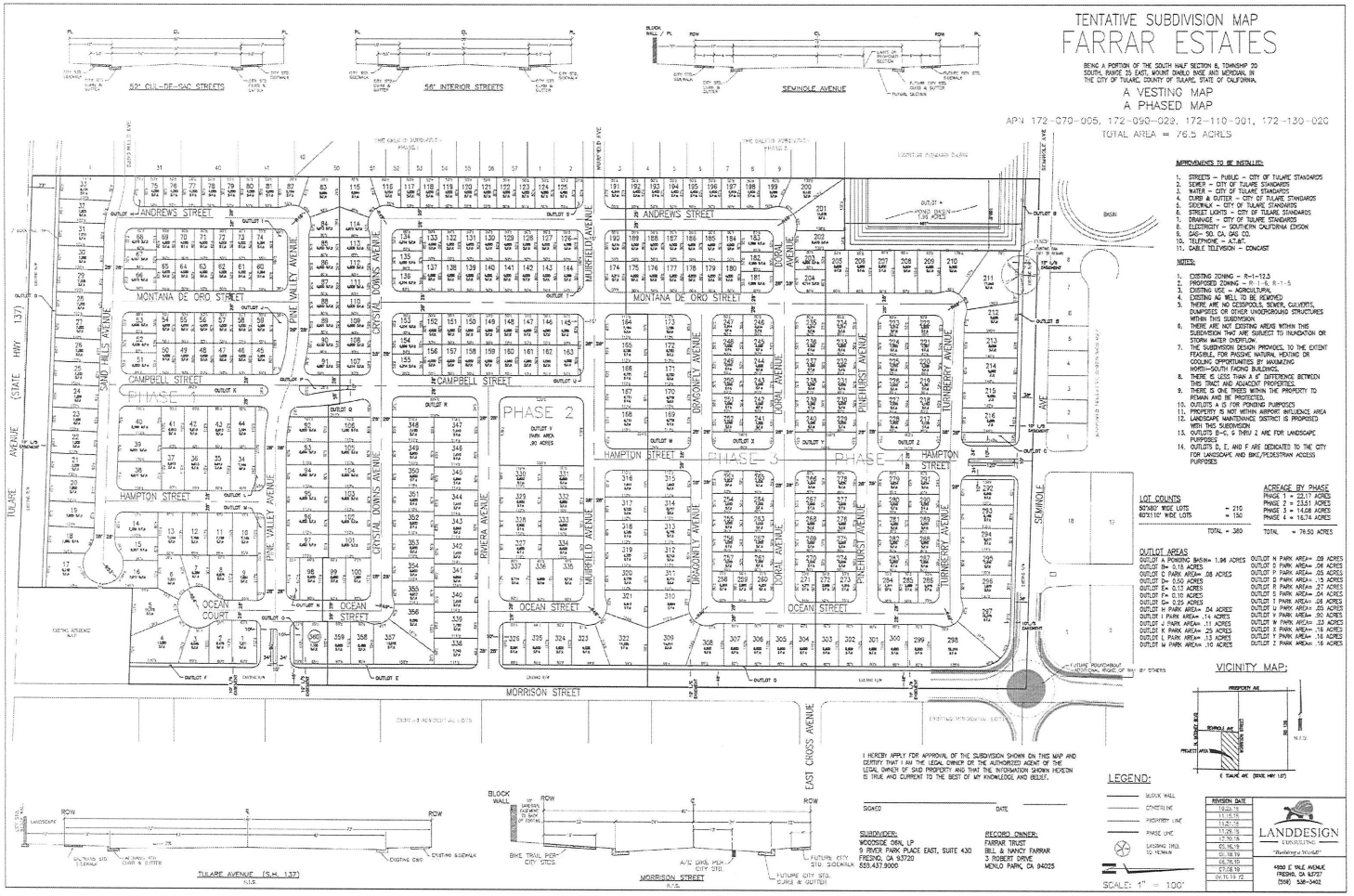
Figure 2-2 Project Site Plan



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Aerial Photo of Project Site

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City of Tulare
Planning and Building Department
411 East Kern Avenue
Tulare, CA 93274

SECTON 3
Evaluation of Environmental Impacts

Project Title: Farrar Subdivision Project

This document is the Initial Study/Mitigated Negative Declaration for a proposed single-family residential subdivision consisting of 360 lots on approximately 76.5 acres within the City of Tulare, California. The City of Tulare will act as the Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

3.1 PROJECT PURPOSE

The purpose of this environmental document is to implement the California Environmental Quality Act (CEQA). Section 15002(a) of the CEQA Guidelines describes the basic purposes of CEQA as follows.

(1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
(2) Identify the ways that environmental damage can be avoided or significantly reduced.
(3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

According to Section 15070(b), a Mitigated Negative Declaration is appropriate if it is determined that: (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

1. **Project Title:** Farrar Subdivision Project

2. **Lead Agency:** City of Tulare
411 E. Kern Avenue
Tulare, Ca 93274
(559) 684-4217 FAX 685-2339

3. **Applicant:** Woodside 06N LP
9 River Park Pl. E.
Suite 430
Fresno, CA 93720

4. **Contact Person:** Mario Anaya, Principal Planner
City of Tulare
411 E. Kern Avenue
Tulare, CA 93274
(559)684-4223

5. **Project Location:**
The project site is located within Tulare County in the eastern area of the City of Tulare (City), north of Tulare Avenue, west of Morrison Street and rural residential properties, south of agricultural lands, and east of a single-family residential subdivision. The project area is composed of four neighboring parcels (APN 172-130-020, 172-090-029, 172-110-001, and 172-070-005) totaling approximately 76.5 acres.

6. **General Plan Designation:**
Tulare General Plan designates the four parcels on the site as Rural Residential, Residential Estate, and Low Density Residential.

7. **Zoning Designation:**
Tulare Zoning Map designates the four parcels on the site as RA (rural residential), R-1-20, R-1-12.5, and R-1-7.

8. **Surrounding Land Use Designations and Existing Land Use:**

North	LDR	agricultural land (row crops)
South	LDR	Tulare Avenue & low density single-family residential
East	County	rural residential, residential estate, & orchard
West	LDR	low density single-family residential

9. **Project Description:** The proposed project is a single-family residential subdivision consisting of 360 lots, to be constructed in four (4) phases. The proposed project would result in on-site infrastructure improvements, including local residential streets, widening of Morrison Street, as well as new and relocated utilities.

10. **Parking and access:** Access to and from the proposed subdivision would be available via Morrison Street and via the extension of Seminole Avenue. At full buildout, one access point would be located on Seminole Avenue, two would be located on Morrison Street, and the remaining two access points are proposed along the west side of the proposed project site boundary, connecting through the existing subdivision to the west. The proposed residential development will provide both covered (garage) and uncovered driveway and street parking, which complies with the City of Tulare Code of Ordinances § 10.192.040 requiring tow covered parking spaces per dwelling unit. During construction, workers will utilize on-site temporary construction staging and parking areas for parking of vehicles and equipment.

11. **Landscaping and Design**: All landscaping and design components will comply with the City of Tulare Code of Ordinances §8.24 for Subdivisions, §10.24 for Single-family Residential, and §10.33 for Small Lot Residential. The landscape and design plans will be required at time the project submits for a building permit on the project and will also be subject to water efficient landscape ordinance (WELO).

12. **Utilities and Electrical Services:** The proposed project would be installed into the City's water supply, wastewater, and storm water infrastructure systems and would be served by the City for solid waste disposal. In addition, electrical service would be provided by the local energy utility company, Southern California Edison.

13. **Project Components:** The discretionary approvals required from the City of Tulare for the proposed project include:

    - General Plan Amendment
    - Zone Amendment
    - Conditional Use Permit
    - Tentative Subdivision Map

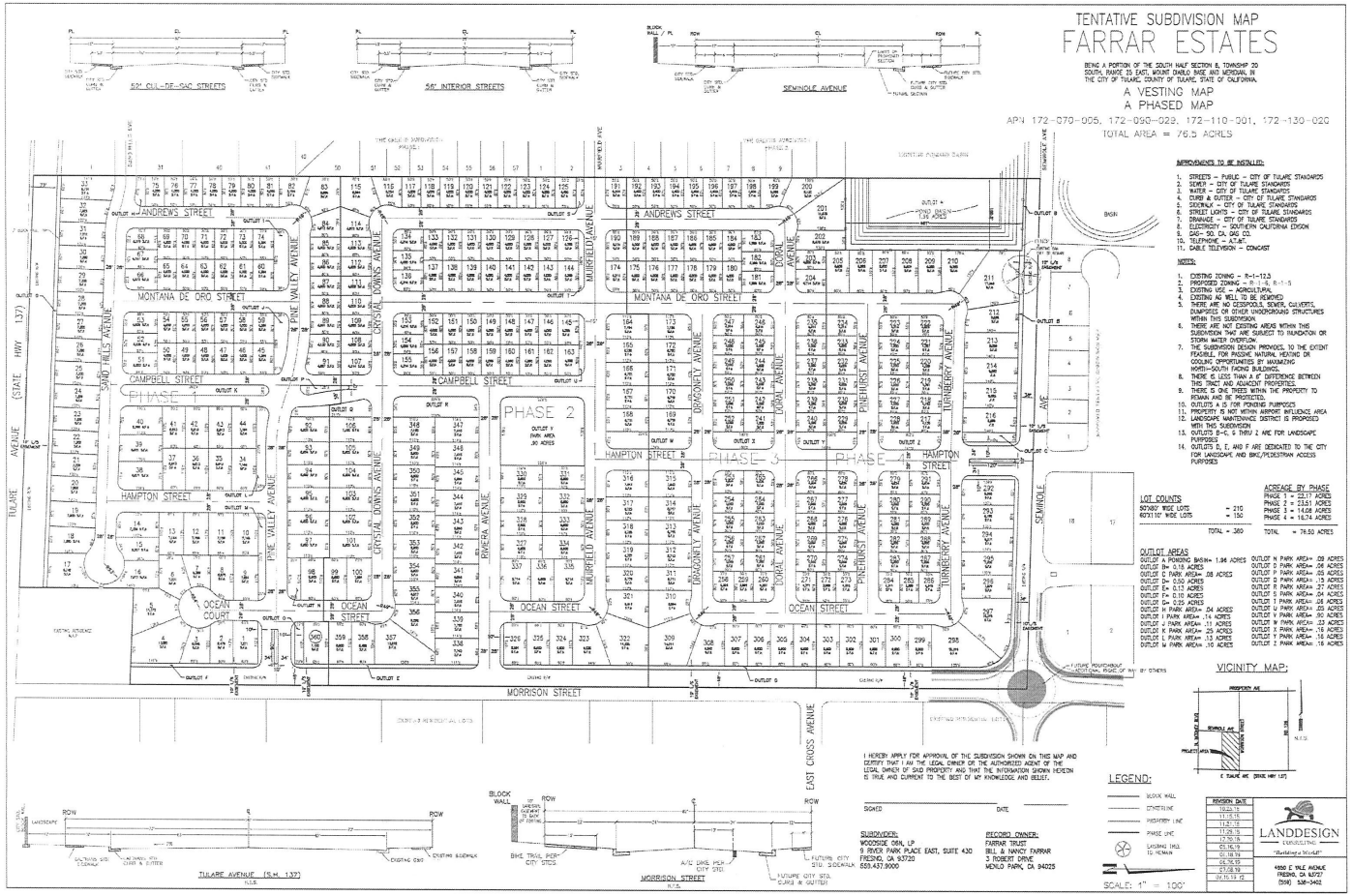
Acronyms

AFY	Acre-feet Per Year
APN	Assessor's Parcel Number
ARB	Air Resources Board
BMP	Best Management Practices
CAA	Clean Air Act
CARB	California Air Resources Board
CC	Community Commercial
CCR	California Code of Regulation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDB	California Natural Diversity Database
CO	Carbon Monoxide
CWA	California Water Act
DHS	Department of Health Services
DWR	Department of Water Resources
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
EV	Electric Vehicles
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FMBTA	Federal Migratory Bird Treaty Act
FMMP	Farmland Mapping and Monitoring Program
FPPA	Farmland Protection Policy Act
GHG	Greenhouse Gas
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
IS/MND	Initial Study Mitigated Negative Declaration
ISR	Indirect Source Review
IT	Information Technology
LDR	Low Density Residential
LOS	Level of Service
MCL	Maximum Contaminant Level
MGD	Million Gallons a Day
MKJPA	Mid-Kaweah Joint Powers Authority
MLD	Most Likely Descendant
MND	Mitigated Negative Declaration
MT	Metric Tons
NAC	Noise Abatement Criteria
NAAQS	National Ambient Air Quality Standards

NAHC	Native American Heritage Commission
NDIR	Non-Dispersive Infrared Photometry
NOD	Notice of Determination
NO_x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
OB/GYN	Obstetrics/Gynecology
OSHPD	Office of Statewide Health Planning and Development
PM	Particulate Matter
RCRA	Resource Conservation and Recovery Act of 1976
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SCH	State Clearinghouse
SGMA	Sustainable Groundwater Management Act
SHPO	State Historic Preservation Office
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO2	Sulfur Dioxide
SO_x	Sulfur Oxides
SPAL	Small Project Analysis Level
SWPPP	Storm Water Pollution Prevention Plan
TID	Tulare Irrigation District
UBSC	Uniform Building and Safety Code (UBSC)
USC	United States Code
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
VOC	Volatile Organic Compound
WDR	Waste Discharge Requirements
WELO	Water Efficient Landscape Ordinance
WWTP	Wastewater Treatment Facility
WWTT	Wastewater Treatment Train

Figure 3-1: Project Site Vicinity Map

Figure 3-2: Site Plan



3.2 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "no Impact" answers that are adequately supported by the information sources a lead agency cites, in the parentheses following each question. A "No Impact" answer is adequately supported if the reference information sources show that the impact simply does not apply to projects like the one involved (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).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR if required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequate analyzed in an earlier EIR or negative declaration. Section 15063(c) (3)(D). In this case, a brief discussion should identify the following.

    a) Earlier Analysis Used. Identify and state where they are available for review.
    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated." Describe and mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

3.3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture and Forestry Resources	☐ Hazards & Hazardous Materials	☐ Recreation
☐ Air Quality	☐ Hydrology/Water Quality	☐ Transportation
☐ Biological Resources	☐ Land Use/Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities/Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☐ Geology/Soils	☐ Population/Housing	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency) Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.

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 IMPAT 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. A Negative Declaration 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 requested.

_____ _____

SIGNATURE DATE

Mario A. Anaya, Principal Planner _____ City of Tulare_____

PRINTED NAME Agency

3.4 ENVIRONMENTAL ANALYSIS

The following section provides an evaluation of the impact categories and questions contained in the checklist and identify mitigation measures, if applicable.

I. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☑
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highway?	☐	☐	☐	☑
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☑	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☑	☐

DISCUSSION:

a) **No Impact:** A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscape for the benefit of the general public. In the project vicinity the Sierra Nevada Mountains in the background as well as the flat rural agricultural landscape with Valley Oak trees rising from the valley floor are the two primary scenic vistas. Due to the distance between the project site and the Sierra Nevada Mountains, in conjunction with the poor air quality of the valley, the Sierra Nevada Mountains can rarely be seen from this location. In addition, although there is one mature Valley Oak tree located in the northwest portion of the project property, along Seminole Avenue, the Project would not remove the tree and will incorporate it into a landscape lot of the subdivsion. The project would not have an adverse effect on a scenic vista due to the proposed development at the project site. For these reasons, this project would have *no impact* on scenic vistas.

b) **No Impact:** The site does not contain any rock outcropping or historic buildings, nor would it remove any trees. After review of the state route "scenic highways" in Tulare

County, it was determined that there are no highways designated by State or local agencies as "Scenic highways" near the project site. Therefore, the proposed project would have *no impact* to any scenic resources.

c) **Less Than Significant Impact:** The proposed project site is surrounded by agricultural lands and residential subdivisions, therefore the City does not anticipate that the development of the proposed project will create a visually degraded character or quality to the project site or to the properties near and around the project site. Additionally, all of the development will be required to comply with the site plan review and design limitations required by the General Plan and the City's adopted design guidelines and zoning regulations which require setbacks, landscaping and designs to limit impact to neighboring properties. Therefore, the proposed project would have a *less than significant impact* on the visual character of the area.

d) **Less Than Significant Impact:** The proposed project would not create a new source of light or glare so substantial that it would affect day or nighttime views in the area. Any proposed overhead or perimeter lighting would be designed using best practices to avoid spillover light to adjacent or nearby residential properties. The design and orientation of the proposed project lighting for this project would prevent substantial increases in light or glare in the vicinity of the project site. Therefore, the proposed project would have a *less than significant impact* with regard to existing day or nighttime views in the area of the project site.

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 Department 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 Incorporated	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?	☐	☐	☑	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☑
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)?	☐	☐	☐	☑
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑
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?	☐	☐	☑	☐

DISCUSSION:

a) **Less than Significant Impact:** Agriculture is a vital component of the City of Tulare's economy and is a significant source of the City's cultural identity. As such, preserving the productivity of agricultural lands is integral to maintaining the City's culture and economic viability. The proposed project site is not under Williamson Act Contract, but is designated as Prime Farmland by the 2016 California Department of Conservation Map of State Important Farmland Mapping and Monitoring Program (FMMP). The project site is currently and has been operated recently as an alfalfa field and is bounded by agricultural land to the north and northeast.

Even though the project would be converting actively farmed Prime Farmland to residential uses, the proposed project site is within the City limits and is already designated for single-family residential development in the City's adopted General Plan. Therefore, impacts will be *less than significant.*

b) **No Impact:** The project site is located within Tulare city limits and is zoned for residential land uses. The project site is not under Williamson Act contract and therefore would create *no impacts.*

c) **No Impact:** The project site is not zoned for forest land or timberland and there is no forest land or timberland zone change proposed for the site, therefore *no impacts* would occur.

d) **No Impact:** No conversion of forestland, as defined under Public Resource Code or General Code, will occur as a result of the project and would create *no impacts*.

e) **Less than Significant Impact:** As discussed above, the proposed project would convert agricultural land to residential uses. However, while the project site is currently being farmed, the site is designated for single family residential development in the City's General Plan and Zoning Ordinance (Title 10 of the Tulare Municipal Code). Adjacent farmland will not be converted to non-agricultural use as a result of the proposed project. Therefore, the proposed project would result in a *less than significant impact*.

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 Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☑	☐	☐
b) 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?	☐	☑	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☑	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☑	☐

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 include setting NAAQS; establishing minimum national emission limits for major sources of pollution; and promulgating regulations.

California Clean Air Act - 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 Table 1). 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 and account for air pollutant effects on soils, water, visibility, materials, vegetation and other aspects of general welfare. The U.S. EPA revoked the national 1-hour ozone standard on June 15, 2005, and the annual PM_{10} standard on September 21, 2006, when a new $PM_{2.5}$ 24-hour standard was established.

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 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 proposed project is regulated by several jurisdictions including the State and Federal Environmental Protection Agency (EPA), California Air 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_X) 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.

- Reducing Acid rain production by cutting sulfur dioxide emissions for coal-burning power plants.

Table 1
Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards[1]		National Standards[2]		
		Concentration[3]	Method[4]	Primary[3,5]	Secondary[3,6]	Method[7]
Ozone (O_3)	1 Hour	0.09 ppm (180 µg/m^3)	Ultraviolet Photometry	-	Same as Primary Standard	Ultraviolet 8 Hour Photometry
	8 Hour	0.070 ppm (137 µg/m^3)		0.075 ppm (147 µg/m^3		
Respirable Particulate Matter (PM_{10})	24 Hour	50 µg/m^3	Gravimetric or Beta Attenuation	150 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Annual Analysis
	Annual Arithmetic Mean	20 µg/m^3		-		
Fine Particulate Matter ($PM_{2.5}$)	24 Hour	-	Gravimetric or Beta Attenuation	35 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Annual Analysis
	Annual Arithmetic Mean	12 µg/m^3		12 µg/m^3		
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m^3)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m^3)	None	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9 ppm (10 mg/m^3)		9 ppm (10 mg/m^3)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m^3)		-		
Nitrogen Dioxide (NO_2)[8]	1 Hour	0.18 ppm (339 µg/m^3)	Gas Phase Chemiluminescence	100 ppb (188 µg/m^3)	-	Gas Phase Chemiluminescence
		0.030 ppm		53 ppb		

Pollutant	Averaging Time	California Standards[1]		National Standards[2]		
		Concentration[3]	Method[4]	Primary[3,5]	Secondary[3,6]	Method[7]
	Arithmetic Mean	(57 µg/m^3)		(100 µg/m^3)	Same as Primary Standard	
Sulfur Dioxide	1 Hour	0.25 ppm (655 µg/m^3)	Ultraviolet Fluorescence	75 ppb (196 µg/m^3)	-	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	-		-	0.5 ppm (1300 µg/m^3)	
	24 Hour	0.04 ppm (105 µg/m^3		0.14 ppm (for certain areas)[9]	-	
	Annual Arithmetic Mean	-		0.030 ppm (for certain areas)[9]	-	
Lead[10,11]	30 Day Average	1.5 µg/m^3	Atomic Absorption	-	-	High Volume Sampler and Atomic Absorption
	Calendar Quarter	-		1.5 µg/m^3 (for certain areas)[11]	Same as Primary Standard	
	Rolling 3-month Average	-		0.15 µg/m^3		
Visibility Reducing Particles[12]	8 Hour	See footnote 12	Beta Attenuation and Transmittance through Filter Tape	No National Standard		

Pollutant	Averaging Time	California Standards[1]		National Standards[2]		
		Concentration[3]	Method[4]	Primary[3,5]	Secondary[3,6]	Method[7]
Sulfates	24 Hour	25 µg/m^3	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)	Ultraviolet Flourescence			
Vinyl Chloride[10]	24 Hour	0.01 ppm (26 µg/m^3	Gas Chromatography			

Notes:

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m3 is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An “equivalent method” of measurement may be used but must have a “consistent relationship to the reference method” and must be approved by the U.S. EPA.
8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standards of 53 ppb and 100 ppb are identical to 0.053 ppm and 0.100 ppm, respectively.
9. On June 2, 2010, a new 1-hour SO2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of parts per

Pollutant	Averaging Time	California Standards[1]		National Standards[2]		
		Concentration[3]	Method[4]	Primary[3,5]	Secondary[3,6]	Method[7]
billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm. 10. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants. 11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m3 as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved. 12. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.						

In July of 1997, the EPA adopted a PM2.5 standard in recognition of increased concern over particulate matter 2.5 microns in diameter (PM2.5). Ending several years of litigation, EPA's PM2.5 regulations were upheld by the U.S. Supreme Court on February 27, 2001. According to information provided by the EPA, designations for the new PM2.5 standards began in the year 2002 with attainment plans submitted by 2005 for regions that violate the standard. In October 2006, EPA revised the PM2.5 standard to 35 µg/m3. The most recent revision to the PM2.5 standard was in 2012 when the EPA revised the annual PM2.5 standard to 12 µg/m3. The San Joaquin Valley was classified as a moderate nonattainment area for the 2012 PM2.5 standard effective April 15, 2015.

The following rules and regulations have been adopted by the Air District to reduce PM2.5 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 be 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 PM10 and NOX 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 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 PM10 Prohibitions Rules 8011 – 8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track-out etc. Among the Regulation VIII Rules applicable to the project are the following:

- Rule 8011 – Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM10)

- Rule 8021 – Fugitive Dust Requirements for Control of fine Particulate Matter (PM10) from Construction, Excavation, and Extraction Activities

- Rule 8030 – Fugitive dust Requirements for Control of Fine Particulate Matter (PM10) from Handling and Storage of Fine Bulk Materials.

- Rule 8060 – Fugitive dust Requirements for Control of fine Particulate Matter (PM10) from Paved and Unpaved Roads.

DISCUSSION:

a) **Less Than Significant Impact With Mitigation Incorporated:** 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 City of Tulare into compliance with federal and state air quality standards. The air district has Particulate Matter (PM) plans, Ozone Plans, and Carbon Monoxide Plans that serve as the clean air plans for the basin. Together, these plans quantify the required emission reductions to meet federal and state air quality standards and provide strategies to meet these standards.

Construction Phase. Project construction would generate pollution emissions from the following construction activities: site preparation, grading, building construction, grading, trenching, and application of architectural coatings. The construction related emissions from these activities were calculated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The full CalEEMod Modeling output sheets can be found in Appendix A. As shown in Table 2 below, project construction related emissions do not exceed the thresholds established by the SJVAPCD.

Table 2: Estimated Project Construction Emissions in Tons Per Year

	CO	ROG	SO_x	NO_x	PM10	PM2.5
Maximum Annual Emissions Generated from Project Construction	3.5813	6.3553	0.0079	4.1952	0.3987	0.2171
SJVAPCD Air Quality Thresholds of Significance	100	10	27	10	15	15
*Threshold established by SJVAPCD for SO_x, however emissions are reported as SO2 by CalEEMod.						

Source: SJVAPCD, CalEEMod (Appendix A)

Operation Phase. Implementation of the proposed project would result in long-term emissions associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products, as well as mobile emissions. Operational emissions from these factors were calculated using CalEEMod. The full CalEEMod Modeling output sheets can be found in Appendix A. As shown in Table 3 below, annual emissions of NOx exceed the SJVAPCD thresholds of significance.

Table 3: Estimated Project Operational Emissions in Tons Per Year

	CO	ROG	SO_x	NO_x	PM10	PM2.5
Maximum Annual Emissions Generated from Project Operations	12.6525	4.1813	0.0063	10.0452	4.1956	1.1942
SJVAPCD Air Quality Thresholds of Significance	100	10	27	10	15	15
*Threshold established by SJVAPCD for SO_x, however emissions are reported as SO2 by CalEEMod.						

Source: SJVAPCD, CalEEMod (Appendix A)

However, the proposed project would be subject to SJVAPCD Rule 9510, since it contains more than 250 residential units at buildout. Rule 9510 requires a reduction in the growth of operational NOx emissions by 33.3% when compared to the unmitigated project. These reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Review (ISR) fee for any

required reductions that have not been accomplished through project mitigation commitments. The current fees are $9,350 per ton of NOx. The actual calculations will be accomplished by the SJVAPCD and Project applicant under Rule 9510. With implementation of Mitigation Measure AQ-1, the project would be mitigating impacts resulting from operational NOx emissions, and therefore, impacts relative to this topic would be *less than significant with mitigation incorporated*.

Mitigation Measure AQ-1: The proposed project is subject to Rule 9510, as required by the SJVAPCD. The project applicant shall pay the Indirect Source Review Rule fee for any required reductions that have not been accomplished through project mitigation commitments, prior to issuance of building permits. The fee calculations will be conducted by the SJVAPCD.

b) **Less Than Significant Impact With Mitigation Incorporated:** The SJVAPCD accounts for cumulative impacts to air quality in Section 1.8 "Thresholds of Significance – Cumulative Impacts" in its 2015 Guide for Assessing and Mitigating Air Quality Impacts. The SJVAPCD considered basin-wide cumulative impacts to air quality when developing its significance thresholds. Construction emissions are relatively insignificant and can be mitigated with implementation of air district control measures. During project operation, annual emissions of NOx slightly exceed SJVAPCD thresholds, however with implementation of Mitigation Measure AQ-1, impacts would be mitigated to less than significant. Therefore, impacts regarding cumulative emissions would be *less than significant with mitigation incorporated*.

c) **Less Than Significant Impact With Mitigation Incorporated:** During construction, pollution concentrations will temporarily increase, however construction activities will remain below the thresholds of significance established by the San Joaquin Valley Unified Air Pollution Control District. During operations, annual NOx emissions resulting from the project would slightly exceed significance thresholds established by SJVAPCD, however with implementation of Mitigation Measure AQ-1, impacts would be mitigated to *less than significant with mitigation incorporated*.

d) **Less Than Significant Impact:** The project would create temporary typical construction odors during the construction phase. Since any odors from project construction would be temporary and common to any construction activity, and the project would not create objectionable odors during facility operations, impacts are *less than significant*.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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 & Game or U.S. fish and Wildlife Service?	☐	☑	☐	☐
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 US Fish and Wildlife Service?	☐	☐	☐	☑
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through director removal, filling, hydrological interruption, or other means?	☐	☐	☐	☑
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?	☐	☐	☐	☑
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
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?	☐	☐	☐	☑

The Project site is situated within a combination of agricultural lands and suburban development. It is bordered to the north and northeast by agricultural land uses, and to the south, west, and east by suburban residential land uses. Argonaut Ecological, Inc. conducted a biological review of the project site. The biological study focused on mapping existing habitat types based on four separate field visits, aerial photographs, and other published reports and available data. The study included assessment of the types of habitats present and sensitive species that may be associated with those habitats. The study found that the Study Area has been used and managed for decades as agricultural land.

A field review was conducted on July 1, 2019 to identify wetlands and assess habitat conditions and land use in order to evaluate site suitability for species of concern. During the site investigation field review the entire Study Area was walked. There are two habitat types present: intensive row crops and ruderal (disturbed weedy habitat) habitat along the edges. It appears the Study Area is planted annually (with normally cropping patterns). Along the edge of the site, there are non-native weedy species along the roadway shoulders. At the northern edge of the Study Area is a 50-foot wide band of ruderal habitat. This area supports little to no habitat value. There is one large, mature tree (oak) located in the northwestern corner portion of the Study Area. This tree is actively being used for nesting by a pair of red-tailed hawk. There is no other bird nesting habitat within the Study Area. There are no improvements on the site (other than a pump and other farm related irrigation equipment). The perimeter of the farm field is bare ground and used for vehicle/equipment access.

A search of the California Natural Diversity Database (CNDDB) and the U.S. Fish and Wildlife Information for Planning and Consultation (IPAC database) were reviewed to determine which special status species could be present within the Study Area. There is no critical habitat for any listed species within or near the Study Area. The table below provides a summary of the species identified in the CNDDB and by the U.S. Fish and Wildlife Service that would have the highest likelihood of being present based on habitat requirements. There is one potential nesting habitat (a single tree) within the Study Area.

Table 4: Special Status Animal Species

Common Name	**Scientific Name**	**Status**
Swainson's hawk	Buteo swainsoni	CT
burrowing owl	Athene cunicularia	CSC
An andrenid bee	Andrena macswaini	-
San Joaquin kit fox	Vulpes macrotis mutica	FE, CT
Blunt nosed leopard lizard	Gambelia silus	CE

Status Codes

FE	Federally Endangered	CE	California Endangered
		CT	California Threatened
		CSC	California Species of Special Concern

Source: CNDDB Quickview Tool

Table 5: Special Status Plant Species

Common Name	Scientific Name	Status
San Joaquin adobe sunburst	Pseudobahia peirsonii	FT, CE, 1B
California jewelflower	Caulanthus californicus	FE, CE

Status Codes

FE Federally Endangered CE California Endangered
FT Federally Threatened
1B Plants Rare, Threatened, or Endangered in California and Elsewhere

Source: CNDDB Quickview Tool

Federal Endangered Species Act (FESA**)** - defines an *endangered species* as "any species or subspecies that is in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as "any species or subspecies that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range."

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712): FMBTA prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs.
Although the United States Fish & Wildlife Service (USFWS) and its parent administration, the U.S. Department of the Interior, have traditionally interpreted the FMBTA as prohibiting incidental as well as intentional "take" of birds, a January 2018 legal opinion issued by the Department of the Interior now states that incidental take of migratory birds while engaging in otherwise lawful activities is permissible under the FMBTA. However, California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513), as well as any other native non-game bird (Section 3800), even if incidental to lawful activities.

Birds of Prey (CA Fish and Game Code Section 3503.5): Birds of prey are protected in California under provisions of the Fish and Game Code (Section 3503.5), which states that it is unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks and eagles) or Strigiformes (owls), as well as their nests and eggs. The bald eagle and golden eagle are afforded additional protection under the federal Bald and Golden Eagle Protection Act (16 USC 668), which makes it unlawful to kill birds or their eggs.

California Endangered Species Act (CESA) **–** prohibits the take of any state-listed threatened and endangered species. CESA defines *take* as "any action or attempt to hunt, pursue, catch,

capture, or kill any listed species." If the proposed project results in a take of a listed species, a permit pursuant to Section 2080 of CESA is required from the CDFW.

DISCUSSION:

a) Less Than Significant Impact with Mitigation Incorporated: Based on the existing conditions of the project site and vicinity (row crop agricultural uses to the north and northeast, and suburban residential uses to the south, east, and west), there is low potential for candidate, sensitive, or special-status species to occur on the project site. No candidate, sensitive, or special-status species were observed on the project site during the reconnaissance-level survey, but some special-status species could occur on the project site because they are occasionally found to travel through or forage in row crop agricultural fields. These species include the Swainson's hawk, burrowing owl, and San Joaquin kit fox, and are discussed in further detail below:

Swainson's hawk: Swainson's hawk (Buteo swainsonii) is listed as threatened under CESA. Swainson's hawks inhabit grasslands, sage-steppe plains, and agricultural regions of western North America during breeding season, and winter in grassland and agricultural regions from central Mexico to southern South America. In California, the nesting distribution includes the Sacramento and San Joaquin Valleys, the Great Basin sage-steppe communities and associated agricultural valleys in extreme northeastern California, isolated valleys in the Sierra Nevada in Mono and Inyo Counties, and limited areas of the Mojave Desert region (California Department of Fish and Game 2005). In California, Swainson's hawk habitat generally consists of large, flat, open, undeveloped landscapes that include suitable grassland or agricultural foraging habitat and sparsely distributed trees for nesting (England et al. 2010). Foraging habitat includes open fields and pastures. Preferred foraging habitats for Swainson's hawk include alfalfa fields, fallow fields, low-growing row or field crops, rice fields during the non-flooded period, and cereal grain crops (California Department of Fish and Game 2005). Prey species include ground squirrels, California voles, pocket gophers, deer mice, reptiles, and insects (California Department of Fish and Game 2005; England et al. 2010). Swainson's hawks usually nest in large native trees such as valley oak (Quercus lobata), Fremont cottonwood, and willows, although nonnative trees such as eucalyptus (Eucalyptus spp.) occasionally are used. Nests occur in riparian woodlands, roadside trees, trees along field borders, isolated trees and small groves, trees in windbreaks, and edges of remnant oak woodlands. In some locales, urban nest sites have been recorded. The breeding season is typically February through August (CDFW 2005).

The Study Area supports one large tree that is currently being used for nesting by a pair of red-tailed hawk. It is unlikely the nest would be used by Swainson's hawk, but the site may occasionally be used by Swainson's hawk for occasional foraging, but not likely given the presence of the red-tailed hawk. The project site and adjacent agricultural fields could be used as foraging or nesting habitat for this species. The following mitigation measures will

be implemented to prevent significant impacts from occurring to the Swainson's hawk and other nesting raptors.

Mitigation Measure BIO-1a: In order to avoid impacts to nesting raptors and migratory birds, the project shall be constructed, if feasible, outside the nesting season, or between September 1st and January 31st.

Mitigation Measure BIO-1b: If project activities must occur during the nesting season (February 1-August 31), a qualified biologist shall conduct preconstruction surveys for active raptor and migratory bird nests within 14 days prior to the start of these activities. The survey shall include the proposed work area(s) and surrounding lands within 500 feet, where accessible, for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey shall extend to 0.5 mile outside of work area boundaries. Nesting surveys for the Swainson's hawks shall be conducted in accordance with the protocol outlined in the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (Swainson's Hawk Technical Advisory Committee, 2000). If potential Swainson's hawk nests or nesting substrates are located within 0.5 miles of the Project site, then those nests or substrates must be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. The protocol recommends that 10 vists be made to each nest or nesting site: one during January 1-March 20 to identify potential nest sites, three during March 20-April 5, three during April 5-April 20, and three during June 10-July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities. If Swainson's hawks are not found to nest within the survey area, then no further action is warranted.

Mitigation Measure BIO-1c: Should any active nests be discovered near proposed work areas, Swainson's hawk nests shall be avoided by 0.5 miles unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS. If a construction area falls within this nesting site, construction-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means, and shall be maintained until the biologist has determined that the young have fledged (left the nest).

Burrowing Owl: Burrowing owl is a species of concern in California. It is a small owl that lives in grassland habitats of the Central Valley region that also supports California ground squirrels. The owl seeks shelter in the ground squirrel burrows (or other structures such as culverts or pipes) from roughly February to July. Although the numbers of owls have declined in some parts of California over the past 20 years, their numbers have increased greatly in some agricultural areas. In the San Joaquin Valley the species mostly occurs on the valley floor. No evidence of ground squirrel occupation or evidence of owl occupation within the Study Area was found during the site review. Given the site is annually disturbed likely prevents occupation. The only potentially suitable habitat is the ruderal habitat at the

north edge of the Study Area; however, this area was walked, and no evidence of occupation or ground burrowing mammals was present. The recurring agricultural production likely precludes owl occupation on the remainder of the site since the species nests on the ground and there are no available underground burrows present. However, it is conceivable that burrowing owls could nest or roost in California ground squirrel burrows in open areas of the site during periods of less active cultivation of crops on the project site. The following mitigation measures will be implemented to prevent significant impacts from occurring to the burrowing owl.

Mitigation Measure BIO-2a: (Take Avoidance Survey). A take avoidance survey for burrowing owls shall be conducted by a qualified biologist knowledgeable of the species within 14 days prior to the start of construction. This take avoidance survey shall be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). The survey area shall include all suitable habitat on and within 200 meters of project impact areas, where accessible.

Mitigation Measure BIO-2b: (Avoidance of Active Nests and Roosts). If project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near project impact areas, a 200-meter disturbance-free buffer shall be established around these burrows, unless a qualified biologist approved by CDFW verifies through noninvasive methods either that the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls present on site after February 1 will be assumed to be nesting unless evidence indicates otherwise. The protected exclusion zone established for the breeding season shall remain in effect until August 31 or, as determined based on monitoring evidence, until the young owl(s) is foraging independently or the nest is no longer active.

Mitigation Measure BIO-2c: (Passive Relocation of Resident Owls). During the nonbreeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat after consulting with the CDFW. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). The Burrowing Owl Exclusion Plan shall be submitted to the CDFW for review prior to implementation. Relocation of any owls during the nonbreeding season shall be performed by a qualified biologist using one-way doors, which shall be installed in all burrows in the impact area and left in place for at least two nights. The doors shall be removed and the burrows backfilled immediately before the initiation of grading or, if no grading would occur, left in place until the end of construction. To avoid the potential for owls evicted from a burrow to occupy other burrows in the project site, one-way doors shall be placed in all potentially suitable burrows within the impact area when eviction occurs.

San Joaquin kit fox : The San Joaquin kit fox (Vulpes macrotis mutica) is federally listed as endangered under ESA and is state-listed as threatened. Federal critical habitat for this species has not been designated. The historical range of San Joaquin kit fox included most of the San Joaquin Valley as well as low elevation basins and ranges along the eastern side of the central Coast Ranges. By 1930, this range had been reduced by more than half, with the largest populations occurring in the southern and western portions of the San Joaquin Valley. Today, the San Joaquin kit fox occurs in the remaining native valley and foothill grasslands and chenopod scrub communities of the valley floor and surrounding foothills, from southern Kern County north to Los Banos, Merced County. Smaller, less dense populations may be found farther north and in the narrow corridor between I-5 and the Interior Coast Ranges from Los Banos to Contra Costa County. The San Joaquin kit fox's range also includes portions of Monterey, Santa Clara, and San Benito Counties (U.S. Fish and Wildlife Service 1998). The kit fox inhabits a variety of habitats, including grasslands; scrublands; vernal pool areas; alkali meadows and playas; and agricultural irrigated pastures, orchards, and vineyards. They prefer habitats with loose-textured soils and are found primarily in arid grasslands and open scrublands that are suitable for digging, but they occur on virtually every soil type (U.S. Fish and Wildlife Service 1998). Dens generally are located in open areas with grass or grass and scattered brush, and seldom occur in areas with thick brush. Preferred sites are relatively flat, well-drained terrain.

The only potential habitat that could be used for denning habitat is the ruderal habitat at the north end of the Study Area. This entire area was walked and there are no dens present nor is there any suitable prey base to support the species within the Study Area. No evidence of kit fox was observed (tracks or scat). The highly disturbed nature of the project site and adjacent lands make it unlikely habitat for the species, however it is possible to that the project site and adjacent agricultural fields could be used as foraging or burrowing habitat for the species. The following measures adapted from the *U.S. Fish and Wildlife Service 2011 Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* will be implemented:

Mitigation Measure BIO-3a: Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the project site, no more than 30 days prior to the start of ground disturbance activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on and adjacent to the site and evaluate their use by kit foxes. Protection provided by dens for shelter, escape, cover, and reproduction is vital to the survival of San Joaquin kit foxes. For San Joaquin kit foxes, the ecological value of potential, known, and natal/pupping dens differs; therefore, each den type requires the appropriate level of protection. The following text describes the different steps involved with implementing this mitigation measure:

> Determine Den Status. When a suitable den or burrow is discovered, a qualified biologist shall determine whether the hole is occupied by a San Joaquin kit fox. Den entrances at least 4 inches in diameter (but not greater than 20 inches) qualify as

suitable for San Joaquin kit fox use. Some dens can be immediately identified as recently used by kit fox; qualifying signs include kit fox tracks, scats, and a fresh soil apron extending up to 6 feet from the den entrance. Dens with proper dimensions, but no obvious sign will require further investigation. A remote motion-sensing camera with tracking medium shall be deployed for at least 5 days in an attempt to document a San Joaquin kit fox using the den. If, after 5 days, no San Joaquin kit foxes are detected and the hole has remained unchanged (no new tracks or excavations are observed), and there is no historic record of an active kit fox den at that location, the den will be deemed a "potential den" and unoccupied. The den will be considered occupied if a kit fox is photographed using the den or if a recent sign is found. The biologist shall contact CDFW and the USFWS upon the confirmation of any occupied den.

Preconstruction surveys shall be repeated following any lapses in construction of 30 days or more.

Mitigation Measure BIO-3b: Should active kit fox dens be detected during preconstruction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified. A disturbance-free buffer shall be established around the burrows in consultation with the USFWS and CDFW, to prevent access to the occupied den by construction equipment and personnel who are not biologists, and to be maintained until an agency-approved biologist has determined that the burrows have been abandoned. After construction activities would no longer affect the den, all fencing and flagging shall be removed to avoid attracting attention to the den by other animals or humans. All onsite flagging and buffer delineations shall be kept in good working order for the duration of activity near the den or until the den is determined to be unoccupied, whichever occurs first. The following radii are standard San Joaquin kit fox buffer distances:

- Known occupied den—100 feet
- Occupied natal/pupping den—500 feet
- Occupied atypical den—50 feet

In the exclusion zones, only essential vehicle and foot traffic shall be permitted. No activity that would destroy the den may occur, and no activity that may harm a San Joaquin kit fox will proceed until the individual is out of harm's way, without harassment. No activity that may cause strong ground vibrations may occur in the exclusion zone until the den is no longer occupied. Essential vehicle traffic shall include any emergency vehicles. If San Joaquin kit foxes are not observed above ground, essential foot traffic also may be allowed. The USFWS and CDFW shall be notified of any reductions in the standard radii or allowance for additional activity in the restrictive exclusion zones based on individual circumstances to provide USFWS and CDFW an opportunity to offer technical guidance. If a known or occupied den cannot be avoided, consultation with the USFWS and CDFW shall be required.

Mitigation Measure BIO-3c: Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes in accordance with the USFWS Standardized

Recommendations. The applicant shall implement all minimization measures presented in the Construction and On-going Operational Requirements section of the Standardized Recommendations, including, but not limited to:

• Project-related vehicles shall observe a daytime speed limit of 15-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited.

• To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and CDFW shall be contacted.

• Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

• All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or project site.

• No firearms shall be allowed on the project site.

• No pets, such as dogs or cats, shall be permitted on the project site, to prevent harassment, mortality of kit foxes, or destruction of dens.

• Use of rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.

• An employee education program shall be conducted for the project. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project vicinity; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation. The training will include a handout with all of the training information included in it. The applicant will use this handout to train any construction personnel that were not in attendance at the first meeting, prior to those personnel starting work on the site.

• A representative shall be appointed by the Applicant who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to USFWS.

• Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with USFWS, CDFW, or revegetation experts.

• Any contractor, employee, or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal, and any other pertinent information. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309.

• New sightings of kit fox shall be reported to the CNDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to USFWS.

Implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-2a, BIO-2b, BIO-2c, BIO-3a, BIO-3b, and BIO-3c, will ensure that impacts to species identified as a candidate, sensitive, or special status will be *less than significant with mitigation incorporated.*

b) **No Impact:** As identified in the City's General Plan EIR, the project site in not located within or adjacent to an identified sensitive riparian habitat or other natural community. Therefore, the proposed project would have *no impact* to riparian habitat.

c) **No Impact:** As identified in the City's General Plan EIR, there are no known wetlands located in or around the Project site as reviewed on the U.S. Fish and Wildlife Service National Wetlands Inventory map, and in addition, there are no state protected wetlands at or in the vicinity of the Project site. A query of the U.S. Fish and Wildlife Service's National Wetland Inventory Map shows no waters, wetlands, ponds, or rivers within the Study Area. The nearest mapped waters are located northeast of the Study Area (the Tulare Colony Ditch feature). This ditch feature does not flow onto or through the Study Area. Based on the 1919 topographic map it appears the Tulare Colony Ditch crossed through the Study Area. However, the portion of the ditch appears to have been rerouted or eliminated and no evidence of the old ditch is present within the Study Area. The field review confirmed that there are no waters and/or wetlands present within the Study Area. Therefore, the project will have *no impact* on federal or state protected wetlands.

d) **No Impact:** As identified in the City's General Plan EIR, there are no identified migratory corridors on or near the site. Therefore, the proposed project would have *no impacts*.

e) **No Impact:** The City of Tulare has an oak tree preservation policy according to Tulare Municipal Code 8.52.100 (Preservation of Heritage Trees). There is one oak tree in the northwest portion of the project site. This oak tree would be preserved in place and made part of a landscape lot for the subdivision. Therefore, there would be *no impacts*.

f) **No Impact:** There are no local or regional habitat conservation plans for the area and *no impacts* would occur.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☑	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☑	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☑	☐	☐

Discussion:

a) **Less Than Significant Impact with Mitigation Incorporated:** Table 4.5-1 in the City's General Plan EIR lists previously recorded historical resources within the City, however none of those resources are located in the vicinity of the proposed project site. A record search and review of historic maps was conducted by Peak & Associates, Inc. for the proposed development. Based on a review of the records and historic maps, there are no known historical resources located within the project area and the soils in the project area have been previously disturbed and were most recently disturbed in the cultivation of agricultural row crops. There would be no excavation in undisturbed soils or in areas with known historical resources. However, the presence of remains or unanticipated cultural resources under the ground surface is possible. Implementation of Mitigation Measure CUL-1 would ensure that impacts due to discovery of cultural resources during excavation would be *less than significant with mitigation incorporated*.

Mitigation Measure CUL-1: If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of Interior's Professional Qualifications Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any potential significant impacts.

b) **Less Than Significant Impact with Mitigation Incorporated:** There are no known archaeological resources located within the project area. Implementation of Mitigation Measure CUL-1 will ensure that potential impacts will be *less than significant with mitigation incorporated*.

c) **Less Than Significant Impact with Mitigation Incorporated:** There are no known human remains buried in the project vicinity and the soils in the project area have been previously disturbed. No excavation in undisturbed soils is proposed, however if human remains are unearthed during development, there is a potential for a significant impact. As such, implementation of Mitigation Measure CUL-2 would ensure that impacts remain *less than significant with mitigation incorporated*.

Mitigation Measure CUL-2: The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

VI. ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☑	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☑

a) **Less Than Significant Impact:** While construction of the proposed project will result in additional energy consumption, this energy use is not unnecessary or inefficient. During project construction there would be an increase in energy consumption related to worker trips and operation of construction equipment. This energy use is justified by the energy-efficient nature of the proposed project and would be limited to the greatest extent possible through compliance with local, state, and federal regulations.

Once construction is complete, the project is expected to achieve net zero energy consumption. The proposed project is subject to the California New Residential Zero Net Energy Action Plan 2015-2020. This plan establishes a goal for all residential buildings built after January 1, 2020 to be zero net energy. The California Energy Commission is responsible for the development and enforcement of specific strategies to achieve this goal. These strategies are implemented through Title 24, Part 6 of the California Building Code, which requires developers to include certain measures (including solar panels on all new residential buildings) to achieve required building efficiency standards.

Since the proposed project will comply with all energy efficiency standards required under Title 24, Section 6, and these standards were specifically developed to achieve net zero energy for residential projects, it can be presumed that the project will achieve net zero energy. Therefore, project impacts related to energy consumption would be considered *less than significant*.

b) **No Impact:** The proposed project will not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. The project will be designed to meet Title 24 and CALGreen requirements. Compliance with these standards will be enforced by the City of Tulare Building Division. There would be *no impact*.

VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Directly or indirectly cause 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.	☐	☐	☑	☐
ii) Strong seismic ground shaking?	☐	☐	☑	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☑	☐
iv) Landslides?	☐	☐	☐	☑
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☑	☐
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?	☐	☐	☑	☐
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☑
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?	☐	☐	☐	☑
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☑	☐

Discussion:

a-i and ii) **Less Than Significant Impact:** According to the state Regulatory Earthquake maps, no active faults underlay the project site, nor are any active faults located in the surrounding project vicinity. Although the project is located in an area of low seismic activity, the project could be affected by groundshaking from nearby faults. The

potential for strong seismic ground shaking on the project site is not a significant environmental concern due to the infrequent seismic activity of the area and distance to the faults. Furthermore, the proposed project would not expose people to seismic ground shaking beyond the conditions that currently exist throughout the project area. The project would be constructed to the standards of the most recent seismic Uniform Building and Safety Code (UBSC). Compliance with these design standards will ensure potential impacts related to strong seismic ground shaking would be *less than significant.*

a-iii) **Less Than Significant Impact:** Liquefaction is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in temporary, fluid-like behavior of the soil. The 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan identifies the risk of liquefaction within the county as low because the soil types in the area either too coarse or too high in clay content to be suitable for liquefaction. According to state soils maps, the project site consists mostly of Nord fine sandy loam and does not contain soils suitable for liquefaction. The impact would be *less than significant*.

a-iv) **No Impact:** The project site is generally flat and previously disturbed. There are no hill slopes in the area and no potential for landslides. 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:** Because the project site is relatively flat, the potential for erosion is low. However, construction-related activities and increased impermeable surfaces can increase the probability for erosion to occur. Construction-related impacts to erosion will be temporary and subject to best management practices (BMPs) required by stormwater pollution prevention plans (SWPPP), which are developed to prevent significant impacts related to erosion from construction. After construction, stormwater will be directed to an on-site stormwater basin to prevent erosion from occurring on- or off-site. Because impacts related to erosion would be temporary and limited to construction and required best management practices would prevent significant impacts related to erosion, the impact will remain *less than significant*.

c) **Less Than Significant Impact:** Substantial grade change would not occur in the topography to the point where the project would expose people or structures to potential adverse effects on-, or off-site, such as landslides, lateral spreading, subsidence, liquefaction or collapse. The impact would be *less than significant*.

d) **No Impact:** Expansive soils contain large amounts of clay, which absorb water and cause the soil to increase in volume. Conversely, the soils associated with the proposed project site are granular, well-draining, and therefore have a limited ability to absorb water or exhibit expansive behavior. Nevertheless, the project would be designed to

comply with applicable building codes and structural improvement requirements to withstand the effects of expansive soils. Therefore there would be *no impact*.

e) **No Impact:** The proposed project will have access to existing City wastewater infrastructure and would not require the use of septic tanks or alternative wastewater disposal systems. There is *no impact*.

f) **Less Than Significant Impact:** There are no known paleontological resources located within the project area and no excavation proposed in undisturbed soils, particularly to a depth with a potential to unearth paleontological resources. Potential impacts would be *less than significant*.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☑	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☑

Climate Change - (also referred to as Global Climate change) is sometimes used to refer to all forms of climatic inconsistency, but because the earth's climate is never static, the term is more properly used to imply a significant change from one climatic condition to another. In some cases, climate change has been used synonymously with the term "global warming." Scientists however, tend to use the term in the wider sense to address uneven patterns of predicted global warming and cooling and include natural changes in climate.

Global Warming - refers to an increase in the near surface temperature of the earth. Global warming has occurred in the distant past as the result of natural influences, but the term is commonly used to refer to the warming predicted to occur because of increased emissions of greenhouse gases. Scientists generally agree that the earth's surface has warmed by about 1° F in the past 140 years, but warming is not predicted evenly around the globe. Due to predicted changes in the ocean currents, some places that are currently moderated by warm ocean currents are predicted to fall into deep freeze as the pattern changes.

Greenhouse Effect - is the warming of the earth's atmosphere attributed to a buildup of carbon dioxide (CO_2) or other gases; some scientists think that this build-up allows the sun's

rays to heat the earth, while making the infrared radiation atmosphere opaque to infrared radiation, thereby preventing a counterbalancing loss of heat.

Greenhouse Gases - are those that absorb infrared radiation in the atmosphere. GHG include water vapor, CO_2, methane, nitrous oxide (N_2O), halogenated fluorocarbons, ozone, per fluorinated carbons PFCs), and hydroflurocarbons.

Discussion:

a) **Less Than Significant Impact:** Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of the proposed project would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO2 and other GHG pollutants, such as methane (CH4) and nitrous oxide (N_2O), from mobile sources and utility usage.

The proposed project's short-term construction-related and long-term operational GHG emissions were estimated using CalEEMod Version 2016.3.2. See Appendix A of this IS-MND for complete CalEEMod inputs and results. CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO_2 equivalent units of measure (i.e., $MTCO_2e$), based on the global warming potential of the individual pollutants.

Short-Term Construction GHG Emissions: Estimated increases in GHG emissions associated with construction of the proposed project are summarized in Table 6. As presented in the table, the total short-term construction emissions of GHG associated with the Project are estimated to be approximately 3,429 metric tons (MT) of CO_2e. This represents a low of approximately 256 and a high of 708 MT of CO_2e emitted during each of the construction years (2020 through 2026). These construction GHG emissions are a one-time release and are comparatively much lower than emissions associated with operational phases of a project. Cumulatively, these construction emissions would not generate a significant contribution to global climate change, as they would not continue to occur into the future.

Table 6: Estimated Project Construction GHG Emissions (Unmitigated Metric Tons Per Year)

	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	CO_2e
2020	0.0	254.1477	254.1477	0.08	0.0	256.1483
2021	0.0	704.5698	704.5698	0.1376	0.0	708.0102
2022	0.0	466.1569	466.1569	0.0887	0.0	468.3754
2023	0.0	499.3367	499.3367	0.0788	0.0	501.3065
2024	0.0	457.7288	457.7288	0.0904	0.0	459.9895
2025	0.0	474.6122	474.6122	0.1019	0.0	477.1601
2026	0.0	555.4335	555.4335	0.088	0.0	557.6325
Total	**0.0**	**3,411.9856**	**3,411.9856**	**0.6654**	**0.0**	**3,428.6225**

Source: SJVAPCD, CalEEMod (Appendix A)

Long-Term Operational GHG Emissions: Implementation of the proposed project would result in long-term greenhouse gas emissions associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products, as well as mobile emissions.

The U.S. Environmental Protection Agency (EPA) published a rule for the mandatory reporting of greenhouse gases (GHG) from sources that in general emit 25,000 MT or more of CO_2e per year. Project GHG emissions were calculated using CalEEMod (emissions output results found in Appendix A) based on development of 360 dwelling units located on 76.5 acres at full buildout. The proposed project is estimated to produce 7,340.44 MT of CO_2e per year, which is well below the 25,000 MT threshold for GHG emissions.

Therefore, because the GHG emissions related to construction and operation of the proposed project are below accepted thresholds of significance, the potential impacts are considered *less than significant*.

b) **No Impact:** The proposed project would comply with all federal, state, and local rules pertaining to the regulation of greenhouse gas emissions. In addition, the project would implement Best Performance Standards developed by the SJVAPCD. Projects implementing Best Performance Standards are determined to have a less than significant impact on global climate change. The project would not conflict with any plan, policy, or regulation developed to reduce GHG emissions. There would be *no impact*.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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?	☐	☐	☑	☐
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?	☐	☐	☑	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☑
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?	☐	☐	☐	☑
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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☑
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☑

Discussion:

a) **Less Than Significant Impact:** Project construction activities may involve the use and transport of hazardous materials. The use of such materials would be considered minimal and would not require these materials to be stored in bulk form. The project is a residential subdivision and does not involve the use or storage of hazardous substances other than the small amounts of pesticides, fertilizers, and cleaning agents required for normal maintenance of structures and landscaping. The project must adhere to applicable zoning and fire regulations regarding the use and storage of any

hazardous substances. Further, there is no evidence that the site has been used for underground storage of hazardous materials. Therefore, the proposed project will have *less than significant impacts* to hazardous materials.

b) **Less Than Significant Impact:** The proposed project is a residential subdivision. There is no reasonably foreseeable condition or incident involving the project that could result in release of hazardous materials into the environment, other than any potential accidental releases of standard fuels, solvents, or chemicals encountered during typical construction of a residential subdivision. Should an accidental hazardous release occur or should the project encounter hazardous soils, existing regulations for handling hazardous materials require coordination with the California Department of Toxic Substances Control for an appropriate plan of action, which can include studies or testing to determine the nature and extent of contamination, as well as handling and proper disposal. ~~The proposed project is a residential subdivision.~~ ~~There~~ Therefore, potential impacts are considered to be *less than significant* ~~*impacts*~~.

c) **No Impact:** The project is not located within ¼ mile of an existing or proposed school, and there is no reasonably foreseeable condition or incident involving the emission, handling, or disposal of hazardous materials, substances, or waste that would affect areas within ¼ miles of existing or proposed school sites. The closest schools are Live Oak Middle School and Alpine Vista School, both located approximately 0.6 miles from the project site. The project does not involve the use or storage of hazardous substances and is a residential subdivision, therefore, there is *no impact*.

d) **No Impact:** The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control (DTSC). Furthermore, the City's Subdivision Regulations (Tulare Municipal Code § 8.24.330(B)(5)) require a soil report to be prepared describing soil characteristics, soil suitability, and other soil limitations. This soils report investigation will also test for environmentally persistent pesticides, such as organochlorinated pesticides, in coordination with DTSC, and in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision), prior to construction activities. There would be *no impact*.

e) **No Impact:** The proposed project site is not located within the boundary of an airport land use plan and is not within two miles of a public airport or public use airport. Mefford Field Airport is located over three miles south of the project site and Visalia Municipal Airport is located over seven miles northwest of the project site. Therefore, there is *no impact*.

f) **No Impact:** The proposed project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency

response or evacuation in the project vicinity. Therefore, the proposed project would have *no impact* on emergency evacuation.

g) **No Impact:** The land surrounding the project site is developed with urban, suburban, and agricultural uses and are not considered to be wildlands. Additionally, the 2017 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan finds that fire hazards within the City of Tulare, including the proposed project site, have low frequency, limited extent, limited magnitude, and low significance. The proposed project would not expose people or structures to significant risk of loss, injury or death involving wildland fires and there is *no impact*.

X. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☑	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☑	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☑	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☑	☐
(iii) 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; or	☐	☑	☐	☐
(iv) Impede or redirect flood flows?	☐	☐	☐	☑
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☑

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☑	☐

Discussion:

a) **Less Than Significant with Mitigation Incorporated:** The project will result in less than significant impacts to water quality due to potentially polluted runoff generated during construction activities. Construction would include excavation, grading, and other earthwork that may occur across most of the 76.5-acre project site. During storm events, exposed construction areas across the project site may cause runoff to carry pollutants, such as chemicals, oils, sediment, and debris. In addition, possible soil erosion will require implementation of a Stormwater Pollution Prevention Plan (SWPPP) for the project. A SWPPP identifies all potential sources of pollution that could affect stormwater discharges from the project site and identifies best management practices (BMPs) related to stormwater runoff. There may be chemicals or surfactants used during project maintenance or operations, so discharge could impact water quality standards. Therefore, the impacts are *less than significant with mitigation incorporated*.

Mitigation Measure HYD-1: Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project site to the California SWRCB Storm Water Permit Unit.

- Prior to issuance of grading permits for Phase 1 the Applicant shall submit a copy of the NOI to the City.

- The City shall review noticing documentation prior to approval of the grading permit. City monitoring staff will inspect the site during construction for compliance.

Mitigation Measure HYD-2: The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project's plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to storm water and shall include specific BMPs to control the discharge of material from the site. The following BMP methods shall include, but would not be limited to:

• Dust control measures will be implemented to ensure success of all onsite activities to control fugitive dust;

• A routine monitoring plan will be implemented to ensure success of all onsite erosion and sedimentation control measures;

• Provisional detention basins, straw bales, erosion control blankets, mulching, silt fencing, sand bagging, and soil stabilizers will be used;

• Soil stockpiles and graded slopes will be covered after two weeks of inactivity and 24 hours prior to and during extreme weather conditions; and,

• BMPs will be strictly followed to prevent spills and discharges of pollutants onsite, such as material storage, trash disposal, construction entrances, etc.

b) **Less Than Significant Impact:** The project would result in a reduction in percolation to the groundwater basin, because the project would create an increase in the amount of paved and impervious surfaces. However, this impact would be greatly reduced by the stormwater basin included in the project. The project has been reviewed by the City of Tulare Public Works Director and Engineer who have determined that the Project will not have a significant impact on the existing water system, and would tie in to the existing water infrastructure for this part of the City. Therefore, the project would have a *less than significant impact* on groundwater resources.

c) **Less Than Significant with Mitigation Incorporated:**

(i) The proposed project includes the construction and operation of 360 single-family residential units on approximately 76.5 acres. The construction of these units may be considered an alteration in drainage patterns, however this would not result in substantial erosion or siltation on- or off-site. A Stormwater Pollution Prevention Plan (SWPPP) will be implemented during project construction. SWPPPs include mandated erosion control measures, which are developed to prevent significant impacts related to erosion caused by runoff during construction. The impact is *less than significant.*

(ii) Since the project would result in an increase of impervious surfaces within the project site, an increase in surface runoff may occur. However, this impact would be greatly reduced by the temporary storm basin included in the project. The project will ultimately tie into the City's stormwater system, which is designed to direct runoff water to groundwater recharge areas. The project has been reviewed by the city's engineers who have determined that the implementation of the proposed project will not result in substantial flooding on-or-off site. As

such, the potential for flooding on or off-site as a result of the project is considered a *less than significant impact*.

(iii) The proposed project would include the construction and operation of 360 single-family residential units on approximately 76.5 acres of land currently being used for agricultural production. Existing agricultural operations consist of plowing of the soil and using fertilizers and pesticides. These activities contribute to polluted runoff, however most of the agricultural runoff is naturally cleaned through soil percolation. Replacing agricultural uses with urban residential uses would change the quality and volume of runoff with the addition of oil, grease, and other urban pollutants. New impervious surfaces, such as the roads and driveways, collect automobile derived pollutants such as oils, greases, rubber and heavy metals. During storms, pollutants would be transported into the drainage systems by surface runoff. Due to the increase in population and impervious surfaces within the site, there would be an increase in pollutants in surface runoff. As a result, an increase in point source and non-point source pollution may result from increases in urban development. The project is not a source which would otherwise create substantial degradation of water quality. Upon compliance with the City's SWMP, Engineering Standards, General Plan, and City Ordinance requirements, as well as mitigation measures, impacts related to water quality would be *less than significant with mitigation incorporation*.

Mitigation Measure HYD-3: A Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned and maintained in accordance with the manufacturer's maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following:

- Runoff shall be directed away from trash and loading dock areas;

- Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes;

- Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash; and,

• Impervious berms, trench catch basin, drop inlets, or overflow containment structures nearby docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system.

(iv) The Project site is generally flat and no significant grading or leveling will be required. The proposed project site is not in proximity to a stream or river and will not alter the course of a stream or river. According to National Flood Hazard mapping by the Federal Emergency Management Agency, the site is not within a 100-year flood hazard zone. The site is located in Flood Zone X, an Area of Minimal Flood Hazard. There would be *no impact* in regard to impeding or redirecting flood flows.

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

e) **Less Than Significant Impact:** The proposed project will not conflict with or obstruct implementation of a water quality control plan. The proposed project will be subject to the requirements of the NPDES Stormwater Program and will be required to comply with a SWPPP which will identify all potential sources of pollution that could affect stormwater discharges from the project site and identify Best Management Practices (BMPs) related to stormwater runoff for the project to use.

The proposed project is located within the Kaweah Groundwater Subbasin and is included within the Mid-Kaweah Groundwater Sustainability Agency (GSA). The California Department of Water Resources (DWR) in its Bulletin 118 – Interim Update, classified the Kaweah Subbasin as a High-Priority Groundwater Subbasin. Under the requirements for the Sustainable Ground Water Management Act (SGMA), a high-priority basin shall develop and implement a groundwater sustainability plan (GSP) to meet the sustainability goal established by the SGMA. All basins designated as high-priority by DWR are required to be managed under a GSP or coordinated GSP by January 31, 2020. On September 21, 2017 the Mid-Kaweah GSA submitted a Notice of Intent to initate development of a GSP to DWR. Preparation of a GSP for the Mid-Kaweah GSA is ongoing. It is the intent of the Mid-Kaweah GSA to submit a completed GSP to DWR for review shortly prior to January 31, 2020. Therefore, the proposed project would have *a less than significant impact* on implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☑
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☑

Discussion:

a) **No Impact:** The project proposes the development of 360 single-family residential units on approximately 76.5 acres within the City of Tulare on land used for agricultural production, but designated for low density residential development in the City's latest General Plan. The project site is surrounded on most sites by existing suburban residential development and the proposed project would not physically divide an established community. There is *no impact*.

b) **No Impact:** The proposed project does not conflict with any applicable land use plan, policy, or regulation, adopted for the purpose of avoiding or mitigating an environmental effect. There is *no impact*.

XII. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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?	☐	☐	☐	☑
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 lands use plan?	☐	☐	☐	☑

Discussion:

a,b) **No Impact:** There are no known mineral resources of value to the region and the project site is not designated under the City's General Plan as an important mineral resource recovery site. Therefore, the proposed project would not result in the loss or impede the mining of regionally or locally important mineral resources. There is *no impact*.

XIII. NOISE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☑	☐
b) Generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☑	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑

The City of Tulare's Noise Element was adopted in 2013 to protect the citizens of the City of Tulare from the harmful effects of exposure to excessive noise pollution and to protect the economic base of the City by preventing the encroachment of incompatible land uses near known noise-producing industries, railroads, airports and other sources. Noise pollution is defined as unwanted or excessive sound. Sound is a variation in air pressure that the human ear can detect. This pressure is measured within the human hearing range as decibels on the A scale (dBA). As the pressure of sound waves increases, the sound appears louder and the dBA level increases logarithmically. A noise level of 120 dB represents a million fold increases in sound pressure above the 0 dB level.

Discussion:

a) **Less Than Significant Impact:** Construction of the proposed project would occur in phases through the year 2026 and will involve temporary noise sources. The average noise levels

generated by construction equipment that will be used in the proposed project are shown below in Table 7.

The City of Tulare General Plan and Noise Ordinance does not identify noise thresholds for noise sources related to construction, however the General Plan does require the implementation of noise reduction measures for all construction equipment and limits noise generating activities related to construction to daytime hours Monday through Saturday. The project will comply with these regulations and construction will only occur Monday through Saturday between the hours of 6:00 a.m. and 10:00 p.m.

Table 7: Noise Levels of Noise-Generating Construction Equipment.

Type of Equipment	dBA (A-weighted decibel) at 50 feet
Air Compressors	81
Excavators	81
Concrete/Industrial Saws	76
Cranes	83
Forklifts	75
Generators	81
Pavers	89
Rollers	74
Dozers	85
Tractors	84
Loaders	85
Backhoes	80
Graders	85
Scrapers	89
Welders	74

Source: Federal Highway Administration Construction Noise Handbook.

Long term noise levels resulting from the project would include low-density, single-family homes, which are not normally associated with high operational noise levels. There would be additional vehicle trips that would generate noise on local roadways as well. However, these noise levels would be intermittent and short term, and would be considered *less than significant*.

b) **Less Than Significant Impact:** Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. Table 8, below, shows the typical vibration levels produced by construction equipment.

Table 8: Vibration Levels for Various Construction Equipment

Type of Equipment	Peak Particle Velocity @ 25 feet (inches/second)	Peak Particle Velocity @ 100 feet (inches/second)
Large Bulldozer	0.089	0.011
Loaded Trucks	0.076	0.010
Pile Driving (Impact)	1.518	0.190
Pile Driving (Sonic)	0.734	0.092
Small Bulldozer	0.003	0.000
Auger/drill Rigs	0.089	0.011
Jackhammer	0.035	0.004
Vibratory Hammer	0.070	0.009
Vibratory Compactor/roller	0.210	0.026

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2017

The primary vibration-generating activities associated with the proposed project would occur when the infrastructure such as grading, utilities, and foundations are constructed. Operating cycles for the types of construction equipment used during construction may involve one or two minutes of full power operation followed by three or four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). These estimations of noise levels take into account the distance to the receptor, attenuation from molecular absorption and anomalous excess attenuation.

The most significant source of groundborne vibrations during the project's construction would occur from the use of vibratory compactors. Table 8, above, indicates that vibratory compactors would generate typical vibration levels of 0.210 inches per second at a distance of 25 feet. The threshold for architectural damage to buildings is 0.20 inches per second. The closest residential buildings to the project site are located southeast of the project site at a distance of approximately 60 feet. Table 8 data also indicates vibratory compactors would not generate vibration levels exceeding safe levels at these distances; therefore, this would be considered a *less than significant impact*.

c) **No Impact:** The project site is not located in an airport land use plan. Mefford Field is the nearest public airport and is located over three miles away from the proposed project site. Therefore, there would be *no impact*.

XIV. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☑	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

Discussion:

a) **Less Than Significant Impact:** The project proposes to construct 360 single-family residential units, as well as internal access roads, landscaped grounds, and off-site improvements subject to the City standards. The City of Tulare General Plan states that the City's average household size is 3.35 persons. Based on this average household size, the anticipated population increase as a result of the proposed project is 1,206 persons.

Although implementation of the proposed project would result in a population increase, this increase is not unplanned. The project sites is located within the city limits in an area designated for residential development and the total population increase of the proposed project would represent close to the annual rate of growth in the City, however the project would be developed in phases over six years and thus would be consistent with the City's planned population growth projections. Therefore, there *impacts would be less than significant.*

b) **No Impact:** The proposed project would be developed on land zoned for residential use within the City limits. There are no existing residences that would be removed and no individuals would be displaced because of the project. Therefore, there would be *no impact*.

XV. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
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:				
a. Fire protection?	☐	☐	☑	☐
b. Police protection?	☐	☐	☑	☐
c. Schools?	☐	☐	☑	☐
d. Parks?	☐	☐	☑	☐
e. Other public facilities?	☐	☐	☑	☐

Discussion:

a. **Less Than Significant Impact:** The City of Tulare Fire Department already provides fire protection services to the project site and will provide services for the proposed development. The closest fire station is Tulare Fire Department Station 61, located at 800 S. Blackstone Street, approximately 1 ½ miles southwest from the project site. The addition of 360 single-family residential units will increase the demand for fire protection services. However, as analyzed in the City's General Plan EIR, the need for new fire service facilities is assessed as the City continues to grow and develop within the growth boundary in the City's latest General Plan. The development of 360 single-family residential units alone will not require the alteration of existing or construction of new fire services facilities, but would contribute to the cumulative need for increased fire protection services. The increase in service demand will be compensated by the development impact fee of $246 per dwelling unit, which is consistent with City Resolution Number 03-4988. Therefore, the total development fee would be $88,560. The development impact fee of $246 per dwelling unit is the proposed project's fair share contribution towards cumulative increases in demand for fire protection services.

   The timing of when new fire service facilities would be required or details about size and location cannot be known until such facilities are planned and proposed, and any attempt to analyze impacts to a potential future facility would be speculative. As new or expanded fire service facilities become necessary, construction or expansion projects would be subject to their own separate CEQA review in order to identify and mitigate

any potential environmental impacts. Therefore, impacts resulting from the proposed project would be *less than significant.*

b. **Less Than Significant Impact:** The City of Tulare Police Department already provides police protection services to the project site and will provide services for the proposed development. The Tulare Police Department is located at 260 South M Street, approximately 2 miles southwest from the project site. The addition of 360 single-family residential units will increase the demand for police protection services. However, as analyzed in the City's General Plan EIR, the need for new police service facilities is assessed as the City continues to grow and develop within the growth boundary in the City's latest General Plan. The development of 360 single-family residential units alone will not require the alteration of existing or construction of new police service facilities, but would contribute to the cumulative need for increased police protection services. The increase in service demand will be compensated by the development impact fee of $38 per dwelling unit, which is consistent with City Resolution Number 03-4988. Therefore, the total development fee would be $13,680. The development impact fee of $246 per dwelling unit is the proposed project's fair share contribution towards cumulative increases in demand for police protection services.

   The timing of when new police service facilities would be required or details about size and location cannot be known until such facilities are planned and proposed, and any attempt to analyze impacts to a potential future facility would be speculative. As new or expanded police service facilities become necessary, construction or expansion projects would be subject to their own separate CEQA review in order to identify and mitigate any potential environmental impacts. Therefore, impacts resulting from the proposed project would be *less than significant*.

c. **Less Than Significant Impact:** The proposed project is within the Tulare City School District and Tulare Joint Union High School District. Students from the development would be able to attend neighboring schools, including Live Oak Middle School, Mission Oak High School, and Alpine Vista School. Since the proposed project includes the addition of 360 single-family residential units, the number of students in the school district will increase. The proposed project site is located within the existing City limits and was anticipated for development of single-family residential units in the City's General Plan. Therefore, growth associated with the Project has been planned and expected. In addition to the goals and policies of the City's General Plan, future development is required by state law to pay development impact fees to the school districts at the time of building permit issuance. These impact fees are used by the school districts to maintain existing and develop new facilities, as needed.

   While development of 360 single-family residential units alone will not require the alteration of existing or construction of new school facilities, the development will contribute to the cumulative need for increased school facilities. It is known that the

school district has purchased land for a future school north of the proposed project site, across from Seminole Avenue. However, the timing of when new school facilities would be required or details about size and location cannot be known until such facilities are planned and proposed, and any attempt to analyze impacts to a potential future facility would be speculative. As the future new school facilities are further planned and developed, they would be subject to their own separate CEQA review in order to identify and mitigate any potential environmental impacts. Therefore, the *impact is less than significant*.

d. **Less Than Significant Impact:** The addition of 360 new residential units would result in more use at existing parks. Parks within a half-mile to one-mile radius that would service the proposed development include Live Oak Park and Tulare Youth Softball Park. The City's 2035 General Plan Policy states that new residential development may be required to provide additional parkland or in-lieu fees. The proposed residential subdivision will include a small (0.9 acre) park within the subdivision, as well as wide, landscaped paths connecting through the subdivision, and a bike and pedestrian path developed along Morrison Street, along the length of the subdivision. These park and open space improvements would be credited towards the total development impact fees for parks facilities, and the remaining would be paid via in-lieu fees of $3,129 per dwelling unit, which is consistent with City Resolution Number 03-4988. Since the proposed project would contribute its fair share to parks facilities through a combination of park and open space development, as well as in-lieu fees, the impact is *less than significant*.

e. **Less Than Significant Impact:** Water and wastewater services for the proposed development would be serviced by existing infrastructure beneath neighboring streets. The proposed project would increase the demand for water and wastewater service. However, according to Tulare's 2035 General Plan Land Use Element, new development must be responsible for expanding existing water and sewage systems. Therefore, the project applicant shall pay the required development impact fees to accommodate the expansion of existing systems. Therefore, the impact would be *less than significant*.

XVI. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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?	☐	☐	☑	☐
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?	☐	☐	☑	☐

Discussion:

a) **Less Than Significant Impact:** Implementation of the proposed project would result in increased use of existing parks and other recreational facilities, however the project would develop a small park within the proposed subdivision and include pedestrian and bike paths to provide recreational facilities as well as connectivity for the new residents of the proposed subdivision. In addition to the recreational facilities being developed as part of the subdivision, the developer will also be required to pay fees in-lieu of parkland dedication, which will be used to support the maintenance of existing parks and other recreational facilities. Therefore, the impact is *less than significant*.

b) **Less Than Significant Impact:** The proposed residential subdivision will include a small (0.9 acre) park within the subdivision, as well as wide, landscaped paths connecting through the subdivision, and a bike and pedestrian path developed along Morrison Street, along the length of the subdivision. The construction of these recreational facilities as part of the proposed project would not have a significant impact on the environment due to soil compaction, damage to vegetation and wildlife, or decreased water quality, due to the disturbed state of the site and lack of biological resources. For more information regarding these specific impacts, refer to the Agriculture and Forestry Resources, Biological Resources, and Geology, Soils, and Seismicity sections of this IS-MND document. Impacts would be *less than significant*.

XVII. TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☑	☐	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☑	☐	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☑
d) Result in inadequate emergency access?	☐	☐	☑	☐

Discussion:

a,b) **Less Than Significant Impact With Mitigation Incorporated:** The project would not conflict with any transportation policies plans or programs regarding public transit, bicycle, or pedestrian facilities. The proposed project would include frontage improvements, including sidewalks, which would be an improvement to pedestrian accessibility over existing conditions. The project would also install bicycle lanes along the Morrison Street frontage. Any congestion during construction would be temporary. Vehicular access to the project site would be available primarily on Morrison Street, and also via Tulare Avenue and Seminole Avenue. The following discussion is summarized from the project's *Traffic Impact Analysis* (JLB Engineering Inc., November 2019), with the full Traffic Impact Analysis included as Appendix B to this Initial Study-Mitigated Negative Declaration document.

The proposed project would develop 76.5 acres with 360 single-family residential units, constructed in four phases. Development of the phases will begin along the north side of Tulare Avenue and continue north until reaching Seminole Avenue. Phase I will develop 99 units estimated to be completed by September 2022, Phase II will develop 117 units estimated to be completed by January 2024, Phase III will develop 82 units estimated to be completed by May 2025, and Phase IV will develop the remaining 62 units estimated to be completed by December 2026.

Existing Conditions

At present, the intersections of Mooney Boulevard and Cross Avenue and Morrison Street and Tulare Avenue exceed their acceptable level of service (LOS)[1] threshold, per the City's General Plan standards, during one or both AM and PM peak periods.

To improve the LOS at the intersection of Mooney Boulevard and Cross Avenue, the City is already working on programming the following necessary improvements as part of a City Capital Improvement Project:

- Modify the eastbound left-right lane to a left-turn lane;
- Add an eastbound right-turn lane; and
- Signalize the intersection with protective left-turn phasing in all directions.

In addition, the project proponent would have to implement Mitigation Measure TRA-1 to address existing LOS deficiencies at the intersection of Morrison Street and Tulare Avenue.

Mitigation Measure TRA-1: Prior to issuance of ~~building permits~~certificates of occupancy for Phase I of the proposed project, the project proponent must complete the following required improvements at the Morrison Street/Tulare Avenue Intersection:

- Add a southbound left-turn lane;
- Modify the southbound left-through-right lane to a through-right lane;
- Signalize the intersection with protective left-turn phasing in all directions; and
- Modify the intersection to accommodate the added lane.

Projected Phase I Conditions

Phase I would develop 99 units along the north side of Tulare Avenue and is estimated to be completed by September 2022. Based on the latest Project Site Plan, access to and from the Project site under Phase I will be from two (2) points located along Tulare Avenue and Morrison Street. Access to Tulare Avenue will be from Sand Hills Avenue to Hazeltine Street located along the southwestern end of the Project site. Access to Tulare Avenue is currently a full access. The other access point is proposed to be located approximately 675 feet north of Tulare Avenue via Pine Valley Avenue. Access to Morrison Street from Pine Valley Avenue is proposed to be a full access. JLB analyzed the location of the proposed access point to be constructed under Phase I relative to the existing local roads and driveways in the Project's vicinity. A review of the Project's access point to be constructed under Phase I indicates that it is located at a point that minimizes traffic operational impacts to the existing roadway network.

[1] Level of service (LOS) is a qualitative measure used to relate the quality of motor vehicle traffic service. LOS is used to analyze roadways and intersections by categorizing traffic flow and assigning quality levels of traffic based on performance measure like vehicle speed, density, congestion, etc. and assigning a letter grade of acceptability as follows: A=free flow; B=reasonably free flow; C=stable flow, at or near free flow; D=approaching unstable flow; E=unstable flow operating at capacity; F=forced or breakdown flow

The Project under Phase 1 is estimated to generate a maximum of 935 daily trips, 73 AM peak hour trips, and 98 PM peak hour trips. The Existing plus Project (Phase I) Traffic Conditions scenario assumes that the raised median worm currently placed along the center of Mooney Boulevard at Seminole Avenue will be removed allowing for left-turn movements from Seminole Avenue onto Mooney Boulevard. Under this scenario, and with implementation of Mitigation Measure TRA-1 as well as the City's Capital Improvement Project at Mooney and Cross, all study intersections are projected to operate at an acceptable LOS during both peak periods.

Projected Phase II Conditions

Phase II would develop 117 units immediately north of Phase I. Phase II is estimated to be completed by January 2024. Based on the latest Project Site Plan, access to and from the Project site under Phase II will be from four (4) points located along Mooney Boulevard, Tulare Avenue and Morrison Street. Access to Mooney Boulevard will be from Muirfield Avenue located near the center of the Project site. Muirfield Avenue connects to an existing residential subdivision to the west that has access to Seminole Avenue which then connects to Mooney Boulevard. Access to Tulare Avenue will be from Sand Hills Avenue which connects to an existing residential subdivision to the west that has access to Tulare Avenue. Sand Hills Avenue is located along the southern end of the Project site. Access to Tulare Avenue is currently a full access. Two access points to Morrison Street are proposed to be located approximately 675 feet and 1,225 feet north of Tulare Avenue via Pine Valley Avenue (675 feet) and Copperhead Avenue (1,225 feet). Access to Morrison Street from Pine Valley Avenue and Copperhead Avenue is proposed to be a full access. JLB analyzed the location of the proposed access points to be constructed under Phase I and II relative to the existing local roads and driveways in the Project's vicinity. A review of the Project's access points to be constructed under Phase I and II indicates that they are located at points that minimize traffic operational impacts to the existing roadway network.

The proposed project under Phase I and Phase II is estimated to generate a maximum of 2,039 daily trips, 160 AM peak hour trips, and 214 PM peak hour trips. Upon build out of Phase II, with its associated trip generation combined with projected ambient growth, the intersection of Morrison Street and Prosperity Avenue is projected to exceed its acceptable LOS threshold during one or both peak periods. To mitigate the LOS deficiency at this intersection, implementation of Mitigation Measure TRA-2 would be necessary.

Mitigation Measure TRA-2: Prior to issuance of ~~building permits~~certificates of occupancy for Phase II of the proposed project, the project proponent must complete the following required improvements at the Morrison Street/Prosperity Avenue Intersection:

- Modify the northbound left-right lane to a left-turn lane; and

- Add a northbound right-turn lane.

Projected Phase III Conditions

Phase III would develop 82 units immediately north of Phase II. Phase III is estimated to be completed by May 2025. Based on the latest Project Site Plan, access to and from the Project site under Phase III will be from the same four (4) points located along Mooney Boulevard, Tulare Avenue and Morrison Street to be in existence after completion of Phase II. JLB analyzed the location of the proposed access points to be constructed under Phase I, II and III relative to the existing local roads and driveways in the Project's vicinity. A review of the Project's access points to be constructed under Phase I, II and III indicates that they are located at points that minimize traffic operational impacts to the existing roadway network.

The proposed project under Phase I, II, and III is estimated to generate a maximum of 2,813 daily trips, 221 AM peak hour trips, and 295 PM peak hour trips. Under this scenario, and with implementation of Mitigation Measures TRA-1 and TRA-2 during prior phase, as well as the City's Capital Improvement Project at Mooney and Cross, all study intersections are projected to operate at an acceptable LOS during both peak periods.

Projected Phase IV (Project Buildout) Conditions

Phase IV would develop the remaining 62 units immediately north of Phase III and south of Seminole Avenue. Phase IV is estimated to be completed by December 2026. Based on the latest Project Site Plan, access to and from the Project site under Phase IV (Project Buildout) will be from five (5) points located along Seminole Avenue, Mooney Boulevard, Tulare Avenue and Morrison Street. By Phase IV, the Project will construct Seminole Avenue on its frontage. Access to Seminole Avenue is proposed to be located approximately 550 feet west of Morrison Street via Campbell Street and is proposed as a full access. Access to Mooney Boulevard will be from Seminole Avenue and Muirfield Avenue located near the center of the Project site. Muirfield Avenue connects to an existing residential subdivision to the west that has access to Seminole Avenue which then connects to Mooney Boulevard. Access to Tulare Avenue will be from Sand Hills Avenue which connects to an existing residential subdivision to the west that has access to Tulare Avenue. Sand Hills Avenue is located along the southern end of the Project site. Access to Tulare Avenue is currently a full access. The other access points are proposed to be located approximately 675 feet and 1,225 feet north of Tulare Avenue via Pine Valley Avenue (675 feet) and Copperhead Avenue (1,225 feet). Access at to Morrison Street from Pine Valley Avenue and Copperhead Avenue is proposed to be a full access.

JLB analyzed the location of the proposed access points to be constructed under Buildout relative to the existing local roads and driveways in the Project's vicinity. A review of the Project's access points to be constructed under Buildout indicates that

they are located at points that minimize traffic operational impacts to the existing roadway network.

The proposed project at Full Buildout is estimated to generate a maximum of 3,398 daily trips, 266 AM peak hour trips, and 356 PM peak hour trips. Upon build out of Phase IV, with its associated trip generation combined with projected ambient growth, the intersection of Mooney Boulevard and Seminole Avenue is projected to exceed its acceptable LOS threshold during one or both peak periods. To mitigate the LOS deficiency at this intersection, implementation of Mitigation Measure TRA-3 would be necessary.

Mitigation Measure TRA-3: Prior to issuance of ~~building permits~~certificates of occupancy for Phase IV of the proposed project, the project proponent must complete the following required improvements at the Mooney Boulevard/Seminole Avenue Intersection:

- Modify the westbound left-right lane to a left-turn lane;
- Add a westbound right-turn lane; and
- Signalize the intersection with protective left-turn phasing in all directions.

Near Term plus Project Buildout Conditions

This scenario evaluates total traffic volumes and roadway conditions based on the Near Term plus Project Buildout Traffic Conditions. The Near Term plus Project Buildout traffic volumes were obtained by adding the Near Term related trips to the Existing plus Project Buildout Traffic Conditions scenario. The Near Term scenario is assumed to take place approximately two (2) years after the completion of all phases of the proposed project. Therefore, analysis of the Near Term scenario is assumed to take place by year 2028. By 2028, trip generation from Project Buildout combined with projected ambient growth, the intersections of Mooney Boulevard and Prosperity Avenue as well as Mooney Boulevard and Tulare Avenue, are projected to exceed their acceptable LOS threshold during one or both peak periods. To improve the LOS at these intersections, the project proponent would contribute their equitable fair share twards improvments at these intersections, as detailed in Mitigation Measure TRA-4.

Mitigation Measure TRA-4: Prior to issuance of ~~building permits~~certificates of occupancy for Phase IV of the proposed project, the project proponent shall pay their equitable fair share, agreed upon by the responsible agencies (City of Tulare and Caltrans), towards the cost of the following improvements at the intersections of Mooney Boulevard/Prosperity Avenue and Mooney Boulevard/Tulare Avenue:

- Mooney Boulevard/Prosperity Avenue
  - Modify the southbound through-right lane to a through lane;
  - Add a southbound right-turn lane; and
  - Modify the traffic signal to accommodate the added lane.

- Mooney Boulevard/Tulare Avenue
  - Add a second eastbound left-turn lane; and
  - Modify the traffic signal to accommodate the added lane.

Fair share contributions shall only be made for those facilities, or portion thereof, currently not funded by the responsible agencies' roadway impact fee program(s) or grant funding, as appropriate. Payment of the Project's equitable fair share, in addition to the local and regional impact fee programs, would satisfy the Project's traffic mitigation measures for its contribution to Near Term plus Project Buildout Traffic Conditions. The traffic impact analysis conducted for the proposed project does not provide construction costs for the recommended mitigation measures; therefore, the project proponent must continue to work with the City of Tulare, and/or Caltrans, to develop the estimated construction costs.

Cumulative Year 2035 plus Project Buildout Conditions

This scenario evaluates total traffic volumes and roadway conditions based on the Cumulative Year 2035 plus Project Buildout Traffic Conditions. The Cumulative Year 2035 plus Project (Buildout) traffic volumes were obtained from the TCAG traffic model runs (Base Year 2019 and Cumulative Year 2035) and existing traffic counts. For those locations where the TCAG model showed little to no growth, JLB expanded the existing traffic volumes by a minimum average annual growth rate. Based on a review of the Annual Average Daily Traffic (AADT) volumes obtained from Caltrans, the 20-year average annual growth rate of State Route 63 (Mooney Boulevard) and State Route 137 (Tulare Avenue) was determined to be 1.26 percent and 1.18 percent, respectively. Thus, JLB utilized an average annual growth rate of 1.26 percent to expand the existing traffic volumes by 16 years for intersections along State Route 63 and an average annual growth rate of 1.18 percent to expand the existing traffic volumes by 16 years for intersections along Tulare Avenue. For intersections not along either of the State Routes, the 1.18 percent average annual growth rate was utilized. Under this scenario, the higher of the increment method and the expansion of the existing traffic counts by an average annual growth rate of 1.26 or 1.18 percent was utilized to determine the Cumulative Year 2035 traffic volumes. Finally, JLB added the Project Only Trips under Buildout to the expanded existing traffic volumes to arrive at the Cumulative Year 2035 plus Project (Buildout) traffic volumes.

Under this scenario, and with implementation of Mitigation Measures TRA-1 through TRA-4 during prior phases, as well as the City's Capital Improvement Project at Mooney and Cross, all study intersections are projected to operate at an acceptable LOS during both peak periods in the Cumulative Year, 2035.

Therefore, with implementation of Mitigation Measures TRA-1 through TRA-4 to improve the LOS at the project's affected intersections, the project shall result in a *less than significant impact with mitigation incorporated*.

c) **No Impact:** No geometric design feature associated with the project would pose a hazard to the public and there would be no incompatible uses. There would be *no impact*.

d) **Less Than Significant Impact:** This project would not result in inadequate emergency access. Emergency access to the site would be via Morrison Street, Tulare Avenue, and Seminole Avenue. A network of local roads within the proposed project property provides full access onto and off of the project site. Any impacts related to emergency access would be *less than significant.*

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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:				
i) 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	☐	☐	☐	☑
ii) 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, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☑	☐	☐

Discussion:

a)

(i) **No Impact:** The proposed project is located on a site that has been previously disturbed and most recently used for row crop agriculture. The Project site is within the limits of the City of Tulare and is not 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). Therefore, there is *no impact*.

(ii) **Less Than Significant with Mitigation Incorporated:** The proposed project site has been previously disturbed to use for agriculture, has no record of listing it in any register of historical resources, and is located entirely within the City of Tulare limits. No tribal cultural resources were identified through the Sacred Lands File search conducted by the Native American Heritage Commission, nor as part of the City's government-to-government notification and consultation efforts with interested Native American groups, conducted pursuant to SB 18 and AB 52.

Given that no tribal cultural resources have been identified within or immediately adjacent to the project site, the project would not cause a substantial adverse change in the significance of a tribal cultural resource and no mitigation is required. Nonetheless, the presence of remains or unanticipated cultural resources under the ground surface is possible. Implementation of Mitigation Measure CUL-1 would ensure that impacts due to discovery of unanticipated cultural resources during excavation would be *less than significant with mitigation incorporated*.

Mitigation Measure CUL-1: If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of Interior's Professional Qualifications Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any potential significant impacts.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☑	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☑	☐
c) 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?	☐	☐	☑	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☑	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☑

According to the Tulare Municipal Service Review (2013), the City would be able to provide the necessary infrastructure services and utility systems required for new development within the General Plan projections for growth within the City limits. Utilities and service systems include wastewater treatment, storm water drainage facilities, water supply, landfill capacity, and solid waste disposal. Wastewater will be collected and treated at the City's wastewater treatment facility, which is located at the intersection Paige Avenue and West Street. Solid waste disposal will be provided by the Tulare County Solid Waste Department, which operates two landfills and six transfer stations within the county. Combined, these landfills receive approximately 300,000 tons of solid waste per day. Water for the proposed development will be provided by the City of Tulare. The City's primary water source is groundwater. Tulare is currently in an agreement with Tulare Irrigation District (TID). The City pumps storm water into canals owned by TID. Storm water is also disposed and detained in storm drainage detention and retention basins throughout the City. Tulare actively improves its storm drainage system to accommodate new urban development.

Discussion:

a) **Less Than Significant Impact:** The City's wastewater treatment facility (WWTF) has two wastewater treatment trains, domestic and industrial WWTT. Both operate in accordance to the Central Valley Regional Water Quality Control Board *Waste Discharge Requirements (WDR) Order NO. R5-2002-0186*. The City's Municipal Service Review (2013) indicates that Tulare's WWTF is at sufficient capacity to accommodate new development, including the proposed residential subdivision, which would tie into existing City sewage lines in the project vicinity. Based on calculations from the City of Tulare Sewer System Master Plan Table 3.7, a total of 99,450 gallons per day (gpd) of wastewater is estimated to be generated by the proposed project. This equates to approximately 0.10 million gallons per day (mgd). The Tulare Water Pollution Control Facility (TWPCF) has an estimated capacity of 6.0 mgd. The proposed project would contribute approximately 1.6% of the total remaining capacity of the TWPCF. Furthermore, the proposed project site was analyzed for service to be provided in the City's Sewer System Master Planned and development here has been accounted for in this document.

The proposed project would increase the amount of paved and impervious surface coverage, contributing to additional stormwater runoff. However, the proposed project will construct a stormwater drainage basin in the northwest corner of the property and direct stormwater flows there to allow filtration and percolation into the groundwater basin. Water, electric, natural gas, and telecommunications infrastructure would also be installed as part of the project and tie into the existing systems surrounding the property. The extension of utility infrastructure onto the project site is not anticipated to cause a significant environmental effect because extension would occur within the right-of-way prior to street construction to minimize environmental impacts. The construction of these facilities has been planned as part of the various utility system master plans in the City, as well as in the City's General Plana and General Plan EIR. Therefore, the impact would be *less than significant*.

b) **Less Than Significant Impact:** The City's urban water supply is comprised entirely of groundwater pumped from the underground aquifer by wells located throughout the City. Water service to the agricultural site has been provided by pumping groundwater and future water demand has been planned for through the City's General Plan and Urban Water Management Plan for growth within the city limits. Water will be brought in using water trucks during construction. After construction, operation of the residential subdivision would generate demand for water that would not exceed the City's water supply sources, and the project would tie into the existing water lines adjacent to the property.

The projected water demand for the proposed project is based on the City's standard water demand factors, which were applied in the City's Water System Master Plan to

calculate projected water demands summarized in Table 3.7 of the Water System Master Plan (2009). The projected water demand for the proposed project is shown in Table 9.

Table 9: Projected Water Demand for the Farrar Residential Subdivsion Project

Land Use Type	Units	Quantity	Water Demand Factor[(A)]	Average Day Demand, GPD	Annual Water Demand, AFY[(B)]
Low Density Residential	Acres	76.5	2,400 gpd/AC[(c)]	183,600	205.6
Note: (A) Water Demand Factors are Provided from Table 3.8 of the City of Tulare Water System Master Plan, July 2009. (B) AFY=Acre-feet Per Year (C) GPD/AC = Gallons Per Day Per Acre					

Source: City of Tulare Water System Master Plan, 2009.

As shown in the table, the total projected annual water demand for the proposed Project is 205.6 AFY. The proposed use is consistent with the Low Density Residential land use and therefore, the Low Density Residential demand coefficient (2,400 gpd/acre) has been utilized to calculate the projected annual and daily water demand for the Project.

As described in the City's 2015 UWMP, the City will continue to periodically drill new supply wells in the future. The City continues to examine supply enhancement options, including surface water supply, urban recycled water use, etc., and additional supplies from Tulare Irrigation District (TID).

A comparison of the City's projected water supply and demand is shown in Table 10 for Normal, Single-Dry, and Multiple-Dry Years. The water supply and demand projections are based on the City's projected drought supply conditions as described in the City's 2015 UWMP. The supply-demand comparison in Table 10 indicates that the City will have sufficient water to meet its customers' needs through 2040. Current and ongoing management of these supplies is achieved through both voluntary and state-mandated consumption conservation efforts, and the Sustainable Groundwater Management Act (SGMA). The City has adopted outdoor water use conservation strategies as outlined in the UWMP and Chapter 7.32 of the Tulare Municipal Code.

Tulare General Plan Policy LU-P11.5 requires developers to assure that there is sufficient available water supply to meet projected demand for all new development. The proposed Project is planned to be consistent with the 2015 UWMP, which demonstrates adequate water supply to serve development in the City. Additionally, Tulare General Plan Policy LU-P11.3 requires all new development to be responsible for expansion of existing facilities, such as water systems, made necessary to serve the new development.

Table 10: Projected Water Supply (2020-2040)

Water Supply Source	2020		2025		2030		2035		2040	
	RAV[1]	TR/SY[2]	RAV[1]	TR/SY[2]	RAV[1]	TR/SY[2]	RAV[1]	TR/SY[2]	RAV[1]	TR/SY[2]
Groundwater	6,241.4	6,241.4	7,130.8	7,130.8	8,146.8	8,146.8	9,307.6	9,307.6	10,284.9	10,284.9
Surface Water	--	0	--	0	--	0	--	0	--	0
Recycled Water	4,864.4	0	5,837.3	0	7,004.8	0	8,405.7	0	10,086.9	0
Total	11,105.8	6,241.4	12,968.1	7,130.8	15,151.6	8,146.8	17,713.3	9,307.6	20,371.8	10,284.9

Notes: Unit of measurement is million gallons
[1] RAV=Reasonably Available Volume
[2] TR/SY = Total Right or Safe Yield

Source: City of Tulare Urban Water Management Plan, Table 6-9, 2015.

The Project would extend the existing public water line located in the vicinity into the property in accordance with City standards.

As described above, the proposed project would be expected to generate an annual water demand of 205.6 AFY. The City of Tulare 2015 UWMP describes that the City would have available water supply for normal year, single-year, and multi-dry year scenarios. The proposed project would generate an annual water demand that would be well within the limits of water demand, as described in the UWMP.

However, as noted previously, the Kaweah Sub basin is one of many in the San Joaquin Valley that is critically over-drafted. The City has developed strategies to assure that this source of supply remains available and viable in future years. For example, the City maintains the Water Conservation Ordinance to eliminate waste of water and will continue to periodically drill new supply wells in the future. Additionally, the City has joined the City of Visalia and the TID to form the Mid-Kaweah Joint Powers Authority (MKJPA) in an attempt to create a coordinated plan for the Sub basin. The City has also invested significantly in their detention basins to increase their recharge capacity.

The project would change uses on the site from agricultural row crops to a single-family 360 lot residential subdivision, and would result in a reduction in percolation to the groundwater basin, because the project would create an increase in the amount of paved and impervious surfaces. However, this impact would be greatly reduced by the stormwater basin that will be constructed on the project site. The Project has been reviewed by the City of Tulare Engineer who has determined that the Project will not have a significant impact on the existing water system, and would tie in to the existing water infrastructure for this part of the City. Therefore, the Project would have a *less than significant impact* on groundwater resources.

c) **Less Than Significant Impact:** The City of Tulare's existing sewer pipes and lines on in the project vicinity would be extended to the project site. The wastewater generated from the proposed development would not exceed the City's wastewater treatment facility of 6.0 MGD, and would not require the construction of new or expansion of existing facilities to treat wastewater. The impact would *be less than significant*.

d) **Less Than Significant Impact:** The proposed project is a residential project. Based on CalRecycle waste generation estimates, the proposed project is estimated to generate up to 12.23 pounds of solid waste per household feet per day. The proposed project would include the development of up to 360 single family residential lots on a 76.5 acre site. Based on the generation estimate rate of 12.23 pounds of solid waste per household per day, the project would generate a maximum of 4,402.8 pounds per day or 2.2 tons per day. The project would be required to comply with state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. For example, a minimum of 50% diversion of construction waste materials are required to be diverted from landfills. The City of Tulare disposes of its solid waste at the Visalia and

Teapot Dome landfills within the County. These landfills have sufficient permitted capacity to accommodate the project's solid waste disposal needs. Any impacts would be *less than significant*.

e) **No Impact:** During construction, all solid waste generated by the project would be disposed of at the Visalia landfill or the Teapot Dome landfill. These facilities conform to all applicable statutes and regulations related to solid waste disposal. The proposed project would comply with the adopted policies related to solid waste, including recycling. Therefore, the proposed project would have *no impact* on solid waste regulations.

XX. WILDFIRE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☑
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☑
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☑

a,b, c, d) **No Impact:** The proposed project site is not within or near a state responsibility area or area classified as very high fire hazard severity zone. The proposed project would not impair an adopted emergency response plan or evacuation plan. The proposed project site would not exacerbate wildfire risks, and expose occupants to pollutant concentrations from wildfire. The proposed project would not require the

installation or maintenance of associated infrastructure that may exacerbate fire risk. The proposed project site is generally flat and is not near any streams or waterways and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability or drainage changes. Therefore, there would be *no impacts* related to wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?	☐	☑	☐	☑
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)?	☐	☑	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☑	☐

Discussion:

a) **Less Than Significant Impact with Mitigation Incorporated:** There are several special status species with a potential to occur on the project site, including Swainson's hawk, Burrowing Owl, and San Joaquin kit fox. Implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-2a, BIO-2b, BIO-2c, BIO-3a, BIO-3b, and BIO-3c, will ensure that impacts to species identified as a candidate, sensitive, or special status will be *less than significant with mitigation incorporated*. There are no known historical resources located within the project area and the soils in the project area have been previously

disturbed and were most recently disturbed in the cultivation of agricultural row crops. There would be no excavation in undisturbed soils or in areas with known historical resources. However, the presence of remains or unanticipated cultural resources under the ground surface is possible. Implementation of Mitigation Measure CUL-1 would ensure that impacts due to discovery of cultural resources during excavation would be *less than significant with mitigation incorporated*.

b) **Less Than Significant Impact with Mitigation Incorporated:** CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the project and consistency with environmental policies, as well as implementation of mitigation measures TRA-1 through TRA-4 to mitigate impacts to the local transportation system, incremental contributions to impacts are considered less than cumulatively considerable. The proposed project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increased need for housing, increase in traffic, air pollutants, etc). Impacts would be *less than significant with mitigation incorporated*.

c) **Less Than Significant Impact:** The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have a substantial impact on human beings, either directly or indirectly. All potential impacts of the project have been found to be *less than significant*.

3.5 RESPONSES TO COMMENTS ON DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

As Lead Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines (Public Resources Code (PRC) Section 15000 *et seq.*), the City of Tulare (City) prepared a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the above referenced project. The document was circulated for a 30-day public comment period, which started November 22, 2019 and ended on December 23, 2019. During the public comment period three comment letters and/or emails were received.

CEQA guidelines do not require formal written responses to comments received on an IS/MND document, however, the lead agency must consider the proposed mitigated negative declaration and supporting initial study, together with any comments received and revisions to the document, before approving the project (PRC Section 21091(f); CEQA Guidelines Section 15074). Nonetheless, in the spirit of transparency and clarity, this section includes a summary of the comments received during the public review of the Draft IS/MND, followed by responses to each comment. Copies of the comments and comment letters, as received, are included in Appendix C of this document.

Comment Letter 1:

California Department of Transportation, District 6
David, Deel, Associate Transportation Planner
1352 W. Olive Avenue (P.O. Box 12616)
Fresno, CA 93778-2616

Summary of Comment #1-1 – Shouldn't the "Existing Plus Project" scenario in Table IX on page 36 generate longer vehicle queuing compared to the "Existing" scenario?

Response to Comment #1-1 – First and foremost, it appears that this comment references the Draft TIA Report dated September 25, 2019. It is recommended that the queuing data for the TIA Report dated November 4, 2019 be reviewed. Based on a review of the queue results for the TIA Report dated November 4, 2019, the queue results under the Existing scenario exceed the queue results under the Existing plus Project scenarios less than eight percent of the time. When these did vary, the difference in queue results was often within one vehicle length (approximately 25 feet or less). It is worth noting that queue results were completed based on SimTraffic output information. According to Trafficware,

> "[t]he volume-to-capacity ratio (v/c) of the desired lane group is the key parameter used…to calculate queue length. SimTraffic is a microscopic simulation program that actually 'observes' the queues based on traffic flow within the model. The model simulates individual vehicles as they traverse through the network. A vehicle is considered to be in queue whenever it is traveling less than 10 feet per second and is either at the stop bar or behind other queued vehicles. At the completion of the simulation, SimTraffic reports the average queue (average of observed maximum queue at each 2 minute-interval) and the 95th percentile queue. The 95th Percentile Queue is not necessarily an observed queue, but rather a calculated queue based on the standard deviation. Standard deviation is calculated by using the sum of squares for each 2 minute interval. The 95th Queue is equal to the Average Queue plus 1.65 standard deviations."

Therefore, one can expect that queue results vary by no more than a vehicle-length, especially between consecutive scenarios where there are slight to no changes in traffic volumes.

Summary of Comment #1-2 – Please provide an electronic copy of the Synchro files for Caltrans review.

Response to Comment #1-2 – Synchro files have been provided via email for Caltrans review, as requested.

Summary of Comment #1-3 – Caltrans recommends that the intersection of SR 137 and Hazeltine Street be included in the Traffic Impact Study (TIS).

Response to Comment #1-3 – On June 17, 2019, a Draft Scope of Work for the preparation of a Traffic Impact Analysis for this Project was provided to the City of Tulare, County of Tulare, and Caltrans for their review and comment. Any comments to the Draft Scope of Work were to be provided by July 8, 2019. On June 28, 2019, Caltrans responded to the Draft Scope of Work. Caltrans requested that the intersections of State Route 63 and Cross Avenue and State Route 63 and State Route 137 be included in the analysis. However, Caltrans did not ask for or mention in any way the intersection of SR 137 at Hazeltine Street nor did Caltrans express concern of unstable traffic flows at the intersection, and for this reason this intersection was not include in the TIA.

When considering the Project Site Plan, access to State Route 137 via existing Hazeltine Street will be used in part after construction of Phases I and II of the Project. Based on the trip distribution assumptions, it is projected that a maximum of 28 AM peak hour trips and 36 PM peak hour trips will utilize Hazeltine Street to access State Route 137. Additionally, the existing intersection of Hazeltine Street and State Route 137 is projected to experience a maximum of 74 total AM peak hour trips and 96 total PM peak hour trips. Traffic from the Project site at the intersection of Hazeltine Street and State Route 137 will be limited to eastbound left-turns, eastbound throughs, westbound throughs, and southbound right-turns – movements that tend to add little to no delay to an intersection.

Generally, Caltrans requires that facilities be analyzed if a Project's trip assignment to a state facility includes 100 or more peak hour trips. However, it is understood that on occasion Caltrans requests the analysis of intersections for which a Project contributes between 50 and 100 trips (when facilities are approaching unstable traffic flows) or as little as one (1) to 49 peak hour trips (when facilities are operating at unacceptable LOS conditions etc). Since a) Caltrans did not express concern of unstable traffic flows at the intersection of SR 137 at Hazeltine Street and b) the intersection of Hazeltine Street and SR 137 is projected to experience a maximum of 74 total AM peak hour trips and 96 total PM peak hour trips, JLB considered the applicable threshold for this intersection to be the 100 or more peak hour trips.

To recapitulate, the determination to not include the intersection of Hazeltine Street and State Route 137 in the analysis was based on: a) Caltrans did not request this intersection be included in the analysis; b) Caltrans did not express concern of unstable traffic flows at this intersection; and c) the intersection does not satisfy Caltrans' required 100 Project peak hour trip threshold at this intersection.

Summary of Comment #1-4 – This comment re-states the mitigation measures included in the Transportation section of this IS-MND document.

Response to Comment #1-4 – Thank you, yes those are the identified mitigation measures that are to be made conditions of approval of the proposed project. Note that the timing of the improvements was revised to be prior to issuance of certificates of occupancy, since operational trip generation would not be added to the transportation system until the new housing units are occupied.

Summary of Comment #1-5 – The equitable fair share contribution for the Project referenced in Mitigation Measure TRA-4 should be calculated pursuant to the Caltrans Guide for the Preparation of Traffic Impact Studies.

Response to Comment #1-5 – On December 3, 2019 the City of Tulare adopted the Development Impact Fee (DIF) Study dated October 22, 2019. The City of Tulare DIF will go into effect on all new building permits that are pulled starting on January 17, 2020. Since this Project will not be ready to pull building permits until after the effective date of the City of Tulare DIF program, all of its building permits will be subject to the DIF. Per the City's DIF, all of the Project study facilities are covered in part by the City's DIF. As a result, the application of fair share impact would not be applicable to the Project. For this reason, the Project's fair share percentage impact to study intersections projected to fall below their LOS threshold is not necessary considering that the Project will be required to pay into the recently adopted City of Tulare DIF.

Summary of Comment #1-6 – The traffic impact analysis discussion should be expanded to include the Project's equitable fair share responsibility of traffic impacts at the following State Highway System intersections:

a. SR 63 at Prosperity Avenue;
b. SR 63 at Cross Street;
c. SR 137 (Tulare Avenue) at SR 63 (Mooney Blvd);
d. SR 137 at Morrison Street;
e. SR 137 at Hazeltine.

Response to Comment #1-6 – Please see the preceding response to comment, Comment #5.

Summary of Comment #1-7 – Upon project approval, the applicant will need to enter into a Traffic Mitigation Agreement for the collection and tracking of funds for the Project's equitable fair share contribution towards mitigation projects impacting state facilities/state highways. The traffic mitigation agreement needs to be executed prior to issuance of building permits with payment of equitable fair share fees paid prior to issuance of certificate of occupancy.

Response to Comment #1-7 – The City of Tulare will be collecting the equitable fair share fees in conjunction with the City's development impact fee (DIF) program, and prior to issuance of certificate of occupancy.

Summary of Comment #1-8 – An Intersection Control Evaluation (ICE) report is required for any proposed intersection improvement on the State Highway System, in accordance

with Traffic Operations Policy Directive No. 13-02, dated: August 30, 2013 (http://www.dot.ca.gov/hq/traffops/policy/13-02.pdf).

Response to Comment #1-8 – Upon project approval, and prior to issuance of building permits for any of the required intersection improvements on the State Highway System (SHS) resulting from the Project, the applicant will be required to work with Caltrans and prepare an ICE report, in accordance with Traffic Operations Policy Directive No. 13-02, dated August 30, 2013.

Summary of Comment #1-9 – Any intersection improvement projects on the SHS that would employ full control (i.e. controlling all approaching traffic via use of signal, stop, or yield control) must consider all three intersection control strategies (stop, roundabout, and signal) and the supporting design configurations per the ICE guidelines. The project opening day mitigation at an intersection must be evaluated per the ICE procedure and obtain conceptual approval by the Caltrans Traffic Operations Office. The ICE requirements can be found on the Caltrans website: http://www.dot.ca.gov/hq/traffops/liaisons/ice.html.

Response to Comment #1-9 – Upon project approval, and prior to issuance of building permits for any of the required intersection improvements on the SHS resulting from the Project, the applicant will be required to work with Caltrans and prepare an ICE report, per the ICE procedure, and obtain conceptual approval by the Caltrans Traffic Operations Office.

Summary of Comment #1-10 – State Route (SR) 137 in the vicinity of the proposed project, currently exists as a 2-lane conventional highway and is ultimately planned to be a 4-lane facility within a total of 146 feet of right-of-way (73 feet from the centerline). Caltrans right-of-way maps show this segment of SR 137 existing with a varying width from 80 to 100 feet, however it appears there is 50 feet of right-of-way from the centerline on the north side of SR 137.

Response to Comment #1-10 – According to Phase 1 of "The Greens" Subdivision recorded in book 4120, it shows that 73 feet were dedicated to the City of Tulare. This project will be mimicking that same dedication on this Project's Final Subdivision Map, which is located to the east of "The Greens" subdivision.

Summary of Comment #1-11 – Additional right-of-way is needed to accommodate the ultimate configuration of SR 137. Dedications required to accommodate the ultimate roadway configuration need to shown on a revised site plan reviewed by Caltrans and dedicated and conveyed to the State in a form approved by the State before an encroachment permit is issues for any work in the State right-of-way.

Response to Comment #1-11 – The previous site plan had an error and the updated site plan is now included in this IS-MND document, and now shows the corrected center line to 73 feet. A final subdivision map will be prepared and include an irrevocable offer of dedication for the required right-of-way to the State for the ultimate configuration of SR 137. This map will be provided and eventually recorded, prior to an encroachment permit application for work in the State right-of-way.

Summary of Comment #1-12 – Caltrans recommends that the Project construct frontage improvements along SR 137 to include sidewalk, curb, gutter, and widening of SR 137 for two westbound lanes.

Response to Comment #1-12 – The project will be required to install frontage improvements including sidewalk, curb, and gutter along SR-137 as conditions of approval. In addition, the proposed project's final map will include, as a condition of approval, an irrevocable offer of dedication for the required right-of-way to the State for the ultimate configuration of SR 137.

Summary of Comment #1-13 – A minimum of a 6-foot sidewalk (10-foot preferred), measured from the back of the curb is required.

Response to Comment #1-13 – The proposed project site plan shows a 10-foot sidewalk proposed along the frontage of SR 137.

Summary of Comment #1-14 – The back of the sidewalk should be constructed at the ultimate right-of-way configuration for SR 137; 73 feet from the centerline.

Response to Comment #1-14 – Yes, the backside of the sidewalk should be constructed at the ultimate right-of-way configuration for SR 137: 73 feet from the centerline. The original site plan included a drafting error and has now been corrected on the current site plan to show 73 feet from the centerline.

Summary of Comment #1-15 – Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way.

Response to Comment #1-15 – Dust control measures will be implemented during construction on the Project site, preventing substantial dust from entering the State right-of-way.

Summary of Comment #1-16 – No water from the proposed project shall flow into the State right-of-way without approval from the District Hydraulic Engineer.

Response to Comment #1-16 – Grading plans for the proposed project site will be developed for water to flow away from the State right-of-way, unless unfeasible, in which case approval from the District Hydraulic Engineer shall be sought prior to issuance of grading permits.

Summary of Comment #1-17 – This comment summarizes the procedures and requirements necessary for obtaining a Caltrans Encroachment Permit for any proposed activities within, or encroachment upon, the State right-of-way.

Response to Comment #1-17 – The legal property owner or his/her authorized agent will have to demonstrate that they have applied for and obtained an encroachment permit from Caltrans prior to issuance of any grading or building permits for work within or encroaching on the State right-of-way.

Summary of Comment #1-18 – Prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with the District 6 Encroachment Permit Office.

Response to Comment #1-18 – Project proponent will be required to schedule a "Pre-Submittal" meeting with the Caltrans District 6 Encroachment Permit Office prior to submittal of an encroachment permit application.

Summary of Comment #1-19 – Alternative transportation policies should be applied to the development to alleviate traffic congestion caused by the project and related development in this area of the City. An assessment of multi-modal facilities should be conducted which includes the following:

a. Pedestrian walkways linking the Project site to an internal project walkway, transit facilities, as well as other walkways in the surrounding area;
b. Transit services should be provided if not available within ¼ mile of the Project site; and
c. The Project should offer internal amenities to encourage bicycle use.

Response to Comment #1-19 – Alternative transportation policies and multi-modal facilities, in compliance with the City's Circulation Element, have been included as part of the proposed project per the following:

a. The proposed project will be including landscape lots with meandering sidewalks allowing internal connectivity, as well as external connectivity for pedestrians and bicyclists, facilitating connections to the bicycle trail being included on Morrison Street and connections to other sidewalks, walkways, and transit facilities in the surrounding area;
b. Transit services (TCAT and TIME bus stops) are located approximately a ¼ mile west and southwest of the Project site; and
c. The proposed project will be including landscape lots with meandering sidewalks allowing internal connectivity, as well as external connectivity to pedestrians and bicyclists, facilitating connections to surrounding bicycle facilities, including the bicycle trail that will be developed on Morrison Street.

Comment Letter 2 (Emailed Comment):

Leatha White
210 N. Morrison Street
Tulare, CA 93274

Summary of Comment #2-1 – Strongly disagrees with planned subdivision project, there are issues and concerns, the same ones from the previous city meeting a few years back that need to be addressed; will be at the meeting to talk about them.

Response to Comment #2-1 – Thank you for your emailed comment on the Farrar project. Your comment will be recorded as received and included with comments on the project to be presented before the Planning Commission. If you have any specific comments or concerns you would like the City to be aware of, please feel free to provide those so that we can perhaps address them or take them in consideration prior to the meeting. Otherwise, if you prefer to just speak at the meeting, or if your comments are not about the environmental

document or the project approval process, you are welcome to speak at the meeting and have the opportunity for the developer to address any comments unrelated to the environmental document or the project approval process.

Comment Letter 3:

California Department of Toxic Substances Control
Gavin McCreary, Project Manager, Site Evaluation and Remediation Unit
8800 Cal Center Drive
Sacramento, CA 95826-3200

Summary of Comment #3-1 – The MND should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances, and in instances where releases may occur, delineate the nature and extent of the contamination. The MND should also identify the mechanism to initiate any required investigation and/or remediation and identify the government agency who will be responsible for providing appropriate regulatory oversight.

Response to Comment #3-1 – The text has been revised to provide additional clarifying information as follows: *There is no reasonably foreseeable condition or incident involving the project that could result in release of hazardous materials into the environment, other than any potential accidental releases of standard fuels, solvents, or chemicals encountered during typical construction of a residential subdivision. Should an accidental hazardous release occur or should the project encounter hazardous soils, existing regulations for handling hazardous materials require coordination with the California Department of Toxic Substances Control for an appropriate plan of action, which can include studies or testing to determine the nature and extent of contamination, as well as handling and proper disposal. Therefore, potential impacts are considered to be less than significant.*

Summary of Comment #3-2 – If buildings or other structures are to be demolished on the Project site, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk.

Response to Comment #3-2 – The Project site does not contain any buildings or structures to be demolished. Therefore, there is no potential for the release of lead-based paint or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk that could be released during demolition of buildings or structures.

Summary of Comment #3-3 – If imported soil to backfill any excavated areas is required as part of the Project's development, sampling should be conducted to ensure that the imported soil is free of contamination.

Response to Comment #3-3 – The Project site would not require extensive or deep excavation requiring the importation of soil to backfill excavated areas.

Summary of Comment #3-4 – If the Project site has been used for agricultural, weed abatement, or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND, with current and former agricultural lands evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

Response to Comment #3-4 – The following additional clarifying text has been added regarding the City's existing requirement for a soil report on the soil characteristics of a site for a proposed subdivision: *Furthermore, the City's Subdivision Regulations (Tulare Municipal Code § 8.24.330(B)(5)) require a soil report to be prepared describing soil characteristics, soil suitability, and other soil limitations. This soils report investigation will also test for environmentally persistent pesticides, such as organochlorinated pesticides, in coordination with DTSC, and in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision), prior to construction activities.*

SECTION 4:
Supporting Information and Sources

1) *Tulare General Plan, Land Use Element (2014)*
2) *City of Tulare Zoning Ordinance*
3) *Final Program EIR Land Use and Circulation Element Update (SCH 89062606)*
4) *SJVAPCD Regulations and Guidelines*
5) *Tulare General Plan, Housing Element (April 2016)*
6) *Tulare General Plan Seismic-Safety Element*
7) *Tulare County Seismic Element, Volume I and II*
8) FEMA National *Flood Hazard Layers & Mapping Tool*
9) *Tulare General Plan, Circulation Element*
10) *Tulare General Plan, Noise Element*
11) *City of Tulare Sewer Systems Master Plan (July 1991)*
12) *City of Tulare Sewer Systems Master Plan (2009)*
13) *Engineering Standards, City of Tulare*
14) *City of Tulare's Municipal Code*
15) *Tulare Heritage Tree Ordinance*
16) *Tulare County Environmental Resources Management Element*
17) *Source Reduction and Recycling Element*
18) *City of Tulare Urban Water Management Plan (2015)*
19) *City of Tulare Water System Master Plan) (2008)*
20) *City of Tulare Emergency Response Plan*
21) *Tulare Municipal Airport-Mefford Field Master Plan, (February 2005)*
22) *Tulare County Airport Land Use Compatibility Plan*
23) *California Air Resources Board's (CARB's) Air Quality and Land Use Handbook*
24) *2019 California Environmental Quality Act CEQA Guidelines*
25) *The Five County Seismic Safety Element*
26) *California Building Code*
27) *California Stormwater Pollution Prevention Program (SWPPP)*
28) *Government Code Section 65962.5*
29) *California Environmental Protection Agency (CEPA)*
30) *California Department of Conservation*
31) *Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan (2017)*
32) *California Natural Diversity Database Search Tool*
33) *Natural Resource Conservation Service SoilWeb Tool*

City of Tulare
Planning and Building Department
411 East Kern Avenue
Tulare, CA 93274

SECTON 5
List of Preparers

Project Title: Farrar Subdivision Project

City of Tulare
Mario A. Anaya, Principal Planner

Appendix A

California Emissions Estimator Model (CalEEMod) Input and Output Sheets for the Farrar Subdivision Project

Appendix B

Traffic Impact Analysis for the

Farrar Subdivision Project

Appendix C

Comments Received on the Draft Initial Study/ Mitigated Negative Declaration for the Farrar Subdivision Project

Appendix D

Biological Habitat Assessment for the Farrar Subdivision Project

Appendix E

Cultural Resources Record Search for the Farrar Subdivision Project